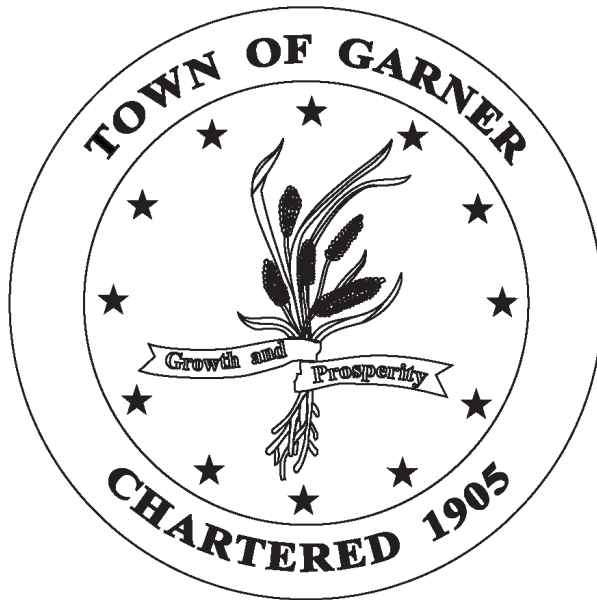


# TOWN OF GARNER



## Town Council Regular Session

August 3, 2020  
7:00 p.m.

Garner Town Hall  
900 7th Avenue  
Garner, NC 27529

**Town of Garner**  
**Town Council Regular Meeting Agenda**  
**August 3, 2020**

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

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

**Mask Policy:** In keeping with the Governor's Executive Order requiring masks in public, staff and audience members must wear face coverings during Council meetings unless they are exempted from the Governor's order.

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

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

- B. PLEDGE OF ALLEGIANCE: Council Member Phil Matthews
- C. INVOCATION: Council Member Phil Matthews
- D. PETITIONS AND COMMENTS

*This portion of the meeting is to receive comments from the public on items not included 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

Recognize Grant Davis who retired on July 15, 2020 with 29 years of service to the Town and Police Department.....Page 4  
Presenter: Rodney Dickerson, Town Manager and Joe Binns, Interim Police Chief

- G. CONSENT

- 1. Governor's Highway Safety Resolution Traffic Officer Grant.....Page 5  
Presenter: Acting Lieutenant Chris Adams

Resolution to accept GHSP grant for the second year of a Traffic Safety Officer

Action: Consider adopting Resolution (2020) 2417

2. Annexation Petitions.....Page 7  
Presenter: David Bamford, Planning Services Manager

ANX-20-06, Ridgemoor Subdivision - Annexation petition for Country Walk Subdivision (now called Ridgemoor); PD MP 17-01 approved November 6, 2017 (215 single-family lots and 122 townhomes); this 128.9-acre site can be identified as Wake County Pins - 1629484983, 1629485029, 1629482110, 1629484691, 1629487905, 1629588476, 1629585022, 1629378711, 1629487400, 1629574326, 1629489823, 1629570956.

ANX-20-13, Grove at White Oak - Annexation petition for Rhora Subdivision (now called Grove at White Oak) CUP-SB-18-18 approved January 7, 2019 for 106 single-family lots. The 58.14-acre site is located at the end of Ackerman Rd and can be identified as Wake County PIN#'s 1629-08-3891, 1619-98-8721, 1629-08-6776, 1619-99-5082.

Action: Consider adopting Resolution (2020) 2418 setting Public Hearings for September 8, 2020

3. Timber Drive Speed Limit Reduction - Ordinance Modification.....Page 13  
Presenter: Chris Johnson, Town Engineer

To repeal ordinance #1044367 and approve new ordinance #1078530 for a speed limit change from 45 mph to 35 mph between Thompson Road (SR 2712) and the proposed pedestrian crossing west of Buckingham Road.

Action: Consider approving NCDOT ordinance changes as provided and authorize Town Clerk to execute municipal declarations accordingly

4. Council Meeting Minutes.....Page 20  
Presenter: Stella Gibson, Town Clerk

Council meeting minutes from July 7 & 13, 2020 and closed session minutes from July 7, 2020.

Action: Consider approving minutes

## H. PUBLIC HEARINGS

1. CUD-Z-20-05 & CUP-SP-20-05, 2337 US 70 E Industrial.....Page 28  
Presenter: David Bamford, Planning Services Manager

Conditional use rezoning (CUD-Z-20-05) and associated conditional use site plan (CUP-SP-20-05) requests submitted by Justin Parker to rezone 13.29 +/- acres from Light Industrial (I-1) to Service Business Conditional Use (SB C230) for light industrial with outdoor storage uses. The site is located along the north side of US 70 between TV Tower and Guy roads and may be further identified as Wake County PIN 1730-93-9155 and a 0.4-acre portion of 1730-94-6013.

Action: Consider adopting Ordinance (2020) 4068

- 2. ANX 20-14, Edge of Auburn.....Page 52  
Presenter: David Bamford, Planning Services Manager

This annexation petition is for the proposed Edge of Auburn development (Rezoning PD-Z-19-05 and associated master plan PD-MP-19-05). The site is approximately 298.5-acres and located at the northeast corner of Old Baucom Rd & Rock Quarry Rd. This annexation must track along with this rezoning and master plan because this area is outside Garner's jurisdiction in Wake County. The site can be identified as Wake County PINs: Portions of 1740-28-4951 and 1740-17-4496, 1740-47-0086, and 1740-27-8010.

Action: Consider adopting Ordinance (2020) 4069

- 3. PD-Z-19-05 & PD-MP-19-05, Edge of Auburn.....Page 60  
Presenter: David Bamford, Planning Services Manager

Conditional use planned development district zoning (PD-Z-19-05) and associated master plan (PD-MP-19-05) request have been submitted by Joseph Conlan to re-zone 298 +/- acres from Wake County R-30 (R-30) to Planned Residential District (PRD C-10) Conditional Use for a 898-unit subdivision (696 single-family dwellings and 202 townhouses). The site is located on the southeast corner of Old Baucom Road and Rock Quarry Road and may be further identified as Wake County PIN#: 1740-47-0086, 1740-27-8010 and portions of 1740-28-4951 and 1740-17-4496.

Action: Consider adopting Ordinance (2020) 4070

I. NEW/OLD BUSINESS

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. Garner info

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

Per N.C. General Statutes Section 143-318.11(a)(3) to consult with the Town Attorney regarding litigation.

