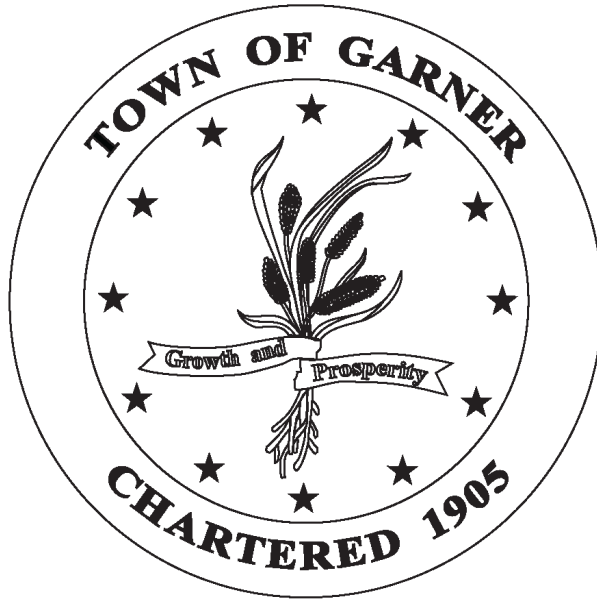


TOWN OF GARNER



Town Council Regular Session

October 4, 2021
7:00 p.m.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Meeting Agenda
October 4, 2021**

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

Seating Capacity: To comply with COVID-19 distancing requirements, audience seating in the Council Chambers is restricted to approximately 25 seats, with another 25 seats available in an overflow room upstairs. Once those seats are filled, visitors may be asked to wait outside until space is available in the building. The Mayor will attempt to provide time during the meeting for residents and visitors whose item has been heard to leave and make room for those with items still on the agenda.

Mask Policy: All staff and visitors, including people who are fully vaccinated, must wear face coverings while inside Town facilities and during Town Council meetings. The Town will provide masks to those who do not have them. All persons should 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 Gra Singleton

- C. INVOCATION: Council Member Gra Singleton

- 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

1. Introduction of Interim Police Chief Lorie Smith

- G. CONSENT

1. Veterans Advisory Committee Bylaws Amendment.....Page 5
Presenter: Maria Munoz-Blanco, PRCR Director

The Town of Garner Veterans Advisory Committee recommends that the Town Council consider amending the Committee's bylaws to add an ex officio representative of the

Disabled American Veterans Woodrow Wilson Chapter 1 and to delete the staggered membership provision that is no longer applicable. The Committee unanimously supported these amendments at their September 13, 2021 meeting.

Action: Consider approval of the recommended amendments to the Veterans Advisory Committee Bylaws.

2. Grant Acceptance – Alliance for Water Efficiency Grant for White Deer Park.....Page 11
Presenter: Maria Munoz-Blanco, PRCR Director

The Parks, Recreation & Cultural Resources Department has been awarded a \$5,000 grant from the Alliance for Water Efficiency to support the planting of a sensory garden at White Deer Park Nature Center. This grant does not require a match.

Action: Consider approval to accept the \$5,000 grant from the Alliance for Water Efficiency

3. Grant Acceptance - NRPA Grant for Youth & Athletics.....Page 12
Presenter: Maria Munoz-Blanco, PRCR Director

The Parks, Recreation & Cultural Resources Department has been awarded a \$40,000 grant from the National Recreation & Parks Association to support recreation programs. This grant does not require a match.

Action: Consider approval to accept \$40,000 grant from the National Recreation & Parks Association.

4. Budget Amendment - Building Purchase, 109 Forest Hills Drive.....Page 13
Presenter: David Beck, Finance Director

Appropriate funds for the purchase of an office building at 109 Forest Hills Drive.

Action: Consider adopting Ordinance (2021) 5067

5. Lease of 109 Forest Hills Drive.....Page 15
Presenter: Terri Jones, Town Attorney

The Town is acquiring the property at 109 Forest Hills Drive in Garner from Garner Pain Leasing Company, LLC. The LLC would like to lease back a portion of the building for no more than 60 days after closing.

Action: Consider authorizing the Town Manager to execute the lease at closing and approve Resolution (2021) 2469

6. Budget Amendment - Police Chief and Assistant Town Manager Recruitment.....Page 17
Presenter: David Beck, Finance Director

Appropriate funds for the Chief of Police recruitment process. Fund were budgeted for one assessment center in FY22 and currently we are recruiting for both the Police Chief and Assistant Town Manager positions.

Action: Consider adopting Ordinance (2021) 5068

7. Council Meeting Minutes.....Page 19
Presenter: Stella Gibson, Town Clerk

Council meeting minutes from the September 7 and September 21 regular meetings.

Action: Consider approving minutes

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.

1. Text Amendment UDO-21-03, Downtown Uses, Form and Character, and Community Tree Canopy Modifications.....Page 33
Presenter: Jeff Triezenberg, Planning Director

Text amendment request (UDO-21-03) submitted by the Planning Department and Downtown Garner Association to amend the UDO related to the uses, form and character of the downtown area. Specific amendments include, but are not limited to: setbacks, use definitions, landscaping and tree canopy. Further modifications are also proposed for tree canopy requirements throughout the rest of the community.

Action: Consider referring to Planning Commission for review and recommendation.

2. Text Amendment UDO-21-04, Community Gardens.....Page 40
Presenter: Jeff Triezenberg, Planning Director

Text amendment request (UDO-21-04) submitted by the Planning Department to amend the UDO to define Community Gardens as a separate and specific use apart from Agriculture and Silviculture; and to establish permitted districts, additional standards and landscape buffer requirements for the use.

Action: Consider referring to Planning Commission for review and recommendation.

I. NEW/OLD BUSINESS

1. CZ-SP-20-04, 4700 Guy Rd- Conditional District Rezoning with Site Plan....Page 46
Presenter: David Bamford, Planning Services Manager and Alison Jones, Planner

Conditional zoning map amendment request with associated site plan (CZ-SP-20-04) submitted by TMTLA Associates on behalf of D & S Properties, LLC to rezone approximately 6.26 +/- acres from Single Family Residential (R-40) to Service Business (SB C233) Conditional to construct 20,000 square feet of indoor commercial space as well as associated outdoor areas that may be occupied by a proposed conditional list of uses. The site is located at 4700 Guy Road and may be further identified as Wake County PIN #'s 1740206340 & 1740209101.

Action: Consider adopting Ordinance (2021) 5069

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. garner info
2. Capital Projects Status Update – Period Ending FY 21, Q1

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Veterans Advisory Committee Bylaws Amendment		
Location on Agenda: Consent		
Department: Parks, Recreation & Cultural Resources		
Contact: Maria Munoz-Blanco, PRCR Director		
Presenter: Maria Munoz-Blanco, PRCR Director		
<p>Brief Summary:</p> <p>The Town of Garner Veterans Advisory Committee recommends that the Town Council consider amending the Committee's bylaws to add an ex officio representative of the Disabled American Veterans Woodrow Wilson Chapter 1 and to delete the staggered membership provision that is no longer applicable. The Committee unanimously supported these amendments at their September 13, 2021 meeting.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider approval of the recommended amendments to the Veterans Advisory Committee Bylaws.</p>		
<p>Detailed Notes:</p> <p>The amendments recommended by the Veterans Advisory Committee are:</p> <p>(1) Add under Article V, section C, a representative of the Disabled American Veterans Woodrow Wilson Chapter 1 as an ex officio member of the Committee.</p> <p>(2) Delete under Article VI, Section A, the following sentence: "Committee members shall be appointed for three-year terms and may be reappointed upon expiration of a member's term. Except, that in order to create a staggered membership, three members shall serve an initial term of two years and three members shall serve an initial term of one year."</p>		
<p>Funding Source:</p> <p>n/a</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Garner Parks, Recreation and Cultural Resources

900 7th Avenue • Garner, NC 27529

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

Memorandum

October 4, 2021

TO: Honorable Mayor Ken Marshburn and Members of the Town Council

FROM: Maria Muñoz Blanco, Parks, Recreation & Cultural Resources Director

SUBJECT: Veterans Advisory Committee Bylaws Amendment

The Town of Garner Veterans Advisory Committee met on September 13, 2021 and unanimously voted to recommends two amendments to their bylaws for Town Council consideration. The two amendments are as follows:

(1) Add under Article V, section C, a representative of the Disabled American Veterans Woodrow Wilson Chapter 1 as an ex officio member of the Committee.

(2) Delete under Article VI, Section A, the following sentence: "Committee members shall be appointed for three-year terms and may be reappointed upon expiration of a member's term. Except, that in order to create a staggered membership, three members shall serve an initial term of two years and three members shall serve an initial term of one year." The Committee noted that staggered appointments were necessary when the Committee was first established, but this provision is no longer applicable.

Attached is a redlined copy of the Committee's bylaws with the proposed amendments.

Please let me know if you have any questions or need additional information.

TOWN OF GARNER
VETERANS ADVISORY COMMITTEE
BYLAWS

ARTICLE I. NAME

The name of this body shall be the Veterans Advisory Committee.

ARTICLE II. MISSION

To plan, advise and communicate recommendations to town officials with the objective of promoting, coordinating and strengthening the advocacy of veteran's affairs, observance and memorialization in the greater Garner community.

ARTICLE III. PURPOSE

The purpose of this veterans advisory committee is to assist and advise the Town Council on matters related to veterans and the Garner Veterans Memorial.

Section A. Serve in an advisory and counseling capacity to the Mayor, Town Council and Town Manager on matters concerning veterans' affairs.

Section B. Make recommendations concerning issues related to town policies which affect veterans.

Section C. Operate as a public interface between Garner residents and Town officials to explore ways in which to honor and recognize the service of area veterans.

Section D. Assist the Town of Garner's planning for ceremonies, observances, holidays and events honoring veterans and interact with local veterans' organizations.

Section E. Assist the Town of Garner in the preservation, operation, integrity, maintenance and upkeep of the Garner Veterans Memorial.

Section F. Coordinate activities required in the engraving and additions of panels and/or benches and the sales, engraving and installation of engraved bricks at the Garner Veterans Memorial.

Section G. Solicit and coordinate the activities of volunteers who possess expertise in any element desired or needed to accomplish the purposes of the Veterans Advisory Committee.

Section H. Foster an understanding and appreciation of the achievements, contributions and sacrifices area veterans have made.

ARTICLE IV. DURATION OF THE COMMITTEE

The duration of the Veterans Advisory Committee shall be indefinite.

ARTICLE V. MEMBERSHIP AND APPOINTMENTS

- Section A.** The Veterans Advisory Committee shall consist of seven (7) citizen members recommended by the Human Resources Committee and appointed or reappointed by the Town Council.
- Section B.** At least one-half of the committee members shall be honorably discharged veterans of the armed forces of the United States.
- Section C.** Ex-Officio members shall be a representative of the American Legion Post 232, a representative of Veterans of Foreign Wars Post 10225, ~~a representative of Disabled American Veterans Woodrow Wilson Chapter 1~~ and the Mayor of the Town of Garner. Ex-Officio members shall be allowed to name alternate representatives of their respective organizations. Ex-officio members, in accordance with Roberts Rules, latest edition, are not required to attend committee meetings nor be counted as a quorum but when attending shall be accorded the same voice and voting rights as regular members.
- Section D.** A representative of the Administration Department and a representative of the Parks, Recreation and Cultural Resources Department may serve and attend meetings in a liaison capacity, without vote.

ARTICLE VI. TERMS OF OFFICE

- Section A.** ~~Committee members shall be appointed for three year terms and may be reappointed upon expiration of the member's term. Except, that in order to create a staggered membership, three members shall serve an initial term of three years, one member shall serve an initial term of two years and three members shall serve an initial term of one year.~~ Any appointment greater than 180 days in a calendar year shall count as a full year term.
- Section B.** Members may be reappointed by the Town Council for a three-year term of office as long as the member desires to serve and the member's participation in committee activities is satisfactory. Endorsement by the current Committee Chairman of a serving member eligible for reappointment is desired.
- Section C.** Vacancies which may occur during an unexpired term of office shall be filled only for the unexpired portion of the term. However, the appointee shall be eligible for reappointment at the end of an unexpired term to a full term.
- Section D.** A member may continue to serve, if possible, until the member's successor has been appointed.
- Section E.** A member may be removed from office by the Town Council for cause. The committee, by a majority vote, shall recommend to the Town Council the removal of any member who misses three consecutive meetings without sufficient notification to the committee prior to being absent from these meetings.
- Section F.** Terms of office for ex-officio members shall be annually except for the Mayor whose ex-officio status shall be indefinite.

ARTICLE VII: OFFICERS

Section A. The Veterans Advisory Committee shall elect from its regular members a Chairman, a Vice-Chairman and a Secretary annually at the beginning of the fiscal year.

Section B. By agreement, recording and distribution of meeting minutes may be performed by the representative of the Administration Department.

Section C. Duties of officers shall be in accordance with Roberts Rules, latest edition.

ARTICLE VIII. MEETINGS

Section A. The Veterans Advisory Committee shall hold regularly scheduled committee meetings every three months on the second Monday of the meeting months of March, June, September, and December with meeting time scheduled at 9:00am, at the White Deer Park Nature Center.

Section B. Special meetings may be called by the Chairman or any three members of the committee.

Section C. A quorum shall consist of a majority of voting members in attendance at any committee meeting.

Section D. Town of Garner Rules and Procedures shall apply to committee meetings. Roberts Rules, latest edition, shall also be used as a guide for committee meetings but by agreement of the full committee deviation from Roberts Rules shall be allowed.

ARTICLE IX. SUBCOMMITTEES AND WORK GROUPS

To fulfill the duties and purposes of the committee, the Chairman is authorized to appoint subcommittees or work groups consisting of both committee members and non-committee members. Appointments shall be for one year or upon completion of written duties, whichever is first, except that the Chairman is authorized to reappoint.

ARTICLE X. ORDER OF BUSINESS

An order of business shall be written and distributed to committee members at the opening of all meetings.

ARTICLE XI. MINUTES AND REPORTS

Section A. Meeting minutes shall be distributed to all committee members as soon as practical following a meeting but not later than the next scheduled meeting.

Section B. A copy of meeting minutes shall be retained by the Committee Secretary and also in the files of the Administration Department liaison.

Section C. Annually, the Committee Chairman shall present a verbal report of Committee activities, accomplishments and recommendations to the Town Council.

ARTICLE XII. REGULATORY

All regular and special meetings of the committee shall be open to the public as governed by North Carolina General Statute Chapter 143, Article 33C – Meetings of Public Bodies.

ARTICLE XIII. ADOPTION AND AMENDMENTS

Adoption of and amendments to these bylaws shall require a two-thirds (2/3) vote of the committee and shall be effective upon adoption and amendment approval by the Town Council.

