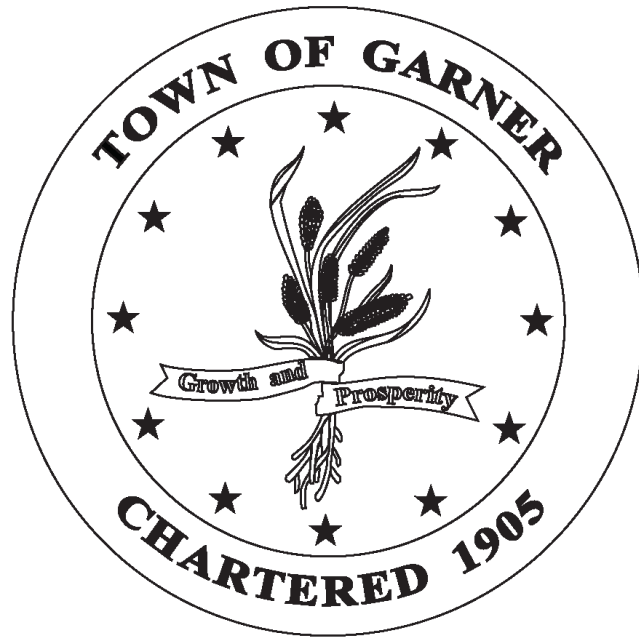


Town of Garner



Town Council Meeting
November 7, 2022

Garner Town Hall
900 7th Avenue
Garner, NC 27529

Town of Garner
Town Council Regular Meeting Agenda
November 7, 2022

This regular meeting of the Council will be conducted at 7:00 p.m. in the Garner Town Hall located at 900 7th Avenue, Garner.

Mask Policy: All staff and visitors, including people who are fully vaccinated, have the option to wear face coverings while inside Town facilities and during Town Council meetings. 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 Kathy Behringer

- C. INVOCATION: Council Member Kathy Behringer

- D. PETITIONS AND COMMENTS

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

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- 1. Proclamation recognizing November 2022 as National American Indian Heritage Month.....Page 6
- 2. Economic Development Annual Report and Staff Introductions.....Page 8
Click link below to view the full report:
[Garner Economic Development Annual Report 2022 \(joomag.com\)](http://joomag.com)

- G. CONSENT

- 1. Creech Road Tennis Court Reconstruction.....Page 21
Presenter: Forrest Jones, Public Works Director

Public Works issued an RFP in August 2022 for reconstruction of the tennis courts located at 190 Creech Rd, Garner, NC. Two bids for this work were received. Public Works is recommending awarding a contract to Finley Asphalt & Sealing, LLC to perform the base bid as well as the three items listed under Extra Work which includes: 1. timing locks for the gates to courts, 2. new windscreen, and 3. replacement of the backboard. The parking lot at this location will be resurfaced through a separate contract once the

tennis court reconstruction is completed. This resurfacing will likely be performed in spring 2023.

Action: Authorize Town Manager to execute a contract with Finley Asphalt & Sealing, LLC to reconstruct Creech Rd Tennis Courts.

2. Liles Property Acquisition Authorization.....Page 37
Presenter: Terri Jones, Town Attorney

Acquisition of three tracts of land, known as the Liles Property on Benson Road, was authorized in closed sessions on March 30, 2021, and August 17, 2021, to be paid for in part with Town funds and in part with a grant to Triangle Land Conservancy from the NC Land and Water Fund. Triangle Land Conservancy will convey Tract 3 to the Town provided a Declaration of Covenants is placed on Tracts 1 and 2 and a portion of Tract 3 and a Conservation Easement is placed on the remaining portion of Tract 3.

Action: Consider adoption of Resolution (2022) 2511 to authorize acquisition and execution of easement

3. Budget Amendment - Liles Property.....Page 39
Presenter: David Beck, Finance Director

This amendment appropriates funds from fee-in-lieu of parkland reserves to make the second of three annual payments towards the Liles property acquisition.

Action: Consider adopting Ordinance (2022) 5149

4. Council Meeting Minutes.....Page 41
Presenter: Stella Gibson, Town Clerk

Minutes from the October 18, 2022 Council Meeting.

Action: Consider approving minutes

5. Affordable Housing Financing Support.....Page 46
Presenter: John Hodges, Assistant Town Manager

The Town Council has considered financing support in the amount of \$500,000 for a 176-unit affordable rental project to be built at 1509 Creech Road. The financing support will be in the form of a 30-year loan with a 1% annual interest only payment and a full principal repayment at maturity. This project is also receiving financing support from Wake County.

Action: Consider approving Resolution (2022) 2513 appropriate funding and authorizing the Town Manager to complete the transaction.

7. Budget Amendment – PRCR Sponsorships.....Page 48
Presenter: David Beck, Finance Director

The Parks, Recreation, and Cultural Resources Department has received \$7,000 in sponsorships for multiple special events hosted by the Town such as the Holiday Block Party, Spring Eggstravaganza, and Trick or Treat the Trails. The funds will be utilized to enhance the sponsored events with additional entertainment and displays along with enhanced ads and signage.

Action: Consider adopting Ordinance (2022) 5150

8. Business Registration Amendments.....Page 50
Presenter: Terri Jones, Town Attorney

The Town's Business Registration Program was adopted October 5, 2015 by Ordinance (2015) 3788. Town staff have recommended amendments to expand the program to businesses and land uses in the ETJ, to update the information collected, and to allow for renewals on a rolling 12-month basis. A new online portal will provide for an electronic registry to assist in ensuring that local businesses are complying with building and zoning regulations as well as aiding in rendering public safety services to local businesses when needed.

Action: Consider adoption of Ordinance (2022) 5151

9. Waiver of Dog and Cat License Fee.....Page 55
Presenter: Terri Jones, Town Attorney

Section 3-12 of the Town's Animal Control Ordinance requires all dogs and cats to be licensed for a one-time fee. Pets must have a current rabies vaccination in order to be licensed. The Police Department recommends waiving the license fee for those pet owners who participate in the Garner Fall 2022 Rabies Clinic as a way to promote vaccination of dogs and cats in Garner.

Action: Consider temporary waiver of dog and cat license fee during the Garner Fall 2022 Rabies Clinic

H. PUBLIC HEARINGS

1. Special Use Permit # SUP-SP-22-07, Historic Banks House.....Page 56
Presenter: Joseph Linsky, Planner I

Special use permit request (SUP-SP-22-07) submitted by Curtis and Mary Smalling for a bed and breakfast on a 1.9 +/- acre site located at the northeast intersection of E. Garner Road and Creech Road and may be further identified as Wake County PIN# 1711723798.

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

2. SUP-SP-21-09, Greenbrier Park.....Page 67
Presenter: Alison Jones, Planner II

Special use permit request (SUP-SP-21-09) submitted by Liberty Investment Partners, LLC, for the development of a multifamily (triplex and higher, including apartment) residential community of more than 100 dwelling units (105 dwelling units maximum). The 17.8-acre site is located at the northwest corner of Timber Drive and Grovemont Road and may be further identified as Wake County PIN(s): 1701535458, 1701537520, 1701536721, 1701539949 and 1701632572.

Action: Consider motion to approve or deny special use permit.

I. NEW/OLD BUSINESS

1. Tier 1 Conditional Rezoning #CZ-22-04, US 70 E. Industrial.....Page 92
Presenter: Reginald Buie, Senior Planner

Tier 1 conditional rezoning (CZ-22-04) submitted by Al Neyer, LLC - Justin Parker to conditionally rezone 32.75 +/- acres from Rural Agricultural (RA) to Heavy Industrial Conditional (HI C257). for the development of a 225,000 sf building for industrial use. The site is located at 4839 Green Garden Road and can be further identified as Wake County PIN # 1730-84-2632.

Action: Consider motion to approve CZ-22-04 by adopting Ordinance (2022) 5152.

2. Tier 2 Conditional Rezoning #CZ-MP-22-03, The Everstead at White Oak.....Page 109
Presenter: Reginald Buie, Senior Planner

Tier 2 conditional rezoning (CZ-MP-22-03) submitted by David Phillips, LCD Acquisitions, LLC to rezone 45.38 +/- acres from Rural Agricultural (RA) to master planned Multifamily A Conditional (MF-A C260) for the development of a residential community of no more than 295 units (density 6.5 units per acre). The site is located at the end of Timber Drive E. and may be further identified as Wake County PIN# 1720-82-0256.

Action: Consider motion to approve CZ-MP-22-03 by adopting Ordinance (2022) 5154

3. Tier 2 Conditional Rezoning #CZ-MP-22-11, Spring Drive Townhomes.....Page 136
Presenter: Jeff Triezenberg, Planning Director

Tier 2 conditional rezoning (CZ-MP-22-11) submitted by Charlie Townsend, PE, with VHB to rezone 11.13 +/- acres from Office & Institutional (OI C92) Conditional - now Neighborhood Mixed Use (NMX C92) Conditional - to Multifamily Residential (MF-1 C267) Conditional - will be Multifamily A Conditional (MF-A C267) - for the development of a townhome community not exceeding 4.5 dwelling units per acre. The site is located between Timber Drive and Spring Drive, south of Garner High School, and may be further identified as Wake County PINs # 1701725623 and a portion of 1701635217.

Action: Consider motion to approve CZ-MP-22-11 by adopting Ordinance (2022) 5153

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- Garner's Annual Veterans Day Observance will be this Friday (11/11) at Aversboro Road Baptist Church, located at 1600 Aversboro Road. The event starts at 10:30 a.m. Everyone is welcome and encouraged to attend.
- The fall special unprepared yard waste and used tires pickup is ongoing. It started last week, and crews will continue to work their way through our neighborhoods over the next couple of weeks. For more information, visit GarnerNC.gov, phone Public Works during business hours at 919.772.7600, or email publicworksservicedesk@garnernc.gov.
- Town Council Meeting Schedule 2023

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

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

O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022		
Subject: National American Indian Heritage Month Proclamation		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Ken Marshburn, Mayor		
Brief Summary: Proclamation recognizing November 2022 as American Indian Heritage Month.		
Recommended Motion and/or Requested Action: presentation only		
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:		

Proclamation

AMERICAN INDIAN HERITAGE MONTH - 2022

WHEREAS, North Carolina's American Indian Heritage Month creates an opportunity to honor and celebrate the great history and heritage of the American Indian people, who live and work in North Carolina, and

WHEREAS, American Indians have resided in this region of the United States for more than 12,000 years; and

WHEREAS, today, more than 130,032 American Indians are residing in North Carolina according to the 2020 US Census (alone population) and represent the second largest American Indian population east of the Mississippi River, and the seventh largest American Indian population in the United States; and

WHEREAS, North Carolina is home to eight state-recognized tribes: the Coharie, the Eastern Band of Cherokee, the Haliwa-Saponi, the Lumbee, the Meherrin, the Occaneechi Band of the Saponi Nation, the Saponny, and the Waccamaw-Siouan; and

WHEREAS, North Carolina is home to four Urban Indian Organizations that hold membership on the North Carolina Commission of Indian Affairs; and they are: the Cumberland County Association for Indian People, the Guilford Native American Association, the Metrolina Native American Association, and the Triangle Native American Society; and

WHEREAS, many of these citizens are residents of the Town of Garner; and

WHEREAS, American Indians and Indian tribes contribute immensely to the economy of North Carolina through educational attainment, economic development, job creation; and

WHEREAS, On November 19th, the 27th Indian Heritage Month Celebration will be held at the NC Museum of History in Raleigh, through a collaboration between the North Carolina Commission of Indian Affairs, North Carolina Museum of History, Indian Tribes, and Organizations; and

WHEREAS, North Carolina's 2022 American Indian Heritage Month theme is "Celebrating North Carolina's First People,"; and

NOW, THEREFORE, I, Ken Marshburn, Mayor of the Town of Garner, proclaim November 2022 as "AMERICAN INDIAN HERITAGE MONTH" in the Town of Garner and commend its observances by our citizens.



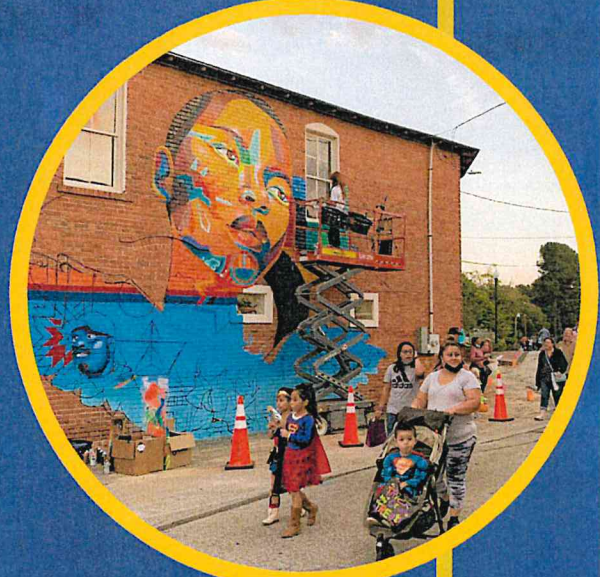
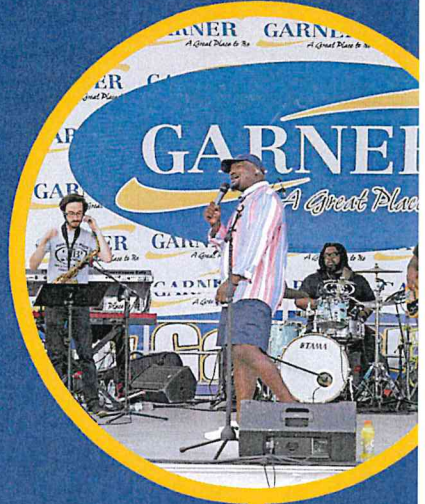
In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Garner, North Carolina to be affixed this the 7th day of November 2022.

Mayor Ken Marshburn

Town of Garner
Town Council Meeting
Agenda Form

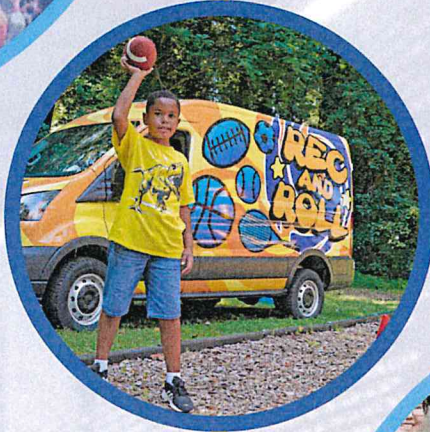
Meeting Date: November 7, 2022 ▼		
Subject: Economic Development Annual Report		
Location on Agenda: Presentations ▼		
Department: Economic Development		
Contact: John Hodges, Assistant Town Manager		
Presenter: John Hodges, Shayla Douglas, Nate Groover		
Brief Summary: Administration and Economic Development staff will present the 2022 Garner Economic Development Annual Report and introduce new members of Economic Development Team.		
Recommended Motion and/or Requested Action: Receive as information.		
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:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

GARNER ECONOMIC DEVELOPMENT ANNUAL REPORT 2022



COMMUNITY SNAPSHOT 2022

33,763
POPULATION



5.2%
TAX BASE
INCREASE

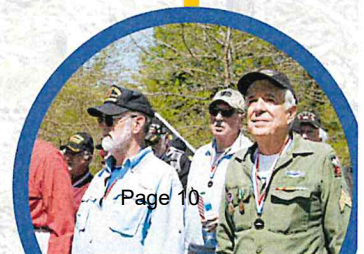
\$324,618
AVERAGE
HOME PRICE



2,124
NEW
PERMITS



3.3%
UNEMPLOYMENT
RATE





GARNER'S COMMERCIAL REAL ESTATE

DEMAND SPURS NEW OPPORTUNITIES

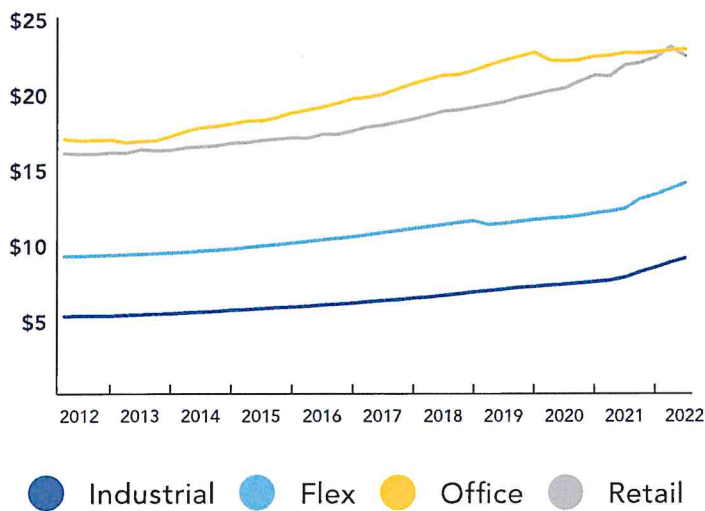
Throughout the pandemic, Garner's commercial real estate market continues to stay steady as lease rates climb and vacancy rates stay at low levels. This year, we have seen several of our business parks be built out.

Greenfield North and South Business Parks and Garner Business Park 70 have all but been built out. While the addition of new industrial space by Al Neyer and Wigeon Capital comes

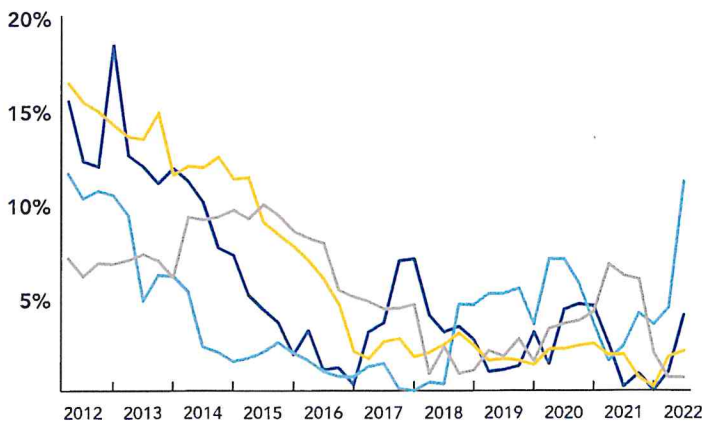
at a critical time, this has placed more attention on the need to identify new opportunities for business park development.

With the increasing cost of construction and significant demand for space, it is expected that lease rates will continue to rise, and vacancy rates will stay at reasonable levels. However, this may change as increasing interest rates begin to impact both developers and tenants.

2012-2022 QUARTERLY LEASE RATES



2012-2022 QUARTERLY VACANCY RATES





GARNER BUSINESS RECRUITMENT SEES

HUGE GROWTH IN PROJECT INTEREST

This year saw an explosion in project activity. Requests for information (RFIs) from companies looking in the area nearly doubled from FY21. This incredible increase was led by the advanced manufacturing sector, in particular the electric vehicle/battery industry.

This should not be a total surprise. North Carolina had a banner year with winning the Toyota Battery and VinFast projects. These two major announcements no doubt played a significant role in bringing more attention to the state for electric vehicle opportunities.

E-DISTRICT ANNOUNCEMENT

RARE OPPORTUNITY FOR UNIQUE MIXED USE PROJECT

In the spring of 2022, Wycliff Development announced that 225 acres at the White Oak Rd. and Hwy 70 intersection would be developed into a medical-anchored mixed-use district called E-District.

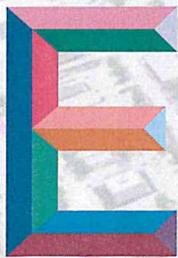
The developer, Grady Matthews, is leading the charge in helping bring this marquee development, including a wide variety of residential, shopping, medical, and employment opportunities, to the Garner community. In

the E-District announcement, Matthews stated, "We have begun conversations with the Town of Garner and are committed to bringing a high-quality mixed-use district to the region that celebrates wellness, innovation and connection."

A project of this size and complexity will take years to reach its full buildout. This will be an exciting project to watch as it brings an urban, mixed-use style of development to Garner that has not been seen on this scale before.

This is a rare opportunity to develop one of the last remaining sites of its size and significance in one of the hottest real estate markets in the country. We are currently in the exploratory phase and carefully evaluating the highest and best uses that will add value to Wake County.

GRADY MATTHEWS
WYCLIFF DEVELOPMENT



DISTRICT

RFIs BY THE NUMBERS 2021-2022



Industry Key

- Adv. Manufacturing
- Life Sciences
- Other Industries

INQ 4300 PROJECT TARGETS LIFE SCIENCES

The former Kmart building on Fayetteville Road is getting a new life. DRA Advisors and Mainstreet Capital purchased the 180,000 SF former retail space and will be transforming the building into a facility designed for the life science industry. This will be the first redevelopment specifically targeting the life science industry in Garner. At completion, this project stands to bring a significant amount of new jobs and investment to the community.

"We're excited about the innovative repurposing of this building and the potential impact it can have as the Town continues to aggressively pursue recruiting companies in the life science, advanced manufacturing, and technology sectors," said Mayor Ken Marshburn. "It is another significant step in the diversification of Garner's local economy."





GARNER SMALL BUSINESS & ENTREPRENEURSHIP

TAKES OFF WITH LAUNCH GARNER

Garner Economic Development is pleased to announce that the inaugural cohort of the Launch Garner program graduated in November 2021. Thirteen entrepreneurs finished the intensive 10-week program and celebrated their accomplishment at a private graduation ceremony.

Many of the graduates were already in business while others were in the process of starting a new venture. Their businesses represented a wide range of industries, including health care, business services, marketing, education, food trucks, and tourism. The Launch Garner advisory board recruited local business leaders

to be paired with the students for six months of mentoring after graduation. All students also have the opportunity to receive additional free training through Wake Tech and a year-long membership to the Garner Chamber of Commerce.

This program was made possible at no cost to the students by the generous support from Wake Tech, Garner Economic Development Corporation, Downtown Garner Association, the Garner Rotary clubs, and the Garner Chamber of Commerce. The next cohort of Launch Garner begins in September 2022.



2021 LAUNCH GARNER GRADUATING CLASS

Back Row (L to R): Brian Henderson, Susan Beavers, Alfred Camano, Sean Allen, Antonio Dunn, Dr. Larry Woods (Wake Tech), Mary Smalling, Tasha Regina-McNeill Simpson, Michelle Winstead.

Front Row (L to R): Sherry Rumph, Jerusha Allen, Katie Gales (Wake Tech), Belinda Madujibeya, Laina Marie Yeisley (Not Pictured: Jeanne Pearce)



LAUNCH GARNER CLASS OF 2022 GRADUATE SPOTLIGHT

Launch Garner was a fantastic experience for me! I was finally motivated to put the dreams and ideas in my head onto paper in a way that communicated the value of my business. The classes taught me so much about thinking through that vision and plan, and the mentoring and networking gave me the confidence I needed to make it all a reality. I couldn't have asked for a more positive and uplifting way of bringing our homeschool center to fruition.

LAINA YEISLEY
TRIANGLE HOMESCHOOL RESOURCE CENTER



SMALL BUSINESS WEEK SWEEPSTAKES BRINGS A BIG WIN FOR LOCAL BUSINESS

New this year for Small Business Week, the **\$5,000 GARNER SMALL BUSINESS SWEEPSTAKES** invited customers to submit their favorite local business for a chance to win a \$5,000 cash prize.

Funding for the prize was provided through a Duke Energy Hometown Revitalization Grant to the Downtown Garner Association. Garner Economic Development and the Downtown Garner Association partnered with the Garner Chamber of Commerce to promote the sweepstakes and collect nominations on social media.

The contest generated a lot of excitement for Small Business Week, culminating in a live drawing of the winner to close out the week's activities. Castle Hill Technologies, who was nominated by one of their employees, was the lucky winner of the cash prize.





GARNER ECONOMIC DEVELOPMENT CORPORATION

PLANS FOR FUTURE INDUSTRY

Over the past few years, Garner has seen a significant increase in industrial development and demand, leading to several of the Town's business parks being built out. With its eye to the future, the Garner Economic Development Corporation (GEDC) has sought ways to help the community ensure there will be areas for industry to locate in Garner.

The GEDC hired O'Brien Atkins Associates (OBA) to identify suitable areas for future business park development. The OBA study was presented to the Town Council and in partnership with the Town of Garner Planning Department, GEDC began working with local property owners to position their real estate for future commercial development.

"The need for sites is clear. We are seeing our business parks developed out, leaving fewer options for companies to come to Garner," said

Jeff Swain, Chairman of the GEDC. "We want to ensure that our community remains attractive to companies looking to locate in the area by having a mix of options that can suit a wide variety of uses."



GARNER ENTREPRENEURS OF TOMORROW PITCH ANOTHER ROUND OF BUSINESS IDEAS

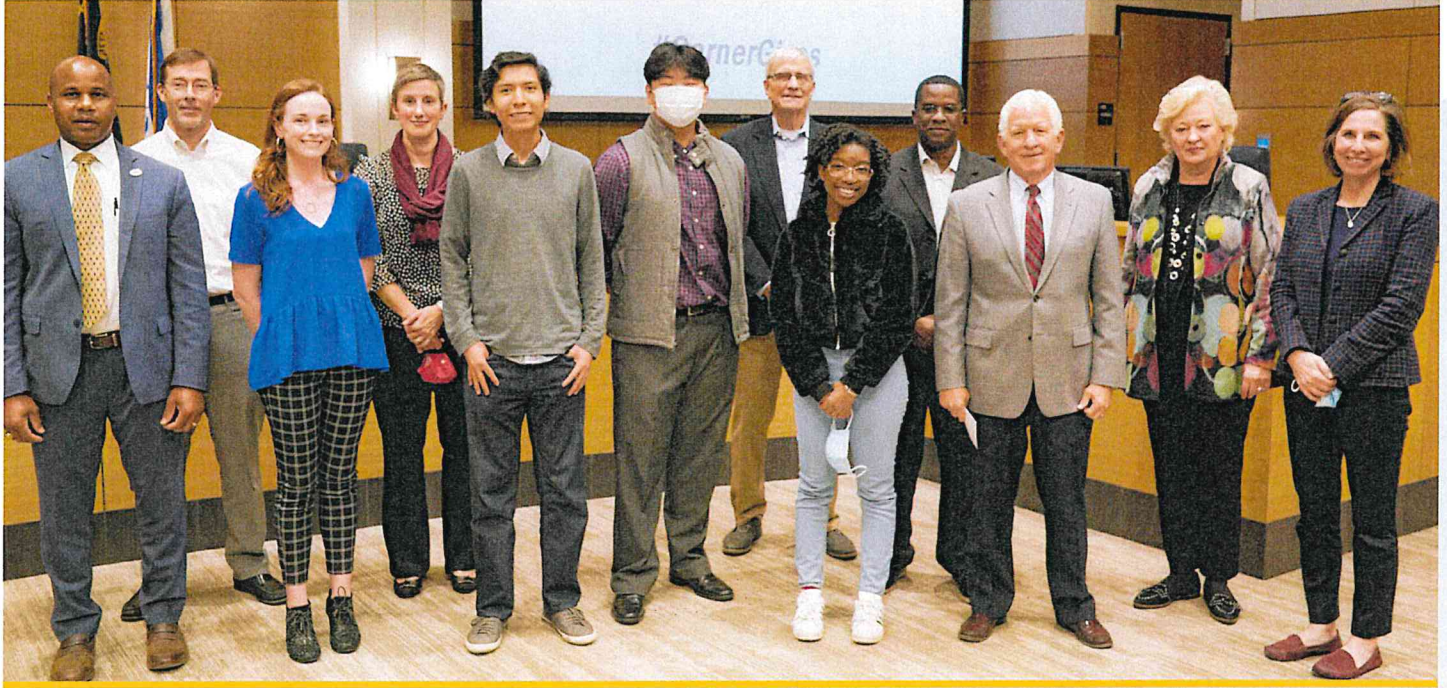
The second annual Garner Entrepreneurs of Tomorrow Pitch Night was held in May. Before the event, students from Garner high schools spent three months identifying a business idea, crafting a business plan, and preparing a pitch for a panel of three judges from local businesses. The top six students received laptops for their outstanding business ideas.



"This is just the beginning of their entrepreneurial journey," said Garner Economic Development Director Joe Stallings. "These students represent the future of our town and its small business community."

This youth entrepreneurship program is made possible by the generous support of the GEDC. "This program continues to grow and be a driving force in sparking the entrepreneurial spirit in our young adults," GEDC Chair Jeff Swain said. "It was the GEDC's pleasure to support this program and continue to fuel entrepreneurship in our community."

ENDOWMENT FOR EDUCATION AWARDS FIRST SCHOLARSHIPS TO LOCAL STUDENTS



In November, the GEDC awarded the inaugural round of scholarships from its Endowment for Education. Four students were awarded scholarships of \$2,200 to further their education at Wake Tech Community College. The 2021 graduating recipients are Daniel Mendoza-Perez and Kailey Liles, from South Garner High School, and Amaryah Thomas and Chris Yoo, from Garner Magnet High School.

The GEDC Endowment for Education was created early in the year with a \$250,000 donation to the Wake Tech Foundation. Scholarships provided by the endowment will enable at least one student from each of Garner's high schools to attend Wake Tech at no cost for two years. Many recipients of this scholarship will be the first in their families to attend college.

"What a great day for Garner," said Mayor Ken Marshburn. "These scholarships will have an invaluable impact on the lives of those who receive them. As I explained to this year's recipients, we want them to get their education and then come back to Garner and help us make our community an even better place."

From left to right: Rodney Dickerson, Griffin Laughridge, Paige Harris, Stephanie Lake, Daniel Mendoza-Perez, Chris Yoo, Jeff Swain, Amaryah Thomas, Timothy Walker, Ken Marshburn, Doris Huebner, and Suzanne Griffin.

We are thrilled to be a part of these young adults' life journey. This endowment was not only set up to help ensure our local business community has access to a well-educated workforce, it is also a tool to help break the cycle of poverty in our community and ensure that the rising tide that we see in the Triangle surely does lift all ships.

JEFF SWAIN
GEDC CHAIRMAN



DOWNTOWN GARNER ASSOCIATION

SEES GROWTH & NEW BEGINNINGS

Downtown Garner had a banner year, with the long-awaited opening of the Garner Recreation Center and the monthly Garner Night Markets bringing new traffic to Main Street. Several new businesses, including Aristotle Spirits, The Distillery at Rand Mill, and Nana's Lil Sweets, opened in 2022 to welcome the new visitors.

The Downtown Garner Association (DGA) completed two major public art initiatives this year – auctioning off Art Around Town canvases and commissioning a new mural – and partnered

with the Town of Garner to support the first Launch Garner cohort. DGA continued to work with the Town on the public-private partnership with Lansing Melbourne Group to develop a mixed-use project with over 100 apartments and 5,500 SF of new commercial space on Main Street.

DGA also said goodbye to Mari Howe, who served as Downtown Development Manager since 2015. Howe remains with the Town of Garner as the new Special Projects Manager.



DOWNTOWN GARNER RECEIVES FEDERAL GRANT

U.S. Representative Deborah Ross visited Downtown Garner on July 22 to announce that she secured \$1,030,405 in funding for a comprehensive rehabilitation of the Main Street-Rand Mill Road intersection, as well as the creation of 59 new paved parking spots.

The federal funds will be used to develop a pedestrian plaza and sidewalk and improve stormwater drainage. The new parking lot will transform an underutilized property into a productive asset, increasing accessibility and capacity for residents and visitors to enjoy restaurants, shops and more.

DOWNTOWN GARNER WELCOMES NEW STAFF

Shayla Douglas was hired by the Town of Garner as the Downtown and Small Business Development Manager in May. A native of Hamlet, NC, Shayla is a two-time UNC-Chapel Hill graduate, most recently completing her Master's in Public Administration this spring.

Shayla will serve as a staff liaison between the Downtown Garner Association and the Town, as well as supporting small businesses across the entire Town of Garner.



DGA COMMISSIONS NEW HIDDEN FIGURES MURAL

DGA partnered with downtown business Locs, Naturals, & More to commission "Hidden Figures," a two-story mural by Charlotte-based artist Georgie Nakima. The mural is a vibrant tribute to Garner's Black community that incorporates local history, influential citizens, important cultural symbols, and natural elements that are meaningful to the Black North Carolinian experience. Community members helped kick off the mural by priming the wall with the artist.

This project allowed Garner to add another phenomenal piece of public art to the historic downtown, which is becoming a destination for the cultural arts. The mural marks a central gateway in Downtown Garner and is contributing, not only as a place-making attraction, but also as an homage to the important roles that Black citizens have always played in Garner.

This project was supported by a grant from the N.C. Arts Council, a division of the Department of Natural & Cultural Resources.