O. ADJOURN



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: Grant Davis Retirement		
Location on Agenda: Presentations		
Department: Police & Human Resources		
Contact: Joe Binns & BD Sechler		
Presenter: Rodney Dickerson & Joe Binns		
Brief Summary: Grant Davis retired on July 15, 2020 with 29 years of service to the Town and Police Department.		
Recommended Motion and/or Requested Action:		
Detailed Notes: Recognize Grant for his 29 years of service to the Town of Garner and its citizens.		
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:	BDS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: Governor's Highway Safety Program (GHSP) Traffic Safety Officer		
Location on Agenda: Consent		
Department: Police		
Contact: Acting Lieutenant Chris Adams		
Presenter: Acting Lieutenant Chris Adams		
Brief Summary: Resolution to accept GHSP grant for the second year of a Traffic Safety Officer.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2020) 2417		
Detailed Notes: This GHSP grant covers the second year funding for a Traffic Safety Officer position of which Federal funding will be \$48,970.00 and \$20,987.00 from our General Fund.		
Funding Source: n/a		
Cost: \$20,987	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:	JMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

# North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the \_\_\_\_\_ (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that \_\_\_\_\_

(The Governing Body of the Agency)

\_\_\_\_\_ (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE \_\_\_\_\_ IN OPEN

(Governing Body)

MEETING ASSEMBLED IN THE CITY OF \_\_\_\_\_, NORTH CAROLINA,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That \_\_\_\_\_ is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal  
funding in the amount of \$ \_\_\_\_\_ to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ \_\_\_\_\_ as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other  
appropriate persons to furnish such information, data, documents and reports as required by the contract, if  
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by \_\_\_\_\_

(Chairperson/Mayor)

ATTESTED BY \_\_\_\_\_

(Clerk)

**SEAL**

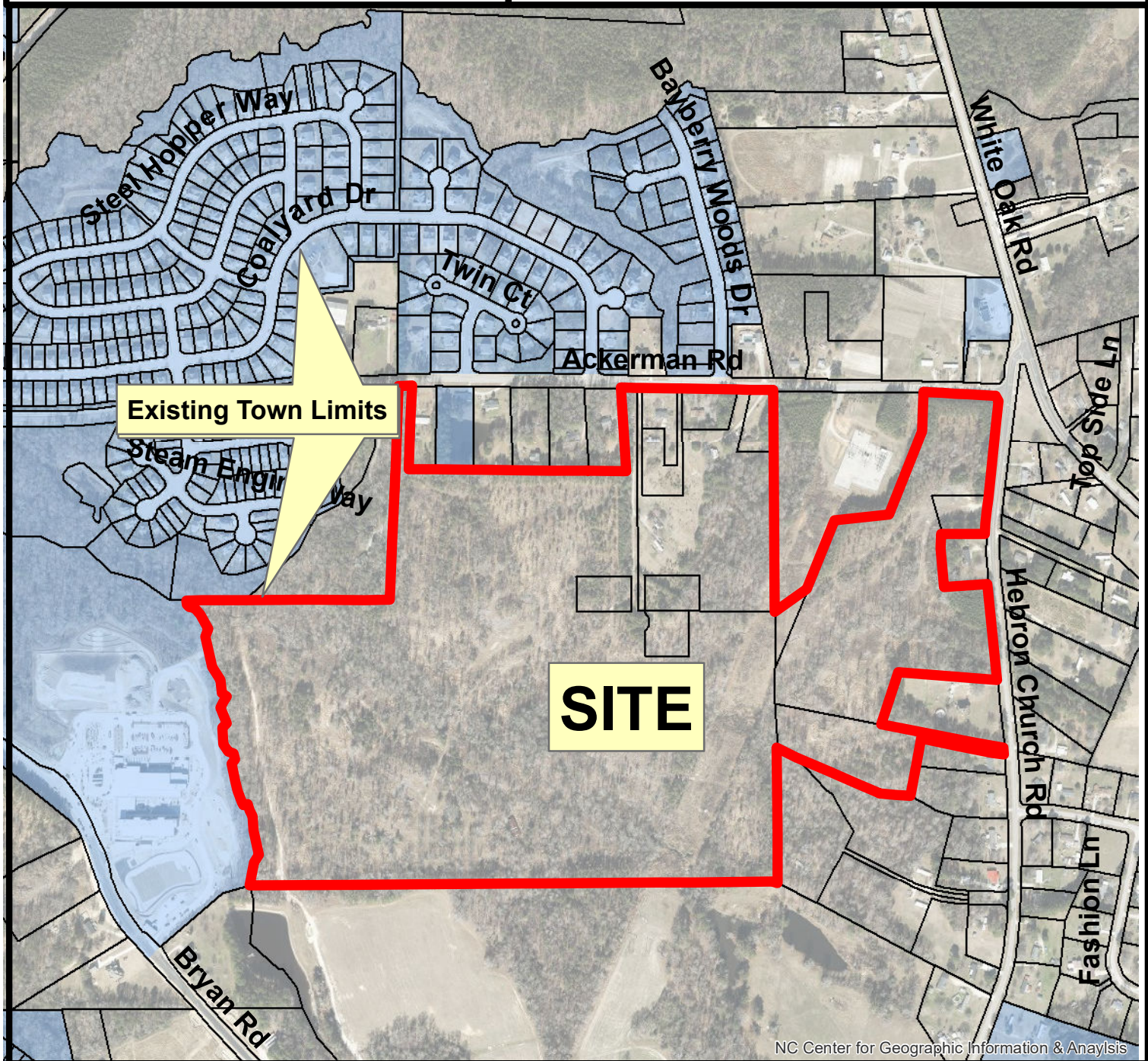
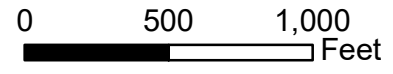
DATE \_\_\_\_\_

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: ANX 20-06,Ridgemoor Subdivision & ANX-20-13, Grove at White Oak		
Location on Agenda: Consent		
Department: PLANNING		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
<b>Brief Summary:</b>  ANX 20-06 - Annexation petition for Country Walk Subdivision (now called Ridgemoor); PD MP 17-01 approved November 6, 2017 (215 single-family lots and 122 townhomes); this 128.9-acre site can be identified as Wake County Pins - 1629484983, 1629485029, 1629482110, 1629484691, 1629487905, 1629588476, 1629585022, 1629378711, 1629487400, 1629574326, 1629489823, 1629570956. ANX 20-13 - Annexation petition for Rhora Subdivision (now called Grove at White Oak) CUP-SB-18-18 approved January 7, 2019 for 106 single-family lots. The 58.14-acre site is located at the end of Ackerman Rd and can be identified as Wake County PIN#'s 1629-08-3891, 1619-98-8721, 1629-08-6776, 1619-99-5082.		
<b>Recommended Motion and/or Requested Action:</b> Consider adopting Resolution (2020) 2418 to set Public Hearings for September 8, 2020		
<b>Detailed Notes:</b>          		
<b>Funding Source:</b> n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