Adopted by the Veterans Advisory Committee: ~~December 4, 2017~~ September 13, 2021

Approved by the Town Council: ~~January 16, 2018~~ TBD

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Acceptance of Grant Funds - Alliance for Water Efficiency		
Location on Agenda: Consent		
Department: Parks, Recreation & Cultural Resources (PRCR)		
Contact: Maria Munoz-Blanco, PRCR Director		
Presenter: Maria Munoz-Blanco, PRCR Director		
<p>Brief Summary:</p> <p>The Parks, Recreation & Cultural Resources Department has been awarded a \$5,000 grant from the Alliance for Water Efficiency to support the planting of a sensory garden at White Deer Park Nature Center. This grant does not require a match.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider approval to accept the \$5,000 grant from the Alliance for Water Efficiency</p>		
<p>Detailed Notes:</p> <p>PRCR was selected by the Alliance for Water Efficiency to receive a grant from their 2021 Learning Landscapes grant program. This is a national competitive grant program to support building or improving outdoor spaces for young people to learn about the water our landscapes consume. The White Deer Park Nature Center proposed a sensory garden to update an overgrown section of the park's landscape on the West Side. Grant funds will be used to purchase plants and other supplies needed to create the sensory garden. Town Council approval is required to accept the grant. An agenda item to amend the budget will be presented to Town Council at a later date.</p>		
<p>Funding Source:</p> <p>n/a</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Acceptance of Grant Funds - NRPA Grant for Youth & Athletics		
Location on Agenda: Consent		
Department: Parks, Recreation & Cultural Resources (PRCR)		
Contact: Maria Munoz-Blanco, PRCR Director		
Presenter: Maria Munoz-Blanco, PRCR Director		
<p>Brief Summary:</p> <p>The Parks, Recreation & Cultural Resources Department has been awarded a \$40,000 grant from the National Recreation & Parks Association to support recreation programs. The grant will be used to purchase a vehicle to provide mobile recreation and outreach. This grant does not require a match.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider approval to accept \$40,000 grant from the National Recreation & Parks Association.</p>		
<p>Detailed Notes:</p> <p>The National Recreation & Parks Association provides competitive grants to parks agencies across the United States to support youth play and recreation. Town Council approval is required to accept the grant. An agenda item to amend the budget will be presented to the Town Council at a later date.</p>		
<p>Funding Source:</p> <p>n/a</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Budget Amendment - Building Purchase		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: Appropriate funds for the purchase of an office building at 109 Forest Hills Drive.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2021) 5067		
Detailed Notes: 		
Funding Source: Fund balance to be reimbursed through future debt proceeds		
Cost: \$2,300,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2021) 5067

ORDINANCE AMENDING ORDINANCE NO. (2021) 5041 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriated Fund Balance		\$ 2,223,670	\$ 2,300,000	\$ 4,523,670
66411000-471000	Transfer from General Fund		\$ -	\$ 2,300,000	\$ 2,300,000

TOTAL REVENUE INCREASE (DECREASE) \$ 4,600,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10590000-552066	Transfer to Fund 66 Capital Projects		\$ -	\$ 2,300,000	\$ 2,300,000
66411000-537500	Building Purchase		\$ -	\$ 2,300,000	\$ 2,300,000

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 4,600,000.00

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 4th day of October 2021.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Lease of 109 Forest Hills Drive		
Location on Agenda: Consent		<input type="checkbox"/>
Department: Administration		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: The Town is acquiring the property at 109 Forest Hills Drive in Garner from Garner Pain Leasing Company, LLC. The LLC would like to lease back a portion of the building for no more than 60 days after closing.		
Recommended Motion and/or Requested Action: Consider authorizing the Town Manager to execute the lease at closing; adopt Resolution (2021) 2469.		
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:		
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2469

RESOLUTION AUTHORIZING LEASE OF 109 FOREST HILLS DRIVE

WHEREAS, North Carolina General Statutes § 160A-272 allows the Town Council to delegate to the Town Manager authority to lease or rent Town property for terms of one year or less;

WHEREAS, the Town is in the process of acquiring the property at 109 Forest Hills Drive from Garner Pain Leasing Company, LLC;

WHEREAS, the Company has requested the ability to lease a portion of the building for 30 days after the property is conveyed to the Town to prevent a disruption in service to its patients;

WHEREAS, a short-term lease will not interfere with the Town's plans for use of the property;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Garner, North Carolina that the Town Manager is authorized to lease the property located at 109 Forest Hills Drive to Garner Pain Leasing Company, LLC for a short-term lease not exceeding 60 days after acquisition of the property by the Town.

Duly adopted this 4th day of October, 2021.

Ken Marshburn, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Budget Amendment - Police Chief and Assistant Town Manager Recruitment		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: Appropriate funds for the Chief of Police recruitment process. Fund were budgeted for one assessment center in FY22 and currently we are recruiting for both the Police Chief and Assistant Town Manager positions.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2021) 5068		
Detailed Notes:		
Funding Source:		
Fund balance		
Cost: \$35,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2021) 5068

ORDINANCE AMENDING ORDINANCE NO. (2021) 5041 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriated Fund Balance		\$ 2,188,670	\$ 35,000	\$ 2,223,670

TOTAL REVENUE INCREASE (DECREASE) \$ 35,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10423000-522601	Recruitment		\$ 20,000	\$ 35,000	\$ 55,000

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 35,000.00

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 4th day of October 2021.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Council meeting minutes from the September 7 and September 21 regular meetings.		
Recommended Motion and/or Requested Action: Consider approving minutes		
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:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Town Council Regular Meeting Minutes
September 7, 2021**

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

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Jeff Triezenberg-Planning Director, David Bamford-Planning Services Manager, Chris Johnson-Town Engineer (virtual), David Beck-Finance Director, Alison Jones-Planner, Stacy Griffin-Principal Planner, Gaby Lontos-Lawlor-Senior Planner, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

PLEDGE OF ALLEGIANCE: Mayor Ken Marshburn

INVOCATION: Mayor Marshburn invited Reverend Darrel Davis, Pastor of the Glorious Church of Raleigh, to deliver the invocation.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Vance
Second: Singleton
Vote: 5:0

PRESENTATIONS

Recognize Garner Olympian Randolph Ross

Presenter: Mayor Ken Marshburn

Mayor Marshburn presented a Proclamation recognizing Randolph Ross for his achievement of winning a gold medal in the 4x400-meter relay in the 2020 Tokyo Summer Olympics.

Constitution Week

Presenter: Mayor Ken Marshburn

Mayor Marshburn presented a Proclamation recognizing the week of September 17-23, 2020 as Constitution Week.

PFM Investments Update – Leslie Weaber

Presenter: David C. Beck, Finance Director

Leslie Weaver and Nelson Bush from PFM presented an update on the Town's investment portfolio as well as information regarding the pending PFM and US Bank merger. A draft of an updated investment advisory agreement was presented to Council for consideration. Mr. Beck advised the Town receives a presentation and an evaluation of the performance of the portfolio annually. Also, the contract can be terminated in 30-days if the Council should decide to do so.

Action: Authorize staff to execute a new investment advisory agreement with PFM

Motion: Vane
Second: Singleton
Vote: 5:0

CONSENT

2021 Annual Resurfacing Contract – Change Order #2

Presenter: Chris Johnson, Town Engineer

To obtain approval for Change Order #2 for additional work required on the recently completed annual resurfacing contract.

Action: Authorize the Town Manager to execute Change Order #2 with Daniels, Inc. in an amount of \$13,369.15.

Change to the 2021 Council Meeting Schedule

Presenter: Rodney Dickerson, Town Manager

Typically, the Council's regular meeting schedule is changed to accommodate the Manager's attendance at the ICMA conference. One of the Manager's will not be attending, so this change is no longer needed.

Action: Change the 2021 regular Council meeting schedule to move the October 7 meeting to October 4.

Budget Amendment - Land Purchase

Presenter: David C. Beck, Finance Director

Appropriate funds from parkland restricted fund balance for the first installment payment towards the purchase of land.

Action: Adopt Ordinance (2021) 5058

Budget Amendment - Space Needs Study

Presenter: David C. Beck, Finance Director

Additional funding approved by Town Council to authorize IBI Group to perform further analysis on potential space needs options for Public Works.

Action: Adopt Ordinance (2021) 5059

Municipal Resolution for NC Opioid Settlement

Presenter: Rodney Dickerson, Town Manager

Resolution Supporting Wake County's Approval of the NC Memorandum of Agreement on Potential National Opioid Settlement. In anticipation of potential opioid settlement funds, the NC Association of County Commissioners (NCACC), NC Department of Justice and representatives from local governments have been working to develop a Memorandum of Agreement to ensure that resources reach communities as quickly and effectively as possible. The MOA governs how North Carolina would use its share of opioid settlement funds. NCACC is asking all Counties in North Carolina to approve the MOA to demonstrate solidarity in response to the opioid epidemic and to maximize the share of opioid settlement funds received both in the state and county to help abate the harm.

Action: Approve Resolution (2021) 2464

Approval of Consent Agenda

Motion: Singleton

Second: Unclear

Vote: 5:0

PUBLIC HEARINGS

Mayor Marshburn explained the procedures to be followed during the following hearings and asked Council to disclose any bias, ex parte communications, any close familial, business or other associational relationships with an affected person, or have a financial interest in the outcome. Hearing none, the Clerk administered the Oath to Danny Breed, Tom Johnson, Alison Jones, Jeff Triezenberg, Gaby Lontos-Lawlor, and Jeff Triezenberg.

SUP-SP-21-01, Thompson Road Cell Tower

Presenter: Alison Jones, Planner, Gaby Lontos-Lawlor, Senior Planner and Stacy Griffin, Principal Planner

Mayor Marshburn opened the public hearing and asked staff to present their report.

Special use permit request submitted by American Towers, LLC to establish a new telecommunication tower on a 12.82 +/- acre site located south of Thompson Road Park and at the end of Thompson Road; the site may be further identified as of Wake County PIN# 1700922676.

Tom Johnson explained that this tower is being required because there's another tower on Thompson Road that has reached the end of its lease and the landowner does not want to renew the lease and a replacement tower is needed in the area. Mr. Thompson presented two proposed options for access to the site – access over the Town property shared with Thompson Road park and the other coming further south on Thompson Road to the site.

Council Member Singleton stated staff prepared a recommended list of conditions that were presented to the applicant last week and they have not yet had time to conduct any cost analysis. Council discussed approving the special use permit with the option to come back in two weeks with those conditions stipulated so all of the conditions and options can be considered at the same time.

Action: Delay voting on SUP and easement associated with it to September 21st.

Motion: Singleton
Second: Dellinger
Vote: 5:0

SUP-21-07 Oak City Academy

Presenter: Alison Jones, Planner

Oak City Academy is requesting to operate a school at Garner Methodist Church near the intersection of Methodist Drive and Vandora Springs Rd. The site may be further identified as Wake County PIN: 1711237648.

Currently, Oak City Academy is temporarily located at Garner Methodist Church until their new campus is built. A site plan for a new school was approved by Council in June of 2020. The school is expected to have approximately 85 students ranging from grades K through 10. Ms. Jones reminded Council that the SUP goes with the land and can be used for a different school in the future.

Action: Move that application SUP-21-07 meets the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D.; therefore, I move that the Town Council approve SUP-21-07, Oak City Academy with no additional site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Matthews
Second: Vance
Vote: 5:0

NEW/OLD BUSINESS

CZ-SB-20-08, Weston Road Subdivision: Conditional Zoning w/ Preliminary Subdivision Plan

Presenter: David Bamford, Planning Services Manager, Gaby Lontos-Lawlor, Senior Planner, and Alison Jones

Conditional zoning map amendment request with associated preliminary plat (CZ-SB-20-08) submitted by Habitat for Humanity of Wake County, Inc to rezone approximately 11.68 acres +/- from Single-Family Residential (R-40) and Single-Family Residential (R-9 C218) Conditional to Single-Family Residential (R-9 C239) Conditional. The site is located west of Weston Road between Curtiss Drive and Delta Street and may be further identified as Wake County PINs 1711473367, 1711472174, 1711462936 & a portion of 1711371783.

As part of this project the developer will pay for the connection from Quite Refuge Lane from the Weston Ridge subdivision. Mr. Thompson will continue the extension when his property is developed. However, there is no time limit for Mr. Thompson to move forward with developing his property.

Action: 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; yet, I also move that the Town Council adopt Ordinance

(2021) 5060 approving rezoning CZ-SB-20-08, as the request will likely improve the living conditions within the area.

Motion: Vance
Second: Dellinger
Vote: 5:0

Conditional Zoning Map Amendment w/ Site Plan CZ-SP-20-15, 900 Rand Road

Presenter: David Bamford, Planning Services Manager, Gaby Lontos-Lawlor, Senior Planner and Stacy Griffin, Principal Planner

Conditional zoning map amendment request with associated site plan submitted by Rand Road LLC to rezone approximately 16.45+/- acres from Single-Family Residential (R-40) and Community Retail (CR) to Community Retail (CR C240) Conditional. The site is located at the southwest corner of NC Highway 50 and Rand Rd and may be further identified as Wake County PINs: 11619447310, 1619444380, 1619446238, and 1619434624.

There were concerns regarding existing traffic in the area, individuals using Arbor Greene Drive as a cut-through to avoid traffic on NC 50 and how would it impact Rand Road Elementary School. Staff proposed installing a left-only exit on Arbor Greene Drive requiring drivers leaving the clinic to go to NC 50 and away from the school and the Arbor Greene subdivision. The left-only exit will be installed on Arbor Green Drive.

Action: Move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment requested with adopted land use plans detailed in Section VI of the staff report as our own, and I follow move that Town Council adopt Ordinance number (2021) 5061, as approving CZ-SP-20-15, as a request is reasonable for the public interest and it will likely be overall design it keeps within the Town's character and improves property values

Motion: Matthews
Second: Behringer
Vote: 5:0

COMMITTEE REPORTS

Council Member Vance advised the Human Resource Committee will be conducting interviews this week to fill vacancies on the Parks and Recreation and Senior Citizens Committees. Interviews for the Veterans Committee will be conducted in the near future.

Council Member Matthews advised the Veterans Committee will be meeting this week and he is working with the Human Resources Committee to fill the Committee's three vacancies.

MANAGER REPORTS

- garner info
- 9/11 Remembrance event scheduled being held on Saturday at 9:00 a.m. at Town Hall. The event will be conducted by the Garner Fire Department and the Town's Police Department.

ATTORNEY REPORTS

COUNCIL REPORTS

Singleton

- Stated there is a hearing at 9:30 a.m. regarding the dangerous dog case.

Behringer

- Received a certificate from the League of Women Voters and noted there will not be an Equality Day this year due to the pandemic.
- The historic sign is missing on New Rand Road. Mr. Hodges responded a replacement sign has been ordered.
- Reported reaching out to the District 5 Engineer about the hole or gap where New Rand connects to Garner Road, near where it curves down. You cannot make left turn on West Garner Road without going down that hole.

Mayor Marshburn thanked Council for their service to the Town.

Council Members Matthews, Dellinger had nothing to report.