MAIN STREET'S 2021-2022 ECONOMIC IMPACT

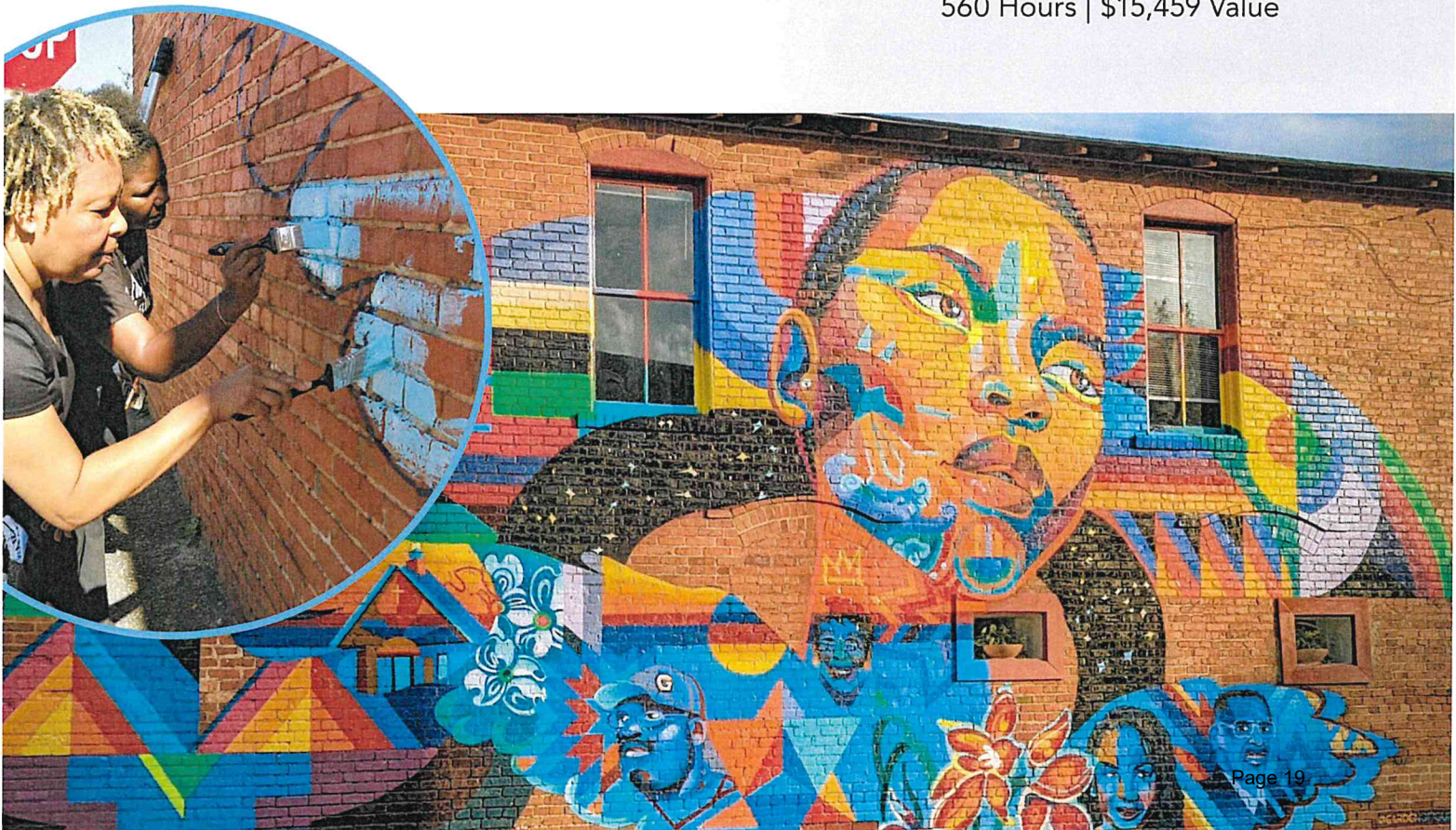
TOTAL NEW INVESTMENT
\$1.63M Total | \$1.57M Private | \$60k Public

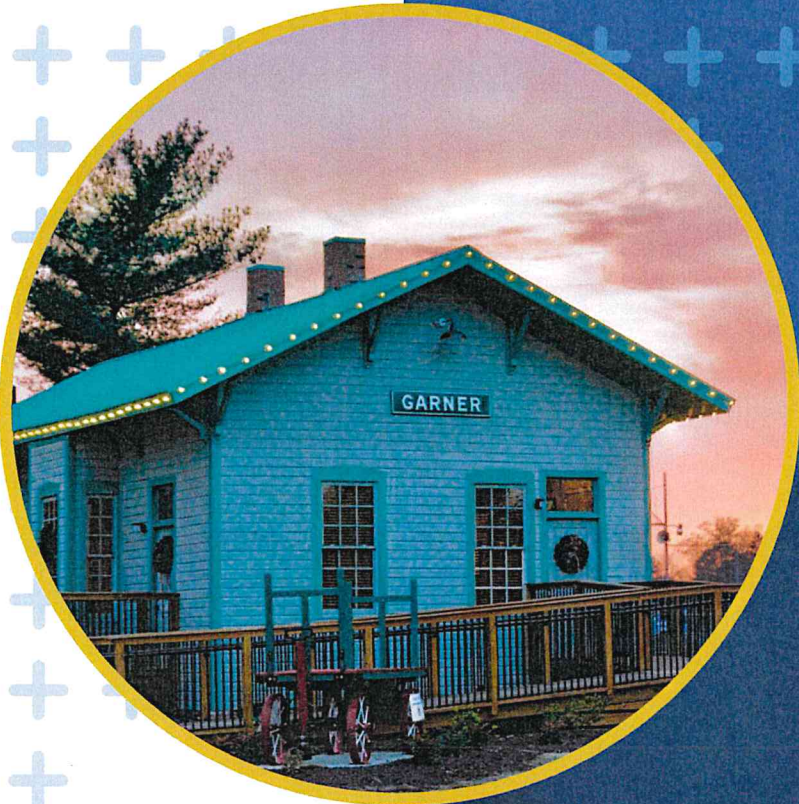
NET NEW JOBS
20 Total | 8 Full Time | 12 Part Time

BUSINESS GROWTH
3 New Businesses | 3 Business Expansions

BUILDING IMPROVEMENTS
2 Building Rehabs | 1 Facade Improved

VOLUNTEER CONTRIBUTIONS
560 Hours | \$15,459 Value





GARNER
ECONOMIC DEVELOPMENT

HISTORIC DOWNTOWN
GARNER

900 Seventh Ave., Garner, NC 27529
garnernc.gov | choosegarnernc.com

120 E. Main St., Garner, NC 27529
downtowngarner.com

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 ▼		
Subject: Creech Road Tennis Court Reconstruction		
Location on Agenda: Consent		
Department: Public Works		
Contact: Forrest Jones, Public Works Director		
Presenter: Forrest Jones, Public Works Director		
<p>Brief Summary: Public Works issued an RFP in August 2022 for reconstruction of the tennis courts located at 190 Creech Rd, Garner, NC. Two bids for this work were received. Public Works is recommending awarding a contract to Finley Asphalt & Sealing, LLC to perform the base bid as well as the three items listed under Extra Work which includes: 1. timing locks for the gates to courts, 2. new windscreen, and 3. replacement of the backboard.</p> <p>The parking lot at this location will be resurfaced through a separate contract once the tennis court reconstruction is completed. This resurfacing will likely be performed in spring 2023.</p>		
<p>Recommended Motion and/or Requested Action: Authorize Town Manager to execute a contract with Finley Asphalt & Sealing, LLC to reconstruct Creech Rd Tennis Courts</p>		
<p>Detailed Notes: N/A</p>		
<p>Funding Source: n/a</p>		
Cost: \$277,856.98	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:	FJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



TOWN OF GARNER
Services Contract

THIS CONTRACT is entered into this the _____ day of _____, by and between
Finley Asphalt & Sealing, LLC, hereinafter referred to as the "Contractor," and the Town of Garner, a municipal
corporation of the State of North Carolina, hereinafter referred to as the "Town";

WITNESSETH:

The Town and the Contractor, for the considerations stated herein, agree as follows:

1. Scope of Services:

The Contractor agrees to perform for the Town the following services:

Full tennis court reconstruction of three double tennis courts located at 190 Creech Rd, Garner NC 27529, as outlined in the
RFP marked Creech Road Tennis Court Reconstruction Project (Issued August 12, 2022).

This contract also includes the following "Extra Work" that was included in the RFP: timing locks, windscreen,
and backboard.

2. Specifications (if applicable)

This contract incorporates by reference the following plans and specifications, which will govern the
services to be provided by the contractor:

1. Request for Proposals marked Creech Road Tennis Court Reconstruction Project issued August 12, 2022.

2. Finley Asphalt & Sealing, LLC bid documents dated September 16, 2022.

3. Consideration and Payment of Services

In consideration of the above services, the Town will pay the Contractor the sum of
\$277,856.98, to be paid according to the following schedule:

Upon satisfactorily completion of work and within thirty days of receipt of invoice.

Payments for additional work completed or services performed under this contract must be approved
in writing by the Town prior to the commencement of such work or service. The Town shall not be
obligated to pay the Contractor any payments, fees, expenses, or compensation other than those
authorized by this contract.

4. Time of Commencement and Completion

Work will start on November 28th, 2022. All work shall be completed by April 30th, 2023.

5. Insurance

The Town shall be named an additional insured on the Certificate of Liability Insurance. Contractor shall maintain insurance policies at all times with minimum limits as follows:

<u>Coverage</u>	<u>Minimum Limits</u>
Workers' Compensation	Statutory Limits
Employers' Liability	\$500,000
General Liability	\$1,000,000 per occurrence (\$2,000,000 aggregate)
Automobile Liability	\$1,000,000
Professional Liability (E & O)	\$1,000,000 per occurrence (\$2,000,000 aggregate)

6. Notice

To the Town: Town of Garner 900 7 th Avenue, Garner, NC 27529 Name: <u>Derek Walsh</u> Phone: <u>919-772-7600</u> Email: <u>dwalsh@garnernc.gov</u>	To the Contractor: Name: <u>Finely Asphalt & Sealing, LLC</u> Address: <u>PO Box 1710</u> <u>Manassas, VA 20108</u> Phone: <u>703-368-2289</u> Email: <u>kwooten@finleyasphalt.com</u>
---	---

Change of Address, Date Notice Deemed Given: A change of address or person to receive notice may be made by either party by notice given to the other party. Any notice or other communication under this contract shall be deemed given at the time of actual delivery if it is personally delivered or sent electronically via email. If the notice or other communication is sent by US Mail, it shall be deemed given upon the third calendar day following the day on which such notice or other communication is deposited with the US Postal Service or upon actual delivery, whichever first occurs.

7. Termination

- a. The Town may terminate this contract in whole or, from time to time, in part, for the Town's convenience or because of failure of the Contractor to fulfill the Contract obligations. The Town shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall – (1) Immediately discontinue all services affected (unless the notice directs otherwise);
- b. If the termination is for the convenience of the Town, the Town shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

8. Indemnification

To the maximum extent allowed by law, the Contractor shall defend, indemnify, and save harmless the Town of Garner, its agents, officers, and employees, from and against all charges that arise in any manner from, in connection with, or out of this contract to the extent proximately caused by the negligent acts, errors or omissions of the Contractor or subcontractors or anyone directly or indirectly employed by any of them. In performing its duties under this section, the Contractor shall at its sole expense defend the Town of Garner, its agents, officers, and employees with legal counsel reasonably acceptable to the Town. As used in this subsection – "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements,

expenses, interest, reasonable attorney's fees, and amounts for alleged violations of North Carolina law or federal law, including but not limited to, sedimentation pollution, erosion control, pollution, or other environmental laws, regulations, ordinances, rules, or orders. Nothing in this section shall affect any warranties in favor of the Town that are otherwise provided in or arise out of this contract. Nothing in this section shall require the Contractor to defend the Town of Garner if the Contractor is a "design professional" as defined in N.C.G.S. § 22B-1(f)(4), or if this Contract includes "design professional services" as defined in N.C.G.S. § 22B-1(f)(6). This section is in addition to and shall be construed separately from any other indemnification provisions that may be in this contract. This section shall remain in force despite termination of this contract (whether by expiration of the term or otherwise) and termination of the services of the Contract under this contract.

9. Miscellaneous

- c. **Applicability of Laws and Regulations.** The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Wake, and the Town of Garner in the performance of the services outlined in this contract and any attached specifications.
- d. **Choice of Law and Forum.** The contract shall be deemed to have been made in North Carolina and shall be construed in accordance with the laws of the State of North Carolina. The forum for any litigation over this contract shall be in the General Court of Justice for Wake County, Superior Court Division, or in the United States District Court for the Eastern District of North Carolina – Raleigh Division.
- e. **Assignment, Successors and Assigns.** Without the Town's written consent, the Contractor shall not assign (which includes to delegate) any of its rights (including the right to payment) or duties that arise out this contract.

10. E-Verify Compliance

The Contractor represents and covenants that the Contractor and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (NCGS). The Town is relying on this section in entering into this contract.

11. Iran Divestment

The Contractor represents, covenants, and certifies that it is not listed on the list of restricted companies developed and published by the North Carolina State Treasurer as required by NCGS Section 147-86.58.

12. Divestment from Companies that Boycott Israel

The Contractor represents, covenants, and certifies that it is not listed on the list of restricted companies developed and published by the North Carolina State Treasurer as required by NCGS Section 147-86.81.

13. Quality and Workmanship

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

14. Conflicting or Inconsistent Provisions

This Contract shall control over any conflicting or inconsistent provisions contained in any attachments or exhibits.

IN WITNESS WHEREOF, the Town of Garner and the Contractor have caused this Contract to be executed under seal by their respective duly authorized agents or officers.

Contractor
Name: _____
(type or print)

By: _____

Title: _____

Attest: _____
(Secretary, if a Corporation)

SEAL:

Town of Garner

Town Manager

Attest: _____
Town Clerk

SEAL:

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

Finance Director

Approved as to form:

Town Attorney

**TOWN OF GARNER
CREECH ROAD TENNIS COURT RECONSTRUCTION PROJECT
BID TABULATION SHEET**

BASE BID		Contractors Name	Finley Asphalt & Sealing, LLC		BAR Construction Co, Inc	
	Item	Quantity	Unit Price	Extended Price	Unit Price	Extended Price
1	Reconstruction of 3 Tennis Courts	18,858 SF	\$7.00	\$132,006.00	\$11.45	\$215,924.10
2	Removal and installation of new fencing and gates	554 LF	\$97.52	\$54,026.08	\$63.17	\$34,996.18
3	Finish Coating and line painting of 3 tennis courts	18,858 SF	\$3.04	\$57,328.32	\$6.65	\$125,405.70
		TOTAL BID AMOUNT		\$243,360.40		\$376,325.98

EXTRA WORK		Quantity	Unit Price	Extended Price	Unit Price	Extended Price
1	Timing Lock for Gates	2	\$2,220.00	\$4,440.00	\$7,000.00	\$14,000.00
2	Windscreen for Fencing	LF	\$8,736.58	\$8,736.58	\$10,000.00	\$10,000.00
3	Backboard	1	\$21,320.00	\$21,320.00	\$18,000.00	\$18,000.00
		TOTAL BID AMOUNT		\$34,496.58		\$42,000.00

**TOWN OF GARNER
CREECH ROAD TENNIS COURT RECONSTRUCTION PROJECT
BID TABULATION SHEET**

NOTES:

- 1** Neither company did not provide a photo of someone on staff that is a Certified Tennis Court Builder.

TOWN OF GARNER



REQUEST FOR PROPOSALS:

CREECH ROAD TENNIS COURT RECONSTRUCTION PROJECT

DATE ISSUED

August 12, 2022

DUE DATE

September 16, 2022

10:00 AM

CONTENTS

1. INVITATION TO BID.....	3
2. IMPORTANT DATES.....	3
3. INSTRUCTIONS TO BIDDERS.....	4
4. SELECTION PROCESS.....	5
5. SCOPE OF WORK.....	6
6. BID SUBMISSION FORM.....	8
7. TENNIS COURT LOCATION MAP.....	9

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the Town of Garner ("Town") invites submittals of bids for the Town of Garner Creech Road Tennis Court Reconstruction Project.

SUBMISSION REQUIREMENTS

Bid submissions may be mailed, hand delivered, or emailed to the addresses below and must arrive prior to the **submission deadline of September 16, 2022, at 10:00 AM** (Eastern Standard Time- Using the clock at <http://onlineclock.net/>). **No bid shall be considered if received after the deadline.**

Mail: Town of Garner
Attn: Shannon Fonville
Re: Town of Garner Creech Road Tennis Court
Reconstruction Project
900 7th Ave, Garner, NC 27529

Email: sfonville@garnernc.gov

All bids must be made on the form furnished by the Town. Each bid must be submitted in a sealed envelope addressed to the Town's Purchasing Officer with the project name typed or clearly printed on the lower left corner. Bids must remain valid and shall not be subject to withdrawal for sixty (60) calendar days after the bid opening date.

All communications concerning this RFP should be directed:

Derek Walsh, Parks and Grounds Superintendent
Phone: (919)661-6888
dwalsh@garnernc.gov

IMPORTANT DATES.

- Meetings on Site– Available Upon Request August 22, 2022
- All Questions Due – August 31, 2022, by 12:00 P.M.
- Final Addendum Issued – September 9, 2022
- Deadline for Proposals – September 16, 2022, at 10:00 A.M.

INSTRUCTIONS TO BIDDERS

FORM OF BID. All bids shall be prepared and submitted in accordance with the following requirements. Failure to comply with any requirement shall cause the bid to be considered irregular and may be grounds for rejection of the bid.

The bid form furnished by Town of Garner shall be used and shall not be altered in any manner. The Bidder shall submit a unit price for every item on the bid form. The unit prices for the various contract items shall be written in figures limited to two decimal places. The bid amount for each line shall be determined by multiplying the "Units" by the "Unit Price" for that item and shall be written in figures in the "Extended Price" column of the form. The total bid amount shall be written in figures in the proper place on the bid form. The total bid amount shall be determined by adding the extended price for each item.

QUANTITIES APPROXIMATE. Any quantities shown in the bid form or elsewhere herein shall be considered approximations listed to serve as a general indication of the amount of work or materials to be performed or furnished, and as basis for the bid comparison. The Town does not guarantee that the actual amounts required will correspond with those shown. As deemed necessary or convenient, the Town may increase or decrease the amount of any item or portion of work or material to be performed or furnished or omit any such item or portion, in accordance with the contract documents.

ADDENDA. The Town may, from time to time, issue addenda to this bid solicitation. Bidders are responsible for ensuring that they have received any and all addenda. Each bidder is responsible for verifying that it has received all addenda issued, if any. Bidders must acknowledge all addenda in their bid receipt, if any. Failure to acknowledge receipt of all addenda may cause a bid to be deemed incomplete and nonresponsive.

BIDDER'S EXAMINATION OF SITE AND CONTRACT DOCUMENTS. Each bidder must carefully examine the project site and the entirety of the contract documents. Upon submission of a bid, it will be conclusively presumed that the bidder has thoroughly investigated the work and is satisfied as to the conditions to be encountered and the character, quality, and quantities of work to be performed and materials to be furnished. Upon bid submission, it also shall be conclusively presumed that the bidder is familiar with and agrees to the requirements of the contract documents, including all addenda. No information derived from an inspection of records or investigation will in any way relieve the Contractor from its obligations under the contract documents nor entitle the Contractor to any additional compensation. The Contractor shall not make any claim against the Town based upon ignorance or misunderstanding of any condition of the

project site or of the requirements set forth in the contract documents. No claim for additional compensation will be allowed which is based on a lack of knowledge of the above items. Bidders assume all risks in connection with performance of the work in accordance with the contract documents, regardless of actual conditions encountered, and waive and release the Town with respect to any and all claims and liabilities in connection therewith, to the extent permitted by law.

SELECTION PROCESS. The Town will take into account such matters it considers appropriate in selecting the successful contractor. The Town reserves the right to reject, for any reason, any and all proposals. Evaluation criteria will include the following:

- The contractor's understanding of the assignment and ability to follow proposal instructions.
- The experience and qualifications of the contractor.
- References (provide a minimum of three account references).
- A review by the Town of the contractor's response to the RFP, to determine if the proposal meets all criteria for consideration.
- Relevant experiences, project understanding, project requirements, strength of the proposal and proposed fees.
- The lowest proposal price will not necessarily be accepted. The Town reserves the right to reject all bids, award the agreement, interview contractors, negotiate the specific terms of the agreement and make other adjustments as required in consultation with the successful contractor(s).

INSURANCE. The successful Bidder shall not begin work until it has given the Town evidence of all required insurance coverage (including all additional insured endorsements), and the Town has issued a formal Notice to Proceed.

NOTICE TO PROCEED. The Contractor shall commence work under this Contract within 15 consecutive calendar days after receiving a written NOTICE TO PROCEED from the Town Designee and shall fully complete all work as described within the time limits outlined in the Special Provisions. In certain cases, if approved by the Town Designee, the NOTICE TO PROCEED may be delayed accommodating the Contractors work schedule.

CONTRACT TIME. The Contract time for this project shall be one hundred twenty (120) consecutive working days from the effective date of the notice-to-proceed.

SCOPE OF WORK

Full tennis court reconstruction of three doubles tennis courts including demolition of perimeter chain link fence, reclamation of existing asphalt paving, new sub-base as required, asphalt paving and acrylic latex color coating sufficient for USTA certification, new sleeves and net posts, and new perimeter black vinyl coated chain link fence and gates. Lines must be added to the tennis court layout that represent pickle ball, as well. Pulverize and utilize full depth reclamation of the existing asphalt paving and provide a reclaimed and blended subbase of a minimum of 4" or import new sub-base for the required minimum 4" depth.

Contractor shall follow the construction guidelines issued by the American Sports Builders Association and USTA in the performance of all work performed under this contract. The Contractor or Subcontractor must have a Certified Tennis Court Builder on staff.

Address: 190 Creech Road, Garner, NC 27529

SITE PREPARATION

1. Call 811 for a utility locate.
2. Provide proper matting for the access of heavy equipment.
3. Remove existing fence fabric, gates, and horizontal rails.
4. Remove and haul away existing fence posts and net post bases.
5. Pulverize existing asphalt and stone base to an acceptable depth for reclamation or removal.
6. Verify that existing slope of court is a minimum of .83% to provide proper drainage of court. If slope is insufficient, correction of slope is required.
7. Existing lights and poles may stay in place.

CONSTRUCTION

8. Fine grade with laser and compact with a vibratory roller to compact to minimum 95% maximum dry density.
9. Place and compact S9.5C bituminous asphalt surface where the tennis courts will be. Area is approximately 18,858 sq.ft.
10. Haul off any excess material. Remove construction entrance and restore any rutted areas as needed.

FENCING

11. Install new (black) fence and gate posts (in existing holes is acceptable with concreted posts). The fencing black wire needs to be heavy duty with true 9-gauge core and 8-gauge finish.
12. Install new fence fabric & gates of same height (10-foot). Install 2 pedestrian gates by keeping the main entrance the same and moving the northeast gate to the southeast corner with the ADA locking handles. Add in a maintenance gate nearest to the sidewalk that would be 12 ft wide and the same height of 10 feet. Fence is approximately 554 linear feet.

SURFACING SYSTEMS AND ACCESSORIES

13. Provide and install net post foundations and center strap anchors. Install netting to the manufacturer's specifications. Post needs to have a sleeve for removal or replacement when worn out.
14. Apply acrylic resurface and finishing color coat according to USTA specifications.
Border(green) In bounds(blue)
15. Lay out, mask and paint playing lines (2" wide) White Acrylic Line Paint (or approved equivalent) to conform to USTA specifications for doubles tennis. Pickle Ball lines to be faint with blue color or equivalent to mask it from the tennis lines.
16. Install (3) new nets and straps.
17. Clean up area and dispose of all debris. Leave courts ready for play.

EXTRA WORK

TIMING LOCKS- Provide a locking system that can be set to open and lock the gates at certain times when tennis courts are open

WINDSCREEN- Install new (blue) windscreen on the border fencing around the tennis courts. The windscreen needs to be tied along the top and bottom of the fencing to secure it. It is preferable to have wind holes in the middle of the windscreen to help with it coming loose from the fence.

BACKBOARD- Install new backboard area for hitting or provide an area to do so. Current backboard is 31 ft long by 10 feet tall and would need to be replaced with similar size.

Bid Submission Form

The BIDDER agrees to perform all the contract work described in the specifications for the following unit prices:

Description	Quantity	Unit Price	Extended Price
Reconstruction of 3 Tennis Courts	18,858 SF		
Removal and installation of new fencing, pedestrian gates, and maintenance gate	554 LF		
Finish coating, line painting of 3 Tennis Courts, and installation of nets and straps	18,858 SF		
		Grand Total	

Extra Work

Description	Quantity	Unit Price	Extended Price
Timing Locks for Gates	2		
Windscreen for Fencing	LF		
Backboard	1		
		Grand Total	

I certify that all information contained in this bid is truthful to the best of my knowledge and belief. I further certify that I am duly authorized to submit this bid on behalf of the company as its act and deed and that the company is ready, willing, and able to provide the commodities if awarded the contract.

Company Name: _____

Authorized Bidder's Name: _____

Authorized Bidder's Signature: _____ **Date:** _____

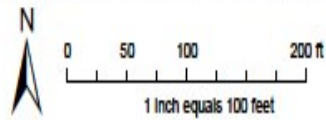
Email Address: _____

Mailing Address: _____

Phone Number: _____ **Fax Number:** _____



Creech Road Tennis Courts



Disclaimer
Maps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 ▼		
Subject: Acquisition of Liles Property		
Location on Agenda: Consent		
Department: Legal		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: Acquisition of three tracts of land, known as the Liles Property on Benson Road, was authorized in closed sessions on March 30, 2021, and August 17, 2021, to be paid for in part with Town funds and in part with a grant to Triangle Land Conservancy from the NC Land and Water Fund. Triangle Land Conservancy will convey Tract 3 to the Town provided a Declaration of Covenants is placed on Tracts 1 and 2 and a portion of Tract 3 and a Conservation Easement is placed on the remaining portion of Tract 3.		
Recommended Motion and/or Requested Action: Recommend adoption of Resolution (2022) 2511 to authorize acquisition and execution of easement		
Detailed Notes: The Town acquired Tracts 1 and 2 on December 8, 2021, and will make the second installment payment on or before December 8, 2022. The Town has entered into an Agreement with Triangle Land Conservancy for Tract 3. The conveyance of Tract 3 is subject to the NC Land and Water Fund grant conditions including the requirement that all three tracts be protected and preserved in perpetuity. The proposed resolution will ratify the prior acquisition of Tracts 1 and 2, which was approved in closed session, and authorize the execution of the covenants and easement.		
Funding Source: Fee in lieu of parkland reserves		
Cost: \$2,000,000	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:		
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2022) 2511

RESOLUTION AUTHORIZING ACQUISITION OF LILES PROPERTY AND GRANTING OF EASEMENT AND COVENANTS

WHEREAS, it is in the public interest to preserve open space and to protect the Town's drinking water supply and other natural resources;

WHEREAS, during closed session on January 19, 2021, Town Council authorized the application for a grant from the North Carolina Land and Water Fund;

WHEREAS, during closed sessions on March 30, 2021, and August 17, 2021, Town Council authorized the acquisition of certain property;

WHEREAS, the property is known as Tract 1, 2518 Benson Road (PIN# 161948482), Tract 2, 1121 Rand Road (PIN# 1619445820), Tract 3, 2605 Benson Road (PIN# 1619537903);

WHEREAS, the Town entered into an Agreement for Purchase and Sale of Property on August 20, 2021, for the purchase of Tract 1 from Liles Properties LLC and Tract 2 from Martha Liles for a combined amount of \$2,000,000 over three installments;

WHEREAS, the Triangle Land Conservancy was awarded a grant from the Land and Water Fund for the purchase of Tract 3 from property owner Martha Liles;

WHEREAS, the Town entered into an Agreement to Convey and Accept Property on August 22, 2022, with the Triangle Land Conservancy whereby Tract 3 will be conveyed to the Town provided the Town places a Declaration of Covenants and Restrictions for Conservation Purposes on Tracts 1 and 2 and a portion of Tract 3 and provided the Town grant a Conservation Easement to the State of North Carolina on the remaining portion of Tract 3;

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

Section 1. That the acquisition of Tracts 1 and 2 from Martha Liles and Liles Property LLC on December 8, 2021, including the execution of associated deeds of trust and promissory notes by the Town Manager, is ratified; and

Section 2. That the acquisition of Tract 3 is approved and the Mayor or Town Manager is authorized to negotiate and sign any necessary closing documents, including the execution of the Declaration of Covenants and Restrictions for Conservation Purposes and the Conservation Easement.

Duly adopted this 7th day of November, 2022.

Ken Marshburn, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022		
Subject: Budget Amendment - Liles Property		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: This amendment appropriates funds from fee-in-lieu of parkland reserves to make the second of three annual payments towards the Liles property acquisition.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2022) 5149		
Detailed Notes:		
Funding Source: Fee-in-lieu of parkland reserves		
Cost: \$900,000	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. (2022) 5149

ORDINANCE AMENDING ORDINANCE NO. (2022) 5130 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496901	Approp FB - Restricted Funds		\$ 1,513,245	\$ 900,000	\$ 2,413,245

TOTAL REVENUE INCREASE (DECREASE) \$ 900,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10571000-537100- 19009	Land Acquisition	Liles Prop	\$ -	\$ 900,000	\$ 900,000

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 900,000.00

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

Duly adopted this 7th day of November 2022.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from the October 18, 2022 Council Meeting.		
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
October 18, 2022**

The Council met at 7:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

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

Council Member Demian Dellinger participated remotely.

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Asst. Town Manager, Reginald Buie-Senior Planner, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor ProTem Elmo Vance

INVOCATION: Mayor ProTem Vance invited Rev. Stanley Byrd of the Kingdom Harvest Church to perform the invocation.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Singleton
Second: Matthews
Vote: 5:0

PRESENTATIONS

CONSENT

Resolution in Support of Application for NC-PARTF Accessibility for Parks Grant

Presenter: Maria Munoz-Blanco, PRCR Director

The North Carolina Department of Natural & Cultural Resources (NCNCR) is offering the 2022 "Accessibility for Parks" grant as part of the NC Parks & Recreation Trust Fund (PARTF) to provide financial aid to municipalities to build or develop recreational facilities that are inclusive for children or veterans with disabilities. PRCR plans to apply for the 2022 Accessibility for Parks grant to support the development of outdoor recreational components at the GRC campus, including a playground. A Town resolution in support of the grant application is a required component in order to be eligible to apply.

Action: Adopt Resolution (2022) 2509

Resolution in Support of Garner Recreation Center Master Plan Update

Presenter: Maria Munoz-Blanco, PRCR Director

The Town adopted in 2014 a master plan for an indoor recreation center, which resulted in the development of the Garner Recreation Center. In order to be eligible to apply for grants from the North Carolina Department of Natural & Cultural Resources / NC Parks & Recreation Trust Fund (PARTF), an update to the master plan is necessary. PRCR has conducted public input sessions to gather community feedback for the desired outdoor recreation amenities at the GRC campus and has prepared an updated master plan report for Council's approval.

Action: Adopt Resolution (2022) 2510

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from the September 20, September 27, and October 3, 2022 Council Meetings.

Action: Approve minutes

Action: Approve Consent Agenda

Motion: Vance

Second: Behringer

Vote: 5:0

PUBLIC HEARINGS

Walters Buffalo Development Agreement

Presenter: Terri Jones, Town Attorney

Ms. Jones explained that the legislative hearing for the development agreement held on October 3, 2022, was continued to October 18, 2022, to allow for Council comments to be incorporated into a revised draft. However, additional time is needed for Pulte Home Company LLC and Town staff to revise the agreement.

Action: Continue hearing to a subsequent meeting.

Motion: Singleton

Second: Vance

Vote: 5:0

Tier 2 Conditional Rezoning # CZ-MP-21-05, 1509 Creech Road

Presenter: Jeff Triezenberg, Planning Director

Mr. Triezenberg presented the staff report.

Tier 2 conditional rezoning request submitted by Kelley Development to rezone 17.88 +/- acres from Single-Family Residential (R-20) to Multifamily (MF-2 C245) Conditional for the development of 176 multifamily units at a density of 9.8 units per acre. The site is located on the west side of Creech Road and may be further identified as Wake County PIN 1712719535.

Mr. Triezenberg responded to Council's questions regarding access to the property, distance of parking areas from the buildings and traffic improvements.

Ted Hildebrand stated the nature of their project is to provide affordable apartments funded with the low income housing tax credit administered by North Carolina Housing Finance Agency. The project will consist of one, two and three bedroom units to serve folks that make up the labor workforce that are having trouble finding housing at prices that are affordable.

Keith Smith asked that a retaining wall be installed between the Gipson Pond community and this project. Mr. Smith was also concerned about traffic.

Mayor Marshburn closed the hearing.

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

Motion: Singleton
Second: Matthews
Vote: 5:0

Tier 2 Conditional Rezoning # CZ-MP-22-07, 4202 Fayetteville Road

Presenter: Reginald Buie, Senior Planner

Mr. Buie presented the staff report.

Tier 2 conditional rezoning (CZ-MP-22-07) submitted by Jing HWA, Inc. to conditionally rezone 0.96 +/- acres from Service Business (SB-C19) Conditional to Service Business (SB-C263) Conditional for the construction of an approximately 3,887-square foot commercial building. The site is located at 4202 Fayetteville Road and may be further identified as Wake County PIN # 170128911.

Mayor Marshburn closed the hearing.

Action: Refer to Planning Commission for review and recommendation.

Motion: Singleton
Second: Matthews
Vote: 5:0

NEW/OLD BUSINESS

COMMITTEE REPORTS

The Public Works Committee will meet on Thursday, October 20th at 8:30 a.m.

MANAGER REPORTS

- Quarterly Financial Report
- Talk of the Town
- Early voting starts Thursday, October 20th and runs through Saturday, November 5th. Avery Street Recreation Center is an early voting site.
- Fall unprepared yard waste cleanup starts the week of October 31st for some neighborhoods, and crews will cycle through all residential neighborhoods over about a three-week period. Visit garnernc.gov for the schedule and other details.

- The It's Showtime series at GPAC kicks off on Saturday, October 29th with the band Nu-Blu. Learn more about them and get tickets at GarnerPerformingArtsCenter.com.
- Trick-or-Treat the Trail at White Deer Park will be held Monday, October 31st from 3:00 p.m. to 6:00 p.m. This is a free, family-friendly event for trick-or-treaters and always brings out a good crowd.
- The last downtown Night Market is Friday, November 4th. Those are from 5:00 p.m. to 9:00 p.m. and feature artisanal vendors, food trucks, live entertainment and more.
- Kyle Kettler received national recognition from the NC National Communications Association for the animation video for the stormwater bonds. Jaclyn Stannard was also recognized for preparing the script for the video.

ATTORNEY REPORTS

COUNCIL REPORTS

Matthews

- Expressed appreciation for the quality of the Guide to Garner booklet.
- Good to have the Trick or Treat the Trails event at White Deer Park.

Dellinger

- Asked when Council could expect to receive monthly numbers on growth adding that this would be helpful to anticipate changes going into the next budget cycle. Mr. Hodges respond that staff is having difficulty accessing some of the information used for those reports, however, staff is working to resolve the problem.
- Thanked those who made improvements to the GPAC page of the website. This made navigation on the site much easier.

Vance

- Reported attending a ribbon cutting at the new Al. Neyer development in the Hwy 70 Business Park.
- Attended the Oyster Fest event which supports scholarships for Garner students.

Behringer

- Asked about a possible rezoning for property located on the south side of Farm Road. Mr. Hodges responded that a community meeting was held and encouraged those who received notification to call the number on the letter for information.
- Asked about the property where Pelicans Snowballs used to be. Mr. Hodges responded that this project is still in review by staff and not ready to come to Council yet.
- Reported there are children walking down Griffin Street and Main Street unattended.

Marshburn

- Stated he and Mr. Dickerson would be attending a Certificate of Need hearing for WakeMed.

Council Member Singleton had nothing to report.

Council expressed their condolences to the families impacted by the recent shooting in Knightdale.

ADJOURN: 8:12 p.m.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 ▼		
Subject: Resolution of Support for Financing Affordable Housing Construction		
Location on Agenda: Consent		
Department: Town Manager's Office		
Contact: John Hodges, Assistant Town Manager		
Presenter: John Hodges, Assistant Town Manager		
<p>Brief Summary: The Town Council has considered financing support in the amount of \$500,000 for a 176 unit affordable rental project to be built at 1509 Creech Road. The financing support will be in the form of a 30-year loan with a 1% annual interest only payment and a full principal repayment at maturity. This project is also receiving financing support from Wake County.</p>		
<p>Recommended Motion and/or Requested Action: Approve Resolution (2022) 2513 appropriate funding and authorizing the Town Manager to complete the transaction</p>		
Detailed Notes:		
Funding Source: ARP Funding		
Cost: 500,000.00	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2022) 2513

**RESOLUTION AUTHORIZING A LOAN IN SUPPORT OF AFFORDABLE HOUSING
CONSTRUCTION**

WHEREAS, the Town of Garner has identified housing affordability as an important consideration for a vibrant community; and

WHEREAS, Wake County has adopted an Affordable Housing Plan and provides funding and financing to support development of affordable housing; and

WHEREAS, an affordable rental housing project, Tryon Station, is proposed to be built in the Town; and

WHEREAS, the aforementioned project is seeking gap financing from Wake County and the Town of Garner; and

WHEREAS, the Town of Garner desires to join Wake County in support of the project;

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

That financing in the amount of \$500,000 be provided to the project in the form of a 30-year loan and that Town Manager is authorized to execute a letter of commitment, negotiate details of the transaction, and execute any loan documents and other documents needed for closing.

Duly adopted this 7th day of November 2022.

Ken Marshburn, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022		
Subject: Budget Amendment - PRCR Sponsorships		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: <p>The Parks, Recreation, and Cultural Resources Department has received \$7,000 in sponsorships for multiple special events hosted by the Town such as the Holiday Block Party, Spring Eggstravaganza, and Trick or Treat the Trails. The funds will be utilized to enhance the sponsored events with additional entertainment and displays along with enhanced ads and signage. Sponsorships have been received from WakeMed (\$5,500), CW22 and MyRDC28 (\$1,000), and Garner Fire (\$500).</p>		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2022)		
Detailed Notes:		
Funding Source: NA		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2022) 5150

ORDINANCE AMENDING ORDINANCE NO. (2022) 5130 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
10303500-443120-60120	PRCR Sponsorships		\$ -	\$ 7,000	\$ 7,000

TOTAL REVENUE INCREASE (DECREASE) \$ 7,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10572000-521200-60120	Printing		\$ 1,450	\$ 1,000	\$ 2,450
10572000-523300-60120	Departmental Supplies		\$ 9,400	\$ 1,000	\$ 10,400
10572000-524300-60120	Contract Services		\$ 18,785	\$ 5,000	\$ 23,785

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 7,000.00

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

Duly adopted this 7th day of November 2022.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 ▼		
Subject: Business Registration Amendments		
Location on Agenda: Consent		
Department: Legal, Inspections, Planning, and Finance		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: The Town's Business Registration Program was adopted October 5, 2015 by Ordinance (2015) 3788. Town staff have recommended amendments to expand the program to businesses and land uses in the ETJ, to update the information collected, and to allow for renewals on a rolling 12-month basis. A new online portal will provide for an electronic registry to assist in ensuring that local businesses are complying with building and zoning regulations as well as aiding in rendering public safety services to local businesses when needed.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2022) 5151		
Detailed Notes: The Town is authorized to regulate and license occupations, businesses, trades, professions, and forms of amusement and entertainment pursuant to NCGS Section 160A-194. The Town is also authorized to exercise planning and development regulations within the Town limits and in the ETJ pursuant to NCGS Chapter 160D. A new online registration system will be incorporated into the Town's new inspections and development services software. Town Council were presented with a draft of the proposed amendments at the October 25, 2022, Work Session.		
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:		

ARTICLE II. ~~BUSINESS REGISTRATION PROGRAM~~¹

Sec. 9-16. Applicability of article.