# Town of Garner Planning Department

Annexation  
ANX 20-06



NC Center for Geographic Information & Analysis

Owner: Lennar Carolinas LLC (Ridgemoor Subdivision)

Location: Ackerman Rd

Area: 128.9 acres

Pin: 1629484983, 1629485029, 1629482110, 1629484691,  
1629487905, 1629588476, 1629585022, 1629378711,  
1629487400, 1629574326, 1629489823, 1629570956,  
1629475921



## Planning Department Memorandum

---

**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-20-06: Ridgemoor***

**DATE:** August 3, 2020

---

**ANNEXATION APPLICATION:** ANX 20-06

**OWNERS:** Lennar Carolinas LLC

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** Ackerman Rd

**WAKE COUNTY PIN #:** 1629484983, 1629485029, 1629482110,  
1629484691, 1629487905, 1629588476,  
1629585022, 1629378711, 1629487400,  
1629574326, 1629489823, 1629570956,  
1629475921

**REAL ESTATE ID #:** 0148903, 0148905, 0148907, 0148904, 0129701,  
0132472, 0328313, 0053900, 0038785, 0129391,  
0129702, 0353189, 0148906

**AREA:** 128.9 +/- acres

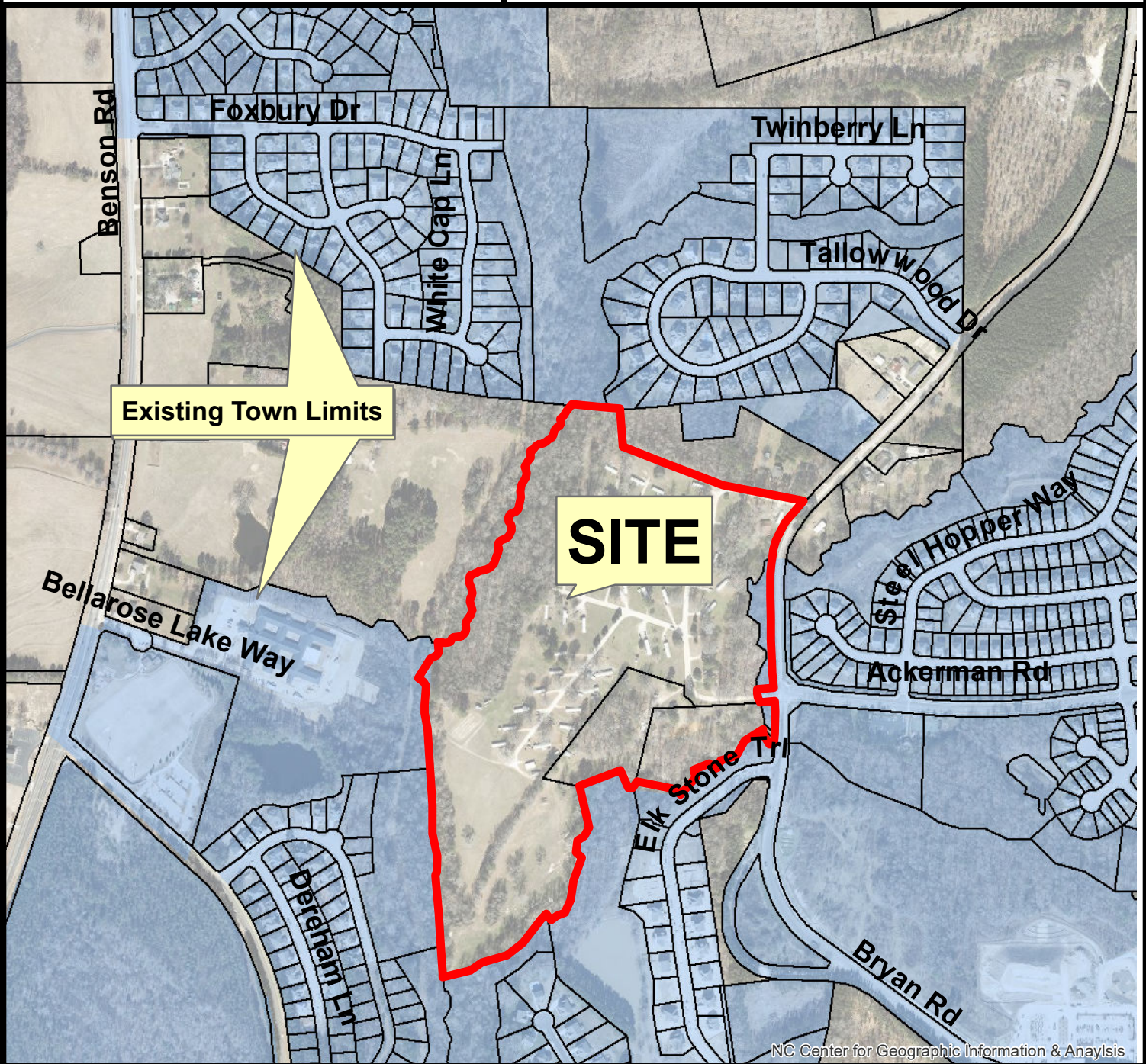
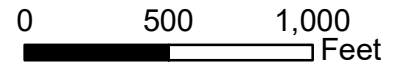
**ZONING:** PRD C5

**ASSOCIATED DEVELOPMENT PLAN:** Country Walk Subdivision (now called Ridgemoor)  
PD MP 17-01 approved November 6, 2017 - Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.

**RECOMMENDATION:** Set Public Hearing for September 8, 2020

**Town of Garner  
Planning Department**

**Annexation  
ANX 20-13**



Owner: MI Homes  
Location: Bryan Rd /Ackerman Rd (Grove at White Oak Subdivision)  
Area: 59.4 acres  
Pin: 1629086877, 1629096033, 162908389,  
1619988721, 1629086776, 1619995082

## Planning Department Memorandum

---

**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-20-13: Grove at White Oak***

**DATE:** August 3, 2020

---

**ANNEXATION APPLICATION:** ANX-20-13

**OWNERS:** MI Homes

**CONTIGUOUS / SATELLITE:** Contiguous

**LOCATION OF PROPERTY:** Bryan Rd and Ackerman Rd

**WAKE COUNTY PIN #:** 1619-98-8721, 1629-08-3891, 1629-08-6776, 1619-99-5082

**REAL ESTATE ID #:** 0328890, 0059619, 0100189, and 0101619

**AREA:** 58.14 +/- acres

**ZONING:** R-9 C210

**ASSOCIATED DEVELOPMENT PLAN:** Rhora Subdivision (now called Grove at White Oak) CUP SB 18-18 approved January 7, 2019 - Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

**RECOMMENDATION:** Set Public Hearing for September 8, 2020



RESOLUTION NO. (2020) 2418

**RESOLUTION FIXING DATE OF PUBLIC HEARINGS ON QUESTION OF ANNEXATIONS PURSUANT TO G.S. 160A-31 and 160A-58.1, AS AMENDED**

WHEREAS, two petitions requesting annexation of the areas described herein have been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petitions have been made;

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

**Section 1.** That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 7:00 p.m. on the 8<sup>th</sup> day of September, 2020.