Council expressed their pride for Randolph Ross for his achievement of winning a gold medal in the 2020 Tokyo Olympics. Council was extremely proud that Randolph was from Garner and represented the Town in such an amazing way.

ADJOURN: 9:38 p.m.

**Town of Garner
Town Council Regular Meeting Minutes
September 21, 2021**

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

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Jeff Triezenberg-Planning Director, David Bamford-Planning Services Manager, Chris Johnson-Town Engineer, Alison Jones-Planner, Stacy Griffin-Principal Planner, Reginald Buie-Senior Planner, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

PLEDGE OF ALLEGIANCE: Council Member Phil Matthews

INVOCATION: Council Member Phil Matthews

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Mayor Marshburn requested to add an item to the Consent Agenda.

Motion: Singleton
Second: Matthews
Vote: 5:0

PRESENTATIONS

Recognition of Service and Retirement – Chief Joe Binns

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson recognized Chief Joe Binns for his 28 years of dedicated service to the Town of Garner and highlighted some of the many contributions he has made to the Police Department and the Town as a whole. Council also expressed their appreciation for his good work.

Economic Development Department Annual Report

Joe Stallings, Economic Development Director and Mari Howe, Downtown Development Manager

Mr. Stallings and Mrs. Howe presented the 2021 Garner Economic Development Department Annual Report.

CONSENT

Recognition of Disposal Property of Chief Joe Binns

Presenter: Lorie Smith, Position Captain

Recognize service weapon and badge of Chief Joe Binns as disposable property, so they can be awarded to him in recognition of his retirement from the Town after 28 years of dedicated and creditable service.

Action: Adopt Resolution (2021) 2466

Voluntary satellite annexation petitions for public water and sewer connections

Presenter: David Bamford, Planning Services Manager

(ANX 21-11) US 70 Industrial – Satellite annexation

(ANX 21-14) Safety Kleen– Satellite annexation

Action: Adopt Resolution (2021) 2465 to set Public Hearings for October 19, 2021

Surplus Property-Police Vehicle

Presenter: David C. Beck, Finance Director

One of our police vehicles has been declared a total loss by our insurance company after being involved in a recent accident.

Action: Adopt Resolution (2021) 2467

9/21/2021 Position Classification Plan

Presenter: BD Sechler, Human Resources Director

Updated Position Classification Plan to reflect a change in grade for an existing position and the addition of three new grades to the plan. More updates will be reflected once positions are reviewed by HR and slotted into the Plan.

Action: Approve slotting recommendations

9/21/2021 Position Allocation - Engineering

Presenter: BD Sechler, Human Resources Director

Chris Johnson, Town Engineer, is requesting that upon the retirement of the incumbent in November 2021, the vacated Engineering Technician position be re-allocated to allow for the hiring of one additional construction inspector.

Action: Approve the re-allocation

9/21/2021 Position Classification Plan - GFR

Presenter: BD Sechler, Human Resources Director

Updated Position Classification Plan to reflect a change in grade and title for an existing administration position within Garner Fire & Rescue. More updates will be reflected once positions are reviewed by HR and slotted into the Plan.

Action: Approve title change and slotting recommendation

No Parking Zones - Avery Street and Rand Mill Road

Presenter: Chris Johnson, Town Engineer

To obtain Council approval of three new No Parking Zones (Avery Street and Rand Mill Road).

Action: Authorize modification of Ordinance 10-84 to include the three new no-parking zones as submitted and approve Ordinance (2021) 5062

City of Raleigh Reimbursement Agreement - New Rand Road and US 70/White Oak Sewer Projects

Presenter: Chris Johnson, Town Engineer

To obtain Council approval for reimbursement agreements related to water/sewer infrastructure upgrades on the New Rand Road Project and US 70/White Oak Sewer projects.

Action: Authorize the Town Manager to execute reimbursement agreement with City of Raleigh in the amount of \$595,058

Corrections to Annexation Ordinances

Presenter: David Bamford, Planning Services Manager

These are corrections to annexation Ordinances (2021) 5043 (ANX-21-06 Elevate at White Oak) and (2021) 5044 (ANX-21-07 JS Commerce Parker) where the legal descriptions contained errors. The public hearings for both of these annexations were held on June 22, 2021.

Action: Adopt the following:

Ordinance (2021) 5063 -ANX-21-06 Elevate at White Oak

Ordinance (2021) 5064 -ANX-21-07 JS Commerce Park

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from the July 27 and August 31 work sessions and August 17 and 31 regular and closed session meetings.

Action: Approve minutes

Governor's Highway Safety Program (GHSP) Traffic Safety Officer Year 3 Grant

Presenter: Lt. Paul Caldwell

Resolution to rescind Resolution (2021) 2463 and adopt Resolution (2021) 2468 to show the corrected amounts of the grant.

Action: Approve Consent Agenda

Motion: Singleton

Second: Matthews

Vote: 5:0

PUBLIC HEARINGS**Annexation 21-05 900 Withers Rd**

Presenter: David Bamford, Public Services Manager

Voluntary contiguous annexation petition (ANX-21-05) submitted by TPB Development LLC to bring 0.035 acres +/- acres along The Arts Drive into the Town of Garner's primary corporate limits. The property is a portion of the legal parcel at 900 Withers Road and may also be identified as Wake County PIN # 1702-01-3238 (tax parcel).

Action: Adopt Ordinance (2021) 5065

Motion: Singleton
Second: Behringer
Vote: 5:0

ANX-21-12, Steele Creek

Presenter: David Bamford, Public Services Manager

Voluntary satellite annexation petition (ANX-21-12) submitted by Tupelo Honey Land Development, LLC to bring 8.03 acres +/- acres along Lager Lane into the Town of Garner's satellite corporate limits. The property is located at 200 Lager Lane and may be further identified as Wake County PIN # 1700441907.

Action: Adopt Ordinance (2021) 5066

Motion: Matthews
Second: Vance
Vote: 5:0

Mayor Marshburn explained the procedures to be followed during the following hearings and asked Council to disclose any bias, exparte communications, any close familial, business or other associational relationships with an affected person, or have a financial interest in the outcome. Hearing none, the Clerk administered the Oath to Jeff Triezenberg, Angela Morgan, Fred Britain, Toby Coleman, Travis Fluitt, and Chris Johnson

Special Use Permit # SUP-SP-20-03, VA Medical Clinic

Presenter: Stacy Griffin, Principal Planner

Special Use Permit request (SUP-SP-20-03) submitted by 900 Rand Road LLC to establish a Veteran's Affairs Medical Clinic on 16.45 +/- acres at the southwest corner of Benson Road (NC 50) and Rand Road. The site may further identified as Wake County PINs 1619447310, 1619444380, 1619446238, and 1619434624.

Mr. Coleman provided information regarding Council's questions from the last meeting. In addition, in order to discourage right-turns into Arbor Greene, an angled driveway and wayfinding signs are proposed.

Regarding the building scale and buffering, the building is compatible in scale with the school and a landscape buffer and a non-climbable screening fence is proposed along the shared boundary with the school.

Ms. Griffin also asked to add a condition that an annexation petition will be filed.

Action: Find that the application SUP-SP-20-03 meets the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D; therefore, I move that the Town Council approve SUP-SP-20-03, VA Medical Clinic with the six (6) site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Matthews
Second: Behringer
Vote: 5:0

CZ-21-07, 5001 and 5005 Old Stage Road

Presenter: Reginald Buie, Senior Planner

Conditional district rezoning request (CZ-21-07) submitted by Playmaker Properties, LLC to rezone approximately 1.74 +/- acres from Single-Family Residential (R-20) to Community Retail (CR C247) Conditional District. The site is located at 5001 and 5005 Old Stage Road and may be further identified as Wake County PINs 1701148445 and 1701148256.

Council Member Dellinger asked what the plan was for the intersection of Old Stage Road and 401. Mr. Bamford advised the State Project U5302, is a superstreet project for this section of 401. Planning design has been complete and construction will begin in 2022 with completion in 2023.

Council Member Dellinger stated he felt that community outreach conducted was a low-level effort and suggested reaching out to neighbors to get feedback.

Action: Refer to Planning Commission for plan consistency review and recommendation.

Motion: Vance
Second: Behringer
Vote: 5:0

NEW/OLD BUSINESS

SUP-SP-21-01 Thompson Road Cell Tower

Presenter: Alison Jones, Planner

Special use permit request submitted by American Towers, LLC to establish a new telecommunication tower on a 12.82 +/- acre site located south of Thompson Road Park and at the end of Thompson Road; the site may be further identified as of Wake County PIN# 1700922676. This case was tabled at the September 7, 2021, meeting in order to obtain more information on a possible access easement through Thompson Rd Park.

Ms. Jones advised this hearing is a continuation from the last meeting and reported exparte communications regarding the applicant withdrawing their request to have an easement on the property at Thompson Park.

Action: Move that application SUP-SP-21-01 meets the Towns eight (8) criteria for special use permits as identified in Article 3.9.2.D.; therefore, I move that the Town Council approve SUP-SP-21-01, Thompson Road Cell Tower, with one (1) site-specific condition to be listed on the permit that will be prepared by staff.

Motion: Singleton
Second: Dellinger
Vote: 5:0

Text Amend # UDO-21-03, Downtown Uses, Form and Character, & Community Tree Canopy Modifications

Presenter: Jeff Triezenberg, Planning Director

Text amendment request (UDO-21-03) submitted by the Planning Department and Downtown Garner Association to amend the UDO related to the uses, form and character of the downtown area. Specific amendments include, but are not limited to setbacks, use definitions, landscaping and tree canopy. Further modifications are also proposed for tree canopy requirements throughout the rest of the community. This will be discussed with the UDO Steering Committee on Thursday.

Action: Advance UDO-21-03 to public hearing.

COMMITTEE REPORTS

Council Member Vance stated he and Council Member Dellinger were working diligently to fill the vacant seats on the Town's Committees and Boards. Asked for Council's consideration to appoint Tim Montgomery to the Parks and Recreation Board and Rosemary Rochford to the Veterans Advisory Committee. Council Member Matthews stated he felt that with all of the events coming up that it would be good to have people on the committee that are veterans. Council Member Dellinger responded that selections made are based on the individual's skill set.

Action: Accept appointment of Tim Montgomery to the Parks and Recreation Committee and Rosemary Rochford to the Veterans Advisory Committee.

Motion: Vance
Second: Dellinger
Vote: 5:0

MANAGER REPORTS

- garner info
- Bond Referendum – LGC approved the Town's Resolution to have a bond referendum in November.
- Rec Center Community Open House scheduled for 5:00 p.m. to 9:00 p.m. and will coincide with the Garner Night Market on Friday, September 24.
- GPAC Showtime Series begins on October 9 with 'Shadows of the 60s - A Tribute to Motown'. A special performance by Music in the Park is scheduled on November 7 and Deana Carter will perform on November 20. Social distancing will be encouraged and masks will be required.
- A special meeting is scheduled for Thursday at 8:30 a.m. in the Town Hall Training Room for a presentation from the park planning consultant and to discuss the 30% design plans and phasing.

ATTORNEY REPORTS

COUNCIL REPORTS

Matthews

- Reported the bond presentation made at the Veterans Committee meeting was well received.

Singleton

- Thanked the Police and Fire Departments for their work on the 9/11 Ceremony. The event was well attended.
- Reported watching the facebook bond presentation and expressed the need to provide information to get support from the community.

Behringer

- NC DOT will be repairing the road at the intersection of New Rand Road and Garner Road.
- Asked if repairs could be made to the parking lot at the tennis courts on Creech Road.

Dellinger

- Reported the bond presentation made at the Parks & Rec meeting went well and resulted in a lot of good questions and some clarifications.
- Asked about community gardens – Mr. Dickerson advised staff is continuing to look at Town properties, however, there are a couple of private situations that might turn out to be more beneficial than anything the Town could provide.

Vance

- Commented on Mayor Williams' community service and his love of Garner.
- Commended the Police and Fire Departments for their work on the 9/11 Ceremony. The event was well attended.

Marshburn

- Also commented on Mayor Williams' community service and his love of Garner.
- Hosted the Wake County Mayor's Association meeting.
- Stated he unreservedly recommended all citizens give every consideration to being vaccinated.

ADJOURN: 8:58 p.m.

Motion: Behringer
Second: Vance
Vote: 5:0

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Text Amendment # UDO-21-03, Downtown Uses, Form and Character, & Community Tree Canopy Mods		
Location on Agenda: Public Hearings <input type="checkbox"/>		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
<p>Brief Summary:</p> <p>Text amendment request (UDO-21-03) submitted by the Planning Department and Downtown Garner Association to amend the UDO related to the uses, form and character of the downtown area. Specific amendments include, but are not limited to: setbacks, use definitions, landscaping and tree canopy. Further modifications are also proposed for tree canopy requirements throughout the rest of the community.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider referral to Planning Commission for review and recommendation.</p>		
<p>Detailed Notes:</p> <p>See staff report. Revised recommendations to community-wide tree canopy requirements are proposed following discussion with UDO Steering Committee.</p>		
<p>Funding Source:</p> <p>n/a</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Memorandum

TO: Honorable Mayor Marshburn and Members of the Town Council

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: ***UDO-21-03, Downtown Uses, Form and Character, and Community Tree Canopy Modifications***

DATE: October 4, 2021

I. BACKGROUND

The Planning Department has been aware that there are significant challenges in applying the Town's landscaping ordinance to the downtown area. Re-use of existing buildings have been accommodated due to the limitations of existing built conditions and the impracticalities of requiring the movement of buildings and other substantial physical improvements to property. While the landscaping ordinance could be readily applied to new development meant to expand the CBD, the character of these expanded areas would be substantially different.

With the selection of LMG to partner with the Town to develop space between the new Indoor Recreation Center and the existing downtown, Planning staff has been able to work through a real world concept generally endorsed by the Town Council to determine where some portions of the existing UDO conflict with the vision for the site. In some cases, revised definitions suffice while in others it seems to make the most sense to provide an exemption.

Existing use definitions and maximum density regulations limit the number of dwelling units to levels far below what is desired for the area. With the future of commuter rail on the horizon, the CBD is one area of town where density caps should be set high or indirectly limited by other site development requirements.

For corner side setbacks, the overarching idea in the ordinance is to have corner side setbacks mimic front setbacks (or be slightly less). All districts currently follow this idea except for the CBD. Staff proposes to "fix" this anomaly and bring the corner side setback in the CBD in line with the front setback requirement.

Finally, an exemption is suggested for buffer requirements, and the reasoning is provided within the draft language. Tree canopy was also identified as a challenging requirement where zero lot line development is expected. Staff proposes to add a third "tier" of canopy requirements to the existing regulations.

The UDO Steering Committee has been discussing possible increases in the existing tiers. The consultant for the UDO re-write project will be presenting the suggested changes to the committee on September 23. Staff has included the preliminarily proposed changes to the other tiers within this amendment package should the Town Council desire to “offset” the changes brought about by the introduction of this third tier for the CBD district.