- (a) Purpose. The purpose of the business registration program is to create and maintain a registry of businesses and business locations operating within the Town of Garner, to preserve public health, welfare, safety, order, and convenience pursuant to N.C.G.S. § 160A-94, and to assist the Police, Fire, Inspections, and Planning Departments in performing their duties.
- (b) Applicability. This ordinance applies to all occupations, businesses, trades, professions, and forms of amusement and entertainment operating within the Town limits. This ordinance all applies to all uses and structures within the Town's planning and development regulation jurisdiction (extraterritorial jurisdiction or ETJ). Except for those exempted by subsection (c), ~~Each~~ firm, person, association, and corporation providing business services, including retail, professional, and general businesses of all kinds, and maintaining a business office or home business occupation office within the Town of Garner and the ETJ shall provide contact information as requested by the town on a business registration form to be provided by the town, ~~on or before July 31 each year, and during the initial period of existence of this article, by November 30, 2015;~~
- (c) Exemptions. This ordinance does not apply to:
- (1) An individual person holding a license issued by an occupational licensing board of the State as to the profession or trade that he or she has been licensed to practice by the State; however, it does apply to the business location if the individual has any employees or if it is open to clients or the public.
 - (2) A transportation network company (TNC) service regulated under Article 10A of Chapter 20 of the General Statutes.
 - (3) Residential uses of property, except for home occupations, group care, and those defined as other group living in the Unified Development Ordinance (UDO).

(Ord. No. 3788, § 1, 10-5-15)

Sec. 9-17. Information required; fee.

- (a) A business registration form for each business location shall be filed prior to operating at the location or within 30 days of a change of use or occupancy or annexation into the Town limits.
- (b) The business registration form shall be valid a 12-month reporting period and must be renewed on an annual basis.

¹Editor's note(s)—Section 1 of Ord. No. 3779, adopted July 7, 2015, repealed former art. II, §§ 9-16—9-28, which pertained to privilege licenses, and derived from Ord. No. 1241, §§ 1—9, adopted May 18, 1971; Ord. No. 1552, § 2, adopted Jan. 16, 1979; Ord. No. 1668, §§ 1, 2, adopted May 5, 1980; and Ord. No. 2357, § 3, adopted May 16, 1989.

Subsequently, Ord. No. 3788, § 1, adopted Oct. 8, 2015, enacted new provisions as herein set out.

(c) The business registration fee is set out in the Town's adopted fee schedule.

(d) Any business which ceases to operate or closes a location shall file a notice of cancellation within 30 days of ceasing to operate or of permanently closing a location. No refund of the annual registration will be provided.

(e) The business ~~contact~~ information shall include the following:

(1) ~~(a)~~ Name of business (~~formal~~ registered name and ~~trade~~ assumed or doing business as name, if more than one ~~(1)~~ name is used),

(2) ~~(b)~~ Type of business organization,

(3) ~~(c)~~ Physical and mailing address of business,

(4) ~~(d)~~ Name of office manager and/or other current contact person designated by the business, at least one ~~(1)~~ of which shall be for after-hours emergency calls,

(5) ~~(e)~~ Landline and cellular telephone number(s), for both working hours and after-hours emergency contact, and electronic mail addresses, ~~and~~

(6) ~~(f)~~ Number of employees working at business location,

(7) General days and hours of operation for the business, if seasonal indicate months of operation,

(8) Type of building occupancy with respect to the Building Code, and

(9) Use of property with respect to the Unified Development Ordinance (UDO).

(f) Any changes to the business information, as required in subsection (e), shall be provided within five business days. No fee shall be charged for updated information within the 12-month reporting period.

(Ord. No. 3788, § 1, 10-5-15)

Sec. 9-18. ~~{Compliance.}~~

No application for zoning, inspections or other town permits will be accepted on behalf of a business which has failed to comply with this article, until the failure to comply has been corrected.

(Ord. No. 3788, § 1, 10-5-15)

Sec. 9-19. ~~{Violations; penalties.}~~

Violation of this article shall be punishable by imposition of a civil penalty of one hundred dollars (\$100.00).

(Ord. No. 3788, § 1, 10-5-15)

Secs. 9-20—9-39. Reserved.

NOTE – Businesses will no longer have to register by July 31st of each year as the online registration system will provide for rolling 12-month registrations. Businesses who have a current registration may enroll in the new online business registration program system effective _____, 2023, and will pay a pro-rated fee provided that the registration is submitted and approved prior to June 30, 2023.

ORDINANCE NO. (2022) 5151

AN ORDINANCE AMENDING THE TOWN CODE
RELATING TO BUSINESS REGISTRATION PROGRAM

BE IT ENACTED by the Garner Town Council as follows:

Section One. That Article II, Business Registration Program, of Chapter 9, Licenses and Business Regulations Generally, of the Town Code of Ordinances shall be amended by repealing the existing sections and replacing with the text below:

ARTICLE II. BUSINESS REGISTRATION PROGRAM

Sec. 9-16. Applicability of article.

- (a) Purpose. The purpose of the business registration program is to create and maintain a registry of businesses and business locations operating within the Town of Garner, to preserve public health, welfare, safety, order, and convenience pursuant to N.C.G.S. § 160A-94, and to assist the Police, Fire, Inspections, and Planning Departments in performing their duties.
- (b) Applicability. This ordinance applies to all occupations, businesses, trades, professions, and forms of amusement and entertainment operating within the Town limits. This ordinance all applies to all uses and structures within the Town's planning and development regulation jurisdiction (extraterritorial jurisdiction or ETJ). Except for those exempted by subsection (c), each firm, person, association, and corporation providing business services, including retail, professional, and general businesses of all kinds, and maintaining a business office or home business occupation office within the Town of Garner and the ETJ shall provide contact information as requested by the town on a business registration form to be provided by the town.
- (c) Exemptions. This ordinance does not apply to:
 - (1) An individual person holding a license issued by an occupational licensing board of the State as to the profession or trade that he or she has been licensed to practice by the State; however, it does apply to the business location if the individual has any employees or if it is open to clients or the public.
 - (2) A transportation network company (TNC) service regulated under Article 10A of Chapter 20 of the General Statutes.
 - (3) Residential uses of property, except for home occupations, group care, and those defined as other group living in the Unified Development Ordinance (UDO).

Sec. 9-17. Information required; fee.

- (a) A business registration form for each business location shall be filed prior to operating at the location or within 30 days of a change of use or occupancy or annexation into the Town limits.
- (b) The business registration form shall be valid a 12-month reporting period and must be renewed on an annual basis.
- (c) The business registration fee is set out in the Town's adopted fee schedule.

- (d) Any business which ceases to operate or closes a location shall file a notice of cancellation within 30 days of ceasing to operate or of permanently closing a location. No refund of the annual registration will be provided.
- (e) The business information shall include the following:
 - (1) Name of business (registered name and assumed or doing business as name, if more than one name is used),
 - (2) Type of business organization,
 - (3) Physical and mailing address of business,
 - (4) Name of office manager and/or other current contact person designated by the business, at least one of which shall be for after-hours emergency calls,
 - (5) Landline and cellular telephone number(s), for both working hours and after-hours emergency contact, and electronic mail addresses,
 - (6) Number of employees working at business location,
 - (7) General days and hours of operation for the business, if seasonal indicate months of operation,
 - (8) Type of building occupancy with respect to the Building Code, and
 - (9) Use of property with respect to the Unified Development Ordinance (UDO).
- (f) Any changes to the business information, as required in subsection (e), shall be provided within five business days. No fee shall be charged for updated information within the 12-month reporting period.

Sec. 9-18. Compliance.

No application for zoning, inspections or other town permits will be accepted on behalf of a business which has failed to comply with this article, until the failure to comply has been corrected.

Sec. 9-19. Violations; penalties.

Violation of this article shall be punishable by imposition of a civil penalty of one hundred dollars (\$100.00).

Section Two. This Ordinance is effective January 1, 2023; however, existing registrations remain in effect until July 31, 2023, but may be renewed earlier at a discounted rate to be determined by the Town Manager.

Adopted this the 7th day of November, 2022.

Ken Marshburn, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 <input type="button" value="v"/>		
Subject: Waiver of Dog and Cat License Fee		
Location on Agenda: Consent		
Department: Legal and Police		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: Section 3-12 of the Town's Animal Control Ordinance requires all dogs and cats to be licensed for a one-time fee. Pets must have a current rabies vaccination in order to be licensed. The Police Department recommends waiving the license fee for those pet owners who participate in the Garner Fall 2022 Rabies Clinic as a way to promote and increase the vaccination and licensing of dogs and cats in Garner.		
Recommended Motion and/or Requested Action: Consider waiver of dog and cat license fee during the Garner Fall 2022 Rabies Clinic and future clinics		
Detailed Notes: The Garner Fall 2022 Rabies Clinic will be held on Saturday, November 12, 2022 from 9:00am to 12:00pm at the North Garner Dog Park. Rabies and distemper vaccines will be provided for \$10 each. License fees are generally \$25.00 but reduced to \$10.00 if proof is provided that the dog or cat is neutered or spayed. The Police Department recommends waiving the registration fee during this and future Rabies Clinics to promote vaccination and licensure of dogs and cats in Garner.		
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 type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022		
Subject: Special Use Permit # SUP-SP-22-07, Historic Banks House		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Joseph Linsky, Planner I		
Presenter: Joseph Linsky, Planner I		
Brief Summary: Special use permit request (SUP-SP-22-07) submitted by Curtis and Mary Smalling for a bed and breakfast on a 1.9 +/- acre site located at the northeast intersection of E. Garner Road and Creech Road and may be further identified as Wake County PIN# 1711723798.		
Recommended Motion and/or Requested Action: Consider motion to approve special use permit with conditions.		
Detailed Notes: The neighborhood meeting was held at the Garner Performing Arts Center on October 13, 2022, with four (4) in attendance – two (2) from outside the notification area.		
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 Staff Report

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Joseph Linsky, Planner I

SUBJECT: *Special Use Permit # SUP-SP-22-07, Historic Banks House B&B*

DATE: November 7, 2022

I. PROJECT AT A GLANCE

Project Number: SUP-SP-22-07, Historic Banks House B&B

Applicant: TMTLA

Owner: Curtis and Mary Smalling

Plan Prepared by: Robin McAdoo, TMTLA

General Description -

Proposed Use: Bed and Breakfast

Project Location: 101 E. Garner Road

Wake Count PIN(s): 1711723798

Zoning Classification: Residential 4 (R4)

Overlay District: Commercial Highway Overlay (CHO)

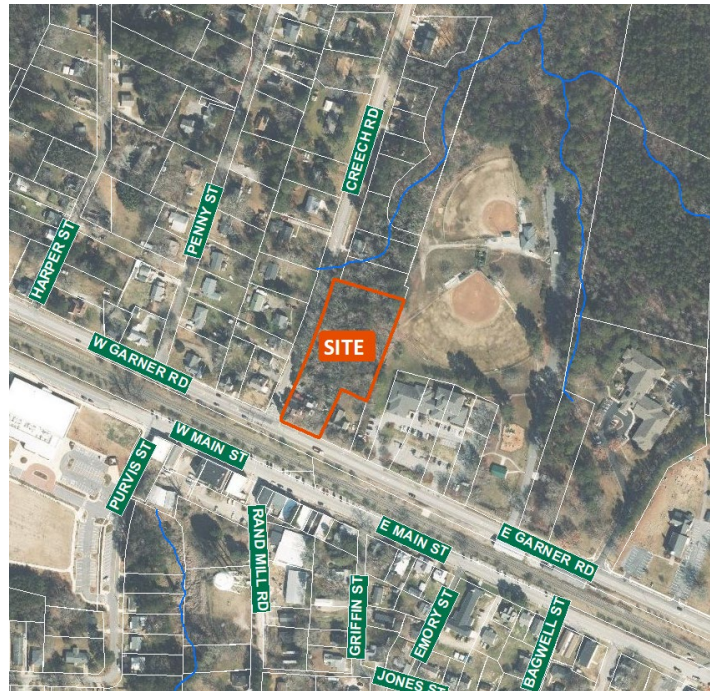
Key Meeting Dates –

Neighborhood Meeting: October 13, 2022

II. BACKGROUND / REQUEST SUMMARY

Special use permit request submitted by Curtis and Mary Smaling for a bed and breakfast on a 1.9 +/- acre site located at the northeast intersection of E. Garner Road and Creech Road and may be further identified as Wake County PIN# 1711723798.

The site contains one two-story frame dwelling that is designated as a local historic landmark and will house the bed and breakfast use. Improvements are largely limited to proposed site work that has received a certificate of appropriateness from the Wake County Historic Preservation Commission.



As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. This tract was converted from Single-Family Residential (R-9) to Residential 4 (R4). However, due to permit choice rules, the request is to be considered according to the rules of the former UDO which was in effect at the time of application governing the Single-Family Residential (R-9) zoning district.

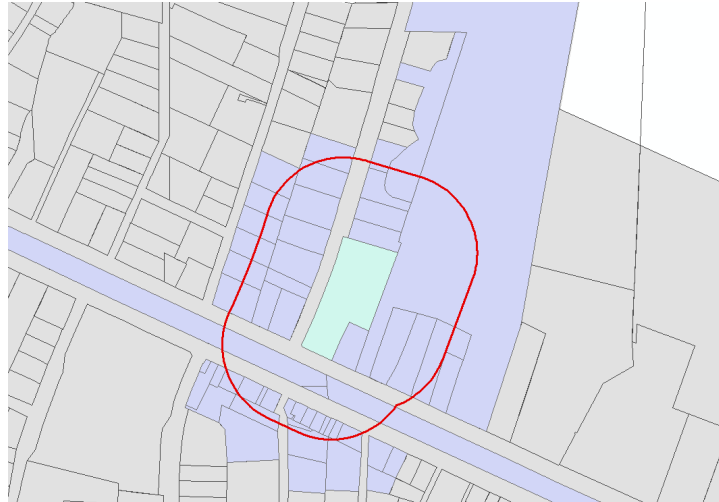
III. COMMUNITY INFORMATION

Overall Neighborhood Character: The area of the community around the site is mixed with residential (R4) and traditional business district (TBD) zoning, across the street from Downtown Garner. The parcel does fall within the Commercial Highway Overlay (CHO) as it fronts on and is therefore within 50' of Garner Road.

Traffic: The thresholds for a Traffic Impact Analysis (TIA) are not met and impacts are largely insignificant; therefore, none was required. Staff would note, however, that the local historic designation largely precludes additional roadway improvements to Creech Road at this location. It should be understood that further development in the area that would otherwise trigger intersection and road improvements at this location will need to build in alternative methods for handling traffic in this vicinity.

Neighborhood Meeting: Staff identified approximately 50 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices.

The neighborhood meeting was held at the Garner Performing Arts Center on October 13, 2022, with four (4) in attendance – two (2) from outside the notification area.



Owner	Mail Address 1	Mail Address 2
TANAS, NABILA S	115 LITTLEFORD LN	CARY NC 27519-6907
JONES, HERMAN JONES, JOYCE	120 CREECH RD	GARNER NC 27529-3230
FORREST LEGACY LLC	1501 EXETON CT	RALEIGH NC 27615-1500
BANKS, JEAN K WILLAIM K BANKS TRUST THE	101 E GARNER RD	GARNER NC 27529-3233
CHAVIS, DANIEL CHAVIS, CHRIS G	3515 GARNER RD	RALEIGH NC 27610-5613
COMPER, ROUSDEL COMPER, NANCIE	1120 LEACH ST	RALEIGH NC 27603-8891
MOORE, ROBERT MATTHEW ALLEN, SHERRI DAWN	206 E MAIN ST	GARNER NC 27529-3332
HILLEL, SAHAR	106 W GARNER RD	GARNER NC 27529-3236
SKUBALLING LLC	1001 PROCURE ST STE 101	FUQUAY VARINA NC 27526-2697
DARE, MITCH PHILLIPS	101 CREECH RD	GARNER NC 27529-3229
PERRY, LARRY D PERRY, GLORIA K	202 PENNY ST	GARNER NC 27529-3216
EBIN H & MARGARET WILEY WILLIS FAMILY REAL ESTATE	PO BOX 98	NORLINA NC 27563-0098
DEMENT, DONALD	204 PENNY ST	GARNER NC 27529-3216
MORAN, MEGAN R MORAN, DONNA A	106 PENNY ST	GARNER NC 27529-3214
BEHRINGER, JEFFREY C BEHRINGER, KATHY L	206 PENNY ST	GARNER NC 27529-3216
CAMERON, CAROLYN	112 CREECH RD	GARNER NC 27529-3230
SMALLING, CURTIS GENE SMALLING, MARY COOPER	208 GRIFFIN ST	GARNER NC 27529-3324
BYRD, PATRICK N	913 BROOKS AVE	GARNER NC 27529-3812
HATHAWAY, DONNIE E THOMPSON, BETTY K HATHAWAY	115 CREECH RD	GARNER NC 27529-3229
HEARD, EARTHA K	109 CREECH RD	GARNER NC 27529-3229
HINTON, DAVID HINTON, MARY L	101 GRIFFIN ST	GARNER NC 27529-3321
TOWN OF GARNER	914 7TH AVE	GARNER NC 27529-3677
SAUNDERS, ANGELA M	103 CREECH RD	GARNER NC 27529-3229
NICCUBALLING LLC	1001 PROCURE ST STE 101	FUQUAY VARINA NC 27526-2697
HENDRICKS, LOUIS LEE	131 CREECH RD	GARNER NC 27529-3229
HPA BORROWER 2018-1 ML LLC	120 S RIVERSIDE PLZ STE 2000	CHICAGO IL 60606-6995

Owner	Mail Address 1	Mail Address 2
BLUE HIPPO LLC	114 E MAIN ST	GARNER NC 27529-3238
JOHNSON, CHARLES DWIGHT	2029 WILLOW HILL LN	CLAYTON NC 27520-9351
HENRY BRYAN STORE CONDOS	POOLE DR LLC	PO BOX 847
SAULS, BILLY R	104 PENNY ST	GARNER NC 27529-3214
FOLEY, MATTHEW C FOLEY, AMANDA	100 W GARNER RD	GARNER NC 27529-3226
CARROLL, LEE F CARROLL, ALICE S	728 HILLANDALE LN	GARNER NC 27529-4607
JOHNS, JACKIE JR	408 MONTAGUE ST	GARNER NC 27529-3924
NC RAILROAD COMPANY	2809 HIGHWOODS BLVD STE 100	RALEIGH NC 27604-1000
HIFALUTIN INDUSTRIES LLC	216 US HWY 70 WEST	GARNER NC 27529
GARNER ON MAIN STREET LLC	PO BOX 6356	RALEIGH NC 27628-6356
RAND GARNER LLC	CITYPLAT LLC	107 FAYETTEVILLE ST STE 400
WELLINGTON, CHRISTOPHER C WELLINGTON, ELIZABETH	139 W MAIN ST	GARNER NC 27529-3241
PERRY HOLDINGS LLC	102 E MAIN ST	GARNER NC 27529-3238

Meeting Summary:

Mary and Curtis Smaling hosted the meeting and provided a full set of plans for citizens to look at and ask questions. Four people attended (two couples) and their names and addresses are provided on the sign in sheet which is attached here as well.

All attendees were aware of the project and so questions were limited.

The first question was regarding our street lighting on Creech Rd. and Curtis explained our conversation with town engineering and planning staff as well as our conversation with Duke Energy and that the matter seems to have been resolved with Duke working directly with the town for installation on the opposite side of Creech Rd. from our property.

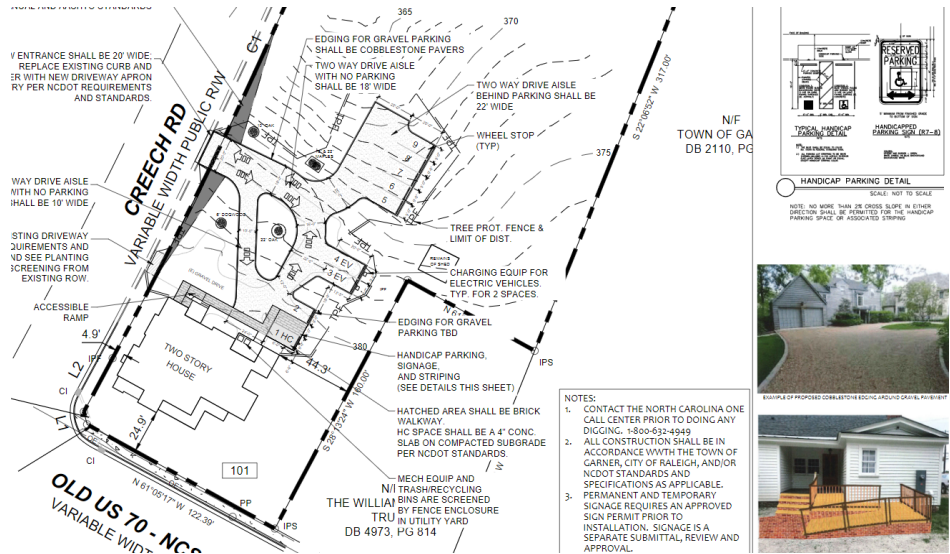
Another question was regarding how many notices were required to be mailed and we informed them that ordinance requires everything within 1000 feet and that we started with the list provided by the town planning department.

Final comments were made including "Love it and can't wait to see it open!" and "Good is fine but this is going to be great!"

The four participants arrived at 5:30 and we stayed until 6:15 to be sure no other participants arrived.

IV. SITE PLAN PROJECT DATA

Acreage: 1.90 +/- acres



Building Material and Color: The existing house will not be modified, only site improvements proposed.



Minimum Lot Size/Dimensions: R4 Zoning

- No minimum lot area
- 60 feet (width)

Setbacks: R4 Zoning

Front – 25'
 Rear – 20'
 Side – 10'
 Corner – 20'

Landscape and Buffer Requirements:

Tree Cover:

- Minimum: Sliding scale from 12 to 14% - rule at time of initial submittal.
- Preserved Tree Cover: 79% of gross acreage.

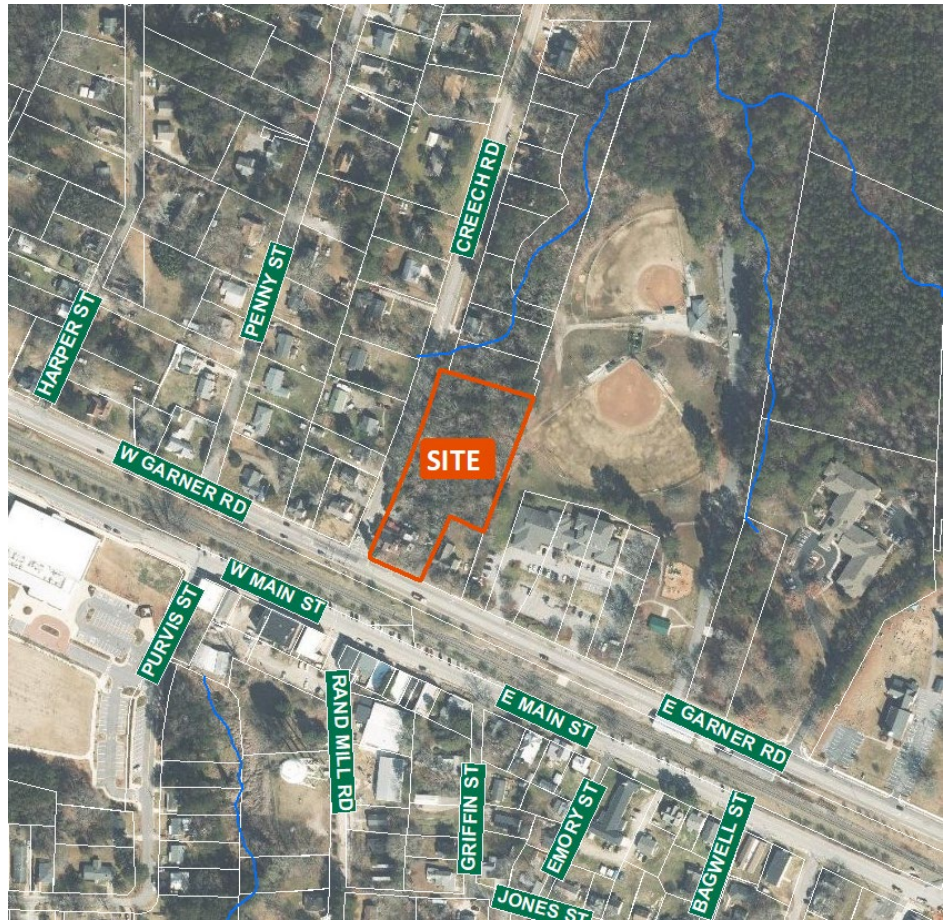
Street Buffers: A 15' street buffer is required along Garner Road.

Street Trees: Street tree requirements are met with existing vegetation.

Perimeter Buffers: There are no perimeter buffers required between residential properties under the applicable version of the UDO.

Environmental Features:

There are no environmentally sensitive areas on this site.



Parks and Open Space:

The site meets the minimum 10% open space requirements as it has abundant tree preservation in the rear half of the property.

Fire Protection:

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

Lighting:

Site plan lighting meets both the requirements of the UDO and staff policy regarding LED fixtures. So as not to add more new lighting to the historic site, the Town has requested street lighting be installed by Duke Energy on the pole across the street on Creech Road which will meet street lighting requirements. This must be completed before CO issuance.

Parking:

Parking for a bed and breakfast is based on 1 space per room, plus one space per every 2 employees on max shift. There are 4 bedrooms and 2 resident employees.

- Required: 5
- Proposed: 9 (including 2 EV station spaces)

Infrastructure:

Water/Sewer - The parcel is already connected to the City of Raleigh public water and sewer systems.



Stormwater Management: The Historic Banks House site is not within the water supply watershed protection area. It is subject to peak attenuation and nitrogen export control requirements. However, the existing impervious surface on site is exempt as it pre-dates regulations, and the additional work does not trigger any of the thresholds to require detention or treatment on site. Therefore, stormwater control measures are not required for this redevelopment.

Streets and Access: The Historic Banks House is located on the north side E Garner Road across from Downtown Garner. The property will be closing the southern entrance to the parking lot and establishing a new drive just north, farther from the intersection of Creech and E Garner roads.

V. STAFF RECOMMENDATION

Following technical review and plan revisions, staff finds that this project, as now proposed, meets the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior to issuance of building permit, payment of Engineering Inspection Fees, if applicable, shall be paid to the Town of Garner; and
2. Prior to issuance of Certificate of Occupancy, Creech Road street lighting must be installed and any required public right-of-way improvements must be constructed.

SUP-SP-22-07, Historic Banks House B&B

Special Use Permit Motion Worksheet

Choose one of the following motions based on your Council findings:

**1. MEETS THE
SPECIAL USE
CRITERIA
AND
APPROVE**

"I find that application # SUP-SP-22-07 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-SP-22-07, Historic Banks House B&B with the two (2) site-specific conditions to be listed on the permit that will be prepared by Staff.

Optional (conditions – mark, fill in and read all that applies): ...and including the following reasonable conditions necessary to address the impacts of the proposed development on:

- ___ adjoining property,
- ___ the existing natural and man-made features of the site,
- ___ off-site and on-site traffic flow,
- ___ public utilities,
- ___ such other public services or goals of the Comprehensive Growth Plan or the Transportation Plan that may be negatively impacted by the proposed development (*enumerate plan services/goals*):

Condition #1:

Condition #2:

Condition #3, etc.:

2. DOES NOT MEET THE SPECIAL USE CRITERIA AND DENY

"I find that application # SUP-SP-22-07 does not meet one or more of the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D:

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

1. The proposed use **will** endanger the public health or safety
because/as evidenced by _____;
2. The proposed use **will** substantially injure the value of adjoining or abutting property
because/as evidenced by _____;
3. If completed as proposed, the development will **not** comply with all the requirements of this Ordinance
because/as evidenced by _____;
4. The proposed use is **not** consistent with the Town's adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of this UDO
because/as evidenced by _____;
5. The proposed use is **not** compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts)
because/as evidenced by _____;
6. Any significant adverse impacts resulting from the use will **not** be mitigated or offset, including impacts on the natural environment.
because/as evidenced by _____;
7. The public safety, transportation and utility facilities and services will **not** be available to serve the subject property while maintaining sufficient levels of service for existing development
because/as evidenced by _____;
8. **Inadequate** assurances of continuing maintenance have been provided
because/as evidenced by _____;

therefore, I move that the Town Council deny SUP-SP-22-07, Historic Banks House B&B.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date:			
Subject:			
Location on Agenda:			
Department:			
Contact:			
Presenter:			
Brief Summary:			
Recommended Motion and/or Requested Action:			
Detailed Notes:			
Funding Source:			
Cost:	One Time:	Annual:	No Cost:
Manager's Comments and Recommendations:			
Attachments Yes:		No:	
Agenda Form Reviewed by:	Initials:	Comments:	
Department Head:			
Finance Director:			
Town Attorney:			
Town Manager:			
Town Clerk:			



**Town of Garner
Planning Department**

**Special Use Permit Application
SUP-SP-21-09**



Project: Greenbrier Park
Applicant: Liberty Investment Partners LLC
Owner: Larry & Reba Godwin,
 David J & Marilyn B Martin Rev Trust
Location: 312 Grovemont Road
Pin #: 1701535458, 1701537520, 1701536721,
 1701539949, and 1701632572

Proposed Use: Multifamily Residential
Current Zoning: MF-A C253
Acreage: 17.8
Overlay: Residential Arterial
 Overlay District (RAO)



Planning Department Staff Report

TO: Honorable Mayor Marshburn and Members of the Town Council

FROM: Alison Jones; Planner II

SUBJECT: *Special Use Permit # SUP-SP-21-09, Greenbrier Park Apartments*

DATE: November 7, 2022

I. PROJECT AT A GLANCE

Project Number(s): SUP-SP-21-09, Greenbrier Park Apartments

Applicant: Liberty Investment Partners

Owners: David & Marilyn Martin; Larry & Rebecca Godwin

Plan Prepared by: JAECO Consulting Engineers & Land Surveyors

General Description -

Proposed Use: Multifamily (triplex and higher, including Apartment)

Project Area & Location: 17.8+/- acres at the NW corner of Grovemont Road and Timber Drive

Wake Count PIN(s): 1701535458, 1701537520, 1701536721, 1701539949, and 1701632572

Zoning: At time of application: Multifamily (MF-1 C253) Conditional
As of 7-5-22: Multifamily A (MF-A C 253) Conditional

Overlay: At time of application: Timber Drive Overlay (O-TD)
As of 7-5-22: Residential Thoroughfare Overlay (RTO)

Key Meeting Dates:

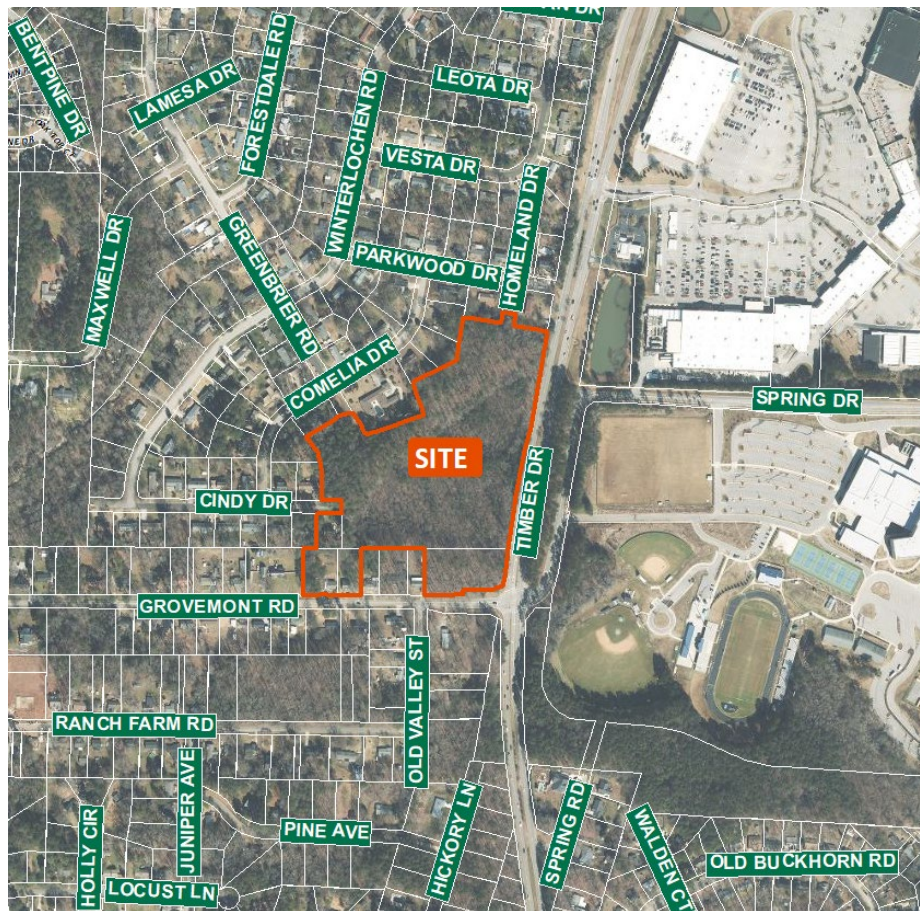
Public Hearing: November 7, 2022

II. BACKGROUND / REQUEST SUMMARY

Request: Special use permit request (SUP-SP-21-09) submitted by Liberty Investment Partners, LLC, for the development of a multifamily (triplex and higher, including apartment) residential community of more than 100 dwelling units (105 dwelling units maximum). The 17.8-acre site is located at the northwest corner of Timber Drive and Grovemont Road and may be further identified as Wake County PIN(s): 1701535458, 1701537520, 1701536721, 1701539949 and 1701632572.

Approximately 2.185-acres of this 17.8-acre project site are not annexed, and annexation would be a condition of any approval.

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO which was in effect at the time of application governing the Multifamily (MF-1) zoning district.



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: This area in the vicinity of Timber Drive and Grovemont Rd / Spring Drive has been developed into a mix of single-family and commercial uses with limited

office and multifamily just beyond. Garner High School is also in the area. The most intense uses are strung along the east side of the Timber Drive Corridor, with limited transition space as you move away from the core area.

Traffic: At a maximum of 105 multifamily units (reduced from 118), this project did not require a Traffic Impact Analysis. In accordance with the approved conditional zoning, the project site will have full access off Grovemont Road, right-in/right-out access off of southbound/eastbound Timber Drive with internal street connectivity to Cindy Drive and pedestrian connectivity to Homeland Drive in Greenbrier Subdivision. As part of the driveway permitting process with NCDOT, the traffic signal at Grovemont Road and Timber Drive will be analyzed and re-programmed according to NCDOT policy.