**Section 2.** The areas proposed for annexation are described as follows:

- (ANX 20-06) Ridgemoor Subdivision – Satellite annexation
- (ANX 20-13) Grove at White Oak – Contiguous annexation

**Section 3.** Notice of said public hearings shall be published in the *News & Observer*, a newspaper having general circulation in the Town of Garner, at least ten (10) days prior to the date of said public hearings.

Duly adopted this 3<sup>rd</sup> day of August, 2020.

---

Ken Marshburn, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: Timber Drive Speed Limit Reduction - Ordinance Modification		
Location on Agenda: Consent		
Department: Engineering		
Contact: Chris Johnson, Town Engineer		
Presenter: Chris Johnson, Town Engineer		
Brief Summary:  To repeal ordinance #1044367 and approve new ordinance #1078530 for a speed limit change from 45 mph to 35 mph between Thompson Road (SR 2712) and the proposed pedestrian crossing west of Buckingham Road.		
Recommended Motion and/or Requested Action: Approve ordinance changes as provided and authorize Town Clerk to execute municipal declarations accordingly.		
Detailed Notes: NCDOT has provided declarations for the Town's execution to repeal ordinance #1044367, and replace with ordinance #178530 to reduce the speed limit south of the Thompson Road/Heather Springs Drive intersection. This will provide a consistent 35 mph zone between Thompson Road/Heather Springs Drive and Aversboro Road.		
Funding Source: n/a		
Cost: n/a	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:          		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	CJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



## Town of Garner

---

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

### ENGINEERING DEPARTMENT MEMORANDUM

DATE: July 27, 2020

TO: John Hodges - Assistant Town Manager

FROM: Chris Johnson, PE - Town Engineer

**RE: Timber Drive Speed Limit Reduction  
Thompson Rd/Heather Springs Dr intersection to Proposed Pedestrian Crossing**

Staff recently received approval from the NCDOT Division Traffic Engineer to propose an ordinance modification to reduce the speed limit in advance of the proposed pedestrian crossing on Timber Drive, which will be located 500' west of the Buckingham Road intersection. NCDOT has provided staff with the municipal declarations and request for concurrence, which will repeal the current ordinance (#1044367) and replace with a new ordinance (#1078530). The new ordinance would reduce traffic from 45 mph to 35 mph beginning at the Thompson Road/Heather Springs Drive intersection. Following this ordinance modification and approval by the NCDOT Board of Transportation, Timber Drive would be posted at 35 mph between Thompson Road/Heather Springs Drive and Aversboro Road.

#### STAFF RECOMMENDATION

Approve the ordinance modifications and authorize the Town Clerk to execute the municipal declarations as provided by NCDOT.

#### ATTACHMENTS

**Certification of Municipal Declaration  
To Repeal Speed Limits and Request for Concurrence**

---

**Concurring State Ordinance Number:** 1044367

**Division:** 5      **County:** WAKE

**Municipality:** GARNER

**Type:** Municipal Speed Zones

**Road:** SR 2812

**Car:** 45 MPH

**Truck:** 45 MPH

**Description:** SR 2812, from 0.38 mile south of SR 2712 northward to US 70.

---

**Municipal Certification**

I, \_\_\_\_\_, Clerk of \_\_\_\_\_, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: \_\_\_\_\_ Page: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_

In witness whereof, I have hereunto set my hand and the municipal seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(municipal seal)

---

**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

---

## NCDOT TEAAS Ordinance Report

Approval Status: D - division approval pending, R - region approval pending, S - state approval pending, A - approved  
 Repeal Status: D - division repeal pending, R - region repeal pending, S - state repeal pending, C - repealed.

**Ordinance Type** Municipal Speed Zones

<b>County</b>	WAKE	<b>Division</b>	5	<b>Old Ordinance Number</b>	910200460
<b>Municipality</b>	GARNER	<b>Ordinance Number</b>	1044367	<b>Effective Date</b>	8/31/2001
<b>Route</b>	SR 2812	<b>Car Speed Limit</b>	45	<b>Approval Status</b>	A
		<b>Truck Speed Limit</b>	45	<b>Repeal Status</b>	D
<b>Construction Project Number</b>		<b>Begin Milepost</b>	2.548	<b>End Milepost</b>	0

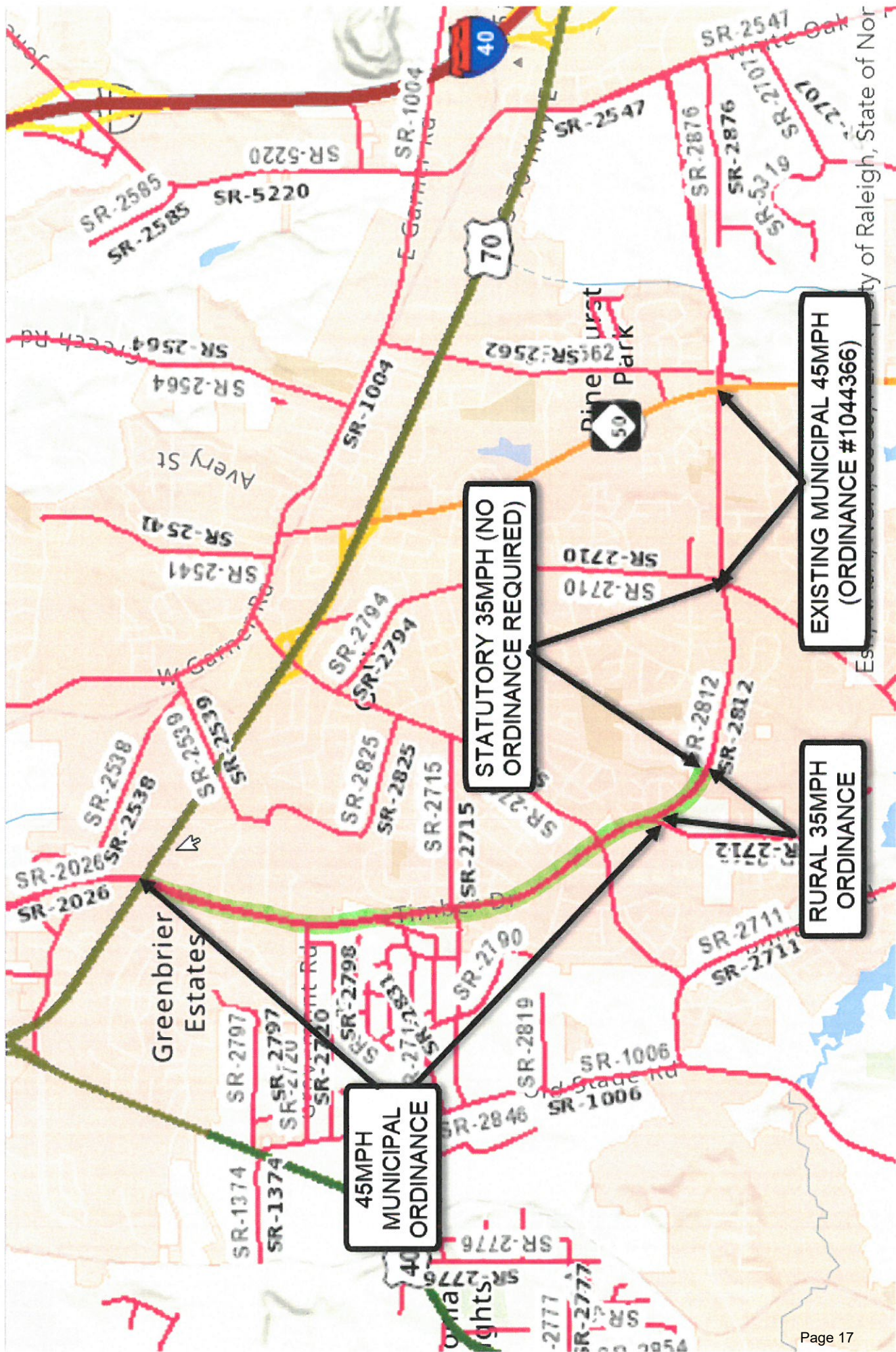
**Intersecting Route / Begin Reference Feature** SR 2712 **End Reference Feature** US 70