II. INITIAL DRAFT TEXT CHANGES

New text underlined. Text to be removed ~~struck through~~.

5.3. Specific use standards.

A. Residential uses.

...

4. Upper-story residential. Upper-story residential development consists of one or more dwelling units located in one or more stories above, and in the same building as, a permitted use on the ground floor, and is permitted where allowed by the use table provided it is part of a larger project, the residential component does not exceed 50 percent of the land area of the project, and a site plan for the project is reviewed in accordance with Article 3.

6.9. Nonresidential district standards.

A. Nonresidential development standards. The following table illustrates the dimensional standards that apply in the Town's commercial, industrial and special purpose districts.

Standard	NO	NC	CBD	OI	CR	SB	I-1	I-2
...								
Minimum Yards:*								
Front yard	35 ft.	35 ft.	None	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Rear yard	25 ft.	0/25 ft.	0/15 ft.	25 ft.	0/25 ft.	0/25 ft.	0/50 ft.	0/50 ft.
Side yard	0/15 ft.	10/15 ft.	0/15 ft.	10/15 ft.	10/15 ft.	0/25 ft.	0/25 ft.	0/25 ft.
Corner lot side yard	35 ft.	35 ft.	20 ft. <u>None</u>	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

Maximum Height and Density:								
<u>Maximum Height</u>	35 ft.	35 ft.	None	None	None	None	None	None
Maximum Net DU/Acre	6,000 sq. ft. per single family detached dwelling unit	6,000 sq. ft. per unit	3,000 sq. ft. per unit <u>None</u>	6,000 sq. ft. per unit	None	None	None	None

7.1. Landscaping and tree protection.

I. Tree canopy cover.

2. Tree cover requirements.

a. All new development must meet the tree cover requirements outlined in the tables below. These standards can be achieved by preserving existing trees on the site, or by planting replacement trees. Trees in required buffer yards and easements, and street trees may be credited towards the tree cover requirements. Preference is given to preserving existing trees, rather than preservation and planting, or exclusive planting, and this preference is reflected in the standards of the table.

b. Water surface areas of ponds, lakes or other surface water bodies (excluding stormwater control structures) shall be excluded from the total land area for the purposes of calculating tree cover requirements.

c. CBD district development cover requirements. Where permitted, street trees within adjacent rights-of-way and within 15 feet of the property line may be counted towards the fulfilment of this requirement.

<u>Preserved Tree Cover Area</u>	<u>Replacement Tree Cover Area</u>	<u>Minimum Total Tree Cover Area</u>
<u>5.5%</u>	<u>Plus 0% equals</u>	<u>5.5%</u>
<u>4%</u>	<u>Plus 2% equals</u>	<u>6%</u>
<u>2.5%</u>	<u>Plus 4% equals</u>	<u>6.5%</u>
<u>1%</u>	<u>Plus 6% equals</u>	<u>7%</u>
<u>0%</u>	<u>Plus 7.5% equals</u>	<u>7.5%</u>

d. ~~e.~~ Tree Residential development cover requirements (all other districts).

Preserved Tree Cover Area	Replacement Tree Cover Area	Minimum Total Tree Cover Area
12% <u>18%</u>	Plus 0% equals	12% <u>18%</u>
8.5% <u>13.5%</u>	Plus 4 <u>5</u> % equals	12.5% <u>18.5%</u>
5% <u>9%</u>	Plus 8 <u>10</u> % equals	13% <u>19%</u>
1.5% <u>4.5%</u>	Plus 12 <u>15</u> % equals	13.5% <u>19.5%</u>
0%	Plus 14 <u>20</u> % equals	14% <u>20%</u>

e. ~~f.~~ Non-residential development cover requirements (all other districts).

Preserved Tree Cover Area	Replacement Tree Cover Area	Minimum Total Tree Cover Area
10% <u>12%</u>	Plus 0% equals	10% <u>12%</u>
7.5% <u>9%</u>	Plus 3 <u>3.5</u> % equals	10.5% <u>12.5%</u>
5% <u>6%</u>	Plus 6 <u>7</u> % equals	11% <u>13%</u>
2.5% <u>3%</u>	Plus 9 <u>10.5</u> % equals	11.5% <u>13.5%</u>
0%	Plus 12 <u>14</u> % equals	12% <u>14%</u>

f. ~~e.~~ Areas required to be undisturbed by other requirements of the Garner UDO shall be presumed to meet requirements of this section, provided applicable standards are met.

g. ~~f.~~ All preliminary major subdivision plans, site plans, final plats and other types of plans or permits as determined by the Planning Director shall clearly indicate all tree preservation and tree replacement areas.

h. ~~g.~~ Existing tree cover areas in new subdivisions are strongly encouraged to be located in common open space areas or protected buffers, where possible. Where this is not practical, perimeter buffer areas of conservation easement areas may be increased, provided the root zone of such trees can be protected during construction.

7.1. Landscaping and tree protection.

D. Plant material installation requirements.

3. Plant points table.

Plant Type	Height (feet)	Size Root/ Container	Caliper (inches)	Points
Large Canopy Tree (minimum 35 feet at maturity)	No changes	No changes	No changes	No changes
Small Canopy Tree (less than 35 feet at maturity)	No changes	No changes	No changes	No changes
Shrubs, <u>Ornamental</u> <u>Grasses and</u> <u>Vines</u>	No changes	No changes	No changes	No changes

K. Buffers.

Insert new subsection 2 and re-number all following subsections.

2. Exemption. The CBD is an area where zero lot line buildings are located on short blocks with streets designed to encourage activity where pedestrians can readily access a diverse mix of uses. Therefore, in the CBD, buffers are counterproductive to the intent of the district to preserve and promote the traditional Main Street business district. Sufficient landscaping and green spaces are ensured through the application of other sections of this ordinance.

IV. PLAN CONSISTENCY

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

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

- 2018 Garner Forward Comprehensive Plan

- Swift Creek Land Management Plan
- Any other applicable water supply watershed plans/policies (Engineering Dept.)

V. REASONABLENESS

In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town's character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a particular 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.

VI. RECOMMENDATION

Staff recommends that once the Town Council has heard comments, concerns and questions from the general public that zoning text amendment request UDO-21-03 be referred to the Planning Commission for their review and recommendation regarding plan consistency.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: Text Amendment # UDO-21-04, Community Gardens		
Location on Agenda: Public Hearings <input type="checkbox"/>		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Text amendment request (UDO-21-04) submitted by the Planning Department to amend the UDO to define Community Gardens as a separate and specific use apart from Agriculture and Silviculture; and to establish permitted districts, additional standards and landscape buffer requirements for the use.		
Recommended Motion and/or Requested Action: Consider referral to Planning Commission for review and recommendation.		
Detailed Notes: See staff report.		
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:		

Planning Department Memorandum

TO: Honorable Mayor Marshburn and Members of the Town Council

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: ***UDO-21-04, Community Gardens***

DATE: October 4, 2021

I. BACKGROUND

The Planning Department responded to citizen complaints in 2016 regarding the upkeep of a community garden being operated at 1101 Vandora Springs Road. Staff met with representatives of the garden to go over outstanding issues, and a site plan was submitted in October of that year. Plan reviewers responded to that initial submittal but no further re-submittals were ever received.

In 2021, garden representatives engaged a citizen with land surveying experience and general knowledge of community gardens to assist them with investigating the possibility of amendments to the Town of Garner UDO that would alleviate some of the practical difficulties of community gardens not being defined separately as a specific use under the larger category of agriculture. Staff has been engaged in discussions with this individual and have identified the draft amendments that follow for consideration.

Staff would note that while these amendments would address some of the issues related to adequate screening, buffering and positioning of storage areas, they do not address the larger issue that most changes of use and new accessory uses require all landscaping and/or site conditions be brought up to current UDO standards.

Currently, there are three ways a community garden use might be treated under the existing UDO:

- 1) The community garden is owned/run by a religious or community organization and operated by the same entity on a parcel where the organization also conducts there primary use. The garden would then be considered a customary accessory use and allowed wherever the primary use is allowed – an administrative site plan modification would likely be required to ensure zoning compliance in the area being altered.

- 2) The community garden is owned and run by an entity separate from the entity owning and running the primary use on a given site. The garden would then be considered an accessory use (assuming it is the “smaller” of the uses on the site) and must be a permitted use (on its own merits) in that zoning district – currently R-40 or R-20. If the garden will occupy a space over 1,000 square feet, the landscaping on the entire site must be brought into compliance if it is not already.
- 3) The community garden is the only use on a vacant piece of land, or it is the larger of two uses on a site currently zoned R-40 or R-20. The garden would then be considered a primary use. If the site is vacant, or if the other use is not already agriculture, then either a new use is being established or a “change of use” is triggered. Either of those require full compliance with the UDO for the parcel.

II. CURRENT TEXT

Applicable language highlighted in yellow.

Article 5.1 Use Tables.

...

USE		RESIDENTIAL DISTRICTS								NONRESIDENTIAL DISTRICTS								
P = Permitted by right		P* = Permitted subject to standards								S = Special use permit required								
Use Category	Specific Use	R-40	R-20	R-15	R-12	R-9	R M H	MF-1	MF-2	NO	NC	C B D	OI	CR	SB	I-1	I-2	Notes
OTHER																		
Agriculture (see 5.2H.1)	Agriculture or Silviculture	P	P															5.3.E.1
	Greenhouse, Nursery (Commercial)															P	P	P

Article 7.1.K.5. Land use buffer classifications.

Class	Uses Included
1	Single-family detached, modular single family homes, manufactured homes, cemeteries*, public park (passive use only)
2	Townhomes, condominiums (less than 12 units in project), two-family dwelling, apartments (12 units or less per acre), multiplex units, manufactured home parks, family care homes, group care homes, intermediate care homes, library, museum, art gallery, art center, day care facility, continuing care facility, group care facility, handicapped institution, intermediate care institution, nursing home, child care home, adult care, bank, community center (less than 5,000 sq. ft.)

3	Apartments (13 units or greater per acre), townhomes and condominiums (more than 12 units or more in project), business schools, public or private schools, post office, medical clinic, mental health facility, public park (active use only), minor utility, restaurant, public swimming pool, public tennis courts, indoor entertainment facility, theater, medical office, convenience store (without gasoline sales), office, retail sales with no outdoor operations, personal service, community ctr. (greater than 5,000 sq. ft.), gym, spa, bed and breakfast, religious institutions, agriculture , golf course/country club, private swimming pool), private indoor/outdoor tennis court, Town hall, hospice, hospitals or ambulatory health/emergency care facilities without heliport operations
...	...

III. PROPOSED TEXT CHANGES

New text underlined.

USE		RESIDENTIAL DISTRICTS								NONRESIDENTIAL DISTRICTS								
P = Permitted by right		P* = Permitted subject to standards								S = Special use permit required								
Use Category	Specific Use	R-40	R-20	R-15	R-12	R-9	R-MH	MF-1	MF-2	NO	NC	CBD	OI	CR	SB	I-1	I-2	Notes
OTHER																		
Agriculture (see 5.2H.1)	Agriculture or Silviculture	P	P															5.3.E.1.
	<u>Community Garden</u>	<u>P</u>	<u>P</u>															<u>5.3.E.2.</u>
	Greenhouse, Nursery (Commercial)															P	P	P

Article 5.3. Specific Use Standards, Subsection E.

2. Community Garden.

- a. All materials used in the operation of the garden shall be stored within a building or screened outdoor storage area when not in active use.
- b. All outdoor storage areas shall be screened from view from any public right-of-way or adjacent property with a six-foot opaque fence such as black vinyl coated chain link fencing with slats, wood fencing, or composite fencing.
- c. All storage buildings and outdoor storage areas shall meet the primary structure setback requirements for the district.

Article 7.1.K.5. Land use buffer classifications.

Class	Uses Included
1	Single-family detached, modular single family homes, manufactured homes, cemeteries*, public park (passive use only)
2	Townhomes, condominiums (less than 12 units in project), two-family dwelling, apartments (12 units or less per acre), multiplex units, manufactured home parks, family care homes, group care homes, intermediate care homes, library, museum, art gallery, art center, day care facility, continuing care facility, group care facility, handicapped institution, intermediate care institution, nursing home, child care home, adult care, bank, community center (less than 5,000 sq. ft.), <u>community garden</u>
3	Apartments (13 units or greater per acre), townhomes and condominiums (more than 12 units or more in project), business schools, public or private schools, post office, medical clinic, mental health facility, public park (active use only), minor utility, restaurant, public swimming pool, public tennis courts, indoor entertainment facility, theater, medical office, convenience store (without gasoline sales), office, retail sales with no outdoor operations, personal service, community ctr. (greater than 5,000 sq. ft.), gym, spa, bed and breakfast, religious institutions, agriculture, golf course/country club, private swimming pool), private indoor/outdoor tennis court, Town hall, hospice, hospitals or ambulatory health/emergency care facilities without heliport operations
...	...

Article 11.2. Defined terms.

Community Garden. Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group.

IV. PLAN CONSISTENCY

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

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

- 2018 Garner Forward Comprehensive Plan
- Swift Creek Land Management Plan
- Any other applicable water supply watershed plans/policies (Engineering Dept.)

V. REASONABLENESS

In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town's character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a particular 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.

VI. RECOMMENDATION

Staff recommends that once the Town Council has heard comments, concerns and questions from the general public that zoning text amendment request UDO-21-04 be referred to the Planning Commission for their review and recommendation regarding plan consistency.