For reference, the NCDOT historical average daily traffic counts along Timber Drive and Grovemont Road are as follows:

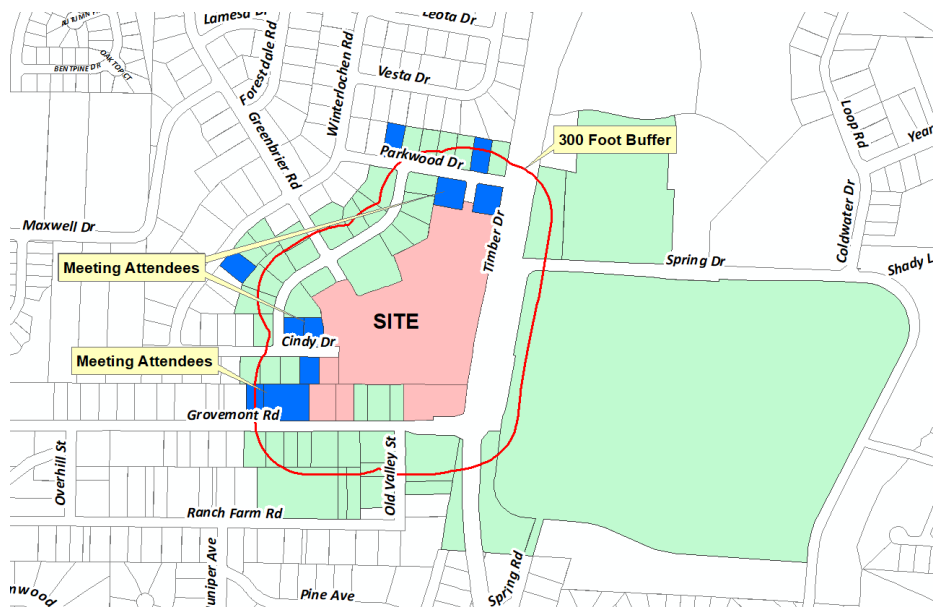
Timber Drive (Near Grovemont Rd)

2009 – 18,000	2015 – 21,000
2011 – 18,000	2017 – 19,000
2013 – 19,000	2019 – 21,500

Grovemont Rd

2009 – 3,700	2015 – 3,400
2011 – 3,600	2017 – 3,700
2013 – 3,900	2019 – 3,900

Neighborhood Meeting #1: Staff identified about 60 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices. The developer has conducted two (2) neighborhood meetings as well as held calls with neighborhood HOA leadership. The first was held on July 9, 2021, at Garner United Methodist Church with approximately 27 in attendance including many outside of the notice list area.



OWNER	ADDR1	ADDR2
ALI, ZULFIQAR WAHAB, SANAM	4908 GREENBRIER RD	RALEIGH NC 27603-4258
ANTIEL, NATHAN M ANTIEL, KAYLA M	4407 PARKWOOD DR 500 E BROWARD BLVD	RALEIGH NC 27603-4237 FT LAUDERDALE FL 33394-3022
BRE THRONE GARNER TOWNE SQUARE LLC	STE 1130	
CRIPPEN, MARTIN JOSEPH CRIPPEN, JUDY A	5005 WINTERLOCHEN RD	RALEIGH NC 27603-4251
DAVID J & MARILYN B MARTIN IRREVOCABLE TRUST	1201 BUCK JONES RD	RALEIGH NC 27606-5635
ECJ MAGNOLIA INVESTMENTS INC	PO BOX 7	HAGATNA GU 96932-0007
FERRELL, JAMES S FERRELL, SHIRLEY S	4904 COMELIA DR	RALEIGH NC 27603-4204
FIELDS, LARRY A	325 GROVEMONT RD	RALEIGH NC 27603-4213
FORREST, JOYCE J	4908 COMELIA DR	RALEIGH NC 27603-4204
FREBELOR DEVELOPMENT CORP	1302 COLONY DR	RALEIGH NC 27603-4606 FRANKLINTON NC 27525-9522
FREEMAN, DEBRA B PARRISH, NANCY B	896 BALLARD PRUITT RD	
GARDNER, RONALD L GARDNER, CAROLYN S	4919 CINDY DR	RALEIGH NC 27603-4205
	1919 FORDHAM DR APT 316	FAYETTEVILLE NC 28304-3664
GODWIN, LARRY R GODWIN, REBA T		
GRAHAM, JASON SCOTT TRUSTEE THE JASON SCOTT GRAHAM LIVING TRUST	4416 PARKWOOD DR	RALEIGH NC 27603-4238
GREEN, JOHN R GREEN, MOLLIE T	4921 CINDY DR	RALEIGH NC 27603-4205
HD DEVELOPMENT OF MARYLAND INC	PO BOX 105842	ATLANTA GA 30348-5842
HOGGE, MARJORIE C	5009 WINTERLOCHEN RD	RALEIGH NC 27603-4251
HOLT, GEORGE HOLT, JUDITH	200 E MEMORY LN UNIT 2	HYDE PARK UT 84318-2702
HOLT, JENNIFER	4901 COMELIA DR	RALEIGH NC 27603-4203
HOWELL, BARBARA L POLLOCK	5108 OLD VALLEY ST	RALEIGH NC 27603-4240
HUMPHRIES, RICHARD G HUMPHRIES, LILLIE S	320 GROVEMONT RD	RALEIGH NC 27603-4214
J & M SMITH ENTERPRISES LLC	151 TECHNOLOGY DR	GARNER NC 27529-7940
KING, MARY R	4801 HOMELAND DR	RALEIGH NC 27603-4227
KIRKMAN, JAMES B KIRKMAN, JULIE A	4320 PARKWOOD DR	RALEIGH NC 27603-4248
LAIL, BRIAN EDWARD LABANG, BOUNTHAY ANN	4812 COMELIA DR	RALEIGH NC 27603-4202
LEE, JERRY ALAN LEE, LYNETTE BOYKIN	4805 COMELIA DR	RALEIGH NC 27603-4201
LEE, JERRY ALAN LEE, LYNETTE BOYKIN	4809 COMELIA DR	RALEIGH NC 27603-4201
MARTIN, DAVID J. JR TRUSTEE EVENSON, DONNA MARTIN TRUSTEE	1201 BUCK JONES RD	RALEIGH NC 27606-5635
MASSENGILL, EMORY C TRUSTEE EMORY C MASSENGILL LIVING TRUST	4811 COMELIA DR	RALEIGH NC 27603-4201 FAYETTEVILLE NC 28301-7609
MASSENGILL, RUFUS JR	317 COUNTRY CLUB DR	
MATHIS, JUDITH LEAH	304 GROVEMONT RD	RALEIGH NC 27603-4214
MCCLURE, WILLIAM W JR MCCLURE, JEAN G	4401 PARKWOOD DR	RALEIGH NC 27603-4259
MCCORMICK, BRIANNA MCCORMICK, JOSEPH	4912 CINDY DR	RALEIGH NC 27603-4206
MCLAUGHLIN, NATHAN L MCLAUGHLIN, JENNIFER N	4415 PARKWOOD DR	RALEIGH NC 27603-4237
MCLEAN, DEBORAH R	4920 COMELIA DR	RALEIGH NC 27603-4204
MENDOZA, BERTHA ALICIA	4808 COMELIA DR	RALEIGH NC 27603-4202
MOORE, NATHAN	329 GROVEMONT RD	RALEIGH NC 27603-4213
OUSLEY, CLINTON ISAAC	4707 WINTERLOCHEN RD	RALEIGH NC 27603-3865

OWNER	ADDR1	ADDR2
PEARCE, LISA S	704 NELLANE DR	GARNER NC 27529-3831
PEREZ, ALDEGUNDO ALEJANDRO HILARIO, BASILISA REYES	308 GROVEMONT RD	RALEIGH NC 27603-4214
PERRY, W GATTIS	629 SHADYWOOD LN	RALEIGH NC 27603-9321
PRENTICE, PAMELA K	5001 CINDY DR	RALEIGH NC 27603-4207
PRESTIGE HOME SOLUTIONS, LLC	500 CARDINAL DR	RALEIGH NC 27604-2210
RAGAN, JENNIFER LOU	5114 OLD VALLEY ST	RALEIGH NC 27603-4240
RANEY, STEPHANIE RANEY, KRISTEN	4915 COMELIA DR	RALEIGH NC 27603-4203
ROBINSON, RAHEEM R ROBINSON, KYNA ROSALIND ZIMME	4404 PARKWOOD DR	RALEIGH NC 27603-4238
RODRIGUEZ, JOSE LUIS	401 GROVEMONT RD	RALEIGH NC 27603-4215
SMITH, DAVID E II WRIGHT, JULIE	4909 GREENBRIER RD	RALEIGH NC 27603-4257
SPRINGFIELD DEV CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
SPRINGFIELD DEVELOPMENT CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
STEPHENSON, MICHAEL D STEPHENSON, MARY K	5013 WINTERLOCHEN RD	RALEIGH NC 27603-4251
THOMPSON, DIANNE C	2123 WILLOW HILL LN	CLAYTON NC 27520-5943
TOMLINSON, FRANCES W	4813 COMELIA DR	RALEIGH NC 27603-4201
TSJS LLC	6255 BENSON HARDEE RD	BENSON NC 27504-9670
TUSSEY, VIRGINIA ANN	5005 CINDY DR	RALEIGH NC 27603-4207
UPCHURCH, DORIS M	321 GROVEMONT RD	RALEIGH NC 27603-4213
VALDES CANIZARES, JULIO CESAR	4316 PARKWOOD DR	RALEIGH NC 27603-4248
WAKE CNTY BOARD OF EDUCATION	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145
WALL, BARRY	301 GROVEMONT RD	RALEIGH NC 27603-4213
WEAVER, NATHANIEL M	116 QUEENSFERRY RD	CARY NC 27511-6312

Neighborhood Meeting #1 Summary:

Question 1: What is the purpose of the connection to the existing neighborhoods?

Applicant Response: The existing stub streets were built with the intention of connecting to future development and this proposed development is required to complete the connections. Providing the connections will create better overall connectivity in the area and will provide superior access for emergency services.

Question 2: Would it be feasible from a developer’s point of view to not have the connections to the existing neighborhood?

Applicant Response: Yes. It would be feasible to limit access to our development to the Grovemont and Timber Drive entrances. However, the development Code requires these connections.

Question 3: Neighbors expressed concerns regarding the safety of children playing outside due to increased traffic.

Applicant Response: We do not expect a substantial increase in traffic from our development because the proposal includes similar residential uses and will also provide outlets to both Timber Drive and Grovemont. We expect most residents of the proposed development to use the entrances that are proposed with our development. In addition,

the driveways and garages will be located directly in front of the proposed townhomes and perpendicular to the street, which will help to control traffic within our project.

Question 4: What will the traffic impacts on Grovemont and Timber Drive be once the town home community is built? What type of traffic studies have been conducted?

Applicant Response: We have not conducted a traffic study because the amount of units we are proposing do not meet the threshold to require it. However, we will make any traffic improvements that are required by the NCDOT as a result of our project. Any such improvements have not been determined at this stage.

Question 5: Have properties on Cindy Road been purchased?

Applicant Response: Yes. There are two properties on Cindy Road that we have purchased and plan to include in this development.

Question 6: What is the approximate rental rate you are expecting to receive?

Applicant Response: We do not know actual rental rates at this time. We have conducted market research and our product type will be competing with people looking to rent a single-family home. Our prospective renters will likely be families that are seeking accommodations with a front door, back door, garage, no neighbors above or below, etc.

Question 7: What sort of criteria are you going to use to screen potential residents?

Applicant Response: We will hire a third party to conduct background checks, look at credit scores and criminal histories, etc. We are subject to fair housing guidelines and will stay within the boundaries of what is permissible within the law, but we still plan to be very thorough in our screening process.

Question 8: During the construction phase, what are the time constraints and how do you plan on managing dust and dirt?

Applicant Response: Once construction starts, it will be a 16 to 20-month process altogether. In terms of how we will handle dust and dirt, we are regulated by Wake County and the Town of Garner. We will use appropriate tools available in our industry such as sediment traps. These types of measures are generally installed around the perimeters of the development.

Question 9: Would you be willing to consider blocking traffic into our neighborhoods from contractors during the construction process?

Applicant Response: Yes. If allowed, we will consider blocking traffic to the existing neighborhoods from contractors during the construction process.

Question 10: Regarding buffer zones, do you plan to add additional density?

Applicant Response: We have not reached that level of detail in our plans, but will continue to evaluate buffers and will consider adding additional density to those

buffers. However, take note that along the border of the development, you will at most only see a two-story building.

Question 11: There is a concern regarding parking lots and headlights shining into existing homes that surround the development. There is also a concern regarding parking lots drawing more crime into the area.

Applicant Response: We understand your concerns. Keep in mind that all these homes will have a one car garage and all resident parking will be in front of the buildings. There will not be parking behind any of the buildings. There will only be three small parking lots and we will evaluate buffers in those areas.

Question 12: Will the pool parking lot be lit?

Applicant Response: We have not gotten to that level of detail yet.

Question 13: 17 years ago, there was a project on this same plot of land and NCDOT was unable to approve a cutout to Grovemont. What will happen if NCDOT will not give you the approval for the cutout to Grovemont?

Applicant Response: We do not have approval yet, and if NCDOT will not give us that approval, it would be a deal breaker for us. However, we are currently working with the town to review comments and have not gotten to the permitting phase.

Question 14: Do you intend to put traffic signals at the Grovemont entrance?

Applicant Response: No. Unless it is required by NCDOT, we do not plan on putting traffic signals at the Grovemont entrance.

Question 15: There is a concern regarding traffic during the construction phase.

Applicant Response: Grovemont and Timber Drive will be the main construction entrances.

Question 16: In regard to the containment pond, will there be any mosquito population control regulations to ensure no bloodborne pathogen exposure to local residents?

Applicant Response: Currently, we do not have any maintenance plans in place for the containment pond. We will adhere to construction industry practices and Town of Garner regulations and will also consider whether mosquito population control measures are needed.

Question 17: There is a concern regarding water because our creeks currently do not adequately support runoff.

Applicant Response: We are going above and beyond the normal code requirement for our stormwater containment pond by requiring it to handle the 100 year storm.

Question 18: What sort of impact can we expect in our property values once this community is established?

Applicant Response: Based on our experience, the price of your homes should not be impaired and may benefit from this community. We suggest looking into relatively high-

end rental communities and see how well maintained they are. As a reference, please check into the Chase apartments (3508 Garden Road, Burlington NC). There are a lot of people now who rent by choice. Also, keep in mind that a lot of these town homes will have the master bedroom on the first floor which will add to the appeal, and there are no one-bedroom homes.

Question 19: Will you allow section 8 of the Housing Act of 1937?

Applicant Response: We are not planning to offer Section 8 housing.

Question 20: How will traffic be managed?

Applicant Response: We plan to have stop signs, and with the proximity of the driveways to the street, traffic will be slowed. Our site plans will be reviewed by the Town to ensure we meet all safety requirements.

Question 21: Will you allow street parking?

Applicant Response: No.

Question 22: Would you be willing to share a copy of the sedimentation plan?

Applicant Response: There is not a sedimentation plan prepared yet. It is scheduled to come after we have our permit.

Question 23: Where are you in the process of submitting the site development plan and getting approval from the town? Is this the first site development plan that is before us?

Applicant Response: We have been through one full round of review comments at the staff level. The site development plan that you see today is the revised version of the first plan. There were not any significant changes except for the stormwater pond to control the 100-year storm. We are currently waiting for the Town of Garner to send us our second round of comments. We will address the comments we get from the Town and plan to resubmit to the town by the middle to end of this month. Entitlement will be next, and we are asking for MF1 zoning.

Question 24: Have any encroachments onto existing buffers been addressed with respect to the first site development plan?

Applicant Response: We have increased the buffers from the first plan to address the comments we received.

Question 25: How many parking spots are there in total?

Applicant Response: There are 303 parking spots in total.

Question 26: What is the size of the single garage?

Applicant Response: The single garage is 12 feet wide.

Question 27: Regarding storm water runoff, how is the water being diverted towards the pond?

Applicant Response: All water will be collected in the street and then piped over to the

pond. There will be a ridge split in the middle of the development and water will feed into the pond from two locations.

Question 28: What is the town's regulation regarding the number of access points per unit?

Applicant Response: There is not a number of required access point per unit. However, the provision of two neighborhood connections provides better access for emergency vehicles.

Question 29: There is a concern regarding the cut through using Homeland Drive and the potential debris coming through that area.

Applicant Response: The current plan is to connect to the stub street on Homeland Drive. During construction, that entrance will be blocked off. From the end of the street to the location where trees will start to be cleared is roughly 60 feet. There is a distance of 80 feet from the end of the drive to the location of buildings. Homeland Drive will be widened in the development, but the road will not be widened in front of private property where current residents live.

Question 30: You mentioned the code requires you to have the Homeland Drive connection. With that being said, are you okay with the traffic?

Applicant Response: Yes, we feel that traffic will be adequately managed.

Question 31: How will trash and garbage be managed?

Applicant Response: Each town home will have individual roll out carts that will be stored in their private garage. On trash day, the roll out carts will be put at the end of each driveway.

Question 32: Looking at section 23 in the planning development memorandum, if you are using individual roll out carts for trash collection, why is there a listing for a trash compactor?

Applicant Response: There will not be a trash compactor. We included a diagram in the plans for the location of the canisters in the garage.

Question 33: Will yard maintenance be provided?

Applicant Response: Yes.

Question 34: Will you please describe the material used and overall look for the exterior of the town homes?

Applicant Response: We plan on using a mix of brick, cultured stone, and Hardie board for the exterior of the town homes. The town homes will have a fairly traditional look overall, and there will be variation in the look of the homes. The units will be off set, and we plan to have six different building types.

Question 35: Will the clubhouse be large enough to hold parties?

Applicant Response: By apartment standards, the clubhouse is small. There will be a

room in the clubhouse called a club room that will be available for residents to use. There will be full time management on site.

Question 36: What is the time frame for the development to be finished?

Applicant Response: We hope to start construction late next spring. We estimate that construction will last 20 months. This means we plan to finish the development at some point in 2024.

Question 37: Neighbors expressed concerns about traffic on Grovemont. It is not abnormal for cars to be traveling at speeds of 45-50 mph when the speed limit is currently 35 mph.

Applicant Response: The Grovemont entrance is regulated by NCDOT, and we have not yet gotten a permit. We do not know if we will have a turn lane at the Grovemont entrance because we do not yet have a permit.

Question 38: Neighbors expressed concerns about noise from trash pickup.

Applicant Response: Units will have individual trash bins, and we have provided buffers to limit noise.

Question 39: Have you developed any type of properties like this in the Raleigh/Garner area?

Applicant Response: We have developed apartments in the Raleigh/Cary area. In the apartment business, we have noticed that people like renting town homes more than typical apartments because nobody is living above or below the home. We have a site in Asheville and a site in Durham that are similar to this proposal in Garner. All three are currently in the planning stage of development.

Question 40: There is a townhome development right in front of Joyner Elementary School in Raleigh. Is that an accurate representation of what you are envisioning for the Timber Drive Apartments?

Applicant Response: Those units are larger than what we are envisioning, but they are a similar concept.

Question 41: Do you have pictures of what you are proposing?

Applicant Response: Yes. We have renderings that we can show you.

Question 42: When this project is completed, who will be responsible with the management of the company?

Applicant Response: John Barker and George DeLoache will be the owners after it is developed. We are pursuing 40-year financing. Our intention is to own them and eventually give them to our kids. Our intention is for our families to own the development indefinitely.

Question 43: Do you plan to build the development yourselves, or will you contract out? If you plan to hire an outside contractor, do you have any ideas on who that might be?

Applicant Response: We will contract out. We are considering some larger scale contractors, but have not made a selection.

Question 44: Is there going to be an entrance sign for the development on Grovemont?

Applicant Response: We have not gotten that far in the planning process, but do plan to have a sign. The sign will be set back from the road.

Question 45: Neighbors expressed concerns regarding the need for a designated turn lane going into the Grovemont entrance and potentially high rental prices.

Applicant Response: If required by NCDOT, we will provide a turn lane going into the Grovemont entrance. We are proposing a high-quality product and our rental process will ultimately be determined by the market.

Question 46: How will nitrogen runoff be managed?

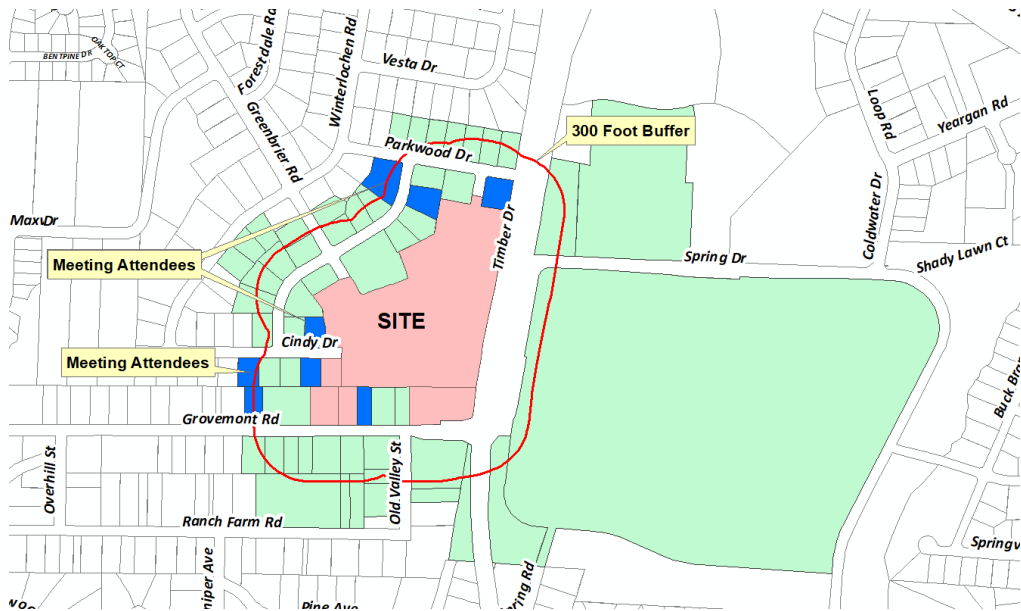
Applicant Response: The water will run through a sand filter that will remove nitrogen runoff. The pond will reduce nitrogen by 30%.

Question 47: Who will maintain the pond over the years?

Applicant Response: There will be a maintenance crew, and the Town of Garner has annual pond inspections.

It was stated that if there is another meeting, everyone who put their name on the sign in list will be informed about the time and location of the next meeting. At approximately 7:30 PM, there were no additional questions from attendees and the meeting was concluded.

Neighborhood Meeting #2: The second neighborhood meeting was held on December 14, 2021, at Garner United Methodist Church with about 19 in attendance including many outside of the notice list area.



OWNER	ADDR1	ADDR2
ALI, ZULFIQAR WAHAB, SANAM	4908 GREENBRIER RD	RALEIGH NC 27603-4258
ANTIEL, NATHAN M ANTIEL, KAYLA M	4407 PARKWOOD DR	RALEIGH NC 27603-4237
BRE THRONE GARNER TOWNE SQUARE LLC	500 E BROWARD BLVD STE 1130	FT LAUDERDALE FL 33394-3022
CRIPPEN, MARTIN JOSEPH CRIPPEN, JUDY A	5005 WINTERLOCHEN RD	RALEIGH NC 27603-4251
DAVID J & MARILYN B MARTIN IRREVOCABLE TRUST	1201 BUCK JONES RD	RALEIGH NC 27606-5635
ECJ MAGNOLIA INVESTMENTS INC	PO BOX 7	HAGATNA GU 96932-0007
FERRELL, JAMES S FERRELL, SHIRLEY S	4904 COMELIA DR	RALEIGH NC 27603-4204
FIELDS, LARRY A	325 GROVEMONT RD	RALEIGH NC 27603-4213
FORREST, JOYCE J	4908 COMELIA DR	RALEIGH NC 27603-4204
FREBELOR DEVELOPMENT CORP	1302 COLONY DR	RALEIGH NC 27603-4606
FREEMAN, DEBRA B PARRISH, NANCY B	896 BALLARD PRUITT RD	FRANKLINTON NC 27525-9522
GARDNER, RONALD L GARDNER, CAROLYN S	4919 CINDY DR	RALEIGH NC 27603-4205
GODWIN, LARRY R GODWIN, REBA T	1919 FORDHAM DR APT 316	FAYETTEVILLE NC 28304-3664
GRAHAM, JASON SCOTT TRUSTEE THE JASON SCOTT GRAHAM LIVING TRUST	4416 PARKWOOD DR	RALEIGH NC 27603-4238
GREEN, JOHN R GREEN, MOLLIE T	4921 CINDY DR	RALEIGH NC 27603-4205
HD DEVELOPMENT OF MARYLAND INC	PO BOX 105842	ATLANTA GA 30348-5842
HOGGE, MARJORIE C	5009 WINTERLOCHEN RD	RALEIGH NC 27603-4251
HOLT, GEORGE HOLT, JUDITH	200 E MEMORY LN UNIT 2	HYDE PARK UT 84318-2702
HOLT, JENNIFER	4901 COMELIA DR	RALEIGH NC 27603-4203
HOWELL, BARBARA L POLLOCK	5108 OLD VALLEY ST	RALEIGH NC 27603-4240
HUMPHRIES, RICHARD G HUMPHRIES, LILLIE S	320 GROVEMONT RD	RALEIGH NC 27603-4214
J & M SMITH ENTERPRISES LLC	151 TECHNOLOGY DR	GARNER NC 27529-7940
KING, MARY R	4801 HOMELAND DR	RALEIGH NC 27603-4227
KIRKMAN, JAMES B KIRKMAN, JULIE A	4320 PARKWOOD DR	RALEIGH NC 27603-4248
LAIL, BRIAN EDWARD LABANG, BOUNTHAY ANN	4812 COMELIA DR	RALEIGH NC 27603-4202
LEE, JERRY ALAN LEE, LYNETTE BOYKIN	4805 COMELIA DR	RALEIGH NC 27603-4201
LEE, JERRY ALAN LEE, LYNETTE BOYKIN	4809 COMELIA DR	RALEIGH NC 27603-4201
MARTIN, DAVID J. JR TRUSTEE EVENSON, DONNA MARTIN TRUSTEE	1201 BUCK JONES RD	RALEIGH NC 27606-5635
MASSENGILL, EMORY C TRUSTEE EMORY C MASSENGILL LIVING TRUST	4811 COMELIA DR	RALEIGH NC 27603-4201
MASSENGILL, RUFUS JR	317 COUNTRY CLUB DR	FAYETTEVILLE NC 28301-7609
MATHIS, JUDITH LEAH	304 GROVEMONT RD	RALEIGH NC 27603-4214
MCCLURE, WILLIAM W JR MCCLURE, JEAN G	4401 PARKWOOD DR	RALEIGH NC 27603-4259
MCCORMICK, BRIANNA MCCORMICK, JOSEPH	4912 CINDY DR	RALEIGH NC 27603-4206
MCLAUGHLIN, NATHAN L MCLAUGHLIN, JENNIFER N	4415 PARKWOOD DR	RALEIGH NC 27603-4237
MCLEAN, DEBORAH R	4920 COMELIA DR	RALEIGH NC 27603-4204
MENDOZA, BERTHA ALICIA	4808 COMELIA DR	RALEIGH NC 27603-4202
MOORE, NATHAN	329 GROVEMONT RD	RALEIGH NC 27603-4213
OUSLEY, CLINTON ISAAC	4707 WINTERLOCHEN RD	RALEIGH NC 27603-3865

OWNER	ADDR1	ADDR2
PEARCE, LISA S	704 NELLANE DR	GARNER NC 27529-3831
PEREZ, ALDEGUNDO ALEJANDRO HILARIO, BASILISA REYES	308 GROVEMONT RD	RALEIGH NC 27603-4214
PERRY, W GATTIS	629 SHADYWOOD LN	RALEIGH NC 27603-9321
PRENTICE, PAMELA K	5001 CINDY DR	RALEIGH NC 27603-4207
PRESTIGE HOME SOLUTIONS, LLC	500 CARDINAL DR	RALEIGH NC 27604-2210
RAGAN, JENNIFER LOU	5114 OLD VALLEY ST	RALEIGH NC 27603-4240
RANEY, STEPHANIE RANEY, KRISTEN	4915 COMELIA DR	RALEIGH NC 27603-4203
ROBINSON, RAHEEM R ROBINSON, KYNA ROSALIND ZIMME	4404 PARKWOOD DR	RALEIGH NC 27603-4238
RODRIGUEZ, JOSE LUIS	401 GROVEMONT RD	RALEIGH NC 27603-4215
SMITH, DAVID E II WRIGHT, JULIE	4909 GREENBRIER RD	RALEIGH NC 27603-4257
SPRINGFIELD DEV CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
SPRINGFIELD DEVELOPMENT CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
STEPHENSON, MICHAEL D STEPHENSON, MARY K	5013 WINTERLOCHEN RD	RALEIGH NC 27603-4251
THOMPSON, DIANNE C	2123 WILLOW HILL LN	CLAYTON NC 27520-5943
TOMLINSON, FRANCES W	4813 COMELIA DR	RALEIGH NC 27603-4201
TSJS LLC	6255 BENSON HARDEE RD	BENSON NC 27504-9670
TUSSEY, VIRGINIA ANN	5005 CINDY DR	RALEIGH NC 27603-4207
UPCHURCH, DORIS M	321 GROVEMONT RD	RALEIGH NC 27603-4213
VALDES CANIZARES, JULIO CESAR	4316 PARKWOOD DR	RALEIGH NC 27603-4248
WAKE CNTY BOARD OF EDUCATION	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145
WALL, BARRY	301 GROVEMONT RD	RALEIGH NC 27603-4213
WEAVER, NATHANIEL M	116 QUEENSFERRY RD	CARY NC 27511-6312

Neighborhood Meeting #2 Summary:

Question A: Is the yellow house at 4913 Cindy Dr going to be preserved?

Applicant Response: Yes, that house will be preserved and sold at a later date.

Question B: Have the driveways to the site on Grovemont Rd and Timber Dr been approved by NCDOT?

Applicant Response: The driveway approval process occurs after the rezoning, but preliminary discussions with NCDOT have not revealed any major issues related to approval.

Question C: Do the current plans still extend Cindy Dr and Homeland Dr, which are currently stub streets?

Applicant Response: Yes. The existing stub streets were built with the intention of connecting to future development and this proposed development is required to complete the connections. Providing the connections will create better overall connectivity in the area and will provide superior access for emergency services.

Question D: Has there been any consideration to changing the signal timing for the northbound left turn lane at the Timber Dr and Grovemont Rd intersection?

Applicant Response: This has not been discussed yet but is something we can ask NCDOT about.

Question E: Will the roads in the surrounding neighborhoods be improved to handle the additional traffic?

Applicant Response: Improvements to Timber Dr and Grovemont Rd will be performed as necessary to handle the additional traffic, but we are not anticipating any improvements to the roads within the surrounding neighborhoods.

Question F: Can the site driveway on Grovemont Rd include a left turn onto Grovemont Rd?

Applicant Response: We can discuss this turn with NCDOT.

Question G: Will the development prevent traffic from cutting through the surrounding neighborhoods?

Applicant Response: There is nothing we can do to prevent cut through traffic, but the additional connections to Grovemont Rd and Timber Dr are designed to provide easier access onto those roads for the traffic generated by this development and should improve congestion and reduce cut through traffic.

Question H: Can the site driveway on Timber Dr include a southbound right turn to into the new development?

Applicant Response: This would require cutting the median on Timber Dr, but we can discuss this turn with NCDOT.

Question I: Will the parking lots by the clubhouse include lights?

Applicant Response: Yes. The lot will include some lights for safety and security.

Question J: Will street parking be allowed?

Applicant Response: No.

Question K: Will the community amenities be open to residents of the surrounding neighborhoods?

Applicant Response: This is not typical and is not planned, but we can explore that option.

Question L: Will the site entrance on Grovemont Rd impact the property at 308 Grovemont Rd?

Applicant Response: No. Grovemont Rd will be widened slightly along the north side of the road, but the work will be done within the existing right-of-way.

Question M: Will there be sidewalks installed along Grovemont Rd and Timber Dr?

Applicant Response: Yes, sidewalks will be installed along those roads where the rezoning site fronts the right-of-way.

Question N: Will the covenants on the property to be rezoned impact this development?

Applicant Response: We are not aware of any covenants that restrict development of the property, but we will look into this in more detail.

Question O: Could you please explain the stormwater management on the property?

Applicant Response: There will be a wet pond on the northern portion of the property that will retain, treat, and release stormwater. Most of the northern half of the site will drain into this pond, where it will be retained and slowly released. The Town code requires this type of stormwater treatment, which will result in stormwater releasing into the ground slower than pre-development rates. The western/southern portion of the site will have an underground stormwater device that will act in the same manner as the wet pond. We have also committed to a level of stormwater treatment that exceeds the Town code. The facilities on this site will be designed to retain the 100 year storm.

Question P: Will these stormwater devices need regular maintenance?

Applicant Response: Yes. The Town code requires yearly maintenance, either by the land owner or, in some cases, the Town itself.

Question Q: Have the plans for this to be a rental community changed, and if not, will the community ever transition to an owner-occupied community?

Applicant Response: No, the plans have not changed. We do not foresee transitioning the community to owner occupied in the near future. If we did transition to selling the units, we would be required to comply with the Town's subdivision requirements, which would require the establishment of an HOA to manage the community.

Question R: What is the development timeline for this project?

Applicant Response: This project is still in its early stages. The first step is to rezone the property, which will require public meetings before the Town Council and Planning Commission. Once the property is rezoned, we will need to go before Town Council again to obtain a special use permit. This is required because the proposed development has more than 100 residential units. This process involves an evidentiary hearing at which we will be required to meet certain criteria in order to obtain the permit. Following this hearing, we will need to obtain construction permits before construction starts. The process is fluid, but we anticipate the earliest any construction could begin is in the fall of 2022.

Question S: There is concern about construction traffic cutting through the surrounding neighborhoods.

Applicant Response: The construction entrance has not been determined yet, but it will likely be off of Grovemont Rd or Timber Dr. This entrance will be clearly marked and contractors will be required to use this entrance.

Question T: Will there be monument signs for the new community?

Applicant Response: Yes, the community will be appropriately identified through signage.

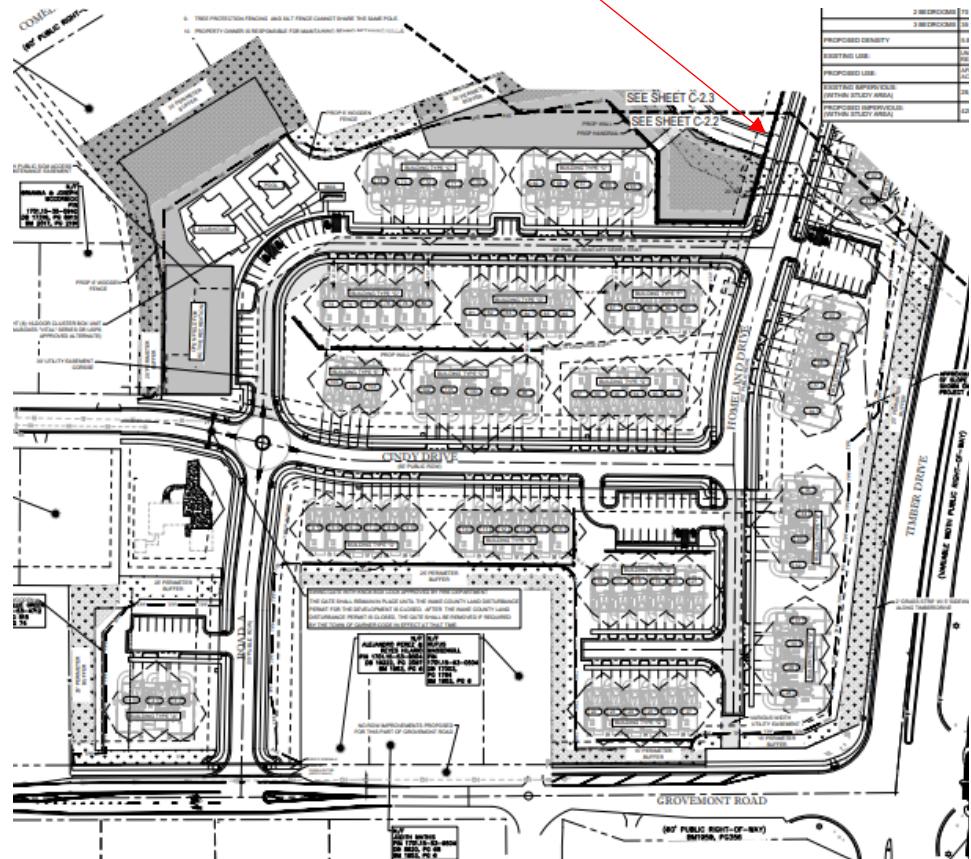
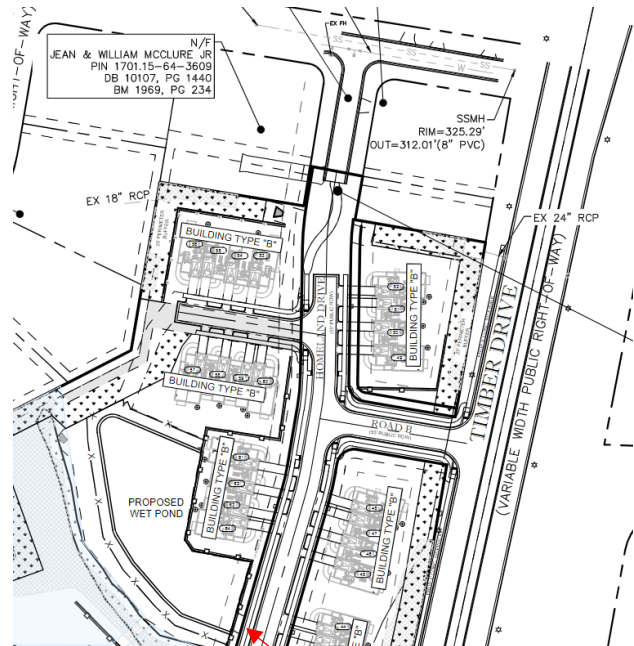
Question U: What are the buffer standards generally, and could a fence be installed adjacent to the property at 320 Grovemont Rd?