**Justification**

**Description** SR 2812, from 0.38 mile south of SR 2712 northward to US 70.

**Long Description**





45MPH  
MUNICIPAL  
ORDINANCE

STATUTORY 35MPH (NO  
ORDINANCE REQUIRED)

EXISTING MUNICIPAL 45MPH  
(ORDINANCE #1044366)

RURAL 35MPH  
ORDINANCE

**Certification of Municipal Declaration  
To Enact Speed Limits and Request for Concurrence**

---

**Concurring State Ordinance Number:** 1078530

**Division:** 5      **County:** WAKE

**Municipality:** GARNER

**Type:** Municipal Speed Zones

**Road:** SR 2812

**Car:** 45 MPH

**Truck:** 45 MPH

**Description:** On SR 2812 (Timber Drive) between SR 2712 (Thompson Road) and US 70.

---

**Municipal Certification**

I, \_\_\_\_\_, Clerk of \_\_\_\_\_, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: \_\_\_\_\_ Page: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_

In witness whereof, I have hereunto set my hand and the municipal seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(municipal seal)

---

**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

---







Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Council meeting minutes from July 7 & 13, 2020 and closed session minutes from July 7, 2020.		
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 Meeting Minutes  
July 7, 2020**

This regular meeting of the Town Council was conducted at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue, Garner.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, Matt Roylance- Asst. Town Manager-Operations, John Hodges-Asst. Town Manager Development Services, Rick Mercier-Communications Manager, David Beck-Finance Director, Joe Stallings-Economic Development Director, Stacy Harper-Principal Planner, Jeff Triezenberg-Planning Director, Chris Johnson-Town Engineer, Fred Baggett-Interim Town Attorney and Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Demian Dellinger

**INVOCATION:** Council Member Demian Dellinger

**PETITIONS AND COMMENTS**

Rodney Dale Stratton expressed his frustration regarding fireworks going off near his home and the police department's response to his complaint. Mr. Stratton also mentioned his neighbor had a fire pit within 10' feet of his home.

**ADOPTION OF AGENDA**

Motion: Singleton  
Second: Matthews  
Vote: 5:0

**PRESENTATIONS**

Mayor ProTem Behringer presented Dianna Wynn with a Proclamation recognizing the 100th anniversary of the passage of the 19th Amendment and the 100th anniversary of the League of Women Voters of Wake County.

**CONSENT**

**Create Town Attorney Position**

Presenter: Matt Roylance, Asst. Town Manager-Operations

In order to begin the recruitment process for the Town Attorney, Council needs to create the position since it does not currently exist.

Action: Approve the creation of 1.0 FTE Town Attorney position

### **Annexation 20-14, Edge of Auburn**

Presenter: David Bamford, Planning Services Manager

Satellite annexation petition submitted by Edge of Auburn, LLC for 298.5 +/- acres located at the southeast corner of Old Baucom and Rock Quarry roads and may be further identified as portions of Wake County PIN#'s 1740-28-4951 and 1740-17-4496, 1740-47-0086, & 1740-27-8010.

Action: Adopt Resolution (2020) 2415 to set the public hearings for August 3, 2020

### **Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

Minutes from Regular meetings - 6/1, 6/16, Closed session meetings - 6/1, 6/8, and Special meetings - 6/3, 6/8, 6/9

Action: Adopt minutes

### **PUBLIC HEARINGS**

Mayor Marshburn explained the procedures to be followed during this hearing and asked Council to disclose any bias or ex parte communications. Hearing none, the Town Clerk administered the Affirmation of Oath to the following: Brad Hart, Cole Dagerhardt, Chris Summering, Jason Barron, John Bennett, William Jackson, Jeff Triezenberg, Stacy Harper and David Beck.

Mayor Marshburn opened the hearing.

### **PD-Z-19-04 / PD-MP-19-04, Raynor Road PRD**

Presenter: David Bamford, Planning Services Manager and Stacy Harper, Principal Planner

Conditional use planned development district zoning (PD-Z-19-04) and associated master plan (PD-MP-19-04) request submitted by Mungo Homes of North Carolina, Inc. to re-zone 77.01 +/- acres from Single-Family Residential (R-20) to Planned Residential District (PRD C-9) Conditional Use for a 333-unit subdivision (126 single-family dwellings and 207 townhouses). The site is located on the northeast corner of White Oak Road and Raynor Road and may be further identified as a portion of Wake County PIN# 1639-58-3019.

Council expressed concerns regarding building setbacks, vinyl siding, and foundation requirements for this project.

Two-lane roads (White Oak and Raynor) have an estimated capacity of 10,000 daily trips. As dedicated turn lanes are added and approach having a continuous center lane (portions of Raynor), the estimated

capacity increases to between 13,000 and 18,000 daily trips. Existing homes will not be affected by any improvements made by this project.