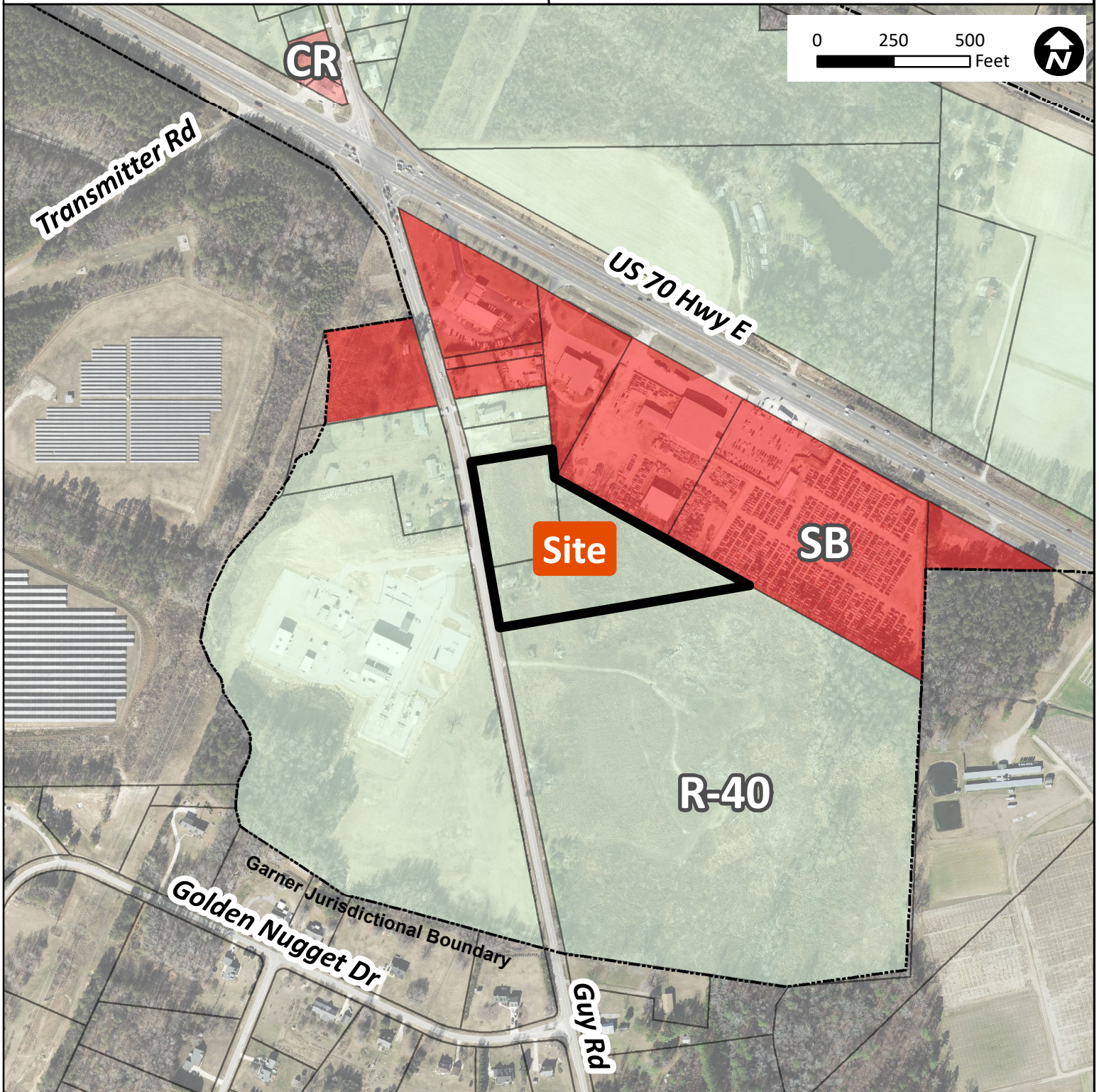
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 4, 2021		
Subject: CZ-SP-20-04, 4700 Guy Rd- Conditional District Rezoning with Site Plan		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager & Alison Jones, Planner II		
Brief Summary: Conditional zoning map amendment request with associated site plan (CZ-SP-20-04) submitted by TMTLA Associates on behalf of D & S Properties, LLC to rezone approximately 6.26 +/- acres from Single Family Residential (R-40) to Service Business (SB C233) Conditional to construct 20,000 square feet of indoor commercial space as well as associated outdoor areas that may be occupied by a proposed conditional list of uses. The site is located at 4700 Guy Road and may be further identified as Wake County PIN #'s 1740206340 & 1740209101.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2021) 5069		
Detailed Notes: The neighborhood meeting was held remotely on Zoom at 7 PM on April 6, 2021. An in-person meeting was held on July 27, 2021. One property owner attended with another request for information being made outside the meeting.		
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-20-04**



Project: 4700 Guy Road
Applicant: D & S Properties, LLC
Owner: D & S Properties, LLC
Location: 4700 Guy Road
Pin #: 1740206340 & 1740209101

Proposed Use: Light Industrial Service - Flex Space
Current Zoning: R-40
Proposed Zoning: SB Conditional 233
Acreage: 6.26
Overlay: N/A

Planning Department Staff Report

TO: Town Council

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

SUBJECT: *Conditional Zoning Map Amendment w/ Site Plan# CZ-SP-20-04, 4700 Guy Rd*

DATE: October 4, 2021

I. PROJECT AT A GLANCE

Project Number(s): CZ-SP-20-04 Conditional Zoning Map Amendment

Applicant: D & S Properties, LLC

Owners: D & S Properties, LLC

General Description -

Project Area & Location: 6.26 +/- acres along east side of Guy Road

Wake Count PIN(s): 1740206340 & 1740209101

Current Zoning: Single-Family Residential (R-40)

Requested Zoning: Service Business (SB C233) conditional

Overlay: None

Key Meeting Dates:

Public Hearing: August 17, 2021

Planning Commission: September 13, 2021

Action: October 4, 2021

II. BACKGROUND / REQUEST SUMMARY

Current Request: Conditional zoning map amendment request with associated site plan (CZ-SP-20-04) submitted by TMTLA Associates on behalf of D & S Properties, LLC to rezone approximately 6.26 +/- acres from Single Family Residential (R-40) to **Service Business (SB C233) Conditional** to construct 20,000 square feet of indoor commercial space as well as associated outdoor areas that may be occupied by a proposed conditional list of uses. The site is located at 4700 Guy Road and may be further identified as Wake County PIN #'s 1740206340 & 1740209101.



III. ZONING ANALYSIS

Existing: The project site is zoned **Single-Family Residential (R-40)**. This district allows single-family lots of at least 40,000 square feet (0.91 acres). Under this zoning, the rezoning site could accommodate approximately 109 single-family lots (estimate subtracts 20% of the site area for streets and roads, and 10% for open space).

The following is a list of permitted uses in the R-40 District:

- | | |
|---|--|
| 1. Single-family site built and modular homes | 12. Public safety facilities (fire, police, rescue, ambulance) |
| 2. Residential Cluster | 13. Cemetery |
| 3. Manufactured home | 14. Public parks, swimming pools, tennis and golf courses |
| 4. Family Care home | 15. Religious institutions |
| 5. Group care home | 16. Minor utility—elevated water tank |
| 6. Intermediate care home | 17. Solar farms |
| 7. Community center | 18. Telecommunications facility |
| 8. Lodges and fraternal clubs | 19. Other major utility |
| 9. Child day care up to 3 as home occupation | 20. Private golf course or country club |
| 10. Family child day care up to 8 in home | 21. Horse stables |
| 11. School public or private | 22. Bed and breakfast |
| | 23. Agriculture or silvi-culture |

Proposed: The requested zoning is **Service Business Conditional Use (SB C233)**. 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 | 18. Parks, swimming pools, tennis courts, golf courses |
| 2. Community Center | 19. Bus passenger terminals |
| 3. Library, museum, art center | 20. Taxi or limo operations/facility |
| 4. Other Community service | 21. Religious institutions |
| 5. Civil, service fraternal club, lodges and similar uses | 22. Minor utility, elevated water tank |
| 6. Adult Day Care | 23. Telecommunication facility |
| 7. Day Care Center | 24. Other major utility |
| 8. Business School, college or university satellite | 25. Bars and nightclubs (prohibited within 500 feet of residential use/zoning) |
| 9. College / university | 26. Private golf or country club |
| 10. Trade / vocational schools | 27. Private gym, spa, indoor tennis, pool |
| 11. Music / dance / art instruction | 28. Indoor entertainment facility |
| 12. Ambulance, rescue squad, police, fire station | 29. Electronic gaming center |
| 13. Government, utility with outdoor storage | 30. Outdoor entertainment facility, private athletic |
| 14. Government office | 31. Sexually oriented business (prohibited within 1,000 feet of residential use/zoning) |
| 15. Medical Clinic | |
| 16. Cemetery | |
| 17. Funeral home / crematorium | |

32. Movie Theater
33. Drive-in Theaters
34. Water-slides, golf driving ranges, miniature golf, batting cages or similar uses
35. Bank, financial institution
36. Medical office, individual
37. General office use
38. Bed and breakfast
39. Extended stay facility (prohibited within 500 feet of residential use/zoning)
40. Hotel and motels
41. Commercial Parking
42. Restaurant, curb or drive-in service
43. Restaurant, indoor with seating only
44. Restaurant, indoor with drive-through window
45. Restaurant, take out only, drive-through or walk up
46. Convenience store without fuel sales
47. Convenience store with fuel sales
48. Open air market
49. Repair oriented use (indoor only)
50. Personal service use (indoor operations)
51. Barber shops / salons
52. Sales oriented use (indoor operations only)
53. Sales oriented use (outdoor operations)
54. Veterinarian/kennel indoor
55. Veterinarian/kennel outdoor (prohibited within 500 feet of residential use/zoning)
56. Self-service storage
57. Car wash (prohibited within 500 feet of residential use/zoning)
58. Vehicle repair (storage restricted to rear of building, 30-day storage limit)
59. Vehicle sales and rental (storage restricted to rear of building)
60. Vehicle service-limited
61. Vehicle towing, storage (prohibited within 500 feet of residential use/zoning)
62. Flex space
63. Light Industrial use indoor
64. Light Industrial use with outdoor storage of tenant supplies
65. Light Industrial use with outdoor operations
66. Warehouse and freight movement with indoor storage
67. Warehouse and freight movement with outdoor storage
68. Recyclable materials collection center
69. Wholesale sales
70. Manufacturing indoor operations

The following use conditions are proposed for SB C233 Conditional District:

1. Permitted use table (selected 17 from preceding generally permitted use list of 70):

Use Category	Specific Use	SB C233
Government Facilities	Government Utility facility with outdoor storage	SUP
Utilities	Minor Utility elevated water tank	P*
	Telecommunications facilities	SUP
	Other Major Utility	SUP
Office	Other office	P

Use Category	Specific Use	SB C233
Retail Sales and Service	Sales oriented use with outdoor operations	P
	Sales oriented use indoor	P
Self Service Storage		SUP
Vehicle Sales and Service	Vehicle general repair	p*
	Vehicle service limited	p*
Light Industrial Service	Flex space	p*
	Industrial use indoor	p*
	Industrial use with outdoor operations	P
Manufacturing and Production	Indoor only	p*
Warehouse and Freight Movement	Storage including outdoor	p*
Waste Related Services	Recyclable materials collection center	p*
Wholesale Sales		p*

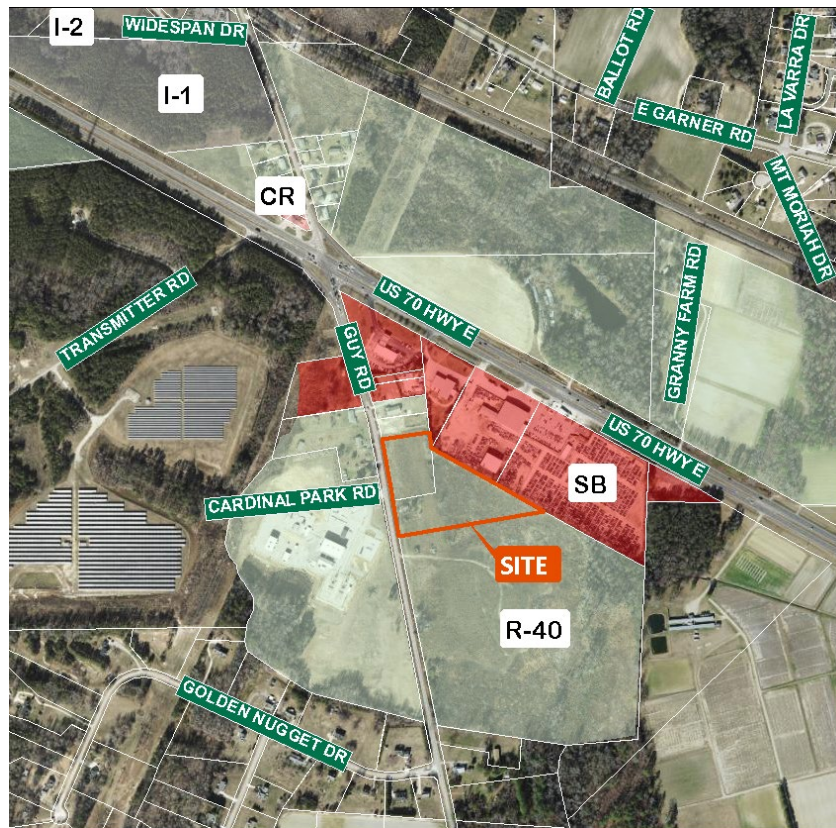
2. Development of this site shall be completed in conformance with the approved site plan. (See Section V.)

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-14-01	William Sparkman	2217 US Highway 70 E	I-1 C172
CUD-Z-16-05	Freedom Roads LLC	2300 US Highway 70 E	Wake County Highway District (HD) to SB C185
CUD-Z-16-10	William Sparkman	4812 Green Garden Road	Wake County Highway District (HD) to I-2 C190
Z 17-01	Town of Garner	ETJ Expansion	Wake County Highway District to SB (adjoining lots to the west)

Adjacent Zoning and Land Use:

North:	R-40 SB	Minor Utility Junk / Salvage Yard
South:	R-40	Single-family / Agriculture / farming
East:	SB	Junk / Salvage Yard
West:	R-40	Major Utility (Gas Company)



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: The area of the community around the intersection of US HWY 70 E and Guy Road is of moderate commercial intensity. This area was developed under Wake County in a linear corridor commercial pattern along the highway. Uses include retail sales, fuel sales, vehicle and equipment rental, an animal daycare, a junk auto salvage yard, a church, and a major utility (Public Service Company of NC). This area came into Garner's zoning ETJ in the spring of 2017.

Traffic: A Traffic Impact Analysis (TIA) was not required for this proposed rezoning and light industrial development.