Applicant Response: The buffers between the new development and surrounding neighborhoods will be planted according to the Town standards. Existing vegetation will be retained, and new vegetation will be installed to meet the Town standards. In some areas, the buffer yards require installing a 6 ft fence. And yes, we will add a condition to commit to installing a fence within the buffer adjacent to 320 Grovemont Rd.

V. MASTER PLAN PROJECT DATA

Acreage: 17.80 +/- acres

Site Plan:



Lot and Setbacks:

Minimum lot size of 6,000 square feet.

Front: 35'

Side: 15'

Rear: 25' and 35'(adjacent to Timber Drive)

Corner side: 25'

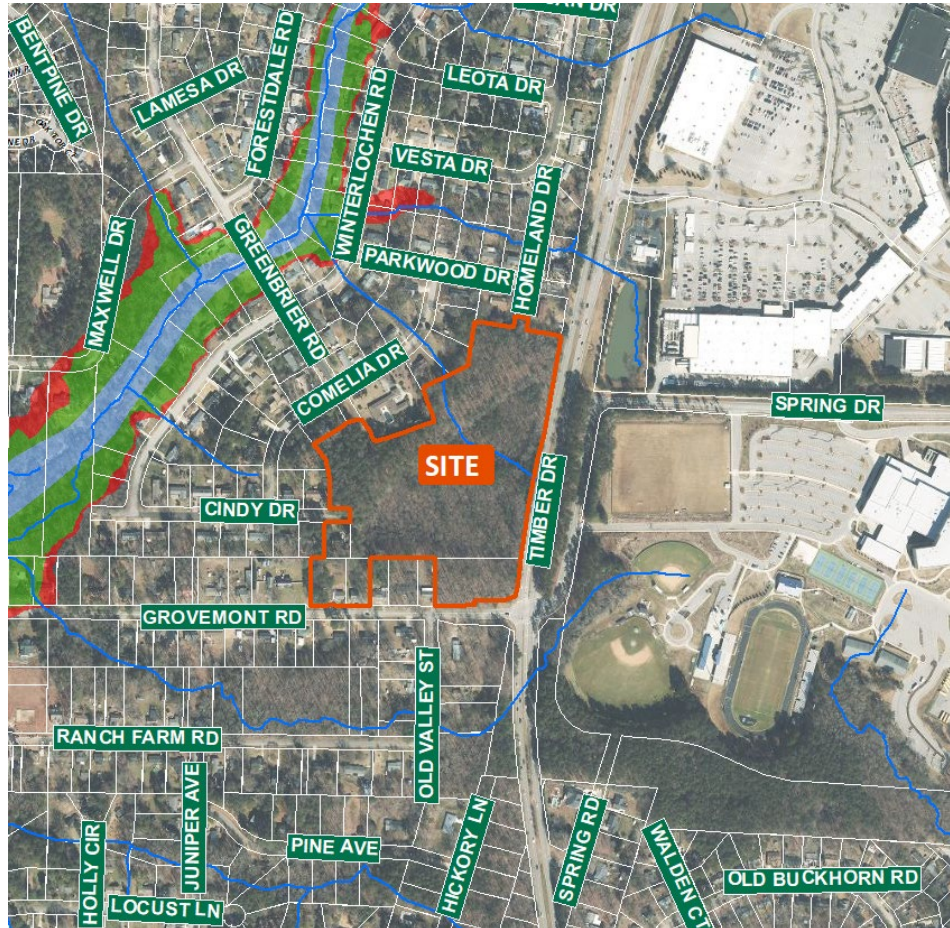
Building Material and Color:

Front elevations shall be either lap/ shake or board and batten with a brick accent.



Environmental Features:

Minor wetlands have been indicated along the draw of the blue line depicted on site in the graphic below. Much of the area will not be directly impacted. Proof of required state and/or federal approvals for direct impacts are required prior to the release of construction documents. There are no FEMA floodplains or blue line streams subject to Neuse River buffering rules.



Parks and Open Space:

Open Space –

- Required: 10% (+/- 1.78 acres)
- Provided: 11.63%

Open space areas will be owned and maintained by Greenbrier Park HOA/management. Required open space will be met with qualifying wetland conservation areas, qualifying tree conservation areas and the active recreation amenity.

Fire Protection:

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

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

Parking: Parking for apartment communities are 2 spaces for 2 bedrooms and 2.5 spaces for 3 bedrooms, plus 1 space for every 4 bedrooms for guest parking:

- Required: 279
- Proposed: 279

Infrastructure: **Water/Sewer** - The site will be served by adjacent City of Raleigh water and sewer infrastructure. Water lines are required to be extended along Timber Drive and Grovemont Road. Any upstream connections will be provided per Raleigh Water policy.



Stormwater Management: Greenbrier Park is a multifamily development site that is located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen and 85% TSS removal as well as water quantity requirements for the 1, 10, 25 and 100-year storm events. This development plan proposes a wet retention pond and an underground sand filter to treat impervious surface from the development. These devices will satisfy all

water quality and water quantity requirements at this site for nitrogen, 85% TSS removal and will detain the 1, 10, 25 and 100-year storm events. A nitrogen offset payment will also be required as part of this development.

Streets, Access and Frontage Improvements: Grovemont Road will be widened and completed to the greatest extent possible given right-of-way constraints along adjacent properties. Plans do include a dedicated left on eastbound Grovemont into the project site. Right-in/right-out access will be constructed along Timber Drive. Cindy Drive will be connected, and Homeland Drive will be limited to bicycle and pedestrian connections. Pedestrian access will be accommodated with sidewalks along both sides of all streets and private drives. Sidewalk will also extend along the site's frontages on Timber Drive and Grovemont Road.

V. STAFF RECOMMENDATION

Following technical review and plan revisions, staff finds that this project, as now proposed, meets the regulations of the Unified Development Ordinance and other applicable regulations, codes and policies; and may be approved so long as the following project specific conditions are met:

1. Construction drawings must be submitted and approved by Garner Engineering Department following preliminary site plan approval;
2. Prior to issuance of building permit, Town staff shall be in receipt of a sufficient voluntary annexation petition for the un-annexed portions of the site;
3. Prior to issuance of building permit, payment of Engineering Inspection Fees, shall be paid to the Town of Garner;
4. Prior to issuance of building permits, lot(s) must be a lot(s) of record;
5. Prior to issuance of building permit, City of Raleigh utilities fees, if applicable, shall be paid; and
6. Prior to issuance of building permit, the Garner Engineering Department shall be in receipt of documentation that a nitrogen offset payment has been made to an approved mitigation bank.

SUP-SP-21-09, Greenbrier Park Apartments

Special Use Permit Motion Worksheet

Choose one of the following motions based on your Council findings:

**1. MEETS THE
SPECIAL USE
CRITERIA
AND
APPROVE**

"I find that application # SUP-SP-21-09 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-21-09, Greenbrier Park Apartments with the six (6) site-specific conditions to be listed on the permit that will be prepared by Staff.

Optional (conditions – mark, fill in and read all that applies): ...and including the following reasonable conditions necessary to address the impacts of the proposed development on:

- adjoining property,
- the existing natural and man-made features of the site,
- off-site and on-site traffic flow,
- public utilities,
- such other public services or goals of the Comprehensive Growth Plan or the Transportation Plan that may be negatively impacted by the proposed development (*enumerate plan services/goals*):

Condition #1:

Condition #2:

Condition #3, etc.:

2. DOES NOT MEET THE SPECIAL USE CRITERIA AND DENY

"I find that application # SUP-SP-21-09 does not meet one or more of the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D:

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

1. The proposed use **will** endanger the public health or safety
because/as evidenced by _____;
2. The proposed use **will** substantially injure the value of adjoining or abutting property
because/as evidenced by _____;
3. If completed as proposed, the development will **not** comply with all the requirements of this Ordinance
because/as evidenced by _____;
4. The proposed use is **not** consistent with the Town's adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of this UDO
because/as evidenced by _____;
5. The proposed use is **not** compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts)
because/as evidenced by _____;
6. Any significant adverse impacts resulting from the use will **not** be mitigated or offset, including impacts on the natural environment.
because/as evidenced by _____;
7. The public safety, transportation and utility facilities and services will **not** be available to serve the subject property while maintaining sufficient levels of service for existing development
because/as evidenced by _____;
8. **Inadequate** assurances of continuing maintenance have been provided
because/as evidenced by _____;

therefore, I move that the Town Council deny SUP-SP-21-09, Greenbrier Park Apartments.

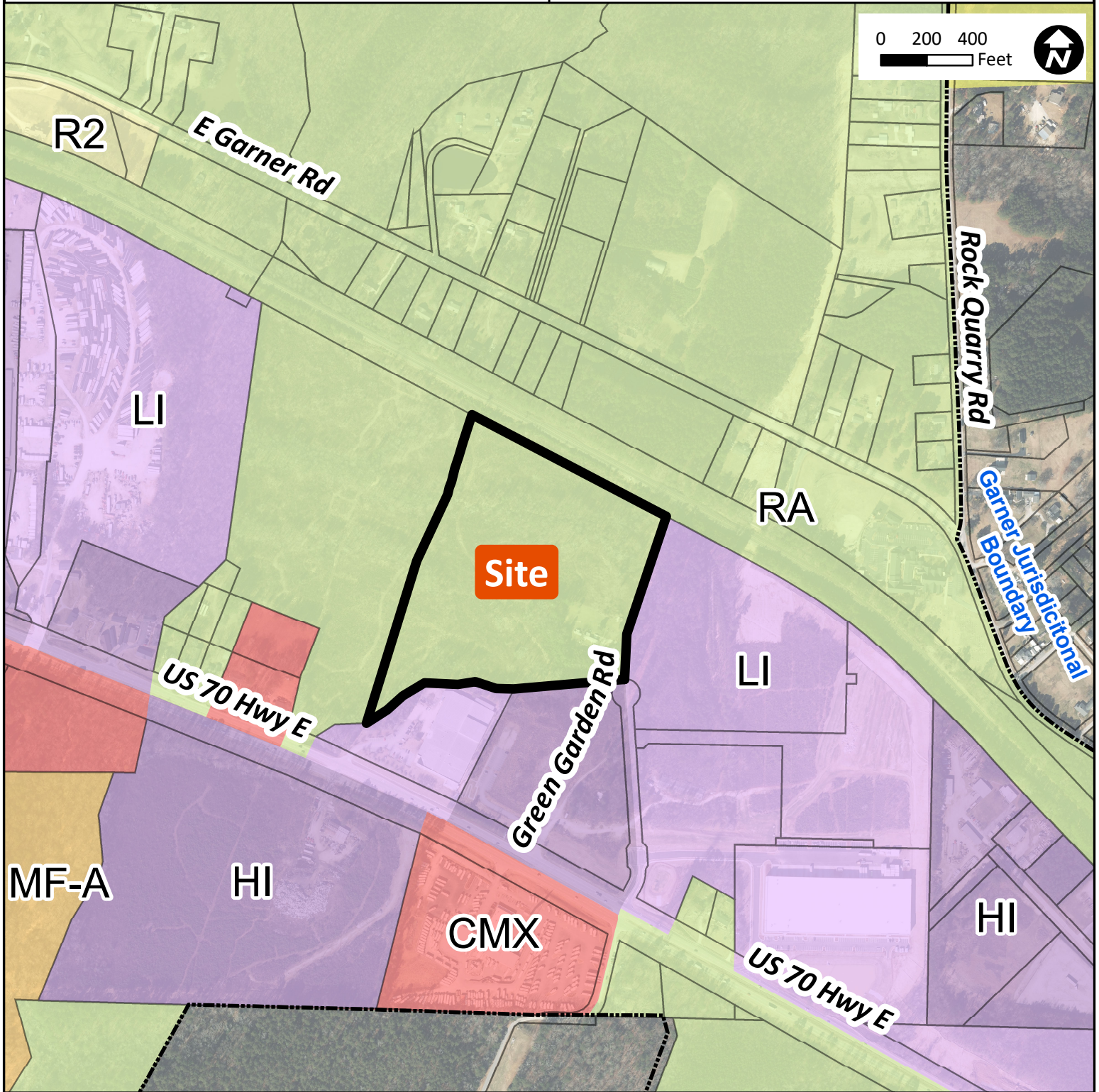
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 ▼		
Subject: Tier 1 Conditional Rezoning #CZ-22-04, US 70 E. Industrial		
Location on Agenda: Old/New Business ▼		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP, Planning Director		
Presenter: Reginald Buie, Senior Planner - Land Use & Zoning		
Brief Summary: Tier 1 conditional rezoning (CZ-22-04) submitted by Al Neyer, LLC - Justin Parker to conditionally rezone 32.75 +/- acres from Rural Agricultural (RA) to Heavy Industrial Conditional (HI C257). for the development of a 225,000 sf building for industrial use. The site is located at 4839 Green Garden Road and can be further identified as Wake County PIN # 1730-84-2632 .		
Recommended Motion and/or Requested Action: Consider motion to approve CZ-22-04 by adopting Ordinance (2022) 5152		
Detailed Notes: Zoning conditions are proposed that restrict the range of permissible uses down to 17 of 60 uses allowed in the Heavy Industrial (HI) district. The neighborhood meeting was held on June 28, 2022 at the temporary jobsite trailer at 1000 Garner Business Park Drive with three (3) persons in attendance. Planning Commission held their meeting on October 10, 2022, and unanimously voted to accept the Consistency Statement detailed in Section VI of the staff report and recommend approval of CZ-22-04 to the Town Council.		
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-22-04**



Project: US 70 E Industrial
Applicant: Al Neyer
Owner: L & L Company LLC
Location: 4839 Green Garden Road
Pin #: 1730842632 (Portion)

Proposed Use: Heavy Industrial
Current Zoning: RA
Proposed Zoning: HI C257
Acreage: 32.75
Overlay: Commercial Highway
 Overlay; Limited Access
 Highway Overlay



Planning Department Staff Report

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Reginald Buie, CZO; Senior Planner - Zoning and Land Use

SUBJECT: *Tier 1 Conditional Rezoning Request # CZ-22-04, US 70 East Industrial*

DATE: November 7, 2022

I. PROJECT AT A GLANCE

Project Number(s): CZ-22-04, Tier 1 Conditional Rezoning

Applicant: Al Neyer, LLC – Justin Parker

Owners: L&L Company, LLC

General Description -

Project Area & Location: 32.75 +/- acres

Wake Count PIN(s): Portion of 1730842632

Current Zoning: At time of request: Single-Family Residential (R-40);
As of 7/5/22: Rural Agricultural (RA)

Requested Zoning: At time of request: Heavy Industrial (I-2) Conditional;
After 7/5/22: Heavy Industrial (HI C257) Conditional

Overlay(s): At time of request: US 70/401 Overlay (O-70) and I-40/540
Overlay (O-40);
As of 7/5/22: Commercial Highway Overlay (CHO) and
Limited Access Highway Overlay (LHO)

Key Meeting Dates:

Public Hearing: October 3, 2022

Planning Commission: October 10, 2022

Action: November 7, 2022

II. BACKGROUND / REQUEST SUMMARY

Request: Tier 1 conditional rezoning request (CZ-22-04) submitted by Justin Parker with AI Neyer, LLC, to conditionally rezone 32.75 +/- acres from **Rural Agricultural (RA)** to **Heavy Industrial Conditional (HI C257)**. The site is located on the north side of US Highway 70 East and adjacent to the eastern margin of the future NC 540 corridor and may be further identified as a portion of Wake County PIN# 1730842632.

This is a Tier 1 conditional district rezoning request which means there is no site plan or specific development proposal at this time. Conditions are proposed to limit the range of permissible uses down to 17 from a list of 60 uses allowed in the Heavy Industrial (HI) district.

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Rural Agricultural (RA) to Heavy Industrial (HI) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO which was in effect at the time of application governing the Heavy Industrial (I-2) zoning district.



III. ZONING ANALYSIS

Existing: The existing zoning of the site is **Rural Agricultural (RA)**. The RA District primarily accommodates agriculture, silviculture, and rural residential (aka large-lot single-family residential) uses. Other uses typically found in rural areas, including utility structures and other compatible uses are also found in the district. Properties zoned RA are typically found in areas outside the Town’s corporate limits where public water and sewer services are not readily available. Maximum Gross Density is one (1) unit per acre.

The following is a list of permitted uses in the RA District:

- | | |
|--|---|
| 1. Single-Family Detached | Space Uses Not Listed |
| 2. Manufactured Home – Class A | 17. Public Park, Passive Open Space, Nature Park |
| 3. Manufactured Home – Class B | 18. Bed and Breakfast Home, 8 rooms or fewer |
| 4. Other Group Living Uses Not Listed | 19. In Home Family Child Care Home |
| 5. Group Care (with 9 or fewer residents) | 20. Crematorium |
| 6. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses | 21. Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation |
| 7. Community Center | 22. Minor Utility |
| 8. Higher Education | 23. Solar Farms |
| 9. School, Primary or Secondary | 24. Telecommunications Facility |
| 10. Emergency Services | 25. Other Agricultural Uses Not Listed |
| 11. Prison, Jail, Detention Facility | 26. Agriculture and Silviculture |
| 12. Cemetery | 27. Greenhouse, Nursery (commercial), indoor operations |
| 13. Religious Institution | 28. Greenhouse, Nursery (commercial), outdoor operations |
| 14. Golf Course or Country Club, Private | |
| 15. Horse Stables and Related Facilities | |
| 16. Other Outdoor Parks and Open | |

Proposed: The proposed zoning of the 32.75 +/- acre site is **Heavy Industrial (I-2 C257) Conditional** which would be converted to **Heavy Industrial Conditional (HI C257)** upon adoption. The Heavy Industrial zoning district is intended to provide for industrial uses that may be noxious or offensive due to odors, smoke, dust, noise, fumes or vibration. Operations may be inside or outside of a building.

The applicant has proposed the following conditions for the Heavy Industrial (HI C257) Conditional District:

1. Permitted use table (17 selected from the generally permitted list of 60)

Use Category	Specific Use	HI C257
Government Facilities	Government, Utility Facility with Outdoor Storage	S
Passenger Terminal	Taxicab or Limousine Operations or Facility	P

Use Category	Specific Use	HI C257
Entertainment	Indoor Entertainment Facility	P
Retail Sales and Service	Open Air Market	P
	Repair Oriented Use (no outdoor operations)	P
	Sales Oriented Use (no outdoor operations)	P
	Sales Oriented Use with Outdoor Operations	P
Vehicle Sales and Service	Car Wash	P
	Vehicle General Repair	P
	Vehicle Sales, Rental	P
	Vehicle Service, Limited	P
	Vehicle Towing, Storage	P
Light Industrial Service	Flex Space	P
	Industrial Use, Indoor	P
	Industrial Use with Outdoor Operation	P
Manufacturing and Production	Manufacturing Indoor or Outdoor	P
Warehouse and Freight Movement	Storage (including Outdoor)	P

Overlay Districts: This property falls within the **Limited Access Highway Overlay (LHO) District**. This overlay district has additional development standards applicable to either side of I-40 within the Garner zoning jurisdiction, as well as to all future interstate development. It is intended to preserve natural scenic beauty and aesthetic character; promote design quality; enhance trade, tourism, capital investment, and the general welfare along the thoroughfare; and preserve undisturbed natural or native vegetation between the interstate(s) and current and future adjacent uses. There are several uses that are prohibited or restricted within the overlay district.

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

Restricted uses: The following may be expressly included in whole or in part in the proposed use list provided they meet additional standards (often related, but not limited, to site layout and/or screening):

- a. Truck service centers (truck stops).
- b. Vehicle sales.
- c. Uses with storage for retail such as lumber yards, heavy equipment dealers, and similar uses.

Some of the uses proposed will overlap with those identified herein as restricted. Such uses will need to meet applicable additional standards to be approved.

This property also falls within the **Commercial Highway Overlay District (CHO)**. The overlay applies to the entire length of U.S. 70 and U.S. 401 - and portions of Garner Road - located within Garner's zoning jurisdiction. It is intended to provide for functional, efficient

transportation corridors; expand economic opportunity; protect community character; and preserve and promote the community’s appearance and quality.

Prohibited uses: Town staff notes that the outdoor-only component of the “Storage (including Outdoor)” specific use is prohibited by the CHO as a stand-alone primary use. Additionally, accessory outdoor storage of items not sold or used on site are prohibited. Indoor-only storage and outdoor storage of goods sold or used on site are permitted.

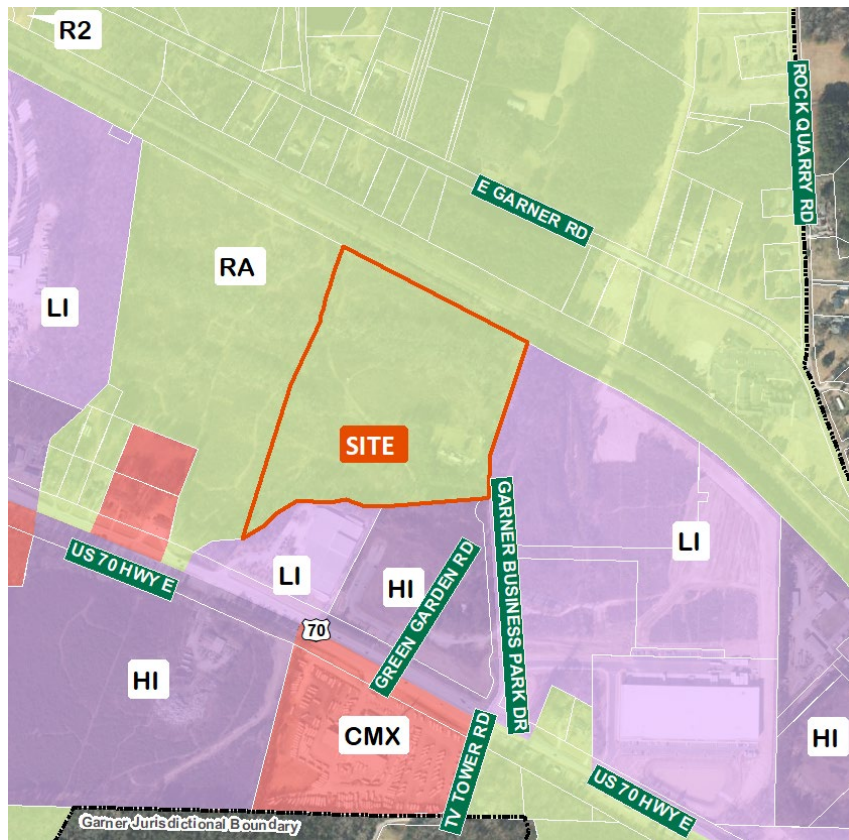
Restricted uses: None of the restricted overlay district uses are included in the proposed use list provided above.

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-93-2	Wilfred E. Buffalo, Jr.	Walnut Drive	I1 to I2 C41
CUD-Z-96-01	Leland Wayne Poole	Auburn Knightdale Road	CB to SB C63
CUD-Z-96-03	W.E. Buffalo, Jr.	US 70 Hwy E.	I1 to I2 C64
CUD-Z-00-01	Lillie D. Ray and William K. Ray	Raynor Road	I1 to I2 C97
CUD-Z-01-07	Chris Daniels	US 70 Hwy E.	I2 C105 to I2 C110
CUD-Z-05-04	Tony M. Tate	US 70 Hwy E.	I-1 to I-2 C133
CUD-Z-05-01	Tony M. Tate	US 70 Hwy E.	I-2 C110 to I-2 C105
CUD-Z-14-01	William Sparkman	US 70 Hwy E.	Wake Co. HD to I-1 C172
CUD-Z-16-05	Freedom Roads, LLC	US 70 Hwy E.	Wake County HD to SB C185
CUD-Z-16-10	William Sparkman	Green Garden Road	Wake County HD to I-2 C190
CUD-Z-20-05	Justin Parker	US 70 Hwy E.	I-1 to SB C230

Adjacent Zoning and Land Use:

- North:** RA NC Railroad Company and Residential
- South:** LI and HI Pleasants & Baugh Land / Konica
- East:** LI Garner Business Park (US 70 E. Industrial – Lots 1-4)
- West:** RA Baugh Land – Vacant / Future 540



IV. COMMUNITY INFORMATION

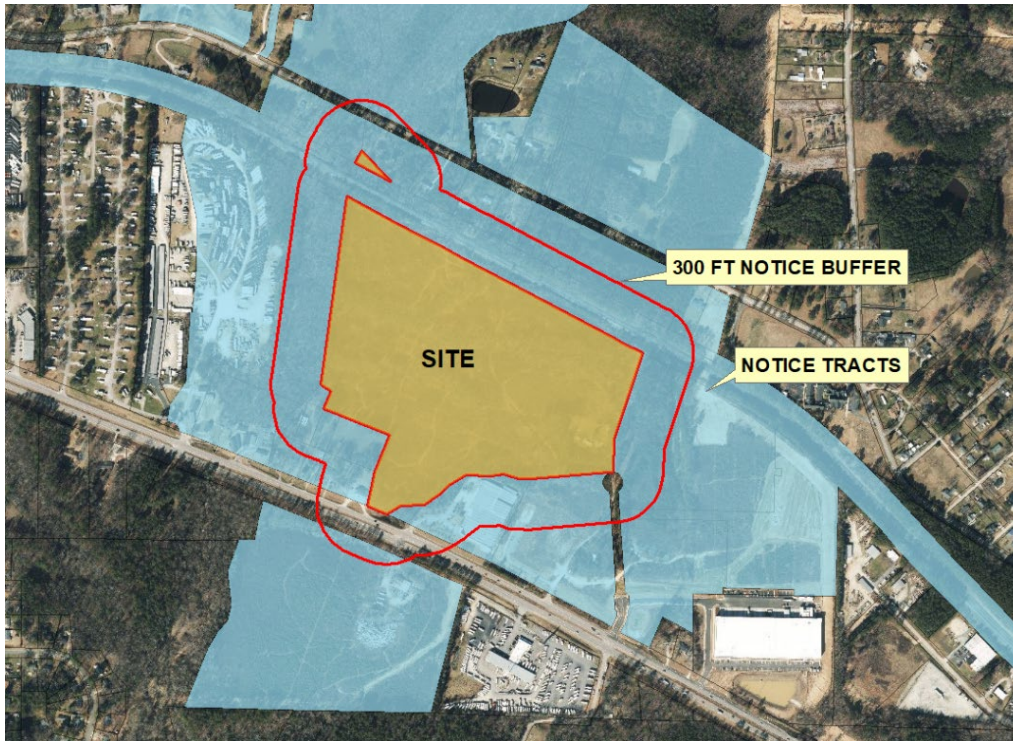
Overall Neighborhood Character: This site is located at the end of Garner Business Park Drive north of US Highway 70 East. US 70 is a major thoroughfare and handles high volumes of traffic during the morning and afternoon peak hours. The area around this site consists primarily of light industrial, heavy industrial and rural agricultural uses.

Traffic: For general context only, the NCDOT average daily traffic count history in this area is as follows: (NOTE: These entire day average counts are conducted every two years BY NCDOT across the entire state and differ from TIAs which focus on peak hour only counts conducted primarily by privately contracted traffic engineers):

US 70 Hwy E. (East & West of Green Garden Rd)

- Year 2009 – 34,000
- Year 2011 – 35,000
- Year 2013 – 35,000
- Year 2015 – 36,000
- Year 2017 – 36,000
- Year 2019 – 46,000

Neighborhood Meeting: Staff identified 35 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices. The neighborhood meeting was held on June 28, 2022, at 5:30 PM at the temporary jobsite trailer at 1000 Garner Business Park Drive with 3 persons in attendance.



OWNER	ADDR1	ADDR2
APUGRAF HOLDINGS LLC	2700 E GARNER RD	RALEIGH NC 27610-9672
ALEXANDER, RANDY	2133 US HIGHWAY 70 E	GARNER NC 27529-9422
WILLIAMS, PATRICIA	2728 E GARNER RD	RALEIGH NC 27610-9672
PRICE, JOE LOUIS JR PRICE, JOEATTA PATRICIA	511 KIMLOCH DR	GARNER NC 27529-5121
ZAPATA, WALFIDO	2708 E GARNER RD	RALEIGH NC 27610-9672
MOUNT MORIAH BAPTIST CHURCH INC	3000 E GARNER RD	RALEIGH NC 27610-9678
LEE, EUNICE R	2149 US HIGHWAY 70 E	GARNER NC 27529-9422
COATS, ELAINE E	2137 US HIGHWAY 70 E	GARNER NC 27529-9422
BROWN, EDITH HOPE JOHNSON MASSEY, BELINDA A JOHNSON	2121 US HIGHWAY 70 E	GARNER NC 27529-9422
HATCHER, DURWOOD LEE HATCHER, ANNE S	2712 E GARNER RD	RALEIGH NC 27610-9672
JESSUP, MEREDITH JESSUP, BERNADETTE ELAINE	2724 E GARNER RD	RALEIGH NC 27610-9672
CUNNINGHAM, BRENDA J CUNNINGHAM, MARK R	2716 E GARNER RD	RALEIGH NC 27610-9672
YARBROUGH, DENNIS RALPH	2741 E GARNER RD	RALEIGH NC 27610-9673
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	1546 MAIL SERVICE CTR	RALEIGH NC 27699-1500
WATTS, LAURA LYNN GAUL, BARBARA WATTS	132 S HIDDENBROOKE DR	ADVANCE NC 27006-7298
COATS, J J COATS, ELAINE E	2137 US HIGHWAY 70 E	GARNER NC 27529-9422
MARTINEZ, JOSE NIETO CALDERON, RAFAELA JAMIES	2828 E GARNER RD	RALEIGH NC 27610-9674
BUFFALOE ENTERPRISES LLC	233 SHADY HOLLOW LN	GARNER NC 27529-5096
SEEDLING TECHNOLOGY CENTER LLC	PO BOX 620	GARNER NC 27529-0620
RHODES, WILLIAM THOMAS	6205 MIAL PLANTATION RD	RALEIGH NC 27610-9646
CATES, JEFFREY PAUL CATES, NANCY STEWART	2632 E GARNER RD	RALEIGH NC 27610-9670
MCINTYRE, JOHN BAPTIST	2749 E GARNER RD	RALEIGH NC 27610-9673
MCLEMORE, ANTHONY JOSEPH MCLEMORE, JULIE	2713 E GARNER RD	RALEIGH NC 27610-9673
EDGE OF AUBURN LLC	PO BOX 19808	RALEIGH NC 27619-9808
GARNER INDUSTRIAL II LLC	302 W 3RD ST STE 800	CINCINNATI OH 45202-3426
GARNER INDUSTRIAL IV LLC	302 W 3RD ST STE 800	CINCINNATI OH 45202-3426
LOCKAMON, DONALD R JR LOCKAMON, SANDRA C	2745 GARNER RD	RALEIGH NC 27610-4645
STORMS, JANET POWELL POWELL, LINDA SUE	PO BOX 1251	GARNER NC 27529-1251

OWNER	ADDR1	ADDR2
L & L COMPANY LLC NC RAILROAD COMPANY	2805 TOWNGATE DR 2809 HIGHWOODS BLVD STE 100	RALEIGH NC 27614-8920 RALEIGH NC 27604-1000
ROGERS, RICHARD TRUSTEE HARTMAN, ANNETTE KAY NC RAILROAD CO	PO BOX 17671 2637 E GARNER RD 2809 HIGHWOODS BLVD STE 100	RALEIGH NC 27619-7671 RALEIGH NC 27610-9671 RALEIGH NC 27604-1000
LA SANGRE DE JESUCRISTO	3631 EVANSTON WAY	WINSTON SALEM NC 27107-2001
BULLOCK, RUSSELL GENE SR HARTMAN	2637 E GARNER RD	RALEIGH NC 27610-9671

Meeting Summary, June 28, 2022

Question The neighbors wanted to know what the proposed development plan was and how it would potentially impact their property.

Response: The development team shared the 225,000 sf building layout and explained that the project was being developed speculatively similar to the existing Garner Business Park and shared information about existing tenants. The development team explained that the project would have no impact on the neighbor’s property.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on October 3, 2022. The hearing may be viewed on <https://www.youtube.com/watch?v=285VTbDJVgA>

- Staff presented the case and gave an overview of the zoning map amendment request.
- There were no Council questions or public comments.
- The case was referred to the Planning Commission.

V. PLAN CONSISTENCY

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

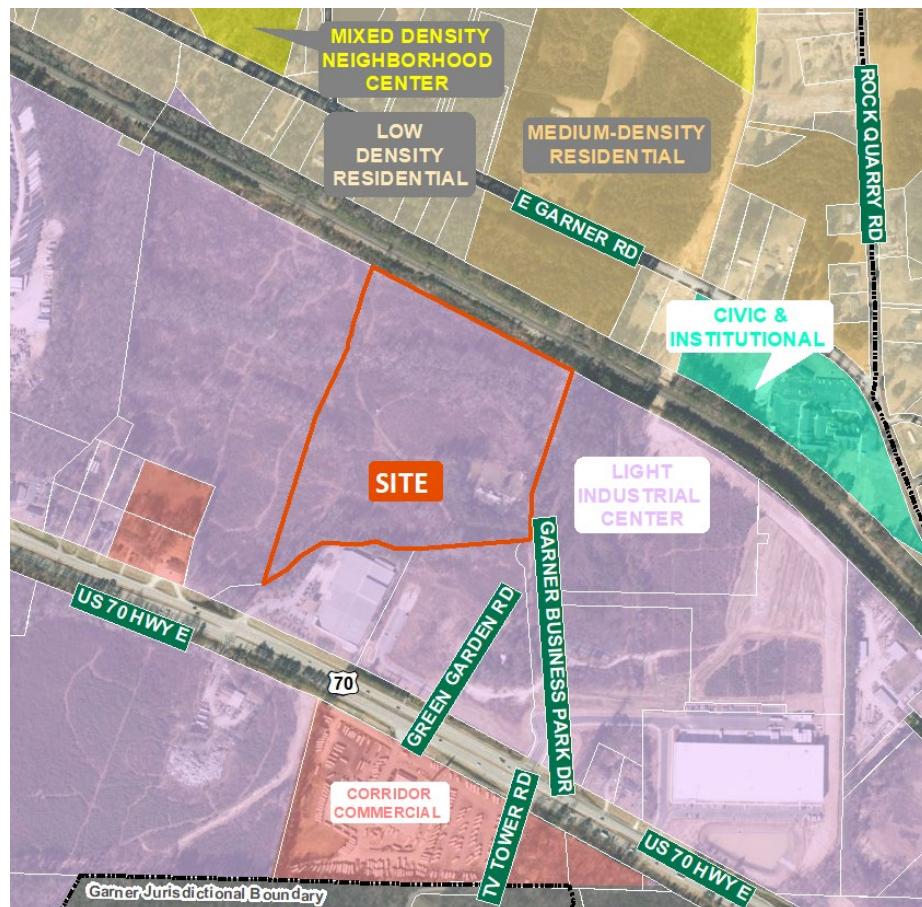
Relevant Land Use Plan Analysis:

2018 Garner Forward Plan – CONSISTENT

The site of the request is designated as **Light Industrial Center (LIC)**. The Light Industrial Center land use category supports 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 to support delivery to individual customers or other transport, distribution, or manufacturing/assembly centers.