William Jackson expressed concerns regarding traffic, stating it was hard to get in and out of the neighborhood – a traffic light was needed.

John Bennett, property owner, spoke in favor of the project.

Prior to preliminary plat application, the developer shall perform a signal warrant analysis for the intersection of White Oak Road and Raynor Road. If a signal is deemed warranted, the developer shall be responsible for the design and installation of the signal. If a signal is not yet warranted, a Development Agreement for fee-in-lieu of the new signal – agreed upon as a result of the development's TIA – shall be submitted by the developer, including payment, and accepted by the Town. If a signal is not warranted, the Town would be responsible for maintaining.

Council Member Dellinger voiced concerns regarding traffic challenges and did not feel this project was good planning for this area nor compatible with the Town's transportation plan.

Action: Move Council accept staff's statements regarding zoning consistency with the Garner Forward Plan, detailed in Section V of the staff report, as our own; and therefore, move further that the Town Council adopt Ordinance No. (2020) 4066 approving rezoning request PD-A-19-04 as it is reasonable and in the public interest because it will likely allow household living and supporting daycare uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces, allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock, allow the development of an appropriate density of housing in the area in which it is located, and allow for the conservation and preservation of natural features and green space to promote recreation opportunities.

Motion: Vance

Council Member Singleton stated the setback conditions for zoning should be included as part of the zoning conditions.

Council Member Vance withdrew the earlier motion.

Action: Move Council accept staff's statements regarding zoning consistency with the Garner Forward Plan, detailed in Section V of the staff report, as our own; and therefore, move further that the Town Council adopt Ordinance No. (2020) 4066 approving rezoning request PD-A-19-04 as it is reasonable and in the public interest because it will likely allow household living and supporting daycare uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces, allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock, allow the development of an appropriate density of housing in the area in which it is located, and allow for the conservation and preservation of natural features and green space to promote recreation opportunities. Setbacks for the detached front loaded single family lots are as follows: Front-20 ft., Rear-15 ft., Side-5 ft. min. 10 ft. Aggregate, Side along public right of way-8 ft. min. Proposed setbacks for the detached rear loaded single family lots are as follows: Front-5 ft., Rear-4ft. or 20 ft. min, Side 5 ft. min 10 ft. Aggregate. The foundation on all front facades, and all side facades that face a street or alley and over 12" tall, will be treated with masonry (stone or brick).

Motion: Vance  
Second: Matthews  
Vote: 4:1

Council Member Dellinger voted nay.

Action: Move the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve PD-MP-19-04, Raynor Road with the eight conditions to be listed on the permit that will be prepared by staff.

Motion: Vance  
Second: Matthews  
Vote: 4:1

Council Member Dellinger voted nay.

## **NEW/OLD BUSINESS**

### **COMMITTEE REPORTS**

Council Member Vance announced he and Council Member Dellinger conducted interviews to fill 3 vacant seats on the Planning Commission. Gina Avent, Phillip Jefferson, and Michael Voiland were appointed to fill those seats.

Action: Authorize appointments

Motion: Vance  
Second: Dellinger  
Vote: 5:0

### **MANAGER REPORTS**

- Garner info
- Capital Projects Status Report – FY2020 (Q4)
- Building & Permit Report
- Mr. Dickerson noted that the Council had been receiving inquiries regarding a development application for property in the City of Raleigh’s jurisdiction adjacent to the Cloverdale Subdivision. Staff noted that they are aware of the application and will be monitoring its status with colleagues in Raleigh. Several Council Members inquired about the possible connection of any new development in Raleigh to Town streets stubbed to the property. Staff responded that those matters would need to be researched more fully but noted that the public right-of-way for both Northview Street and Randell Road do reach the property in question. It was further noted that the application is in the early stages where neighborhood meetings are required and that citizens should be encouraged to direct their comments and concerns to the City of Raleigh Planning Department and the applicant.

### **ATTORNEY REPORTS**

Confirmed the full Council would be present at the July 13 Special Meeting.

## COUNCIL REPORTS

### Singleton

- Requested to receive the master plan information for the Yeargan and Meadowbrook property early to allow for time to review before the project is heard at the July work session.

### Behringer

- Regarding Mr. Stratton's concerns, the Town needs to take a stronger position towards people using fireworks/firecrackers whenever/wherever they want.
- The median between the north and south bound lanes on Benson Road needs to be mowed.
- Reported an abundance of stray cats in her neighborhood.

### Dellinger

- Asked if there was a place where Garner could offer COVID testing. Mr. Dickerson responded that the Town does have the capacity to do so if the opportunity was there.

### Vance

- Thanked the Public Works for their rapid response for the safety situation in the road.

### Marshburn

- Expressed thanks to those who participated in the development the virtual Independence Day celebration.
- Encouraged citizens to follow COVID guidelines.

### Matthews

- Council Member Matthews had nothing to report.

## CLOSED SESSION

Action: Move to go into closed session per N.C. General Statutes Section 143-318.11(a)(4) to discuss economic development.

Motion: Singleton  
Second: Matthews  
Vote: 5:0

Council met with the Economic Development Director and provided guidance regarding a potential project.

**ADJOURN:** 10:18 p.m.

**Town of Garner  
Town Council Special Meeting Minutes  
July 13, 2020**

This special meeting of the Town Council was conducted at 7:00 p.m. in the Garner Town Hall located at 900 7<sup>th</sup> Avenue, Garner.

**CALL MEETING TO ORDER/ROLL CALL:** Mayor Ken Marshburn

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

Staff Present: Rodney Dickerson-Town Manager, Matt Roylance-Asst. Town Manager-Operations, John Hodges-Asst. Town Manager-Development Services, Chris Johnson-Town Engineer, Rick Mercier-Communications Manager, Fred Baggett-Interim Town Attorney, and Stella Gibson-Town Clerk

Joe Stallings-Economic Development Director, Tony Beasley-Inspections Director and Jeff Triezenberg participated via TEAMS

Mr. Baggett stated the purpose of the meeting and provided a summary of the request.

The purpose of the meeting is to conduct a quasi-judicial public hearing and consider a request by Hillwood Enterprises, L.P., developer of the site for the Amazon distribution center on Jones Sausage Road, for amendment of Special Use Permit SUP SP-18-01 concerning conditions of the special use permit, including those related to road improvements.

Mayor Marshburn explained the procedures to be followed during this hearing and asked Council to disclose any ex parte communications or bias. Hearing none, Mayor Marshburn opened the hearing and asked the Clerk to call the roll. The Affirmation of Oath was administered to the following: Toby Coleman, Chris Torgle, Travis Braswell, Scott Martin, John Magness, John Bertoncino, Katerna Kilpatrick, Barbara Mitchell, Savannah Lapinsless, Jeff Triezenberg, Tony Beasley and Joe Stallings.