The NCDOT average daily traffic count history in this area is as follows:

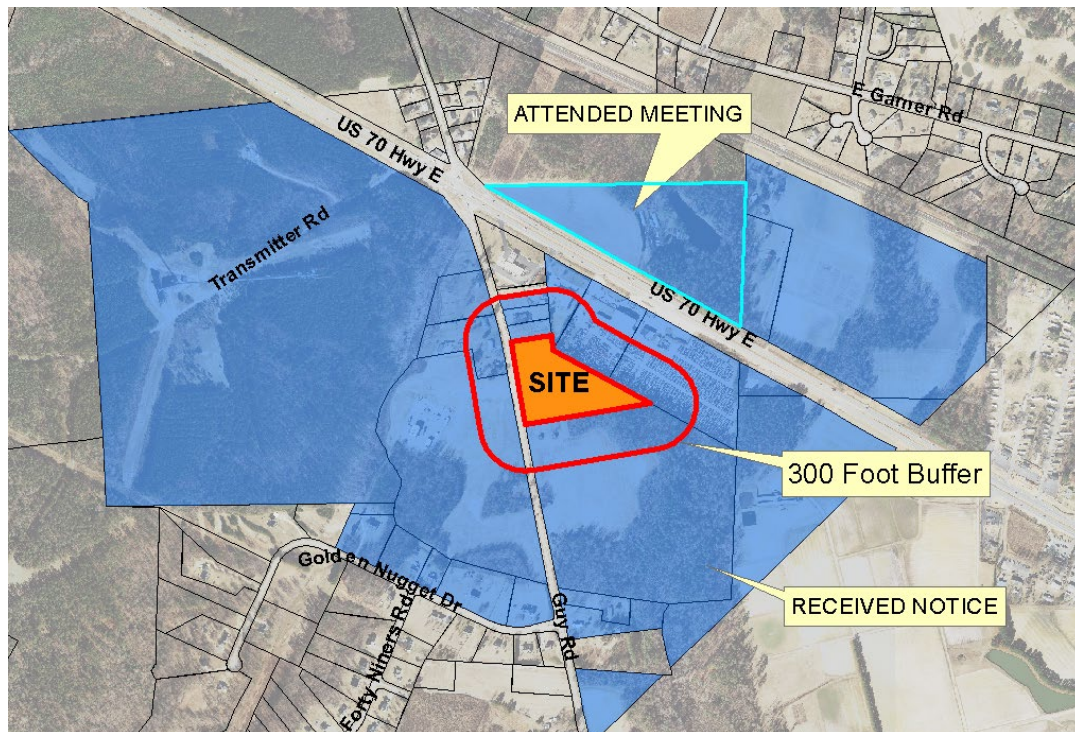
Guy Road

- | | |
|---------------------|----------------------------|
| • Year 2009 – 6,600 | • Year 2015 – 7,200 |
| • Year 2011 – 6,800 | • Year 2017 – Not reported |
| • Year 2013 – 7,000 | • Year 2019 – 7,800 |

US 70 HWY E

- | | |
|----------------------------|----------------------|
| • Year 2009 – 25,000 | • Year 2015 – 29,000 |
| • Year 2011 – 24,000 | • Year 2017 – 30,000 |
| • Year 2013 – Not reported | • Year 2019 – 30,500 |

Neighborhood Meeting: Staff identified 21 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 7 PM on April 6, 2021, with one property owner in attendance (highlighted below). There was another inquiry for information outside of this scheduled meeting. A follow up in-person meeting was held on July 27, 2021, at 6PM with none in attendance.



OWNER	ADDR1	ADDR2
MASSENGILL, CARLIE E MASSENGILL, ALICE B	3129 GOLDEN NUGGET DR	CLAYTON NC 27520-8052
VELLOZZI, ANTHONY J VELLOZZI, KRISTY L	3201 GOLDEN NUGGET DR	CLAYTON NC 27520-8054
PUBLIC SERVICE COMPANY D/B/A PSNC ENERGY	220 OPERATION WAY # D112	CAYCE SC 29033-3701
PUBLIC SERVICE COMPANY OF NORTH CAROLINA INCORPORA	220 OPERATION WAY	CAYCE SC 29033-3701
THE ADRIENNE C PEACOCK IRREVOCABLE REAL ESTATE TRU	PO BOX 18237	RALEIGH NC 27619-8237
PARRISH, KAREN M LEE, PATRICK S	3209 GOLDEN NUGGET DR	CLAYTON NC 27520-8054
PARENT, ROBERT E PARENT, MELINDA K	3217 GOLDEN NUGGET DR	CLAYTON NC 27520-8054
NORTH CAROLINA NATURAL GAS CORP	PO BOX 909	FAYETTEVILLE NC 28302-0909
BEAMAN, LLEWELLYN WARREN	2975 US HIGHWAY 70 E	CLAYTON NC 27520-7303
BERKAU, VICKI N BERKAU, THOMAS S	604 W HOOD ST	SMITHFIELD NC 27577-3601
TAYLOR, BARRINGTON D JR TAYLOR, DALE T	3125 GOLDEN NUGGET DR	CLAYTON NC 27520-8052
GARNER CHRISTIAN FELLOWSHIP INC	1507 HALL BLVD	GARNER NC 27529-4304
PUBLIC SERVICE COMPANY OF NC	PO BOX 4009	CARY NC 27519-4009
STATE PROPERTY OFFICE	116 W JONES ST	RALEIGH NC 27603-1335

OWNER	ADDR1	ADDR2
SMITH, BRANDON D	4420 GUY RD	CLAYTON NC 27520-8295
GRIFFIN, GARY GRIFFIN, CHRISTINE	4424 GUY RD	CLAYTON NC 27520-8295
D&S PROPERTIES LLC	PO BOX 1238	GARNER NC 27529-1238
ATTN: REAL ESTATE DEPARTMENT	5846 CROSSINGS BLVD	ANTIOCH TN 37013-3129
ARCHER, CHRISTOPHER TRUSTEE THE CHRISTOPHER ARCHER 2017 REVOCABLE TRUST	101 MONTGOMERY ST STE 2800	SAN FRANCISCO CA 94104- 4141
CBC REAL ESTATE CO INC	PO BOX 12000	RALEIGH NC 27605-2000
SORRELL, GLENN L	4723 FORESTDALE RD	RALEIGH NC 27603-3807
DJ'S GROUP LLC	1742 S SAUNDERS ST	RALEIGH NC 27603-2314

Meeting Summary:

Questions/ Concern #1: Who is the expected leasing tenant?

Applicant Response: To be determined. Phase one will most likely be for storage. Phase two not sure at this time. (The uses are limited per the conditional use permit).

Questions/ Concern #2: Do you need to widen the road?

Applicant Response: Yes a turn lane will be added. (Road way widening and street improvements pointed out on the map.)

Questions/ Concern #3: Lighting is located where?

Applicant Response: Site lighting is shown by the black dots. (Lighting locations pointed out on the map and described.)

Questions/ Concern #4: When do you expect to break ground?

Applicant Response: Hopefully July but subject to final review and approval by planning commission.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, August 17, 2021.

- Staff presented the case and gave an overview of the rezoning request.
- No one spoke during the public hearing.
- The Mayor closed the public hearing.

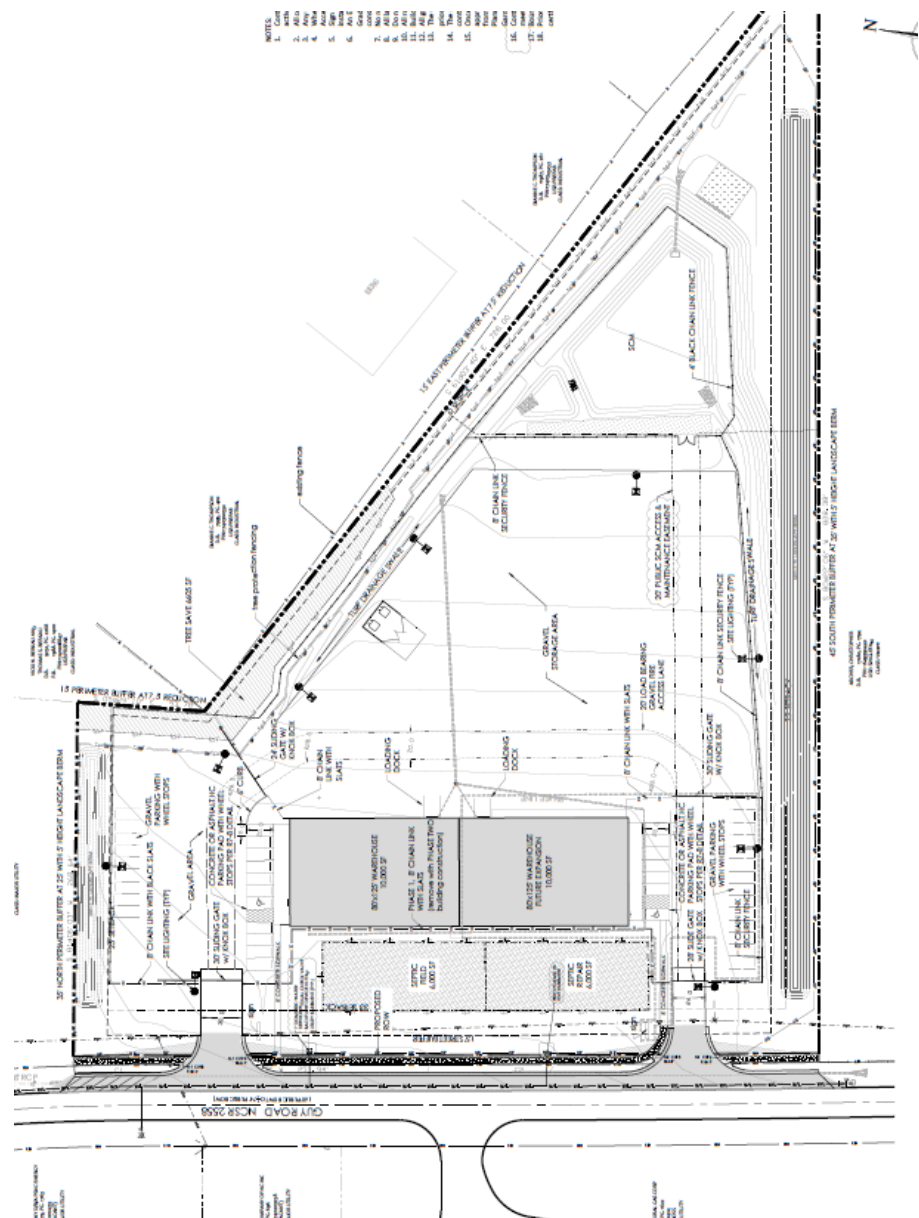
V. SITE PLAN SUMMARY

Acreage: 6.26 +/- acres

Minimum Lot Size/Dimensions: 6,000 square feet
60' lot width

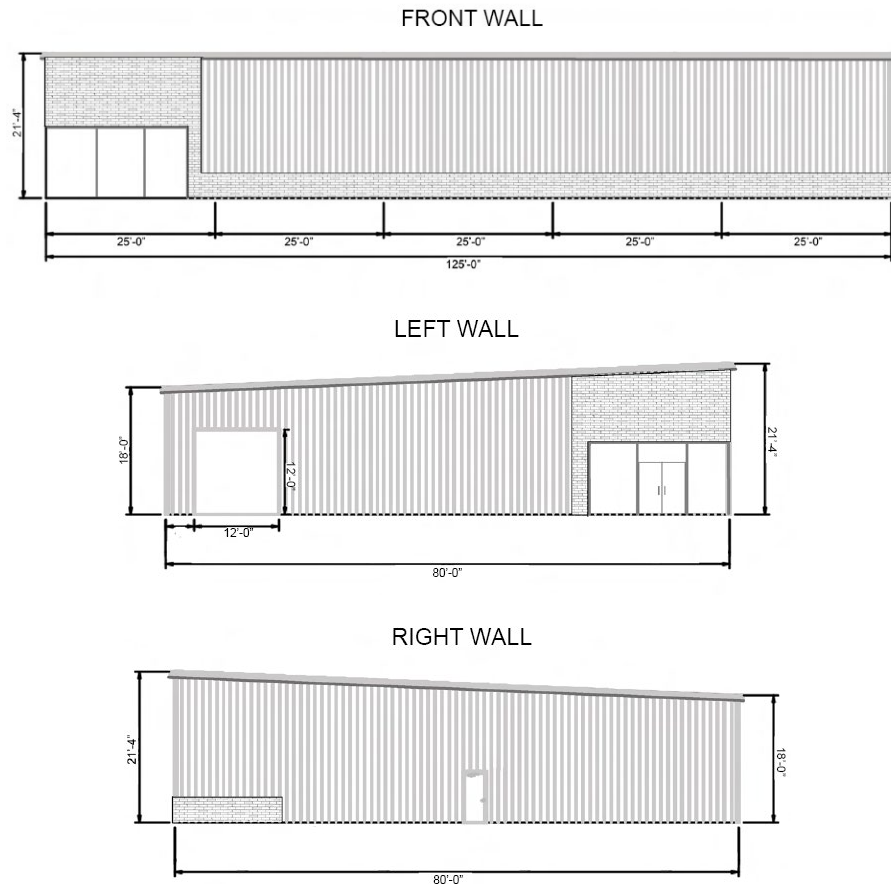
Setbacks: Front – 35'
Rear – 0'/25'
Side – 0'/25'
Corner – 35'

Site Plan:



Buildings & Materials:

The site is not located within an overlay; therefore, there are not any specific architectural requirements. The applicant has offered a steel frame building with ribbed metal siding, a glassed corner entrance and brick accents and water table along the front and wrapping a distance down each side – all in shades of white and gray.



Landscape and Buffer Requirements:

Tree Cover: The site plan is preserving 2.5% (0.15 acres) of existing tree coverage. The plan will be providing 9% (0.56 acres) of additional tree coverage to meet the minimum requirement of 11.5% tree coverage.

Street Buffers: Street buffers along Guy Road are 15 feet wide for all proposed uses.

Street Trees: Trees are being provided along Guy Road; however, there are overhead power lines present. Therefore, the normal requirement of the street trees being a minimum 35' tall at maturity cannot be met. Instead, ornamental understory trees are substituted at 20' intervals.

- Guy Road: 25 Required, 25 Provided

Perimeter Buffers: The most intense use in the conditioned list of uses for this zoning district is a Class 6. Therefore, there is a 45' perimeter buffer along the southside of the project that borders a vacant tract zoned Single-Family Residential (R-40), a 35' perimeter on the northside of the project bordering a minor utility, and a 15' perimeter buffer along the rear of the property bordering a salvage yard.

Environmental Features:

There are no environmentally sensitive areas on this site.



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

Parking: Parking is initially based on 1 space per 500 square feet of gross floor area.

- Parking required: 40
- Parking proposed: 40

Lighting: Site plan 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: 4700 Guy Road is a commercial development that is not located within the watershed protection area. This site is subject to water quality requirements for nitrogen and water quantity requirements for the 1, 10 and 25 year storm events. This plan proposes a dry detention pond with a level spreader vegetated filter strip to satisfy all water quality and water quantity requirements for stormwater. A nitrogen offset buydown is required with this project.

Streets and Access: The site will be accessed via two (2) driveways from Guy Road.

Frontage Improvements: 4700 Guy Road is located on the east side of Guy Road just south of US 70 East. Along the site frontage, Guy Road will be improved to half of a Town of Garner major collector, which is a 49' back-to-back section within 74' of right-of-way. Curb, gutter, and sidewalk will be installed.