The proposed 225,000 sf flex building is a recommended use by the LIC designation. The parcel included in the rezoning is subject to the Hwy 540 Thoroughfare Overlay District outlined in Section 4.11 of the Garner UDO. The proposed zoning conditions lists uses that are permitted by right or by special use in I-2 (now HI).



Planning Commission Summary: The Planning Commission conducted their meeting on October 10, 2022.

- Staff presented the case and gave an overview of the zoning map amendment request
- On a vote of 7-0, the Planning Commission moved to accept staff's Consistency Statement and recommended approval to the Town Council.

Consistency Statement: The Planning Commission finds this request to rezone 32.75 +/- acres from **Rural Agricultural (RA)** to **Heavy Industrial (I-2 C257) Conditional => Heavy Industrial (HI C257) Conditional** for the development of industrial flex space for the identified uses is consistent with the Future Land Use Map's designation of Light Industrial Center (LIC) which

supports small to medium-scale, on-site manufacturing and production uses located near both a major highway and a rail corridor.

VI. REASONABLENESS

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

VII. RECOMMENDATION / MOTIONS

Staff Recommendation: In addition to findings of plan consistency, staff would also note the following in support of a motion to approve CZ-22-04 as presented:

1. The site is bordered by the NCRR corridor and NC540 corridor on two sides and is surrounded by other industrial zoning (HI and LI) on the remaining sides.
2. The proposed use is not out of character of the area, given the existing development patterns along US 70 HWY East.

Recommended Motion: See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant's request.

CZ-22-04, US 70 East Industrial

Zoning Amendment Motion Worksheet

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

<p>1. CONSISTENT AND REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2022) 5152 approving rezoning CZ-22-04, as the request is reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u>).”</p>
<p>2. CONSISTENT BUT NOT REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, as our own; however, I also move that the Town Council deny rezoning CZ-22-04, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u>).”</p>
<p>3. INCONSISTENT YET REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u>); yet, I also move that the Town Council adopt Ordinance No. (2022) 5152 approving rezoning CZ-22-04, as the request is still reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u>).”</p>
<p>4. INCONSISTENT NOR REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u>); and I further move that the Town Council deny rezoning CZ-22-04, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options next page and/or provide your own reasoning</u>).”</p>

See next page for staff-identified possible reasonableness options...

Select all applicable reasonableness options to be included in a motion:	
	Promote multi-family housing in select areas.
	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.
	Align the development code with the Town's desired ends.
	Support work-in-place trends.
	Require all or a high percentage of parking to be at the side or rear of buildings and allow for the creation of enclosed pedestrian spaces.
✓	Allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing.
	Connect the community internally with open spaces.
	Enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps.
	Improve Garner's position as a community that is a successful candidate for more fixed route transit services.
✓	Reflect a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.
	Achieve substantial improvement in the quality of life for Town residents.
	Increase the ability to achieve other goals of the Comprehensive Plan or improve Town operations.
	Other: _____
	Other: _____

Green = supporting elements, Yellow = perhaps/partial, Red = no overtly supporting elements, Gray = likely n/a

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

ORDINANCE NO. (2022) 5152

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 32.75 +/- acres from Rural Agricultural (RA) to Heavy Industrial Conditional (HI C257) for the development of a 225,000 sf building consistent with the Future Land Use Map's designation of Light Industrial Center (LIC) which supports small to medium-scale, on-site manufacturing and production uses including warehousing, light manufacturing, distribution, medical research/laboratory, and assembly operations; and

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

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 Al Neyer, LLC in Zoning Map Amendment Application No. CZ-22-04 (HI C257).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Heavy Industrial (HI C257) Conditional; all of the regulations that apply to property within the Heavy Industrial (HI C257) district shall be applicable subject to the following conditions:

1. Permitted Use Table:

Use Category	Specific Use	HI C257
Government Facilities	Government, Utility Facility with Outdoor Storage	S
Passenger Terminal	Taxicab or Limousine Operations or Facility	P
Entertainment	Indoor Entertainment Facility	P
Retail Sales and Service	Open Air Market	P
	Repair Oriented Use (no outdoor operations)	P
	Sales Oriented Use (no outdoor operations)	P
	Sales Oriented Use with Outdoor Operations	P
Vehicle Sales and Service	Car Wash	P
	Vehicle General Repair	P
	Vehicle Sales, Rental	P
	Vehicle Service, Limited	P
	Vehicle Towing, Storage	P
Light Industrial Service	Flex Space	P
	Industrial Use, Indoor	P
	Industrial Use with Outdoor Operation	P
Manufacturing and Production	Manufacturing Indoor or Outdoor	P
Warehouse and Freight Movement	Storage (including Outdoor)	P

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
L&L Company, LLC.	Portion of 1730842632	Rural Agricultural (RA)	Heavy Industrial Conditional (HI C257)

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of November 2022.

Ken Marshburn, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

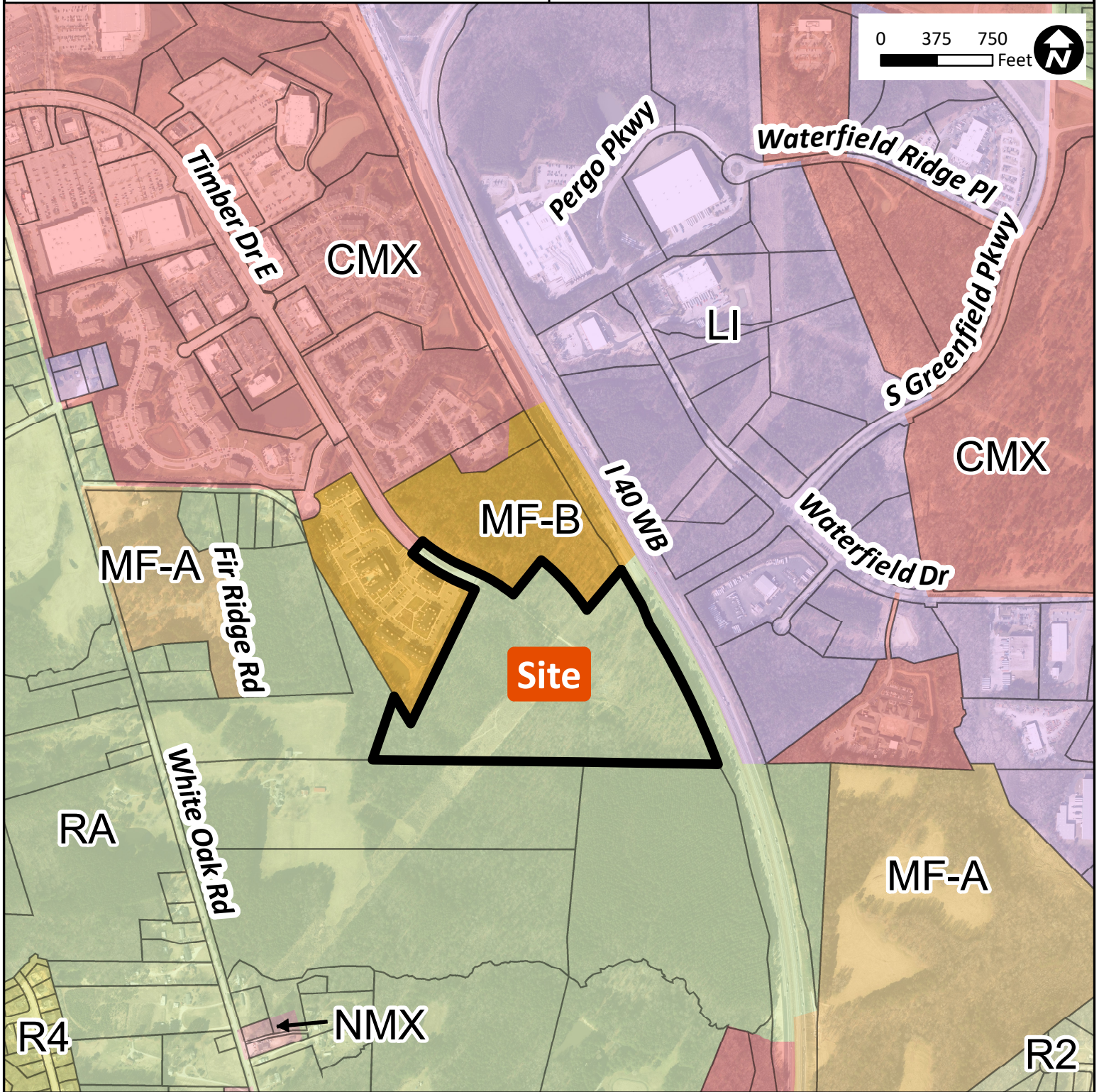
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 <input type="button" value="▼"/>		
Subject: Tier 2 Conditional Rezoning #CZ-MP-22-03, The Everstead at White Oak		
Location on Agenda: Old/New Business <input type="button" value="▼"/>		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP, Planning Director		
Presenter: Reginald Buie, Senior Planner - Land Use & Zoning		
Brief Summary: Tier 2 conditional rezoning (CZ-MP-22-03) submitted by David Phillips, LCD Acquisitions, LLC to rezone 45.38 +/- acres from Rural Agricultural (RA) to master planned Multifamily A Conditional (MF-A C260) for the development of a residential community of no more than 295 units (density 6.5 units per acre). The site is located at the end of Timber Drive E. and may be further identified as Wake County PIN# 1720-82-0256.		
Recommended Motion and/or Requested Action: Consider motion to approve CZ-MP-22-03 by adopting Ordinance (2022) 5154		
Detailed Notes: Zoning conditions are proposed that restrict the range of MF-1 permissible uses to 6 of 21. The neighborhood meeting was held on August 18, 2022 at the Garner Senior Center located at 205 E. Garner Road with one (1) person in attendance. Planning Commission held their meeting on October 10, 2022, voted to accept the Consistency Statement detailed in Section VI of the staff report, and recommend approval of CZ-MP-22-03 to the Town Council.		
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-MP-22-03**



Project: *The Everstead at White Oak*
Applicant: *LCD Acquisitions, LLC*
Owner: *Garner Land Company, LLC*
Location: *0 Timber Drive East*
Pin #: *1720820256*

Proposed Use: *Multi-Family Residential*
Current Zoning: *RA*
Proposed Zoning: *MF-A C260*
Acreeage: *45.38*
Overlay: *Limited Access Highway
Overlay District*

Planning Department Staff Report

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Reginald Buie, MPA, CZO; Senior Planner
Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *Tier 2 Conditional Rezoning # CZ-MP-22-03, The Everstead at White Oak*

DATE: November 7, 2022

I. PROJECT AT A GLANCE

Project Number(s): CZ-MP-22-03, Tier 2 Conditional Rezoning

Applicant: David Phillips, LCD Acquisitions, LLC

Owners: Garner Land Company, LLC

General Description -

Project Area & Location: 45.38 +/- acres at 0 Timber Drive East

Wake Count PIN(s): 1720820256

Current Zoning: At time of application: Single Family Residential (R-40)
As of 7-5-22: Rural Agricultural (RA)

Requested Zoning: At time of application: Multifamily Residential (MF-2 C260)
Conditional
As of 7-5-22: Multifamily A (MF-A C260) Conditional

Overlay: At time of application: I-40 Overlay District
As of 7-5-22: Limited Access Highway Overlay District

Key Meeting Dates:

Public Hearing: September 20, 2022

Planning Commission: October 10, 2022

Action: November 7, 2022

II. BACKGROUND / REQUEST SUMMARY

Request: Tier 2 conditional rezoning request (CZ-MP-22-03) submitted by David Phillips, LCD Acquisitions, LLC, to rezone 45.38 +/- acres from **Rural Agricultural (RA)** to master planned **Multifamily A (MF-A C260) Conditional** for the development of a residential community. The site is located at 0 Timber Drive E. and may be further identified as Wake County PIN # 1720820256.

Zoning conditions are proposed that restrict the range of MF-A permissible uses. Architectural and other conditions are also proposed.

Tier 2 requests are those where an illustrative master plan is included with the written conditions. The master plan is not intended to have the detail of a full site plan. However, it will show a layout of how streets, parking, buffers, stormwater, utilities, amenities, and lots or buildings will relate to each other as well as the surrounding properties. If the rezoning is approved, the applicant must submit a full site plan in keeping with the master plan to staff (and Town Council in the event a SUP is triggered) for review and approval.

Effective July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Rural Agricultural (RA) to Multifamily A (MF-A C260) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (3/4/2022) governing the former Multifamily (MF-2) zoning district.



III. ZONING ANALYSIS

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

The following is a list of permitted uses in the RA District:

- | | |
|--|--|
| 1. Single-Family Detached | 11. Golf Course or Country Club, Private |
| 2. Manufactured Home - Class A | 12. Horse Stables and Related Facilities |
| 3. Manufactured Home - Class B | 13. Public Park, Passive Open Space, Nature Park |
| 4. Group care home (with 9 or fewer residents | 14. Private golf course or country club |
| 5. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses | 15. Bed and Breakfast Home, 8 rooms or fewer |
| 6. Community center | 16. In Home Family Child Care Home |
| 7. School, Primary or Secondary | 17. Minor Utility |
| 8. Emergency Services | 18. Telecommunications Facility |
| 9. Cemetery | 19. Agriculture or Silviculture |
| 10. Religious Institution | |

Proposed: The proposed zoning of the 45.38-acre site is **Multifamily A Conditional (MF-A C260)**. The MF-A district is designed to create and maintain higher density residential neighborhoods composed primarily of multifamily dwellings at densities above 14 units per acre. Permitted uses include single-family cluster, apartments, townhomes, condominiums, and duplex and triplexes.

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

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

The applicant has proposed the following conditions for the MF-A C260 conditional district:

1. Permitted use table:

Use Category	Specific Use	MF-A C260
Residential Use**	Two-Family Dwelling	P
	Single Family Dwelling	P
	Townhouse	P
	Condominium	P
	Duplex	P
	Multi-Family (triplex and higher, including Apartment)	P
Civic and Institutional Use	Community Center	P

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

2. No more than 295 residential units and associated amenities shall be constructed on the property.
3. Exterior building materials shall be limited to cementitious siding (ex: Hardie Plank), board and batten, brick, stone, stucco, and/or EIFS. Each building will contain at least three (3) of the aforementioned exterior materials.
4. Each residential building shall have a stone/masonry water table along the base of the building on all sides at least thirty inches (30") in height.
5. Vinyl siding shall not be installed on any building exterior.
6. Front facades of townhouse buildings adjacent to each other shall contain an offset between two feet (2') and four feet (4') so that adjacent buildings are set back from the street at varying dimensions ranging between twenty-five feet (25') and thirty feet (30').
7. Each dwelling unit on the property shall contain a minimum heated square footage as follows:
 - 1-bedroom unit = 750 heated square feet
 - 2-bedroom unit = 1,100 heated square feet
 - 3-bedroom unit = 1,300 heated square feet
8. Building height shall exceed neither forty feet (40') nor two (2) stories.
9. The front façade of each unit will include the following treatments:

- At least three (3) operable windows and one (1) entry door
 - To prevent flat or redundant facades, each townhouse building will contain a front entry with a covered roof overhang. In addition, each townhouse building will contain a minimum two foot (2') recess and/or bumpout on the elevation with a maximum distance of fifty feet (50') before another change in plane.
 - To prevent flat or redundant facades, each single family unit and two-family unit will contain a front entry with a roof overhang. For the units in series on a street, provide a minimum two foot (2') unit offset from the sidewalk so no more than two (2) units are aligned in a row.
10. Side elevations of all townhome style buildings shall feature at least one operable window per habitable floor.
 11. All buildings shall have a minimum twelve-inch (12") roof overhang on all sides.
 12. All units will have a private back yard with a six foot (6') tall wooden "picture frame" privacy fence and concrete patio.
 13. Units with attached garage parking will provide a minimum garage size of either 12'x20' or 10'x22'.
 14. The portion of the development located on the southwest side of the future Timber Drive extension will include the following amenities at a minimum:
 - a clubhouse of no less than 3,500 heated square feet, including a club room, business center, fitness center, and 24-hour package center.
 - one (1) swimming pool with no less than 1,200 square feet of water surface area and a 5,000 square foot resort-style pool deck.
 - a minimum of a 15,000 square foot Town Green near the swimming pool, which will provide an outdoor area for residents enjoying both active and passive recreation. This area will have trees, grass, sidewalks, outdoor seating, hammocks, bocce, and/or pickleball.
 - one (1) dog park of no less than 3,000 square feet.
 - one (1) fenced-in playground of no less than 4,000 square feet.
 - walking trail, pedestrian connectivity, and recreation/frisbee area within the electrical easement area, which meets the criteria set forth by Duke Energy.
 - trash compactor enclosure
 - mail kiosk
 15. The portion of the development located on the northeast side of the future Timber Drive extension will include the following amenities at a minimum:
 - one (1) swimming pool with no less than 1,200 square feet of water surface area and a 5,000 square foot resort-style pool deck. The pool will be accompanied by a pool cabana building with restrooms.
 - a minimum of one (1) green space with at least 5,000 square feet of outdoor area for residents enjoying outdoor games such as bocce, bean bag toss, etc.

- walking trail, pedestrian connectivity, and recreation/frisbee area within the electrical easement area, which meets the criteria set forth by Duke Energy.
 - soft surface, pervious walking trail within I-40 buffer (grading and/or removal of trees greater than four inches (4") within the I-40 buffer shall be prohibited).
 - trash compactor enclosure
 - mail kiosk
16. Subject to a determination by GoRaleigh at time of site plan review, developer shall provide up to one transit easement on either side of Timber Drive to accommodate bus transit. Compliance with this commitment shall not require the dedication of a transit easement if GoRaleigh does not request one at time of initial site plan approval.
17. Subject to a determination by NCDOT at time of site plan review, developer shall provide at least one at-grade pedestrian crossing across Timber Drive to facilitate walkability. Compliance with this commitment shall not require a pedestrian crossing to be installed by developer if NCDOT does not allow one at time of initial site plan approval.
18. Subject to approval by Duke Energy at time of site plan review, developer shall install signage within the overhead transmission line easement to promote safety. Compliance with this commitment shall not require such signage to be installed by developer if Duke Energy does not approve signage at time of initial site plan approval.

Overlay Districts: This property falls within the **Limited Access Highway Overlay (LHO) District**. This overlay district has additional development standards applicable to either side of I-40 within the Garner zoning jurisdiction, as well as to all future interstate development. The overlay is explained in Article 5.14.3 of the *Unified Development Ordinance*. There are several uses that are prohibited or restricted within the overlay district.

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

Prohibited uses adjacent to or within 150 feet of existing residential uses: The following may be expressly included in whole or in part in the proposed use list provided above and are prohibited as noted unless more stringently prohibited by the base zone.

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

None of the prohibited overlay district uses within 150 feet of existing residential uses are included in the proposed use list provided above.

Restricted uses with additional standards (site layout, screening): The following may be expressly included in whole or in part in the proposed use list provided above and are

restricted by additional standards unless more stringent standards are already required by the base zone, or they are not permitted by the proposed use list provided above.

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

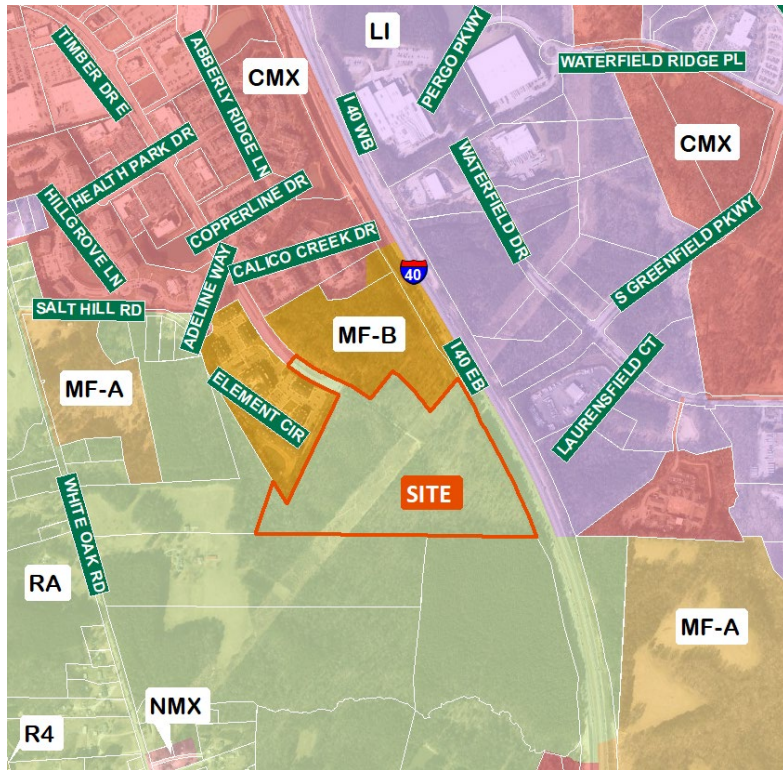
None of the restricted overlay district uses are included in the proposed use list provided above.

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 / Project	Zoning Change
CUD-Z-01-09	Sherman A. Yeargan, Jr.	White Oak Road	R-20 to Community Business C112
CUD-Z-16-07	The Lundy Group	Timber Drive E.	R-20 to NO (C187)
CUD-Z-16-13	Garner Land Company LLC	Element Circle	MXD-1 & R-40 to (MF-2 C193)
CUD-Z-18-03	Rolly Bannister Jr. Revocable Trust	Timber Drive	R-20 to NC (C202)
CUD-Z-19-09	Signature Development Group, LLC	Salt Hill Road	RMH & R-40 to MF-2 (C222)

Adjacent Zoning and Land Use:

North:	MF-B	Vacant
South:	RA	Vacant & Yeargan Foundation Charitable Trust
East:	LI	Penske Truck Leasing CO LP
West:	MF-B	Abberly Place Apartments



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: Timber Drive is a major corridor with a significant amount of daily traffic. There is good mix of single-family homes commercial use along this roadway. The rezoning site is within close proximity to a commercial center, medical facilities and other high density residential uses.

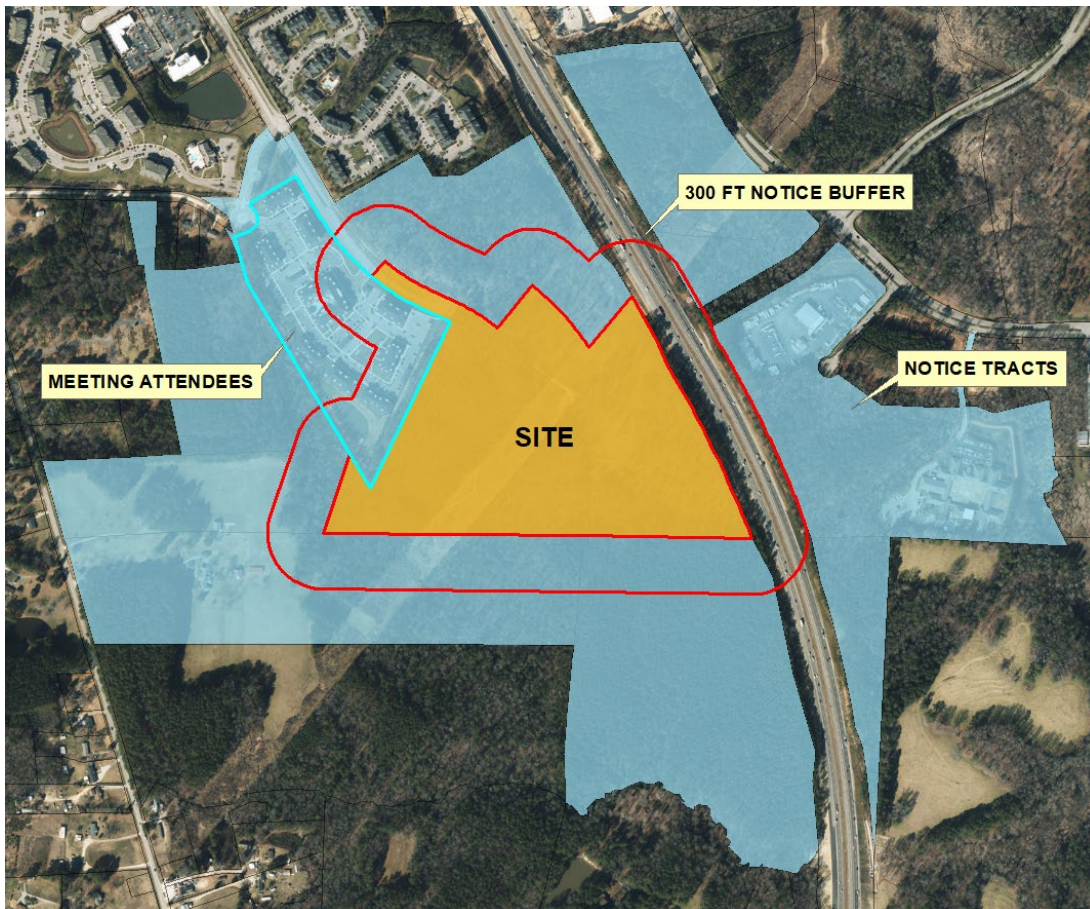
Traffic: The project will have about 0.27-mile border along I-40 with a proposed access on Timber Drive East. There are no traffic counts for Timber Drive East, east of White Oak Rd. The NCDOT average daily traffic count history in this area on White Oak Road is as follows:

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

A traffic impact analysis (TIA) was required by the Town’s UDO and NCDOT requirements and was completed in April of 2022. Traffic counts were performed for Timber Drive at White Oak Road and Timber Drive at Shenstone Boulevard. All study intersections included in the TIA are expected to operate at acceptable levels of service at project build-out. Timber Drive East will be extended through the length of the site, to the southern boundary of the parcel, in conjunction with the Everstead at White Oak development.

Neighborhood Meeting: Staff identified about 14 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices. The

neighborhood meeting was held on August 18, 2022, at the Garner Senior Center located at 205 E. Garner Road with 1 in attendance. Attending was Mr. Grant Stewart, 1030 Element Circle, Garner, NC 27529.



OWNER	ADDR1	ADDR2
B2 GARNER LLC	PO BOX 446	KERNERSVILLE NC 27285-0446
B2 GARNER LLC	PO BOX 446	KERNERSVILLE NC 27285-0446
GREENFIELD 40 ASSOC LLC	2475 WENDELL BLVD	WENDELL NC 27591-6903
GARNER BEHAVIORAL HOSPITAL LLC	389 NICHOL MILL LN STE 100	FRANKLIN TN 37067-4887
TIMBER DRIVE ASSOCIATES LP LIMITED PARTNERSHIP	CASTLE DEVELOPMENT PARTNERS LLC	230 COURT SQ STE 202
GARNER LAND COMPANY LLC	C/O COLLETT & ASSOCIATES INC	PO BOX 36799
ABBERLY SOLAIRE, LLC	HHHUNT CORPORATION	1401 SUNDAY DR STE 109
WILSON, JEFFREY KEITH WILSON, TANYA RENEE	2405 SAINT GEORGE WAY	BROOKVILLE MD 20833-3266
PENSKE TRUCK LEASING CO LP	REAL ESTATE DEPT	2675 MORGANTOWN RD
GARNER LAND COMPANY LLC	C/O COLLETT & ASSOCIATES INC	PO BOX 36799
GREENFIELD AT WHITE OAK LLC	1001 COLLEGE CT	NEW BERN NC 28562-4972
YEARGAN, SHERMAN A JR OF THE WALTER RAND YEARGAN IRREVOCABLE TRUST	7777 WHITE OAK RD	GARNER NC 27529-8808
YEARGAN, SHERMAN A JR TRUSTEE OF THE YEARGAN FOUNDATION CHARITABLE TRUST	7777 WHITE OAK RD	GARNER NC 27529-8808
YEARGAN, SHERMAN A JR TRUSTEE OF THE SHERMAN A YEARGAN JR REVOCABLE TRUST	7777 WHITE OAK RD	GARNER NC 27529-8808

Neighborhood Meeting Summary (August 18):

On Thursday, August 18, 2022, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. Only one

representative from nearby properties attended the meeting. Mr. Grant Stewart attended as a representative of the ownership group of the adjacent Aberly Solaire community.

- After introducing the applicant team to the only attendee, the attendee gave a brief introduction of himself and the ownership group for the adjacent multifamily community. Mr. Stewart serves as a leasing agent for HHHunt with 7 years of experience. He explained that his company operates as the developer, builder, and management of its multifamily communities. The company is active along the eastern seaboard with a heavy presence in Virginia.
- The applicant team explained that like HHHunt, Landmark is integrated across development, construction, and management which enables Landmark to deliver high quality projects from start to finish.
- The applicant team explained that the land will need to be rezoned for its intended use, and there will need be to a special use permit issued by the Town for the development of the project. The applicant explained that it is applying for MF-2 zoning to allow the development of 300 rental homes. The applicant further explained that its rental units will consist of townhome and single-family structures, each with its own private fenced in back yard. Moreover, at about 6.5 units per acre, the project roughly is half the density of the surrounding apartment communities on Timber Drive which approximately are 12-14 units per acre. With its lower density, this project brings housing variety to the area.
 - Mr. Stewart noted that the site is surrounded by other apartment communities spanning the roadway and therefore agreed that rezoning the land for multifamily makes sense. Additionally, given the difference in product type, Mr. Stewart indicated he did not think the proposed project would be likely to compete for the same renters to which his community caters. This is especially so not only because of the premium rents the proposed project will command, but also because it is a completely different housing style.
- The applicant team shared some presentation materials included a concept plan. The concept plan shows recreational programming within the existing overhead power easement. The team explained that it has spent time making plans with the relevant authorities for turning the current power easement into a useable and meaningful outdoor recreation space with walking trails, dog areas, and more.
 - Mr. Stewart opined that the proposed project would be a huge improvement to the area.
- The applicant team also pointed out intentional design features of the community. For example, the units are staggered front to back to avoid the monotony of a flat row of townhomes. Driveways are long enough for most full-sized vehicles to park without hanging over into the roadway or sidewalk. Also, a berm is proposed near the roadway which will feature landscaping to bring privacy to residents and reduce any road noise.

- Mr. Stewart noted that driveway length is an issue in the community where he lives (which is not near this area). He also shared his appreciation for the raised berm with landscaping both to provide privacy and as a noise barrier.
- The applicant team also explained that the project will be required to extend Timber Drive from its current terminus, through the property, just as was required when the other apartments communities were approved and built.
 - Mr. Stewart noted that there is currently a large roundabout there at the end, and that the additional development would be good as that area currently attracts people who like to illegally drag race on the road and that the opportunity extend the road and remove that oversized turnaround would be good in reducing those activities. Further, Mr. Stewart mentioned that the public bus system added a stop to his community at some point. He believes that residents had a chance to vote on the need for the bus stop at some point. He let the group know that the bus also uses the turnaround.
 - Keeping this in mind, the applicant team hopes to be able to design the new terminus of Timber Drive in a manner which can accommodate the need for a bus or emergency vehicle turnaround without also encouraging drag racing activities.
- Mr. Stewart asked about the phasing of the project.
 - The applicant team explained that the community would not be built in “phases,” but that construction will have some order to it. The leasing office would be built first along with the units closest to it. As those units begin to lease out, construction would move east to the other side of the power easement, then move north to the ranch style units on the opposite side of Timber Drive.
- The applicant team exchanged contact information for any follow up questions
- Mr. Stewart took a printed copy of the presentation materials.

Landscape and Buffer Requirements:

Tree Canopy Cover: Sliding scale from 18-20% (rule at time of submittal) to be met. Master plan envisions 13% canopy via preservation and the remaining 6% to come from new plantings. Total 19% minimum.

Perimeter Buffers:

- 25' buffer along southern boundary adjacent to residential undeveloped.
- 35' buffer along western boundary adjacent to single-family.
- 7.5'-15' along western and northern boundary adjacent to multifamily.
- 50' buffer along I-40.

Street Trees: Must be provided approximately every 40 feet along all roadways and internal drives (not within a parking lot)

Environmental Features:

There are no FEMA designated floodplains; however, there is a buffered stream and wetlands in the southwest corner of the site.



Open Space –

Parks and Open Space:

- Required: 10% (4.16 acres min.)
- Anticipated: 13% (5.50 acres)

Open space areas will be owned and maintained by an HOA. Required open space will be met with a combination of qualifying conservation areas and recreation space. Recreation space will include clubhouses, trails, swimming pools, open areas (some with shade structures and seating) and a dog park.

Lighting: To meet UDO requirements and staff policies for LED fixtures.

Infrastructure: **Stormwater Management** – Everstead at White Oak is a residential master plan site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1, 10, and 25 year storm events. This development master plan proposes two stormwater control measures (SCMs). These SCMs shall satisfy all water quality and water quantity requirements at this site for nitrogen and will be required to detain the 1, 10, and 25 year storm events.

Water/Sewer – The site will be served by City of Raleigh water and sewer infrastructure. Water will connect to and be extended from existing lines in Timber Drive East. Sewer will be extensions to adjacent and upstream properties will be provided per Raleigh Water policy.



Transportation/Access – The project will have two points of access via a median-divided Timber Drive East, which will eventually be extended south to White Oak Road in the vicinity of Country Club Drive. The site is

also situated along a future planned fixed transit service route. Therefore, the applicant has proffered a condition to include transit easements for stop locations should GoRaleigh determine the need based on future stop spacing.

VI. CONSISTENCY OF REQUEST

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

Planning Commission Meeting Summary: The Planning Commission conducted their meeting on Monday, October 10, 2022.