Mr. Coleman provided an update of the project improvements made since last presented to Council.

At the June 9 Council meeting many of the residents expressed their opposition to the project citing traffic concerns resulting from the facility being occupied before the road improvements were complete. The Town also received concerns via an on-line form and a message call-in number.

Hillwood implemented a communications plan with the neighbors to answer their questions and provide information regarding the measures that will be taken to minimize the impact resulting from their facility opening before the roadway is complete – temporary roadway mitigations will be in place, signal lights, staggered shifts, etc. The neighbors were receptive to Hillwood's plan and no opposition was received regarding the project moving forward.

The tenant will occupy the facility on August 2, 2020 with staggered shifts. The proposed Special Use Permit amendment imposes liquidated damages of \$10,000 per day if Jones Sausage Road and Garner Road are not open to traffic by Monday, August 17, 2020. In addition, the proposed conditions provide

that the applicant will not seek up to \$600,000 in reimbursements from the Town of Garner for offsite improvements.

The following changes to the Special Use Permit are:

4.b. - In the event the Roadway Improvements are not complete by Friday, July 31, 2020, the Town Inspections Director or his designee (the "Building Inspector") may permit the Facility to be occupied on or after Sunday, August 2, 2020 if the following traffic mitigation conditions and all other code requirements (the "Traffic Mitigation Conditions") are satisfied.

4.b.ii. - A temporary traffic signal at the intersection of Jones Sausage Road and Calebar Street shall be permitted, installed and operational. The temporary signal shall remain in place and operational until the permanent signal is installed and operational.

4.b.iii. - A temporary traffic signal at the intersection of Jones Sausage Road and Entrance #4 shall be permitted, installed and operational. The temporary signal shall remain in place and operational until the permanent signal is installed and operational.

4.b.v. - The Town Engineer shall be responsible for determining in good faith whether the Applicant has satisfied the Traffic Mitigation Conditions. The Building Inspector's determination shall be conclusive.

Action: Move that the request for amendment to conditions of SUP-18-01 be approved and that the Town Council makes the following findings of fact based on the evidence and testimony submitted by the applicant and others:

The amendment does accomplish effective mitigation for expected new levels of traffic in the immediate area of the site. Creates adequate and safe traffic facilities to serve the site while maintaining sufficient facilities for existing service. Constitutes acceptable compatibility with adjacent uses in terms of traffic.

Motion: Matthews  
Second: Vance  
Vote: 5:0

Council thanked Hillwood for engaging the neighbors near the project and welcomed Amazon to the Garner community.

**ADJOURN:** 8:15 p.m.



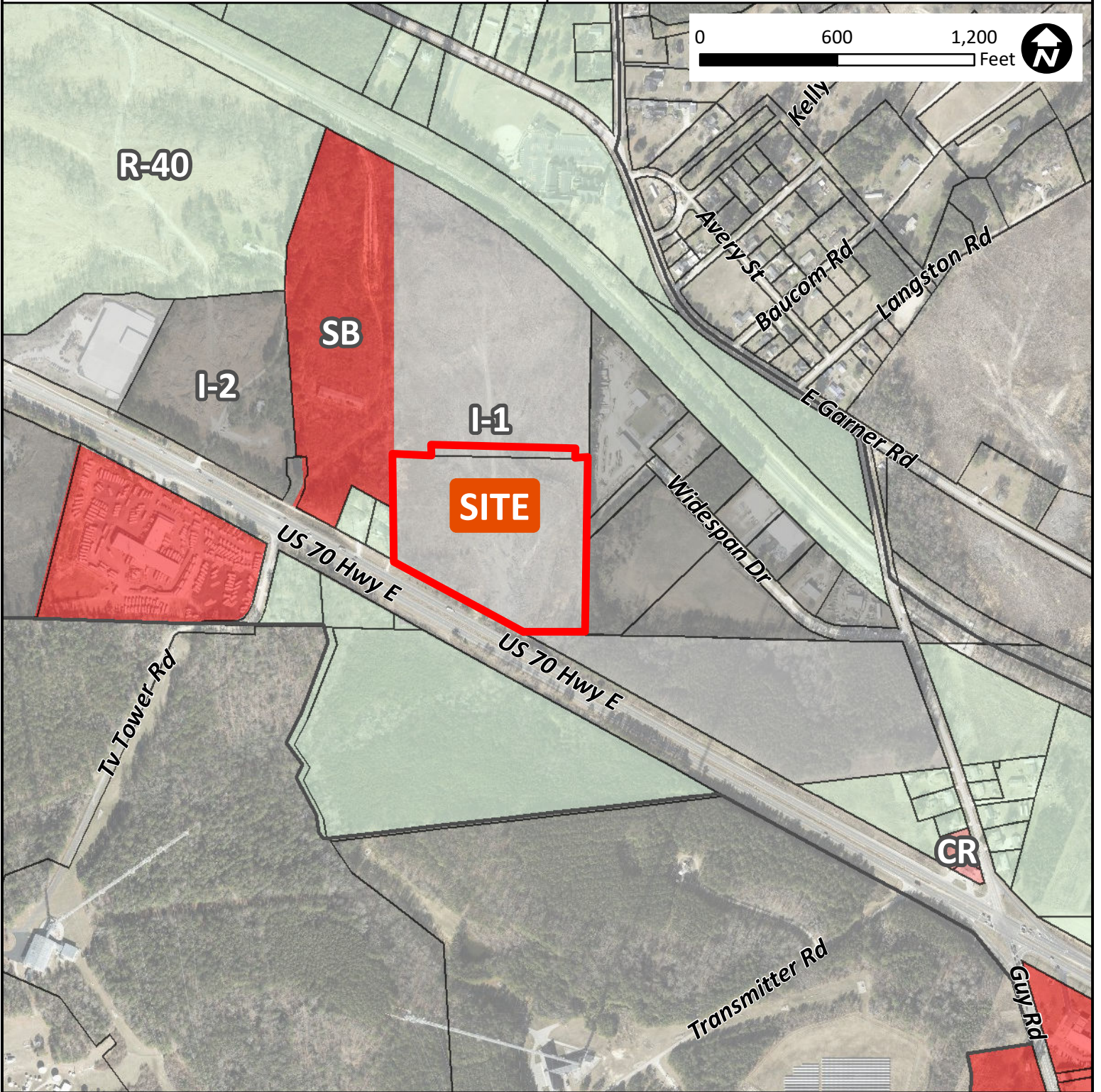
Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: CUD-Z-20-05 & CUP-SP-20-05, 2337 US 70 E Industrial		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
<p><b>Brief Summary:</b></p> <p>Conditional use rezoning (CUD-Z-20-05) and associated conditional use site plan (CUP-SP-20-05) requests submitted by Justin Parker to rezone 13.29 +/- acres from Light Industrial (I-1) to Service Business Conditional Use (SB C230) for light industrial with outdoor storage uses. The site is located along the north side of US 70 between TV Tower and Guy roads and may be further identified as Wake County PIN 1730-93-9155 and a 0.4-acre portion of 1730-94-6013.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Consider adoption of Ordinance (2020) 4068</p>		
<p><b>Detailed Notes:</b></p> <p>See attached vicinity map and staff report. A neighborhood meeting was required by ordinance and was held on Tuesday, June 23, 2020 . Use restrictions and characteristics are voluntarily offered as zoning conditions. Staff recommends approval of CUD-Z-20-05 and finds CUP-SP-20-05 in conformity with the UDO.</p>		
<p><b>Funding Source:</b></p> <p>n/a</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p>          		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