VI. CONSISTENCY OF REQUEST

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

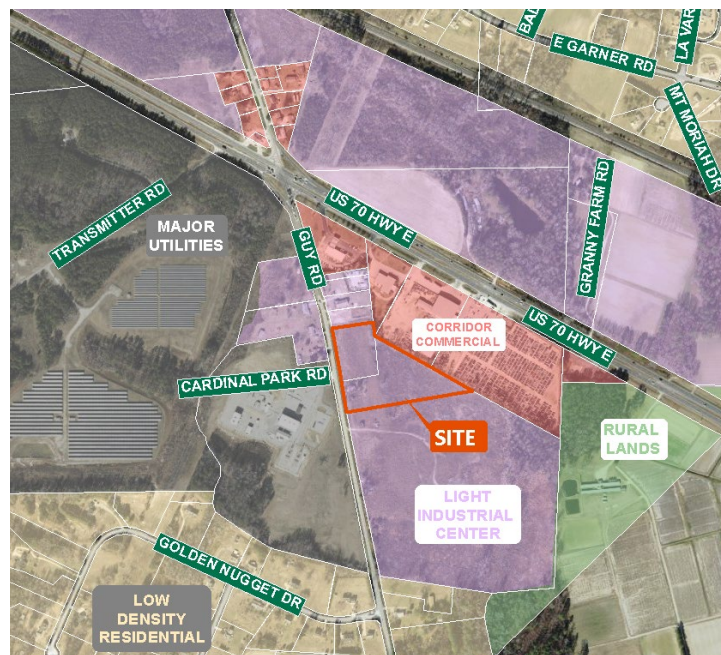
Staff offers that the Planning Commission shall review consistency with the following plans:

- 2018 Garner Forward Comprehensive Plan
- 2010/18 Garner Transportation Plan
- Parks, Recreation, Greenways and Cultural Resources Master Plan

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan: CONSISTENT

The site of the request is designated as **Light Industrial Center (LIC)**. Light Industrial Centers support small to medium-scale, on-site manufacturing and production uses including warehousing, light manufacturing, distribution, medical research/laboratory, and assembly operations. These areas are almost exclusively found near major transportation corridors (i.e., highway, airport, or rail) to support delivery to individual customers or other transport, distribution, or manufacturing/assembly centers. Noise attenuation is seldom required, and buffering is typically vegetated landscaping to shield loading and outdoor storage areas from nearby property owners.



2010/18 Garner Transportation Plan – *CONSISTENT*:

The Transportation Plan calls for Guy Road to be widened to a three-lane cross section. There are no recommendations for bicycle, pedestrian, or transit improvements that apply to the project site. With the proposed improvement of half of the Town's Major Collector along the frontage of the project these plans may be considered consistent with Garner's Transportation Plans.

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

This area of Garner is not in a land acquisition area; therefore, staff finds this project consistent with the Parks, Recreation, Greenways and Cultural Resources Master Plan.

Planning Commission Summary: The Planning Commission reviewed this request at their meeting on September 13, 2021.

- Staff presented the case and gave an overview of the rezoning request.
- Mr. Blasco asked whether staff was comfortable with the proposed list of conditional uses.
- Mr. Blasco asked whether, in consideration of the relatively short portion of Guy Road fronting the site, a fee-in-lieu for road improvements might be preferable to the Town.
- The applicant spoke in favor of the project.
- Mr. Moua commented that since Guy Road was an NCDOT-maintained road, the applicants may be advised to work with NCDOT on the construction of a new waterline.
- There were no comments from the public.

Consistency Statement: This request to rezone approximately 6.26 +/- acres from Single Family Residential (R-40) to Service Business (SB C233) Conditional includes road frontage improvements, with curb + gutter + sidewalks, to accommodate the future cross-section of Guy Rd. The proposed site plan and list of uses are the typical mix of uses customary to meeting the objectives of the Light Industrial Center (LIC) future land use category designation. Therefore, this request may be found consistent with adopted land use plans.

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 rezoning request furthers the efforts to achieve specific goals and objectives stated within these plans and policies; and thereby render said request a reasonable one. The converse may also apply.

VIII. RECOMMENDATION

Staff Recommendation: Staff supports CZ-SP-20-04 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-20-04, 4700 Guy Road

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) 5069 approving rezoning **CZ-SP-20-04**, 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-20-04** 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) 5069 approving rezoning **CZ-SP-20-04**, 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-20-04**, 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.
✓	Promote light industrial or flex space uses in appropriate areas where commercial development has already occurred.
	Other: _____
	Other: _____

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

ORDINANCE NO. (2021) 5069

**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 6.26 +/- acres from Single Family Residential (R-40) to Service Business (SB C233) Conditional consistent with adopted land use plans because it includes road frontage improvements with curb, gutter and sidewalks to accommodate the future cross-section of Guy Road; and because the proposed site plan and list of uses are the typical mix of uses customary to meeting the objectives of the Light Industrial Center (LIC) designation on the Future land Use Map; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will likely provide light industrial and flex space uses in appropriate areas where commercial development has already occurred; and

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 D & S Properties, LLC in Zoning Map Amendment Application No. CZ-SP-20-04 (C233).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Service Business (SB C233) Conditional District; within this district, all of the regulations that apply to property within the general SB zoning district shall be applicable subject to the following conditions:

1. Permitted use table (*selected 17 from preceding generally permitted use list of 70*):

Use Category	Specific Use	SB C233
Government Facilities	Government Utility facility with outdoor storage	SUP
Utilities	Minor Utility elevated water tank	p*
	Telecommunications facilities	SUP
	Other Major Utility	SUP
Office	Other office	P
Retail Sales and Service	Sales oriented use with outdoor operations	P
	Sales oriented use indoor	P
Self Service Storage		SUP
Vehicle Sales and Service	Vehicle general repair	p*
	Vehicle service limited	p*
Light Industrial Service	Flex space	p*
	Industrial use indoor	p*
	Industrial use with outdoor operations	P
Manufacturing and Production	Indoor only	p*
Warehouse and Freight Movement	Storage including outdoor	p*
Waste Related Services	Recyclable materials collection center	p*
Wholesale Sales		p*

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
D & S Properties, LLC	1740206340 & 1740209101	Single-Family Residential (R-40)	Service Business (SB C233) Conditional

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 4th day of October 2021.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

REPORTS

Garner Info

Id	Title	Description	Current Status	Address	Comments
10505999	Home Occupation		IN_PROGRESS	1001 Southerlund Rd	A site visit made on 9/15/21 revealed that some commercial equipment remains on the property. I will be make another site visit on 9/20/21. If any commercial equipment remains a notice of violation will be sent to property owner.
10551204	Junk Vehicle (Private Property)	Derelict motor home parked in yard for several years, with shredded awning. Quite an eyesore. Also 2 boats that never get moved.	IN_PROGRESS	1114 W Garner Rd	Property owner has documented the RV cover is on backorder and vehicle will be covered as soon as possible. TOG has granted an extension to allow the RV to be covered and will continue to monitor violation until resolved.
10791692	Trash/Solid Waste (Private Property)	And once again.....	IN_PROGRESS	2311 Timber Dr	
10833728	Misc. - Parks / Town Property	For your information. The men's room at the nature center of white deer park. Someone has vandalized the soap dispensers. They are torn apart with no soap, therefore unusable. Additionally, both water faucets have no handles and they seem to be disconnected from below. It is very disappointing as a frequent park user to not be able to have soap and water. I just wanted to let you all know about this so that you could do the needed repairs. Thank you very much.	IN_PROGRESS	White Deer Park	A police report was conducted on 9-20-21. Parts have been ordered to replace all of these items. Once they arrive our facilities team will replace these items.
10843281	Misc. - Streets	Extensive broken pavement with vegetation growing in the street. Have reached out numerous times but received no response.	SUBMITTED	4801 Homeland Dr	A vegetation control work order has been issued to Public Works Right of Way and scheduled to complete 9/23-9/24.



Town of Garner
Engineering Department

Capital Projects Status Report
Period Ending FY22 - 1Q

Date: 10/1/21

Note: Items shown in red have been updated since the previous quarterly report.

PROJ. NO.	PROJECT NAME	FROM	TO	PROJECT DESCRIPTION	PROJECT LENGTH (MILES)	PERCENT COMPLETE	STUDY (S) / DESIGN (D)/ CONST. (C)	PUBLIC MEETING DATES	RIGHT OF WAY ACQUISITION	ADVERTISE FOR BIDS	CONTRACT AWARD	CONTRACT COMPLETION	TOTAL PROJECT BUDGET	FUNDING SOURCE
	CAPITAL STREET PROJECTS													
1	NEW RAND ROAD IMPROVEMENTS	400 FEET SOUTH OF US 70	GARNER ROAD	PARTIAL WIDENING AT US 70 INTERSECTION AND INSTALLATION OF SIDEWALK ALONG WEST SIDE OF NEW RAND ROAD	0.16	100%	(C)	TBD	SPRING 2019	AUGUST 2019	SEPTEMBER 2019	JULY 2021	\$4,500,000	2013 BOND
2	GARNER ROAD SIDEWALKS	NEW RAND ROAD	SENIOR CENTER	INSTALL SIDEWALKS ALONG NORTH SIDE OF ROAD AND ADD PEDESTRIAN RAILROAD CROSSING	0.11	100%	(C)	TBD	SUMMER 2019	AUGUST 2019	SEPTEMBER 2019	JULY 2021		CBG GRANT
3	WHITE OAK ROUNDABOUT (TIP#U-6225)	BRYAN ROAD WHITE OAK ROAD HEBRON CHURCH ROAD	BATTLE FIELD DRIVE CLIFFORD ROAD BRYAN ROAD	CONVERT EXISTING INTERSECTION TO PARTIAL DUAL LANE ROUNDABOUT	0.36	80%	(D)	05/08/18 09/18/19	SPRING/SUMMER 2021	SPRING 2022	SUMMER 2022	SUMMER 2023	\$870,000	DESIGN - TOG R/W & CONST - LAPP/TOWN SPLIT (75/25)
4	LAKE DRIVE WIDENING	NC 50 (BENSON ROAD)	DULLIS CIRCLE	WIDEN LOCAL STREET WITH CURB AND GUTTER BOTH SIDES AND INSTALL SIDEWALK ALONG NORTH SIDE	0.13	90%	(D)	SPRING 2020	SPRING 2021	FALL 2021	LATE 2021	FALL 2022	DESIGN/ROW - \$190,000 CONST. - \$270,000	DES/ROW (2013 BOND) CONST. (UNFUNDED)
5	JONES SAUSAGE ROAD - NORTH	AMAZON SOUTHERN BOUNDARY	GARNER ROAD	WIDEN FROM 2 LANE TO 4 LANE DIVIDED SECTION WITH RAISED GRASS MEDIAN AND SIDEWALK ALONG BOTH SIDES	0.63	22%	(D)	SUMMER 2021 SPRING 2022	SPRING/SUMMER 2022	FALL 2022	EARLY 2023	SUMMER/FALL 2024	\$1,000,000 (DESIGN)	UNFUNDED FOR CONSTRUCTION
6	DOWNTOWN ENHANCEMENTS / RAND MILL ROAD AND MAIN STREET STREETScape	EAST MAIN STREET	N/A	INSTALLATION OF CURB AND GUTTER ALONG RAND MILL ROAD WITH SIDEWALK WEST SIDE, INTERSECTION AND STREETScape IMPROVEMENTS AT EAST MAIN STREET	0.10	90%	(D)	N/A	N/A	PROJECT PLACED ON HOLD PENDING FUNDING			\$600,000	UNFUNDED FOR CONSTRUCTION
7	PEARL STREET & PARKER STREET IMPROVEMENTS	MAIN STREET 100' EAST OF PEARL STREET	END OF PAVEMENT MONTAGUE STREET	PAVE/WIDEN WEST SIDE OF PEARL STREET WITH CURB AND SIDEWALK. WIDEN BOTH SIDES OF PARKER STREET WITH CURB AND SIDEWALK.	0.20	0%	(D)	POTENTIAL PUBLIC/PRIVATE PARTNERSHIP AGREEMENT BEING DISCUSSED WITH PEARL STREET TOWNES, LLC					TBD	UNFUNDED
8	VANDORA SPRINGS ROAD IMPROVEMENTS	TIFFANY CIRCLE	TIMBER DRIVE	INSTALL SIDEWALK ALONG SOUTH SIDE OF TIMBER DRIVE	0.24	100%	(D)	TBD	WINTER 2020/SPRING 2021	SUMMER 2021	FALL 2021	SUMMER 2022	\$1,326,000	2013 BOND
	CAPITAL SIDEWALK PROJECTS													
9	GARNER ROAD	VANDORA WEST SUBDIVISION	WESTON ROAD	INSTALL SIDEWALK ALONG NORTH SIDE OF GARNER ROAD	0.17	0%	(D)	SCOPE OF SERVICES/DESIGN FEE NEGOTIATIONS IN PROGRESS					TBD	UNFUNDED
10	AVERSBORO ROAD	YMCA ENTRANCE	SUMMERS WALK SUBDIVISION	INSTALL SIDEWALK ALONG WEST SIDE OF AVERSBORO ROAD.	0.03	0%	(D)	SCOPE OF SERVICES/DESIGN FEE NEGOTIATIONS IN PROGRESS					TBD	UNFUNDED
11	BRYAN ROAD	WCPSS SITE	ACKERMAN ROAD	INSTALL SIDEWALK ALONG EAST SIDE OF BRYAN ROAD	0.07	0%	(D)	SCOPE OF SERVICES/DESIGN FEE NEGOTIATIONS IN PROGRESS					TBD	UNFUNDED
	CAPITAL FACILITY PROJECTS													
12	GARNER POLICE DEPARTMENT MAINTENANCE - STEP REPAIR	N/A	N/A	REMOVE/REPLACE COATING ON FRONT STEPS AND CRACK REPAIRS	N/A	99%	(C)	N/A	N/A	SPRING 2021	SUMMER 2021	FALL 2021	\$13,000	BOND
13	GARNER POLICE DEPARTMENT MAINTENANCE - BIORETENTION REHABILITATION	N/A	N/A	REHABILITATE NON-FUNCTIONING BIORETENTION CELLS	N/A	100%	(D)	N/A	N/A	SPRING 2021	SUMMER 2021	FALL 2021	\$15,000	BOND
14	US 401 LIGHTING	SOUTH OF OLD STAGE ROAD	SOUTH OF MECHANICAL BOULEVARD	INSTALLATION OF FIBERGLASS POLES WITH LED LIGHTS ALONG BOTH SIDES OF THE ROADWAY	0.60	25%	(D)	N/A	N/A	N/A	N/A	TBD	TBD	GENERAL FUNDING
15	HIGHWAY 70 LIGHTING	YEARGAN ROAD	I-40	INSTALLATION OF FIBERGLASS POLES WITH LED LIGHTS ALONG BOTH SIDES OF THE ROADWAY	3.13	95%	(D)	N/A	N/A	N/A	N/A	TBD	\$500,000	GENERAL FUNDING
	TOWN MAINTENANCE PROJECTS													
16	2019 STORMWATER PROJECTS	VARIOUS	VARIOUS	STORMWATER IMPROVEMENTS (JUNCTION BLVD, BUCK BRANCH CREEK, MEADOWBROOK/CASON, AND STAUNTON MEADOWS)	N/A	0%	(C)						\$1,160,000	GENERAL FUNDING
16.01	JUNCTION BLVD	N/A	N/A	CULVERT SLIP LINE, INSTALLATION OF HEADWALLS, OUTLET STABILIZATION		0%		CONSTRUCTION BUDGETED IN FY25 CIP					\$510,000	UNFUNDED
16.02	BUCK BRANCH CREEK	FOREST RIDGE RD	WOODLAND RD	FLOOD STUDY ALONG BUCK BRANCH AT FOREST RIDGE RD, SPRING DR, AND WOODLAND RD CULVERTS		0%		CONSTRUCTION BUDGETED IN FY23 CIP, BUT SHOULD BE DEFERRED UNTIL AFTER NCDOT UPGRADES CULVERTS AT WOODLAND ROAD AND SPRING DRIVE					\$650,000	UNFUNDED
17	4422 PARKWOOD	N/A	N/A	STORMWATER CULVERT REPLACEMENT	N/A	1%	(C)	N/A	N/A	SPRING 2021	SUMMER 2021	FALL 2021	TBD	UNFUNDED
18	2021 RESURFACING CONTRACT	VARIOUS	VARIOUS	ANNUAL RESURFACING CONTRACT	3.61	100%	(C)	N/A	N/A	JANUARY 2021	MARCH 2021	JULY 2021	\$779,000	GENERAL FUND
18.01	RAND MILL ROAD	HAYWOOD STREET	100' SOUTH OF SMITH DRIVE	MILL AND OVERLAY 1.5" S9.5B	0.25	100%								
18.02	SHOALS LANE	MUNNSEE CT	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.07	100%								
18.03	COBB STREET	SOUTHERLUND ROAD	MEADOWBROOK DRIVE	MILL AND OVERLAY 1.5" S9.5B	0.25	100%								
18.04	DYNAMIC DRIVE	MECHANICAL BOULEVARD	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.22	100%								

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GARNER

A Great Place to Be

Town of Garner

Engineering Department

Capital Projects Status Report

Period Ending FY22 - 1Q

Date: 10/1/21

Note: Items shown in red have been updated since the previous quarterly report.