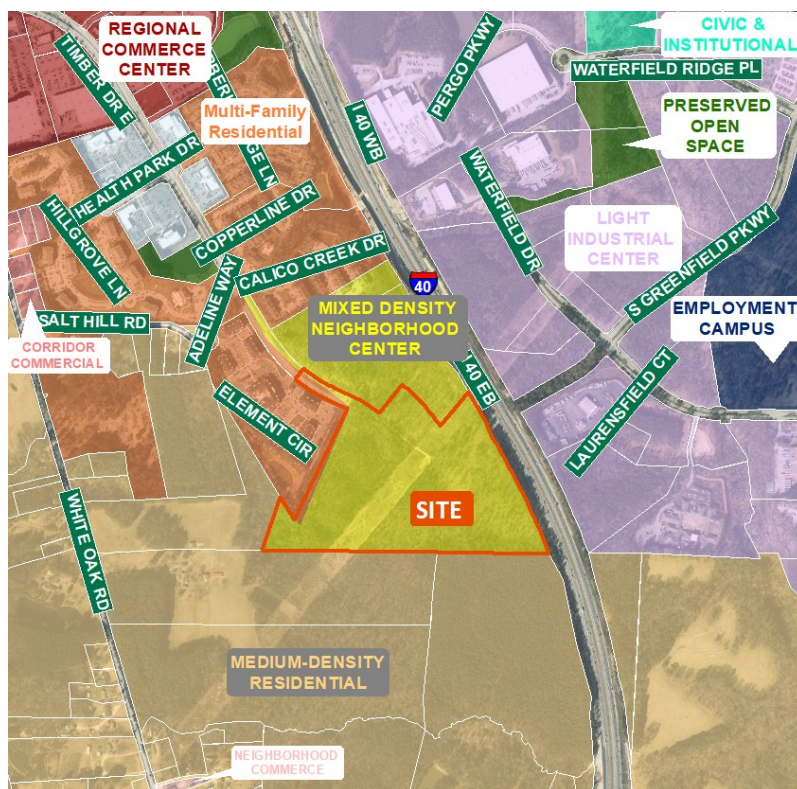
- Staff presented an overview of the request.
- Mr. Jefferson inquired about the future alignment of Timber Drive, which was verified to have been decided on through DOT, CAMPO, and Town staff, with the intention that Timber Drive will intersect with White Oak Road in the future.
- Mr. Jefferson and Mr. Moua expressed the importance of pedestrian access to all site amenities through sidewalks and/or pedestrian paths.
- The Commission recommended 12" eaves, rakes and roof overhangs. Applicant agreed to offer.
- The Commission recommended that additional windows be added to the sides of units where there is only one window as part of the plan.
- Mr. Carson asked about maintenance access to the SCMs due to the proposed retaining walls and existing electrical easement. The applicant stated the Duke Energy has agreed to allow maintenance access through the easement.
- Mr. Carson also asked about the utility plan.
- Ms. Avent asked about the maintenance of the landscaping throughout the development and about the rental rates for these units. She also asked about pool access and safety measures in place concerning the pool.
- Mr. Moua inquired if Duke Energy provided a list of allowable activities within the electrical easement.
- Mr. Jefferson asked about the reasoning behind using artificial turf in the backyards of the units.

With a vote of 6-0, the Commission adopted the Consistency Statement detailed further along in Section VI of this report and recommended that the Town Council approve CZ-MP-22-03.

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan – CONSISTENT:

The site of the request is designated as **Mixed-Density Neighborhood Center (MDC)**. The Mixed-Density Neighborhood Center may include a mix of residential densities (MDR, HDR, MFR) with incidental commercial uses integrated within a community and can be adjacent to the Town Center category (TNC), or on the periphery of established, mixed-use areas. The proposed use of townhomes, single-family and apartments in proximity to existing commercial development (White Oak Shopping Center) can be considered consistent with the Mixed-Density Neighborhood Center land use designation.



Staff note: A question has been raised whether the “incidental commercial” component is needed to be deemed consistent with this future land use designation. Staff would recall that there was considerable debate over the wording of this category during plan development. There were several tracts around Garner where staff and consultant were reluctant to settle on a specific recommended residential density and where the consulting team recommended a category that would offer flexibility depending upon localized conditions. Additionally, a future land use category was also needed to accommodate the unique nature of the former Planned Residential zoning district.

Ultimately, when looking at specific tracts where the designation was thought to be applicable; it was noted that while the focus remained on residential, staff did not want to preclude the inclusion of a commercial component in a horizontal “mix of use”

scenario where something like the old “corner store” might prove feasible. Three other MDC areas have been built out or approved – none of which have included an incidental commercial component. These have been the Timber Drive East Townhomes and Apartments (just north of the subject site), the Raynor Road Subdivision (various single-family detached styles) which was given a finding of consistency with the plan, and the McCullers Walk development (apartments, townhomes and single-family detached) which was in the middle of construction.

Given these discussions and the intent surrounding them, as well as the past findings for the Raynor Road Subdivision project, staff maintains that a finding of consistency is justified. However, it should be noted that the future land use plan is only advisory in nature, and a rezoning request may be determined to be reasonable or unreasonable regardless of the finding on plan consistency.

2010/18 Garner Transportation Plan – *CONSISTENT:*

The Transportation Plan calls for Timber Drive East to be a four-lane divided roadway with connection to S. Greenfield Parkway. This project will complete the four-lane divided roadway along its frontage on Timber Drive East. The site is also situated along a future planned fixed transit service route. Therefore, the applicant has proffered a condition to include transit easements for stop locations should GoRaleigh determine the need based on future stop spacing. With these improvements, this project can be considered consistent with the Transportation Plan.

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

There are no greenway corridors or dedicated parkland in the immediate vicinity and as such, this plan can be considered consistent with the PRCR Master Plan.

Consistency Statement: This request to rezone 45.38 +/- acres from **Rural Agricultural (RA)** to master planned **Multifamily A Conditional (MF-A C260)** for the development of townhomes, apartments, and residential attached dwellings of not more than 295 units is consistent with the Future Land Use map’s designation of Mixed-Density Neighborhood Center (MDC) which states that individual projects may include mixes of residential densities (MDR, HDR, MFR) with incidental commercial uses integrated within a community and can be adjacent to the Town Center category (TNC), or on the periphery of established, mixed-use areas.

VII. REASONABLENESS

Statutory Directive: In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town’s character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a 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: In addition to findings of plan consistency, staff would also note the following in support of a motion to approve CZ-MP-22-11 as presented:

Recommended Motion: See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant's request.

CZ-MP-22-03, The Everstead at White Oak

Zoning Amendment Motion Worksheet

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

<p>1. CONSISTENT AND REASONABLE</p>	<p>“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. (2022) 5154 approving rezoning CZ-MP-22-03, as the request is reasonable and in the public interest because it will likely (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>2. CONSISTENT BUT NOT REASONABLE</p>	<p>“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-MP-22-03, as the request is not reasonable nor in the public interest because it will likely not (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>3. INCONSISTENT YET REASONABLE</p>	<p>“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 (<u> <i>cite and insert land use plan evidence</i> </u>); yet, I also move that the Town Council adopt Ordinance No. (2022) 5154 approving rezoning CZ-MP-22-03, as the request is still reasonable and in the public interest because it will likely (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>4. INCONSISTENT NOR REASONABLE</p>	<p>“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 (<u> <i>cite and insert land use plan evidence</i> </u>); and I further move that the Town Council deny rezoning CZ-MP-22-03, as the request is not reasonable nor in the public interest because it will likely not (<u> <i>select all applicable reasonableness options next page and/or provide your own reasoning</i> </u>).”</p>

See next page for staff-identified possible reasonableness options...

Select all applicable reasonableness options to be included in a motion:	
✓	Promote multi-family housing in select areas.
✓	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.
	Align the development code with the Town's desired ends.
✓	Support work-in-place trends.
✓	Require all or a high percentage of parking to be at the side or rear of buildings and allow for the creation of enclosed pedestrian spaces.
	Allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing.
	Connect the community internally with open spaces.
	Enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps.
	Improve Garner's position as a community that is a successful candidate for more fixed route transit services.
	Reflect a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.
	Achieve substantial improvement in the quality of life for Town residents.
	Increase the ability to achieve other goals of the Comprehensive Plan or improve Town operations.
	Other: _____
	Other: _____

Green = supporting elements, Yellow = perhaps/partial, Red = no overtly supporting elements, Gray = likely n/a

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

ORDINANCE NO. (2022) 5154

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 45.38 +/- acres from **Rural Agricultural (RA)** to master planned **Multifamily A Conditional (MF-A C260)** for the development of a residential community is consistent with the Future Land Use Map's designation of Mixed-Density Neighborhood Center (MDC) which states that individual projects may include mixes of residential densities (MDR, HDR, MFR) with incidental commercial uses integrated within a community and can be adjacent to the Town Center category (TNC), or on the periphery of established, mixed-use areas; and

WHEREAS, the Town Council also finds this request to be consistent with Garner's *Transportation Plan and Parks, Recreation, Greenways and Cultural Resources Master Plan* and the *2018 Garner Forward Plan*; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it promotes multi-family housing in select areas; is of an overall design that keeps within the Town's character and improves property values; is located and designed to create good multi-family places with quality exterior materials, open spaces and facades; and clusters townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly.

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by David Phillips, LCD Acquisitions, LLC in Zoning Map Amendment Application No. CZ-MP-22-03.

Section 2. That there is hereby created a new conditional zoning district, to be known as the Multifamily A Conditional District (MF-A C260); all of the regulations that apply to property within the MF-A C260 district shall be applicable subject to the following conditions:

1. Permitted use table:

Use Category	Specific Use	MF-A C260
Residential Use**	Two-Family Dwelling	P
	Single Family Dwelling	P
	Townhouse	P
	Condominium	P
	Duplex	P
	Multi-Family (triplex and higher, including Apartment)	P
Civic and Institutional Use	Community Center	P

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

2. No more than 295 residential units and associated amenities shall be constructed on the property.
3. Exterior building materials shall be limited to cementitious siding (ex: Hardie Plank), board and batten, brick, stone, stucco, and/or EIFS. Each building will contain at least three (3) of the aforementioned exterior materials.
4. Each residential building shall have a stone/masonry water table along the base of the building on all sides at least thirty inches (30") in height.
5. Vinyl siding shall not be installed on any building exterior.
6. Front facades of townhouse buildings adjacent to each other shall contain an offset between two feet (2') and four feet (4') so that adjacent buildings are set back from the street at varying dimensions ranging between twenty-five feet (25') and thirty feet (30').
7. Each dwelling unit on the property shall contain a minimum heated square footage as follows:
 - 1-bedroom unit = 750 heated square feet
 - 2-bedroom unit = 1,100 heated square feet
 - 3-bedroom unit = 1,300 heated square feet
8. Building height shall exceed neither forty feet (40') nor two (2) stories.
9. The front façade of each unit will include the following treatments:

- At least three (3) operable windows and one (1) entry door
 - To prevent flat or redundant facades, each townhouse building will contain a front entry with a covered roof overhang. In addition, each townhouse building will contain a minimum two foot (2') recess and/or bumpout on the elevation with a maximum distance of fifty feet (50') before another change in plane.
 - To prevent flat or redundant facades, each single family unit and two-family unit will contain a front entry with a roof overhang. For the units in series on a street, provide a minimum two foot (2') unit offset from the sidewalk so no more than two (2) units are aligned in a row.
10. Side elevations of all townhome style buildings shall feature at least one operable window per habitable floor.
 11. All buildings shall have a minimum twelve-inch (12") roof overhang on all sides.
 12. All units will have a private back yard with a six foot (6') tall wooden "picture frame" privacy fence and concrete patio.
 13. Units with attached garage parking will provide a minimum garage size of either 12'x20' or 10'x22'.
 14. The portion of the development located on the southwest side of the future Timber Drive extension will include the following amenities at a minimum:
 - a clubhouse of no less than 3,500 heated square feet, including a club room, business center, fitness center, and 24-hour package center.
 - one (1) swimming pool with no less than 1,200 square feet of water surface area and a 5,000 square foot resort-style pool deck.
 - a minimum of a 15,000 square foot Town Green near the swimming pool, which will provide an outdoor area for residents enjoying both active and passive recreation. This area will have trees, grass, sidewalks, outdoor seating, hammocks, bocce, and/or pickleball.
 - one (1) dog park of no less than 3,000 square feet.
 - one (1) fenced-in playground of no less than 4,000 square feet.
 - walking trail, pedestrian connectivity, and recreation/frisbee area within the electrical easement area, which meets the criteria set forth by Duke Energy.
 - trash compactor enclosure
 - mail kiosk
 15. The portion of the development located on the northeast side of the future Timber Drive extension will include the following amenities at a minimum:
 - one (1) swimming pool with no less than 1,200 square feet of water surface area and a 5,000 square foot resort-style pool deck. The pool will be accompanied by a pool cabana building with restrooms.
 - a minimum of one (1) green space with at least 5,000 square feet of outdoor area for residents enjoying outdoor games such as bocce, bean bag toss, etc.
 - walking trail, pedestrian connectivity, and recreation/frisbee area within the electrical easement area, which meets the criteria set forth by Duke Energy.

- soft surface, pervious walking trail within I-40 buffer (grading and/or removal of trees greater than four inches (4”) within the I-40 buffer shall be prohibited).
 - trash compactor enclosure
 - mail kiosk
16. Subject to a determination by GoRaleigh at time of site plan review, developer shall provide up to one transit easement on either side of Timber Drive to accommodate bus transit. Compliance with this commitment shall not require the dedication of a transit easement if GoRaleigh does not request one at time of initial site plan approval.
17. Subject to a determination by NCDOT at time of site plan review, developer shall provide at least one at-grade pedestrian crossing across Timber Drive to facilitate walkability. Compliance with this commitment shall not require a pedestrian crossing to be installed by developer if NCDOT does not allow one at time of initial site plan approval.
18. Subject to approval by Duke Energy at time of site plan review, developer shall install signage within the overhead transmission line easement to promote safety. Compliance with this commitment shall not require such signage to be installed by developer if Duke Energy does not approve signage at time of initial site plan approval.

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
Garner Land Company, LLC	1720820256	Rural Agricultural (RA)	Multifamily A conditional (MF-A C260)

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of November.

Ken Marshburn, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

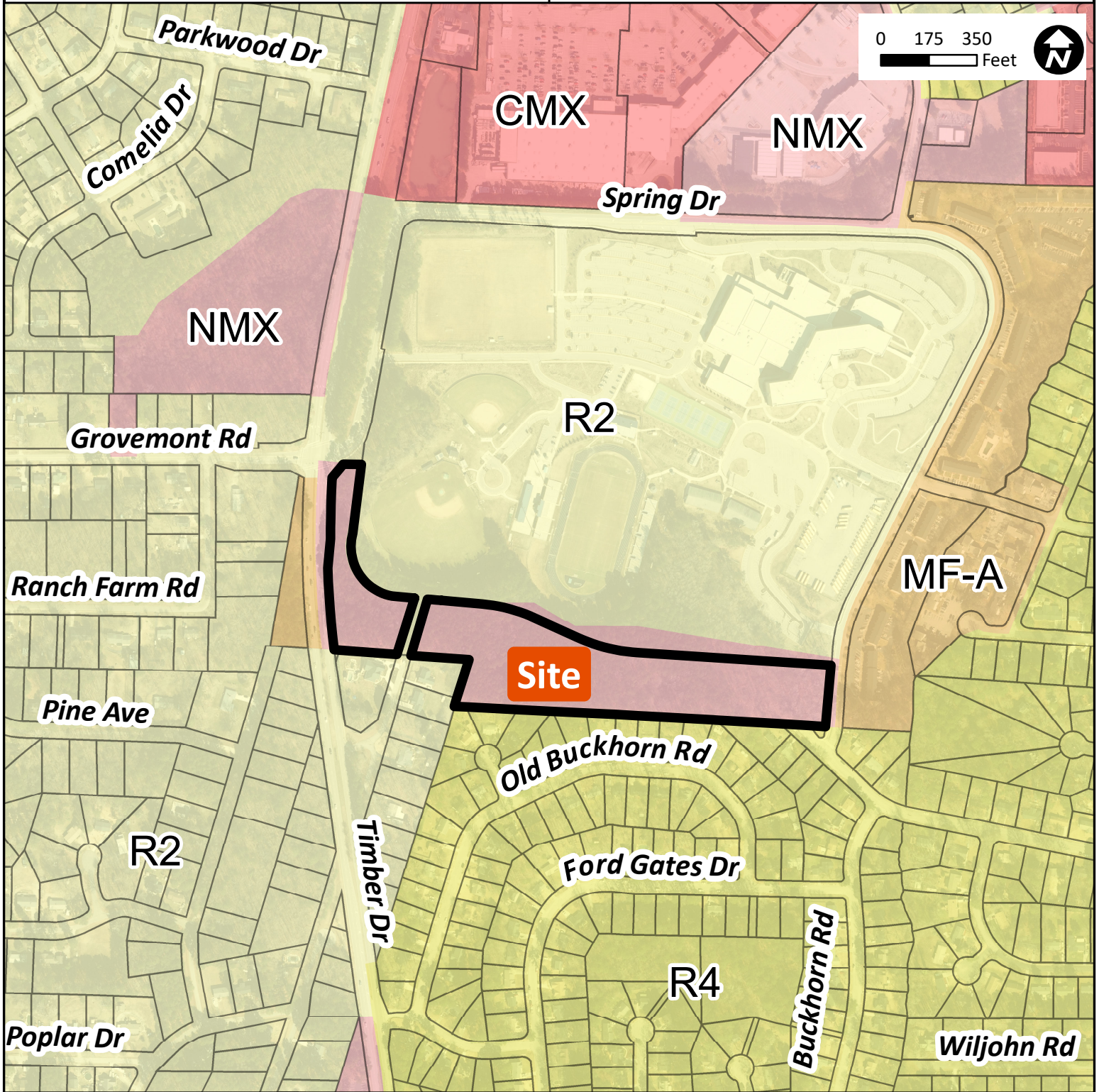
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 7, 2022 ▼		
Subject: Tier 2 Conditional Rezoning #CZ-MP-22-11, Spring Drive Townhomes		
Location on Agenda: Old/New Business ▼		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Tier 2 conditional rezoning (CZ-MP-22-11) submitted by Charlie Townsend, PE, with VHB to rezone 11.13 +/- acres from Office & Institutional (OI C92) Conditional - now Neighborhood Mixed Use (NMX C92) Conditional - to Multifamily Residential (MF-1 C267) Conditional - will be Multifamily A Conditional (MF-A C267) - for the development of a townhome community not exceeding 4.5 dwelling units per acre. The site is located between Timber Drive and Spring Drive, south of Garner High School, and may be further identified as Wake County PINs # 1701725623 and a portion of 1701635217.		
Recommended Motion and/or Requested Action: Consider motion to approve CZ-MP-22-11 by adopting Ordinance (2022) 5153		
Detailed Notes: Similar case, CZ-SB-21-02, was denied by the Town Council on January 18, 2022. The Town Council then waived the re-submittal waiting period requirement on June 6, 2022. Zoning conditions are proposed that restrict the original range of MF-1 permissible uses to only townhomes. Architectural conditions are also proposed. The neighborhood meeting was held in-person at the Garner Senior Center on June 27, 2022 with representatives of 13 citizens in attendance. Planning Commission held their meeting on October 10, voted to accept the Consistency Statement detailed in Section VI of the staff report, and recommend approval of CZ-MP-22-11 to the Town Council.		
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-MP-22-11**



Project: *Spring Drive Townhomes*
Applicant: *VHB*
Owner: *Springfield Development Corporation*
Location: *0 Spring Drive*
Pin #: *1701725623, 1701635217 (Portion)*

Proposed Use: *Multi-Family Residential*
Current Zoning: *NMX C92*
Proposed Zoning: *MF-A C267*
Acreage: *11.13*
Overlay: *Residential Arterial
Overlay District*



Planning Department Staff Report

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *Tier 2 Conditional Rezoning # CZ-MP-22-11, Spring Drive Townhomes*

DATE: November 7, 2022

I. PROJECT AT A GLANCE

Project Number(s): CZ-MP-22-11, Tier 2 Conditional Rezoning

Applicant: Charlie Townsend, PE; VHB

Owner(s): Springfield Development Corp.

General Description -

Project Area & Location: 11.13 +/- acres between Timber Drive and Spring Drive

Wake Count PIN(s): 1701725623 and a portion of 1701635217

Current Zoning: At time of application: Office & Institutional (OI C92) Conditional
As of 7-5-22: Neighborhood Mixed Use (NMX C92) Conditional

Requested Zoning: At time of application: Multifamily Residential (MF-1 C267) Conditional
As of 7-5-22: Multifamily A (MF-A C 267) Conditional

Overlay: At time of application: Timber Drive Overlay (O-TD)
As of 7-5-22: Residential Thoroughfare Overlay (RTO)

Key Meeting Dates -

Public Hearing: September 20, 2022

Planning Commission: October 10, 2022

Action: November 7, 2022

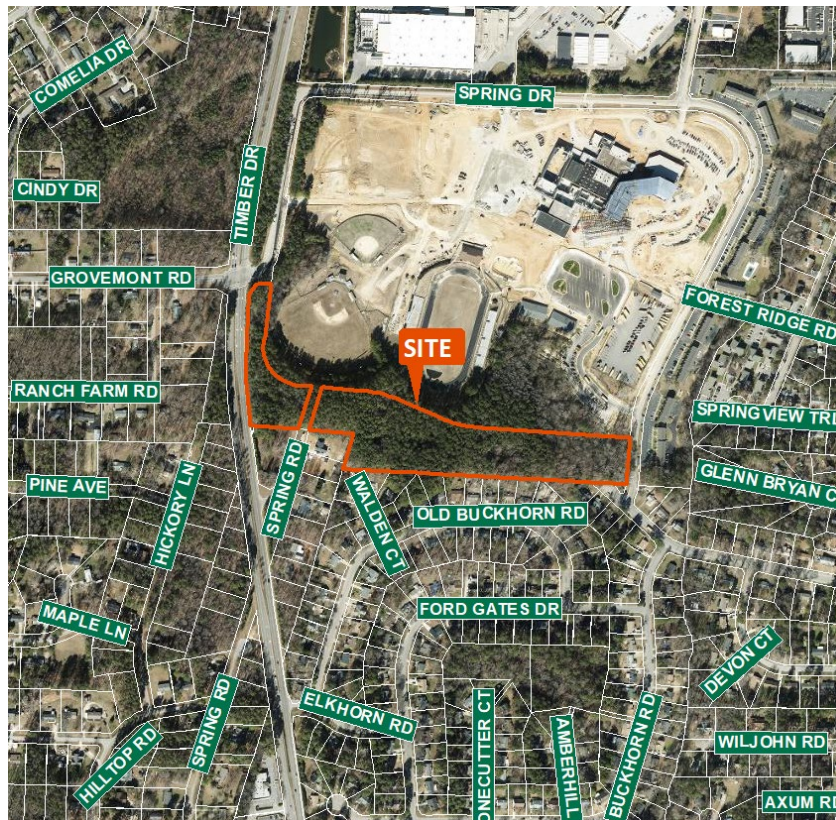
II. BACKGROUND / REQUEST SUMMARY

Request: Tier 2 conditional rezoning (CZ-MP-22-11) submitted by Charlie Townsend, PE, with VHB to rezone 11.13 +/- acres from **Neighborhood Mixed Use Conditional (NMX C92)** to **Multifamily A Conditional (MF-A C267)** for the development of a townhome community not exceeding 4.5 dwelling units per acre. The site is located between Timber Drive and Spring Drive, south of Garner High School, and may be further identified as Wake County PINs # 1701725623 and a portion of 1701635217.

Zoning conditions are proposed that restrict the range of MF-A permissible uses to only townhomes. Architectural and other conditions are also proposed.

Tier 2 requests are those where an illustrative master plan is included with the written conditions. The master plan is not intended to have the detail of a full site plan. However, it will show a layout of how streets, parking, buffers, stormwater, utilities, amenities, and lots or buildings will relate to each other as well as the surrounding properties. If the rezoning is approved, the applicant must submit a full site plan in keeping with the master plan to staff (and Town Council in the event a SUP is triggered) for review and approval.

Effective July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Neighborhood Mixed Use (NMX C92) Conditional to Multifamily A (MF-A C267) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (7/1/2022) governing the former Multifamily (MF-1) zoning district.



III. ZONING ANALYSIS

Existing: Neighborhood Mixed Use (C92) Conditional

The **Neighborhood Mixed Use (NMX)** district is generally intended to accommodate low intensity commercial enterprises that provide goods or services primarily to residents of the surrounding neighborhood so that residents have convenient access without necessitating cross-town trips. The uses permitted are of a nature and scale that are compatible with nearby residences. The district provides areas for uses that include offices, professional services, and small-scale retail at key locations and may act as a transition from residential neighborhoods to the more intense Commercial Mixed Use district.

This property was originally zoned R-15 in 1972 according to our maps. It was rezoned to MF-2 between 1972 and 1978. It was then rezoned to **Office & Institutional (C92) Conditional** on December 6, 1999. At that time, the *Land Use Ordinance* (LUO) was the governing document.

The following are now the **C92** conditions for the property:

1. All uses permitted within the Office and Institutional zoning classification shall be excluded from consideration except the following uses which would be allowed:
 - 3.100 Office, Clerical, Research and Services not primarily related to Goods or Merchandise. All operations conducted entirely within a fully enclosed building.
 - 5.300 Libraries, Museums, Art Galleries, Art Centers, and Similar Uses (including associated educational and instructional activities)
2. There shall be a 25' undisturbed buffer between this property and the residential subdivision to the south. All existing vegetation shall remain and any existing areas void of vegetation shall be revegetated to the Town of Garner's specifications as determined by the Planning Department prior to the issuance of any building certificate of occupancy.
3. There shall be a six (6) foot solid wood fence installed along the southern property line adjoining any single-family residential property. The fences shall be installed prior to building construction and in phases if buildings are built in phases. All fences shall be located within landscape easements and shall be maintained by the property owner(s) association.
4. There shall be no street connection to the Spring Drive stub located at the southeast corner of the site.
5. There shall be a maintained undisturbed buffer at the northwest corner of the property.
6. There shall be no median crossover in any portion of Timber Drive to serve this property.
7. All proposed structures shall maintain a residential character and feel, as defined with the following design guidelines:
 - a. All proposed structures shall be limited to two stories in height with a maximum of thirty (30) feet, measured to the midpoint of the roof.

- b. All proposed structures shall have pitched roofs, 3:12 minimum .
- c. All proposed structures shall be faced with brick, masonry, stucco, lap siding, or other materials reflective of residential architecture. Seventy-five (75%) percent of any building shall be brick, exclusive of windows and doors.
- d. All exterior lighting shall be high-pressure sodium fixtures with cutoff optics to reduce glare onto adjacent street rights-of-way or residential properties. All such fixtures shall be Lighting Systems, Inc. (LSI) forward throw Greenbriar series rectangular, 400 watt or less. All fixtures shall be mounted on black poles with a maximum height of thirty (30) feet. All site lighting shall meet or exceed the minimums of the Town of Garner standards and specifications for safety and security in illumination.
- e. Architectural elevations of all proposed buildings showing building materials and colors shall be submitted to the Town of Garner during the Conditional Use Permit Site Plan phase of development.
- f. There shall be a Uniform Master Sign Plan approved by the Town prior to approval of a non-residential subdivision plan for this property.

Proposed: The proposed zoning of the 11.13-acre site is **Multifamily A Conditional (MF-A C267)**. The MF-A district is designed to create and maintain higher density residential neighborhoods composed primarily of multifamily dwellings at densities of up to a maximum of around 20 units per acre, less than the 50 units per acre allowed under the higher MF-B district. Permitted uses include single-family cluster, apartments, townhomes, condominiums, and duplex and triplexes, along with other uses listed below.

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

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

The applicant has proposed the following conditions for the MF-A C267 conditional district:

1. Permitted use table:

Use Category	Specific Use	MF-A C267
Household Living**	Townhouse	P*

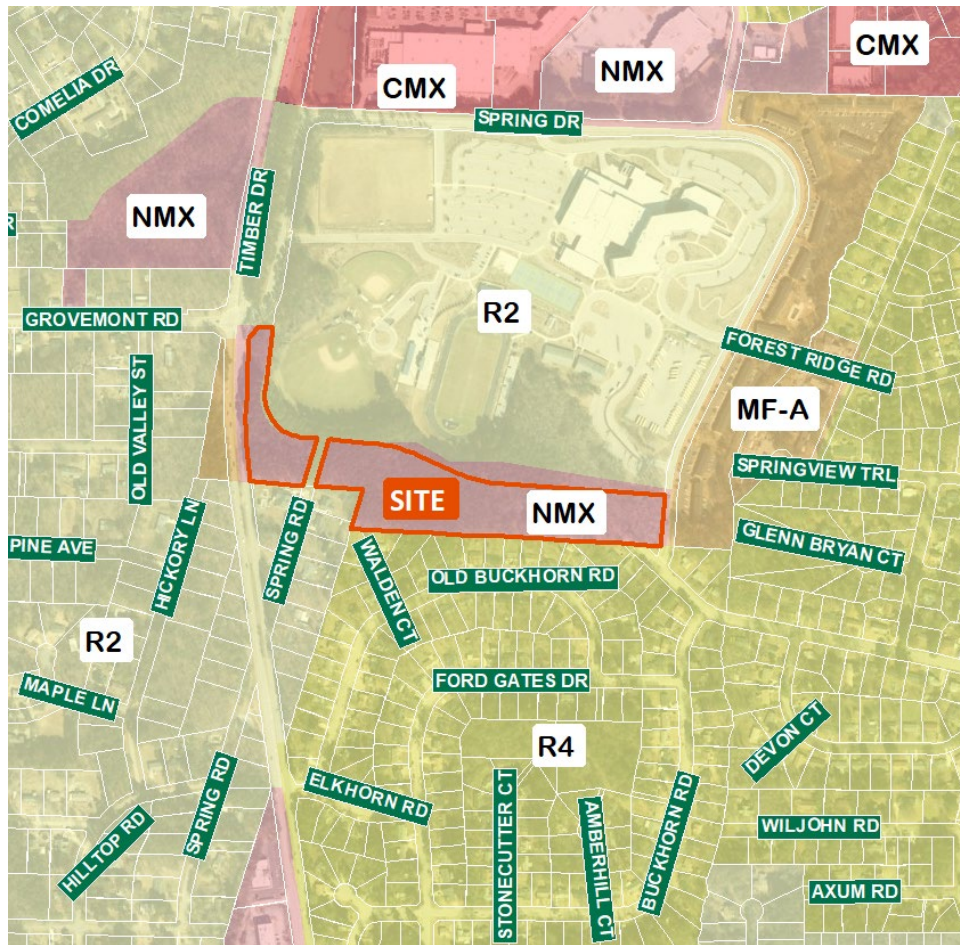
*** Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.*

2. The maximum density shall not exceed 4.5 dwelling units per acre.
3. The development shall include an approximately 9,000 sq. ft. community gathering space that includes bench and picnic table seating beneath a pergola, a paver patio, and a play lawn area.
4. Each dwelling unit constructed on the property shall contain a minimum of 1,300 square feet of heated gross floor area.
5. Each Townhouse Unit shall have at least a one-car garage with carriage hardware and windows. Water heaters typically located within the garage will be removed from the garage area to provide more room for storage.
6. The front façade of each Townhouse Unit will include the following treatments:
 - a. A covered entry;
 - b. at least three (3) operable windows (at least the bottom sash of the window can be opened) and one entry door;
 - c. at least one (1) two (2) foot horizontal offset per every two units; and
7. Each Townhouse unit shall include at least two (2) of the following siding types on the front facade:
 - a. board and batten;
 - b. horizontal lap siding; and/or
 - c. shake siding
8. End units shall have a masonry wainscotting down the side OR a trim board separating different siding
9. Each Townhouse Group, defined as a building containing 4-6 Townhouse Units, shall include at least three (3) colors, not including trim, on the front façade.
10. All townhouse units will have fiber cement lap siding. Trim elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.
11. All residential building side elevations shall have at least two operable windows.
12. All units shall have a minimum 12" roof overhang on front and rear. On end units of each Townhouse Group, the side roof overhang shall be 12".

13. An 8' solid fence to be installed along buffer to properties South of the development & North of the development excluding Riparian Buffer area. (Staff note: 8' height subject to Board of Adjustment approval. Only 6' allowed by administrative permit.)

Adjacent Zoning and Land Use:

North: R2 Garner High School
South: R4 Single-Family Residential
East: MF-A Multi-Family (apartments)
West: R2 Timber Drive / Single-Family Residential



Zoning History: The Planning Department’s rezoning database contains the following rezoning cases in the vicinity of this property:

Case	Applicant	Location	Zoning Change
CUD-Z-87-8	Westminster Company	Southside Shopper site at Timber Drive and Woodland Rd	R-12 to NC C10

Case	Applicant	Location	Zoning Change
CUD-Z-96-9	Springfield Development Corp	Garner Towne Square	CB to SB C57
CUD-Z-99-07	Dalton Ward	Rezoning Site	MF-2 to O&I C92
CUD-Z-02-02	David Martin	Timber Drive & Grovemont Rd (KS Cafeteria site)	R-15 and R-20 to SB C114
CUD-Z-12-04	BRE Throne Garner Towne Square	Old movie theater	SB C57 to O&I C165
CZ-SB-21-02	Stewart, Inc.	Rezoning Site	OI C92 to MF-1 C244 (denied)

The current owners, Springfield Development Corporation have owned the property since 1964. The site was larger at that time. A portion was developed into Springfield Drive Apartments- directly across from the high school on the east side. The remaining portion on the south side of the school has remained vacant / undeveloped.

According to 1972 zoning maps, the property was zoned single-family R-15 at that time. The 1978 zoning map shows that the property had been rezoned after 1972 to Multifamily 2 (MF-2) which allows up to 14 units per acre. In 1999, the vacant portion on the southside of the school was rezoned (Case# CUD-Z-99-07) from MF-2 to Office and Institutional Conditional Use (OI C92). On July 5, 2022, the conditional C92 district remained in place; however, the base district became Neighborhood Mixed Use (NMX). Under the current zoning, the site can be developed into commercial offices, libraries, museums, art galleries, and art centers.

IV. COMMUNITY INFORMATION

Overall Neighborhood Character: This area in the vicinity of Timber Drive and Spring Drive has been developed into a mix of single-family, multi-family, and commercial uses. Garner High School is also in the area. The most intense uses are located around the intersection of Timber Drive and US 70 W, with the intensity transitioning lower as you move south away from this activity center.

Traffic: At no more than 50 lots (4.5 du/acre), the proposed subdivision does not require a Traffic Impact Analysis. Spring Road’s access onto Timber Drive would remain right-in/right-out. The 3-legged eastern intersection of the new street and Spring Drive will have a stop sign/control for southbound traffic. For reference, the NCDOT historical average daily traffic counts along Timber Drive and Spring Drive are as follows:

Timber Drive (Near Grovemont Rd)

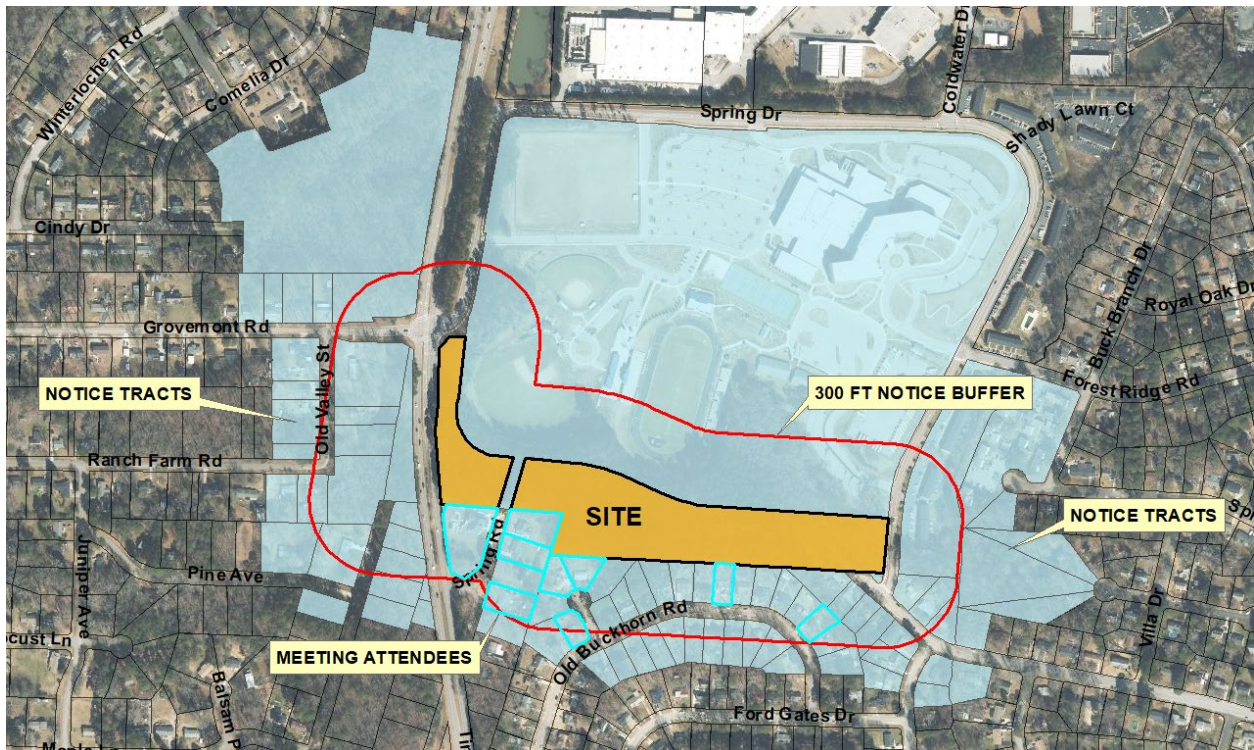
2009 – 18,000	2015 – 21,000
2011 – 18,000	2017 – 19,000
2013 – 19,000	2019 – 21,500

Spring Drive (Near Vandora Springs Rd)

2009 – 1,400
 2011 – 1,500
 2013 – 1,600

2015 – 990
 2017 – 1,400
 2019 – 1,700

Neighborhood Meeting: Staff identified 89 properties within the 300-foot notification radius and provided the ownership list below to the applicant for first class mailed notices. The neighborhood meeting was held in-person on June 27, 2022, from 6 to 8 PM at the Garner Senior Center. Approximately 13 property owners were in attendance, and they are highlighted below. A few attendees, approximately 2, were outside the notice area.



OWNER	ADDR1	ADDR2
DINGEE, CHARLES	5428 HICKORY LN	RALEIGH NC 27603-4305
DRAKE, TYLER MAXWELL	1427 OLD BUCKHORN RD	GARNER NC 27529-3770
MATTHEWS, CEDRIC A MATTHEWS, JULIE L	1405 OLD BUCKHORN RD	GARNER NC 27529-3770
SYKES, EDNA L	5517 SPRING RD	RALEIGH NC 27603-4359
DMD HOLDINGS & INVESTMENTS LLC	1237 ROYCROFT AVE	CELEBRATION FL 34747-4019
GRIFFIN, SHARON WIESEL GRIFFIN, THOMAS D	1403 OLD BUCKHORN RD	GARNER NC 27529-3770
ROSA, MARCO	1400 OLD BUCKHORN RD	GARNER NC 27529-3769
WHALEY, MICHAEL B WHALEY, JEAN M	1813 SPRING DR	GARNER NC 27529-3417
MILLS, PATRICIA A	105 WALDEN CT	GARNER NC 27529-3757
PEASE, DAVID D PEASE, PAMELA K	1417 OLD BUCKHORN RD	GARNER NC 27529-3770
COPE, CHARLES V COPE, SUSAN M	306 W CHATHAM ST	APEX NC 27502-1410
HOLT, ALESSANDRA JANICE HOLT, WESLY TYLER	1810 SPRING DR	GARNER NC 27529-3488

HENSON, LORNA	1418 OLD BUCKHORN RD	GARNER NC 27529-3769
SYKES, EDNA L	5517 SPRING RD	RALEIGH NC 27603-4359
DAVID J & MARILYN B MARTIN IRREVOCABLE TRUST	1201 BUCK JONES RD	RALEIGH NC 27606-5635
DOUGLASS, RACHEL F	1406 OLD BUCKHORN RD	GARNER NC 27529-3769
BARKER, CAROLYN HILL	1410 OLD BUCKHORN RD	GARNER NC 27529-3769
MATHIS, JUDITH LEAH	304 GROVEMONT RD	RALEIGH NC 27603-4214
DINGEE, CHARLES	5428 HICKORY LN	RALEIGH NC 27603-4305
O'SHAUGHNESSY, JOSEPH ALAN		
O'SHAUGHNESSY, VICKI GLISSON	106 GLENN BRYAN CT	GARNER NC 27529-3465
FLEMING, CYNTHIA L	106 WALDEN CT	GARNER NC 27529-3757
GOODMON, PATRICK W GOODMON, CYNTHIA M	1413 OLD BUCKHORN RD	GARNER NC 27529-3770
VIOL, ADOLF VIOL, LORRAINE A	1421 OLD BUCKHORN RD	GARNER NC 27529-3770
HOWELL, BARBARA L POLLOCK	5108 OLD VALLEY ST	RALEIGH NC 27603-4240
MRSJCL LLC	8149 LAKISTA POINT LN	GARNER NC 27529-9096
HAMILTON, CONSTANCE M	103 WALDEN CT	GARNER NC 27529-3757
WEISS, DORIS S	1409 OLD BUCKHORN RD	GARNER NC 27529-3770
HUNTER, LEON RAY HUNTER, JEANETTE H	108 GLENN BRYAN CT	GARNER NC 27529-3465
STURDIVANT, SHIRLEY M	901 BUCKHORN RD	GARNER NC 27529-3750
MASSENGILL, RUFUS JR	317 COUNTRY CLUB DR	FAYETTEVILLE NC 28301-7609
LOYD, CHRISTOPHER M LOYD, JOY C	1425 BUCKHORN RD	GARNER NC 27529-3762
SMITH, JENNIFER R	1415 OLD BUCKHORN RD	GARNER NC 27529-3770
DINGEE, CHARLES	5428 HICKORY LN	RALEIGH NC 27603-4305
MILLER, BARBARA LYNNE WHITE, ALBERT F JR	904 BUCKHORN RD	GARNER NC 27529-3751
FERRELL, DONALD GRAY FERRELL, KAY VANN	1407 OLD BUCKHORN RD	GARNER NC 27529-3770
SIDER, IMAD IBRAHIM, RIMA SAID	5117 ISABELLA CANNON DR	RALEIGH NC 27612-4813
WALKER, LYNN	1609 HABBOT DR	RALEIGH NC 27603-8600
VARGO, KALLI	1412 OLD BUCKHORN RD	GARNER NC 27529-3769
CLOWERS, WENDY MICHELLE	1330 OLD BUCKHORN RD	GARNER NC 27529-3700
UPCHURCH, JAMES H UPCHURCH, LOLITA E	7616 LAKE WHEELER RD	RALEIGH NC 27603-5132
JARRETT, STEVE	1343 OLD BUCKHORN RD	GARNER NC 27529-3768
MATEOS, FELIPE DE JESUS CORNELIO HERNANDEZ, ANA SANTANA	1419 OLD BUCKHORN RD	GARNER NC 27529-3770
BLISS, ADAM D BLISS, TERESA L	107 GLENN BRYAN CT	GARNER NC 27529-3465
SPRINGFIELD DEVELOPMENT CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
BEST INVESTMENT REALTY LLC	501 THISTLEGATE TRL	RALEIGH NC 27610-2154
LUDEWIG, MICHAEL G LUDEWIG, ELAINE S	1803 SPRING DR	GARNER NC 27529-3455
ROBINSON, HASSAN J	900 BUCKHORN RD	GARNER NC 27529-3751
GREENBRIER PARK LLC	1330 SAINT MARYS ST STE 100	RALEIGH NC 27605-3334
GUY, LERA MAE FURLOUGH, SANDRA GUY	7401 FOUR BROTHERS WAY	WILLOW SPRING NC 27592-9092
DINGEE, CHARLES	5428 HICKORY LN	RALEIGH NC 27603-4305
BONHAM, RONALD CLARK II	1811 SPRING DR	GARNER NC 27529-3417
ZELADA, ROXANA	4616 BARRINGTON HILLS LN	GARNER NC 27529-6758
EDWARDS, WILLIAM CHRISTOPHER		
EDWARDS, KELLY MORRIS	311 RANCH FARM RD	RALEIGH NC 27603-4333
GARNER HOLDINGS 223 LLC	PO BOX 844	TEANECK NJ 07666-0844
WRIGHT, WILLIAM S WRIGHT, KATHERINE	1815 SPRING DR	GARNER NC 27529-3417
STANDARD CONSTRUCTION SERVICES LLC	JEREMY SCOTT BARBOUR	822 CROSS LINK DR
MERRITT, MARILYN Y BROWN, JAMES I	1804 SPRING DR	GARNER NC 27529-3488
SYKES, EDNA L	5517 SPRING RD	RALEIGH NC 27603-4359
SPRINGFIELD DEVELOPMENT CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
BROWN, ROBERT BROWN, KATHLEEN	903 BUCKHORN RD	GARNER NC 27529-3750

HAUTH, LEE ANNE DENTON, KEVIN	104 WALDEN CT	GARNER NC 27529-3757
RAGAN, JENNIFER LOU	5114 OLD VALLEY ST	RALEIGH NC 27603-4240
BRIDGES, STEVEN	1345 OLD BUCKHORN RD	GARNER NC 27529-3768
COX, WILLIAM ROY COX, DIANE R PEREZ, ALDEGUNDO ALEJANDRO HILARIO, BASILISA REYES	1105 SPRINGVIEW TRL 308 GROVEMONT RD	GARNER NC 27529-3402 RALEIGH NC 27603-4214
SPRINGFIELD DEVELOPMENT CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
SKRYLOV, ANDREW PAUL	1806 SPRING DR	GARNER NC 27529-3488
VEGA, JORGE DAVID RAMIREZ	1423 OLD BUCKHORN RD	GARNER NC 27529-3770
TRUE NORTH PROPERTY OWNER B LLC	PO BOX 4090	SCOTTSDALE AZ 85261-4090
AIELLO, CHRISTOPHER N AIELLO, JUDITH A SCHRADER FAMILY LTD PTNRP LTD PTNRP	213 TENBURY WELLS DR 5862 FARINGDON PL STE 1	CARY NC 27518-2417 RALEIGH NC 27609-4582
SAHO IV LLC	504 PINE AVE	RALEIGH NC 27603-4328
GUY, MARK SAMUEL	126 PRICKET LN	CLAYTON NC 27527-6074
LOCKLEAR, JERRY R LOCKLEAR, WANDA C	1808 SPRING DR	GARNER NC 27529-3488
WALL, BARRY	301 GROVEMONT RD	RALEIGH NC 27603-4213
ONEAL, GARY R ONEAL, SHARON R	1404 OLD BUCKHORN RD 3859 BATTLEGROUND AVE STE	GARNER NC 27529-3769
WESTMINSTER COMPANY	100	GREENSBORO NC 27410-9580
WAKE CNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD
KEIL, ASHLEY R	5505 SPRING RD	RALEIGH NC 27603-4359
YOUNG, MALYNDA MAE MEDLIN, LAKE	5502 SPRING RD	RALEIGH NC 27603-4360
BRIDGES, BENJAMIN OLEN	5507 SPRING RD	RALEIGH NC 27603-4359
SPRINGFIELD DEV CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
SPRINGFIELD DEV CORP	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
NC DEPT OF TRANSPORTATION DAVID J & MARILYN B MARTIN IRREVOCABLE TRUST	815 STADIUM DR 1201 BUCK JONES RD	DURHAM NC 27704-2713 RALEIGH NC 27606-5635
DINGEE, CHARLES	5428 HICKORY LN	RALEIGH NC 27603-4305
PALMER, MAXWELL CONRAD	3835 CORWIN RD	GARNER NC 27529-2609
PRICE, MONICA AHZEL	PO BOX 1951	GARNER NC 27529-1951
DMD HOLDINGS & INVESTMENTS LLC	1237 ROYCROFT AVE	CELEBRATION FL 34747-4019

Neighborhood Meeting Minutes

1. Question/Concern #1: What does O&I stand for?

Office & Intuitional. Applicant is requesting to rezone to MF-1 and limit to only townhomes. No apartments or low-income housing.

2. Future Land use map has been updated recently

The new UDO was recently approved, but the Future Land Use map showing 2045 is still accurate and designates this area as High Density Residential.

3. What changes have been made to the plan?

A reduction of units by 15% or 9 units, which creates more open space in the overall development and in particular in between the buildings that abut the homes to the south.

4. The reduction in units, was 59, it is now 50 correct?

Correct

5. Why can't this development be single family homes?

The number of single-family homes that could be developed on this parcel would not support the development costs that are needed. While the proposed zoning of MF-1 is not consistent with the future land use, the development of single-family homes greatly under develops the intent that Garner wanted for this parcel.

6. What is the range for the zoning classification?

With the changes we have moved from High Density Residential to Medium Density residential because the proposed unit count is 4.5 du/acre, which falls between the 2.5 and 5 du/acre for this designation.

7. If this was developed for apartments, how many could there be?

Potentially up to 153 apartments.

8. We would prefer commercial on this parcel.

The underlying zoning would allow for commercial by right. However, that would be a higher traffic generated than the proposed development of 50 townhomes.

9. How do you know that the traffic counts would be higher under medical/dental/commercial use?

We have a traffic engineer that has done the analysis based on published and industry approved standards. These numbers were also independently verified by staff.

10. Was there a traffic study required?

No, there was not one required. However, we did engage with a traffic engineer that looked at the site and analyzed the number of trips under the proposed old plan of 60 townhomes vs. commercial development vs. potentially if this was an apartment site.

11. Can you make this development only enter from Spring Dr. and have no access to Timber or Spring Rd.?

Connectivity is a big item under the UDO. We originally were connecting to Spring Rd and then were able to confirm that we can make the connection instead to Timber Dr. to help alleviate concerns for residents on Spring Rd. If we close Timber Dr. connection we will likely end up having to connect again at Spring Rd.

12. Why can't you put a cul-de-sac by Timber Dr.?

Connectivity is a big item when designing sites. The length of the road and radius for turn arounds are also considered for Fire/EMS.

13. Will there be an HOA?

Yes, there will be a third party HOA such as Charleston Management.

14. Who will be responsible for maintaining the fence?

The HOA will be responsible.

15. We want at a minimum a 8' fence.

UDO only allows for a 6' fence but we can further research the Garner ordinance regarding 8'.

16. Will this be a rental community?

No, these will be for sale.

17. Can you guarantee that these will not be sold to investors?

We are happy to discuss with the development team that these only be sold to owner occupants when first sold. This can potentially be stipulated in the HOA docs. However, we cannot guarantee that if someone sells down the road that it not be sold to an investor.

18. Can these townhomes be used for VRBO or AirBnB rentals?

No, we can stipulate that in the HOA docs. Short term vacation rentals will not be allowed.

19. What will be the expected pricing for these units?

We anticipate based on current market conditions that these start at \$350,000. However, there is a lot of volatility in the economy right now. We don't expect a major decline but we don't know what will happen over the next several months.

20. Why can't the owner donate the land?

Owner has spoken to WCPSS on many occasions and there was no desire for WCPSS to acquire or do anything with the land. We nor anyone else can force a private owner to donate land as they have property rights as well.

21. What can be done about traffic cutting through?

We have implemented a traffic circle in the design and will continue to look at options that can be incorporated with staff and under the UDO. There are times that we are not able to incorporate items as we are limited by the process within the ordinances.

22. What is the process for having speed bumps added to neighboring streets outside this development?

There is a process that has to be followed through the town. There was a neighborhood recently that went through this process over by Amazon. We will look up and send more information regarding this.

23. What can be done to improve traffic on Timber Dr.? How much traffic will 50 townhomes generate?

Timber Dr. is a NCDOT road. We understand that all over the Triangle there is traffic. We were not required to do a TIA as we are only 50 units. However residential is a lower traffic generator than many of the uses currently under O&I.

24. I looked up your website (Triland Property) and you only work with investors.

We do a lot of work within the commercial field which involves land and residential entitlements and development as well as commercial sales.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, September 20, 2022.

- Mr. Singleton asked about the need for traffic calming devices, and that these should be included up front in the process. He also asked what would prevent someone from driving over the traffic circle.
- Mr. Matthews expressed the need for traffic calming measures for the project.
- Mr. Dellinger asked about reducing cut-through traffic and traffic calming. He also asked about the proposed tree canopy at the northwest corner of the project site and how much is being preserved compared to what is currently on Wake County's property, making sure there is continuity along Timber Drive.
- Mr. Vance agreed that traffic calming should be included in the design.
- The applicant gave an overview of the project and explained how the revised plan compared to the previous plan presented in 2021: Units reduced from 59 to 50 units; density reduced from 5.5 to 4.5 units per acre; future possible locations (subject to Engineering Department approval) of flat-top speed bumps on each side of the traffic circle identified; open space increased from 1.13 to 1.4-acres; 4 parklets added; 5-unit buildings will have an increased buffer to the homes to the south; and fence height increased next to adjoining properties from 6 feet to 8 feet (pending Board of Adjustment approval).
- There were neighbor concerns about buffers, fencing, tree removal, and loss of privacy.
- The case was referred to the Planning Commission.

V. SUBDIVISION PLAN PROJECT DATA

Acreage: 11.13 +/- acres

Lot and Setbacks: 6,000 square feet of land for first unit, an additional 4,500 square feet of land for each additional unit. This conditional plan – not to exceed 50 units or 4.5 units per acre.

Minimum width of each unit is 18’.

Front: 25’

Side: 15’ (30’ between buildings or triangulation method)

Rear: 25’

Corner side: 25’

Master Plan:





Utility Plan

Landscape and Buffer Requirements:

Tree Cover: Sliding scale from 18-20% (rule at time of submittal) to be met.

Perimeter Buffers:

- 35' buffer calculated along southern perimeter. Reduced to 24.5' with condition of added 6' (8' if approved by BOA) opaque fence and no reduction of planted material. Preservation of existing vegetation to be maximized.
- 15' buffer calculated along northern perimeter. Reduced to 10.5' with condition of added 6' (8' if approved by BOA) opaque fence and no reduction of planted material.

Street Buffers:

- Timber Drive – 25' undisturbed buffer (except for infrastructure crossings) – to be supplemented as needed.

Street Trees: Must be provided approximately every 40 feet along all roadways.

Parks and Open Space:

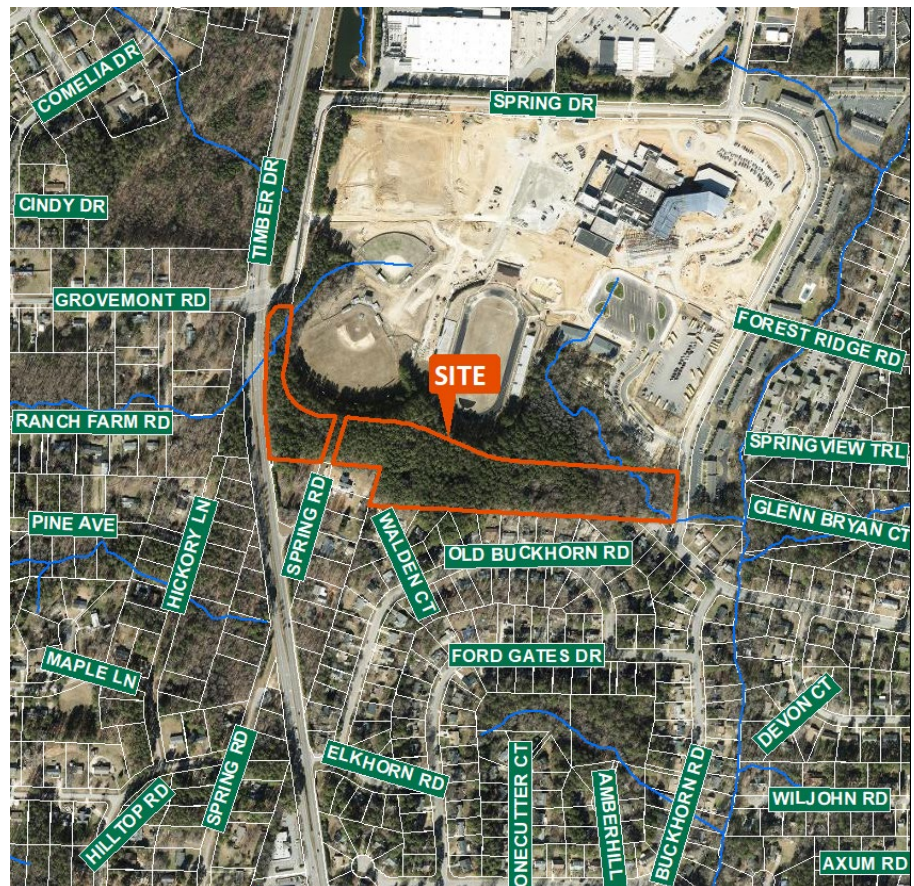
Open Space –

- Required Minimum: 10% (1.11 acres)
- Proposed Minimum: 12.6% (1.40 acres)

Open space areas will be owned and maintained by an HOA. These spaces consist of a riparian buffer and adjacent dog park at the eastern margins of the property as well as a centrally located formal pocket park.

Environmental Features:

There is no FEMA designated floodplain on the site, but the site is impacted by riparian buffers along streams. These are identified on the master plan.



Building and Fire Code:

The Inspections Department has reviewed and given their preliminary approval.

Lighting:

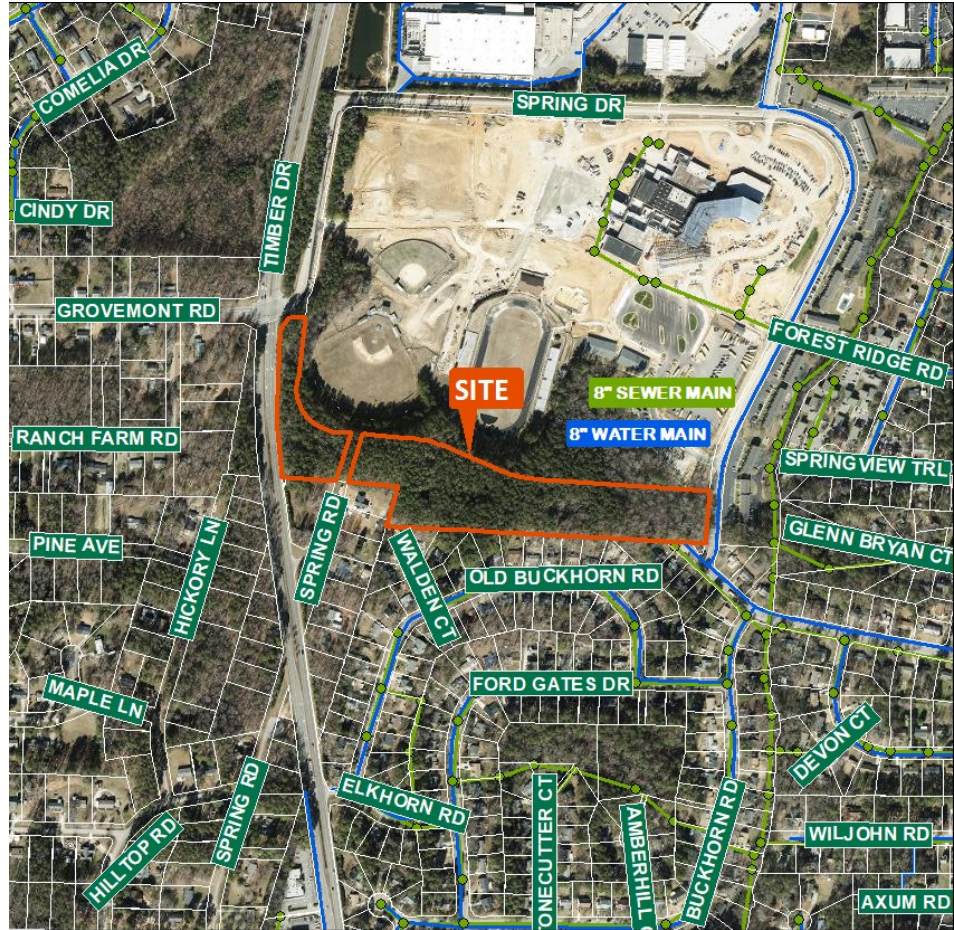
Street and site lighting are being provided to UDO lighting level standards and staff equivalency policies for LED lighting.

Infrastructure:

Stormwater Management – Spring Drive Townhomes is a multifamily development site that is located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen and 85% TSS removal as well as water quantity requirements for the 1, 10 and 25 year storm events. Part of the development site that drains to Buck Branch is subject to water quantity requirements for the 100 year storm. This development plan proposes a wet retention pond and an underground sand filter to treat impervious surface from the development. These devices will satisfy all water quality and water quantity requirements at this site for nitrogen, 85% TSS removal and will

detain the 1, 10, 25 and 100 year storm events. A nitrogen offset payment will also be required as part of this development.

Water/Sewer – The site will be served by City of Raleigh water and sewer infrastructure. The project will tie in to the existing 8” water line and 8” sewer lines at Spring Drive and be extended per Raleigh Water policy.



Transportation/Access – The project will have two points of access – one from existing Spring Drive and a second from Timber Drive. The connecting local street section will feature a mini-roundabout to aid with traffic calming and block length (turnaround capabilities). The entrance from Timber Drive will be limited to right-in/right-out movements, and a stop condition will be added for southbound traffic on Spring Drive at the eastern end. Sidewalks will be installed on both sides of the new street between Timber Drive and Spring Drive and will connect to existing infrastructure at both ends.

VI. PLAN CONSISTENCY

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

Staff 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

Planning Commission Meeting Summary: The Planning Commission conducted their meeting on Monday, October 10, 2022.

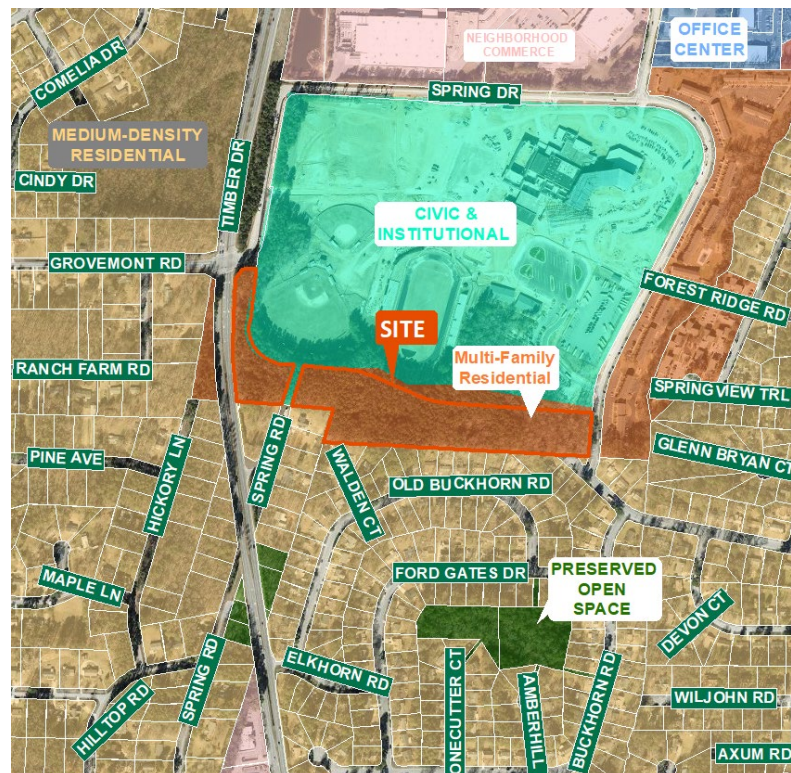
- Staff presented an overview of the request.
- Mr. Blasco expressed concern about the location of the dog park, stating that it may be seen as a town facility rather than a community amenity. He noted concerns about HOA maintenance and suggested preserved woodland would also meet the open space requirements. He suggested that moving the water heater out of the garage and increasing the size of garages is a good practice generally in townhome design.
- Mr. Jefferson suggested the dog park may be a positive asset for the larger community but questioned the location of the dog park as it was presented. He inquired about the traffic calming measures on site.
- Mr. Carson inquired about proposing an 8-foot fence as a condition, and whether the increase fence height would need to be approved by the Board of Adjustment. He also noted the recent success of speedbumps in residential neighborhoods.
- Mr. Voiland asked in what condition would the high school athletic field access would be left. He also inquired about the pedestrian circulation from one side of the property to the other. He asked about the location of the proposed dog park and the pedestrian access to the amenity.
- Ms. Avent inquired about visitor parking on the site, and whether there were sufficient parking spaces provided. Ms. Avent asked for confirmation that driveways were long enough that cars would not overhang the sidewalk.
- On a vote of 7-0, the Planning Commission moved to accept staff's Consistency Statement and recommended approval to the Town Council.

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan – INCONSISTENT:

The site of the request is designated as **Multi-Family Residential (MFR)**. The MFR category encompasses multi-unit, multi-structure apartment buildings, condominiums up to 4 stories in height. These developments are typically independent of surrounding land uses and not part of a larger project or a mixed density development. Higher densities / heights are addressed in the Mixed-Activity Center and Town Center categories.

While the Plan does not have a density recommendation for the MFR category, the intent is for multi-floor apartment and condo developments in the MF-A and MF-B zoning districts at high densities. In developing the Garner Forward Plan, it was noted that apartments had already served as a buffer/transitional use between the school and single-family zoning to the east and harkened back to the original zoning back in the 1970's. The site has set vacant for decades despite the rezoning to office and institutional, and the school system's recent redevelopment of GMHS did not contemplate any use of the property.



The proposed use of townhomes is not consistent with the MFR recommendation of apartments or condominiums, but staff notes that townhome-style buildings are generally accepted by planners as an appropriate transitional use between single-family uses and higher intensity uses due to their smaller massing and scale.

2010/18 Garner Transportation Plan – CONSISTENT:

Timber Drive is identified as a four-lane divided roadway. As such, it is already built out. The transportation plans also call for sidewalks along Timber Drive and Spring Drive which are again already existing. There are no other recommendations on or adjacent to the project site; therefore, this plan may be considered consistent with Garner transportation plans.

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

The site is not designated as a park land search area; but Timber Drive is identified as a greenway corridor. As of yet, there has not been a project along this corridor that has

implemented a side path on one side of Timber Drive or the other. Looking, to the Greenways and Bicycle Facilities map on page 54 of the Garner Forward Transportation Plan, a side path was identified along the western margin of Timber Drive that would provide connectivity from US 70 to the current northern terminus of the South Garner Greenway at White Deer Park. With the provisions of internal sidewalk connections to existing sidewalk facilities, this plan can be considered consistent with the PRCR Master Plan.

Consistency Statement: While this request to rezone 11.08 +/- acres from **Office & Institutional Conditional (OI C92)**, now **Neighborhood Mixed Use Conditional (NMX C92)**, to **Multifamily Conditional (MF-1 C267)** => **Multifamily A (MF-A C267)** is consistent with other Garner land use related plans, it is inconsistent with the Future Land Use Map's designation of Multi-Family Residential (MFR) which calls for multi-story and higher density condos or apartment developments.

If approved, a future land use map amendment would be automatically adopted to redesignate the site down from MFR to Medium Density Residential (MDR) which calls for single-family, duplex, triplex, quadplex, and townhome-style residences at a density between 2.5 to 5 units per acre – a designation that would bring the request into consistency.

VII. 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 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: In addition to findings of plan consistency, staff would also note the following in support of a motion to approve CZ-MP-22-11 as presented:

1. The proposed MF-A district and townhomes are similar in character, height and massing with the townhouse style and 2-story apartments (277 units) located to the east along Spring Drive and Forest Ridge Road respectively.
2. Fee-simple townhomes would be a less intense use next to the Woodlands single-family subdivision on Buckhorn Road than garden-style apartments; thus providing a massing and scale-appropriate transitional use between the neighborhood and the high school.

Recommended Motion: See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant’s request.

CZ-MP-22-11, Spring Drive Townhomes

Zoning Amendment Motion Worksheet

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

<p>1. CONSISTENT AND REASONABLE</p>	<p>“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. (2022) 5153 approving rezoning CZ-MP-22-11, as the request is reasonable and in the public interest because it will likely (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>2. CONSISTENT BUT NOT REASONABLE</p>	<p>“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-MP-22-11, as the request is not reasonable nor in the public interest because it will likely not (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>3. INCONSISTENT YET REASONABLE</p>	<p>“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 (<u> <i>cite and insert land use plan evidence</i> </u>); yet, I also move that the Town Council adopt Ordinance No. (2022) 5153 approving rezoning CZ-MP-22-11, as the request is still reasonable and in the public interest because it will likely (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>4. INCONSISTENT NOR REASONABLE</p>	<p>“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 (<u> <i>cite and insert land use plan evidence</i> </u>); and I further move that the Town Council deny rezoning CZ-MP-22-11, as the request is not reasonable nor in the public interest because it will likely not (<u> <i>select all applicable reasonableness options next page and/or provide your own reasoning</i> </u>).”</p>

See next page for staff-identified possible reasonableness options...

Select all applicable reasonableness options to be included in a motion:	
✓	Promote multi-family housing in select areas.
✓	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.
	Align the development code with the Town's desired ends.
✓	Support work-in-place trends.
	Require all or a high percentage of parking to be at the side or rear of buildings and allow for the creation of enclosed pedestrian spaces.
	Allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing.
✓	Connect the community internally with open spaces.
	Enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps.
	Improve Garner's position as a community that is a successful candidate for more fixed route transit services.
✓	Reflect a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.
	Achieve substantial improvement in the quality of life for Town residents.
	Increase the ability to achieve other goals of the Comprehensive Plan or improve Town operations.
	Other: _____
	Other: _____

Green = supporting elements, Yellow = perhaps/partial, Red = no overtly supporting elements, Gray = likely n/a

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

ORDINANCE NO. (2022) 5153

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 11.08 +/- acres from **Neighborhood Mixed Use Conditional (NMX C92)** to **Multifamily A Conditional (MF-A C267)** for the development of a townhome community at a density of no more than 4.5 units per acre inconsistent with the Future Land Use Map's designation of Multi-Family Residential (MFR) which calls for multi-story and higher density condos or apartment developments; and

WHEREAS, the Town Council finds the future land use designation of Medium-Density Residential (MDR) to be consistent with the rezoning request; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will be of an overall design that keeps within the Town's character and improves property values; emphasize new housing styles in walkable, mixed-use locations identified for growth; mix housing types in infill areas in harmony with adjoining, older neighborhoods; cluster townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly; and reflect a significant change in conditions or support a public policy established by the Town since the adoption of

applicable land use plans – office zoning with limited commercial opportunities and multi-family future land use designations have failed to attract development interest in over two decades.

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by VHB in Zoning Map Amendment Application No. CZ-MP-22-11 (MF-A C267).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Multi-Family A Conditional District 267 (MF-A C267); all of the regulations that apply to property within the MF-A C267 district shall be applicable subject to the following conditions:

1. Permitted use table:

Use Category	Specific Use	MF-A C267
Household Living**	Townhouse	P*

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

2. The maximum density shall not exceed 4.5 dwelling units per acre.
3. The development shall include an approximately 9,000 sq. ft. community gathering space that includes bench and picnic table seating beneath a pergola, a paver patio, and a play lawn area.
4. Each dwelling unit constructed on the property shall contain a minimum of 1,300 square feet of heated gross floor area.
5. Each Townhouse Unit shall have at least a one-car garage with carriage hardware and windows. Water heaters typically located within the garage will be removed from the garage area to provide more room for storage.
6. The front façade of each Townhouse Unit will include the following treatments:
 - a. A covered entry;
 - b. at least three (3) operable windows (at least the bottom sash of the window can be opened) and one entry door;
 - c. at least one (1) two (2) foot horizontal offset per every two units; and
7. Each Townhouse unit shall include at least two (2) of the following siding types on the front facade:
 - a. board and batten;

- b. horizontal lap siding; and/or
 - c. shake siding.
8. End units shall have a masonry wainscotting down the side OR a trim board separating different siding
 9. Each Townhouse Group, defined as a building containing 4-6 Townhouse Units, shall include at least three (3) colors, not including trim, on the front façade.
 10. All townhouse units will have fiber cement lap siding. Trim elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.
 11. All residential building side elevations shall have at least two operable windows.
 12. All units shall have a minimum 12" roof overhang on front and rear. On end units of each Townhouse Group, the side roof overhang shall be 12".
 13. An 8' solid fence to be installed along buffer to properties South of the development & North of the development excluding Riparian Buffer area. *(Staff note: 8' height subject to Board of Adjustment approval. Only 6' allowed by administrative permit.)*

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
Springfield Development Corp.	1701725623 and a portion of 1701635217	Neighborhood Mixed Use Conditional (NMX C92)	Multifamily A Conditional (MF-A C267)

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. The Planning Department shall change the comprehensive plan's Future Land Use Map for the tracts identified in Section 3 from Multi-Family Residential (MFR) to Medium-Density Residential (MDR).

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. 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 8. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of November 2022.

Ken Marshburn, Mayor

ATTEST: _____
Stella Gibson, Town Clerk