PROJ. NO.	PROJECT NAME	FROM	TO	PROJECT DESCRIPTION	PROJECT LENGTH (MILES)	PERCENT COMPLETE	STUDY (S) / DESIGN (D) / CONST. (C)	PUBLIC MEETING DATES	RIGHT OF WAY ACQUISITION	ADVERTISE FOR BIDS	CONTRACT AWARD	CONTRACT COMPLETION	TOTAL PROJECT BUDGET	FUNDING SOURCE
18.05	ATCHISON STREET	SHOALS LANE	DEAD END	MILL AND OVERLAY 1.5" S9.5B	0.07	100%								
18.06	COACHMAN DRIVE	TIMBER DRIVE	END OF PAVEMENT	MILL AND OVERLAY 1.5" S9.5B	0.19	100%								
18.07	HALSTEAD CIRCLE	101 HALSTEAD CIRCLE	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.06	100%								
18.08	DULLIS CIRCLE	LAKE DRIVE	LAKE DRIVE	MILL AND OVERLAY 1.5" S9.5B	0.24	100%								
18.09	EDENDERRY COURT	MISTY MEADOW LANE	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.08	100%								
18.10	CENTER STREET	GARNER ROAD	DEAD END	MILL AND OVERLAY 1.5" S9.5B	0.21	100%								
18.11	SUNSET DRIVE	ST. MARY'S STREET	HILLTOP AVENUE	MILL AND OVERLAY 1.5" S9.5B	0.08	100%								
18.12	CIRCLE DRIVE	HILLTOP AVENUE	NC 50	MILL AND OVERLAY 1.5" S9.5B	0.13	100%								
18.13	LISBURN COURT (NORTH)	MISTY MEADOW LANE	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.07	100%								
18.14	HAYWOOD STREET	RAND MILL ROAD	MONTAGUE STREET	MILL AND OVERLAY 1.5" S9.5B	0.18	100%								
18.15	LAWSHE CRICLE	COACHMAN DRIVE	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.02	100%								
18.16	MUNNSEE COURT	SHOALS LANE	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.04	100%								
18.17	BAGWELL STREET	MAIN STREET	GRIFFIN STREET	MILL AND OVERLAY 1.5" S9.5B	0.18	100%								
18.18	MABRY PLACE	COACHMAN DRIVE	CUL DE SAC	MILL AND OVERLAY 1.5" S9.5B	0.04	100%								
18.19	GRIFFIN STREET	JONES STREET	BAGWELL STREET	MILL AND OVERLAY 1.5" S9.5B	0.18	100%								
18.20	JONES STREET	GRIFFIN STREET	BAGWELL STREET	MILL AND OVERLAY 1.5" S9.5B	0.10	100%								
18.21	HILLTOP AVENUE	DUPREE STREET	ST. MARY'S STREET	MILL AND OVERLAY 1.5" S9.5B	0.30	100%								
18.22	ARTESIAN DRIVE	OAK HOLLOW COURT	205 ARTESIAN DRIVE	HEAVY PATCHING, MILLING, AND OVERLAY 1.5" S9.5B	0.05	100%								
18.23	SOUTHERBY DRIVE	CHAPWITH STREET	DUNNSEE COURT	HEAVY PATCHING, MILLING, AND OVERLAY 1.5" S9.5B	0.03	100%								
18.24	WHITHORNE DRIVE	WOODS CREEK INTERSECTION		HEAVY PATCHING, MILLING, AND OVERLAY 1.5" S9.5B	0.03	100%								
18.25	HIGHLAND ROAD	LAKESIDE DRIVE	PARK AVENUE	MILL AND OVERLAY 1.5" S9.5B	0.14	100%								
18.26	KELLY ROAD	WOODLAND ROAD	MAPLEWOOD DRIVE	MILL AND OVERLAY 1.5" S9.5B	0.17	100%								
18.27	PINEVIEW DRIVE	WOODLAND ROAD	MAPLEWOOD DRIVE	MILL AND OVERLAY 1.5" S9.5B	0.23	100%								
18.28	TRAFFIC CALMING - CLOVERDALE	MEADOWBROOK ROAD		TRAFFIC CALMING - SPEED TABLE REPLACEMENTS (3)	N/A	100%								
18.29	TRAFFIC CALMING - GREENBRIAR	VESTA DRIVE AND WINTERLOCHEN		TRAFFIC CALMING - SPEED TABLE REPLACEMENTS (7)	N/A	100%								
18.30	TRAFFIC CALMING - EAGLE RIDGE	SEASTONE STREET, COMPETITION ROAD, AND WATERVILLE STREET		TRAFFIC CALMING - NEW SPEED TABLES (20)	N/A	100%								
	NCDOT STIP PROJECTS													
19	I-40 WIDENING (I-5111)	I-440	NC 42	WIDEN FROM 6 LANE TO 10 LANE FREEWAY WITH INTERCHANGE IMPROVEMENTS AT JONES SAUSAGE ROAD AND US 70	12.00	64%	DESIGN-BUILD	JUNE 2014 OCTOBER 2017	2019/2020	SUMMER 2018	APRIL 2019	LATE 2022		NCDOT
20	NC-540 (R-2721A)	NC 55	EAST OF PIERCE OLIVE ROAD	6 LANE FREEWAY ON NEW LOCATION	4.36	44%	DESIGN-BUILD	N/A	2019/2020	2018	APRIL 2019	2023		NCDOT
21	NC-540 (R-2721B)	EAST OF PIERCE OLIVE ROAD	US 401	6 LANE FREEWAY ON NEW LOCATION	4.92	45%	DESIGN-BUILD	N/A	2019/2020	2018	FEBRUARY 2019	2023		NCDOT
22	NC-540 (R-2828)	US 401	I-40	6 LANE FREEWAY ON NEW LOCATION	8.62	47%	DESIGN-BUILD	N/A	2019/2020	2018	NOVEMBER 2018	2023		NCDOT
23	NC-540 (R-2829)	I-40	US 64	6 LANE FREEWAY ON NEW LOCATION	10.80	0%	DESIGN-BUILD	N/A	TENTATIVE ROW FY25, LETTING FY26					NCDOT
24	US 401 WIDENING (U-5302)	SOUTH OF OLD STAGE ROAD	SOUTH OF MECHANICAL BOULEVARD	WIDEN FROM 4 LANE TO 6 LANE DIVIDED SECTION WITH RAISED GRASS MEDIAN AND SIDEWALK ALONG BOTH SIDES	1.15	100%	(D)	08/16/18	LETTING POSTPONED TO FEBRUARY 2022					NCDOT
25	US 70/NC 50 BRIDGE REPLACEMENT (B-4654)	WEST OF CIRCLE DRIVE	MAIN STREET	REPLACE BRIDGE WITH BETTERMENTS (LIGHTING, RAIL, MEDALLIONS), AND SIDEWALKS BOTH SIDES, RAMP MODIFICATIONS WITH NEW SIGNALS	0.41	100%	(D)	02/15/18	DESIGN AND ROW COMPLETE, TENTATIVE LETTING SEPTEMBER 2022				\$300,000	NCDOT/TOG BETTERMENT COSTS
26	US 70/TIMBER DRIVE/HAMMOND RD (U-5744)	MECHANICAL BOULEVARD	TIMBER CROSSING MAIN ENTRANCE	CONVERSION OF US 70/TIMBER DRIVE INTERSECTION TO A CONTINUOUS FLOW INTERSECTION	1.10	70%	(D)	03/27/18	DESIGN 65% COMPLETE, PROJECT SUSPENDED BY NCDOT (LETTING PAST 2029)					NCDOT
27	US 401 WIDENING (U-5746)	TEN TEN ROAD (SR 1010)	WAKE TECHNICAL COMMUNITY COLLEGE	WIDEN FROM 4 LANE TO 6 LANE DIVIDED SECTION WITH RAISED GRASS MEDIAN AND SIDEWALK ALONG BOTH SIDES	0.83	100%	(D)	TBD	DESIGN AND ROW COMPLETE, PROJECT SUSPENDED BY NCDOT, LETTING DATE TO BE DETERMINED					NCDOT
28	NEW BETHEL CHURCH ROAD BRIDGE REPLACEMENT (B-5237)	N/A	N/A	REPLACE BRIDGE OVER MAHLER'S CREEK	N/A	48%	(C)	N/A	SUMMER 2019	JUNE 2018	JULY 2018	SPRING 2022		NCDOT
29	RAYNOR ROAD (SR 2555) BRIDGE REPLACEMENT (B-5326)	N/A	N/A	REPLACE BRIDGE OVER WHITE OAK CREEK	0.29	100%	(D)	N/A	LETTING POSTPONED TO MARCH 2022					NCDOT
30	TEN TEN ROAD SPOT PROJECT (SM-5705D)	OLD STAGE RAOD		CONSTRUCT WESTBOUND RIGHT TURN LANE ON TEN TEN ROAD AT OLD STAGE ROAD INTERSECTION	0.10	50%	(D)	N/A	TENTATIVE LETTING OF JULY 2022					NCDOT
31	OLD STAGE ROAD SPOT PROJECT (SM-5705R)	VANDORA SPRINGS ROAD		CONSTRUCT NORTHBOUND RIGHT TURN LANE ON OLD STAGE ROAD AT VANDORA SPRINGS ROAD	0.12	0%	(D)	N/A	TENTATIVE LETTING OF FEBRUARY 2022					NCDOT
32	TEN TEN ROAD SPOT PROJECT (SM-5705H)	FANNY BROWN ROAD		INSTALL TRAFFIC SIGNAL AND CONSTRUCT WESTBOUND LEFT TURN LANE	1.10	50%	(D)	N/A	TENTATIVE LETTING OF JULY 2022					NCDOT
33	ADA CURB RAMP UPGRADES (R-5785I)	VARIOUS LOCAITONS		REMOVE/REPLACE CURB RAMPS TO NEW ADA STANDARDS	N/A	85%	(D)	N/A	TENTATIVE LETTING OF FEBRUARY 2022					NCDOT
34	US 70/VANDORA SPRINGS BRIDGE REPLACEMENT (B-5681)	N/A	N/A	REPLACE BRIDGE OVER US 70	N/A	0%	(D)	N/A	PROJECT SUSPENDED, LETTING DATE TO BE DETERMINED					NCDOT
35	US 401 BRIDGE REPLACEMENT OVER SWIFT CREEK (B-5987)	SIMPKINS ROAD	TRANSPORT DRIVE	REPLACE BRIDGES OVER SWIFT CREEK, INCLUDES SUPERSTREET CONFIGURATION ON US 401 AND INTERSECTION IMPROVEMENTS AT LEGEND DRIVE	0.74	25%	(D)	N/A	PROJECT SUSPENDED BY NCDOT, TENTATIVE LETTING JANUARY 2024					Page 71 of 71 NCDOT



Town of Garner
Engineering Department

Capital Projects Status Report
Period Ending FY22 - 1Q

Date: 10/1/21

Note: Items shown in red have been updated since the previous quarterly report.

PROJ. NO.	PROJECT NAME	FROM	TO	PROJECT DESCRIPTION	PROJECT LENGTH (MILES)	PERCENT COMPLETE	STUDY (S) / DESIGN (D)/ CONST. (C)	PUBLIC MEETING DATES	RIGHT OF WAY ACQUISITION	ADVERTISE FOR BIDS	CONTRACT AWARD	CONTRACT COMPLETION	TOTAL PROJECT BUDGET	FUNDING SOURCE
36	VANDORA SPRINGS/NC RAILROAD GRADE SEPARATION (P-5738)	N/A	N/A	CONSTRUCT GRADE SEPARATION AND CLOSE CROSSING	N/A	0%	(D)	N/A	PROJECT SUSPENDED BY NCDOT (ROW IN FY26, CONST IN FY28)				NCDOT	
37	US 401 WIDENING (U-6112)	TEN TEN ROAD INTERSECTION		CONVERT EXISTING SIGNALIZED INTERSECTION TO SQUARE-LOOP INTERCHANGE	N/A	0%	(D)	N/A	PROJECT SUSPENDED BY NCDOT (ROW IN FY27, CONST POST FY29)				NCDOT	
38	US 401 WIDENING (U-6116)	SIMPKINS ROAD	MECHANICAL BOULEVARD	WIDEN FROM 4 LANE TO 6 LANE DIVIDED SECTION WITH RAISED GRASS MEDIAN AND SIDEWALK ALONG BOTH SIDES	2.00	0%	(D)	TBD	PROJECT SUSPENDED BY NCDOT (ROW IN FY29)				NCDOT	
	<u>NCDOT RESURFACING PROJECTS</u>													
39	GREENFIELD PARKWAY	NORTH OF WATERFIELD RIDGE PLACE	JUST NORTH OF US 70W ON RAMP	MILL 1.5" AND INSTALL 1.5" ASPHALT OVERLAY, AND ADDED BIKE SHARROWS	0.28	100%	(C)	N/A	N/A	EARLY 2020	SPRING 2020	SUMMER 2022		NCDOT
40	NOTTINGHAM FOREST SUBDIVISION	FERN FOREST DRIVE, ASHWOOD DRIVE, SHADYWOOD LANE, CEDARBROOK CT, CANDLELIGHT OAKS LANE		1" ASPHALT OVERLAY	2.97	100%	(C)	N/A	N/A	EARLY 2020	SPRING 2020	SUMMER 2022		NCDOT
41	STAGECREST SUBDIVISION	STAGECREST DRIVE		1" ASPHALT OVERLAY	1.00	100%	(C)	N/A	N/A	EARLY 2020	SPRING 2020	SUMMER 2022		NCDOT