# Town of Garner Planning Department

# Conditional Use Rezoning CUD-Z-20-05 & CUP-SP-20-05



**Project:** US 70 Industrial  
**Applicant:** Garner Industrial LLC  
**Owner:** Garner Industrial LLC  
**Location:** 2337 US 70 E  
**Pin #:** 1730-93-9155 and a  
 .4-acre portion of 1730-94-6013

**Proposed Use:** Warehouse / flax space  
**Current Zoning:** I-1 (Light Industrial)  
**Proposed Zoning:** Service Business Conditional (SB C230)  
**Acreage:** 13.29  
**Overlay:** US 70 / US 401



## Planning Department Staff Report

---

**TO:** Honorable Mayor Marshburn and Town Council Members

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

**SUBJECT:** *Conditional Use Rezoning CUD-Z-20-05 and  
Conditional Use Subdivision Plan CUP-SP-20-05, 2337 US 70 E Industrial*

**DATE:** August 3, 2020

---

### I. PROJECT AT A GLANCE

**Project Number(s):** CUD-Z-20-05 Conditional Use Rezoning  
CUP-SP-20-05 Conditional Use Site Plan

**Applicant:** Al Neyer – Justin Parker

**Owner:** Garner Industrial LLC

**General Description -**

**Project Area & Location:** 37.73 +/- acres with 13.29 acres to be rezoned and developed at this time - 2337 US 70 E

**Wake Count PIN(s):** 1730-93-9155 and a .4-acre portion of 1730-94-6013

**Current Zoning:** Light Industrial (I-1)

**Requested Zoning:** Service Business Conditional Use (SB C230)

**Proposed Use(s):** Commercial Business Park

**Overlay:** US 70 / 401

**Key Meeting Dates:**

**Planning Commission:** July 20, 2020

**Public Hearing & Action:** August 3, 2020

## II. BACKGROUND / REQUEST SUMMARY

This conditional rezoning (CUD-Z-20-05) and associated site plan (CUP-SP-20-05) have been submitted to make use of the property for light industrial with outdoor storage. The proposal is to rezone 13.29-acres from Industrial 1 (I-1) to Service Business Conditional Use (SB C230). The current Light Industrial (I-1) zoning allows flex space, warehouse, and commercial indoor uses only. A proposed tenant is interested in occupying a portion of the building for office / warehouse use with some outdoor storage and operations in the rear of the building. Unfortunately the current I-1 zoning is in conflict with this proposal so the property owner is requesting rezoning to Service Business Conditional Use to retain many of the uses already permitted in the current I-1 zoning with some additional options for outdoor storage and operations, while at the same time limiting the range of SB allowable uses.

This development was approved as a staff-level permit under the existing zoning on March 11, 2019 (SP-18-15) for indoor uses only. The property now contains a 150,000 square-foot industrial warehouse / flex space building located at 2337 US HWY 70 E - across from Camping World, about a half-mile east of Raynor Road. At the time of this report, the building has received building permit approval and is nearing receipt of a certificate of occupancy for the shell.



### **III. ZONING ANALYSIS**

**Existing:** The site, approximately 13.29-acres, is zoned **Light Industrial (I-1)**. This district is intended to provide for a limited range of low-intensity industrial uses. Operations are restricted to inside a building (outdoor storage prohibited).

***The following is a list of permitted uses in the I-1 District:***

1. Security caretaker's quarters
2. Trade/Vocational school
3. Ambulance, rescue squad, police, or fire station
4. Prison, jail, detention facility
5. Public park, pool, golf course
6. Bus passenger terminal
7. Taxicab or limousine operations
8. Broadcast tower
9. Minor utility, elevated storage tank
10. Telecommunications facility
11. Other major utility
12. Bar, nightclub, tavern (prohibited within 500 feet of residential zoning)
13. Gym, spa, indoor tennis, pool
14. Horse stables and related facilities
15. Indoor entertainment facility
16. Outdoor athletic or entertainment facility
17. Theater—drive in (prohibited within 500 feet of residential zoning)
18. Water slide, golf driving range
19. Bank, financial institution
20. Medical offices
21. Other offices
22. Extended stay facility (prohibited within 500 feet of residential zoning)
23. Hotel/motel
24. Parking commercial
25. Restaurant, drive in
26. Restaurant, indoor seating
27. Restaurant, indoor seating, drive-through window
28. Restaurant, take out only
29. Convenience store with no fuel sales
30. Convenience store with fuel sales
31. Open air market
32. Personal service use (indoor operations)
33. Hair and beauty salons
34. Indoor repair
35. Indoor sales, retail
36. Veterinarian, kennel indoor
37. Self-service storage
38. Car wash (prohibited within 500 feet of residential zoning)
39. Vehicle services limited
40. Flex space
41. Industrial use indoor
42. Wholesale sales
43. Greenhouse, nursery

**Proposed:** The proposed zoning for the site is Service Business Conditional Use (SB C230). The SB zoning district has been established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The SB general use district also allows for the storage of merchandise or equipment and allows operations to be conducted outside of a building.

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

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

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

***The following is a limited range of permissible uses for the proposed SB C230 district.***

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

<b>Use Category</b>	<b>Specific Use</b>	<b>SB C230</b>
Household Living	Security or caretaker's quarters	P
Community Service	Community Center	SUP
	Other community service	SUP
	Library, museum, art	P
	Civil service, fraternal lodge, similar uses	SUP
Day Cares	Day Care Center	P*
Educational Facilities and Services	Trade Vocational	SUP
	Business School, college, satellite campus	P
	College, University	P
Government Facilities	Ambulance service, rescue squad, police or fire station	P
	Government utility, with outdoor storage	SUP
	Government office	SUP
Health Care	Medical clinic	P
Religious Institutions	Religious Institutions	P*
Utilities	Minor Utility, elevated water tank	P*
	Telecommunications facility	SUP
Entertainment	Indoor entertainment facility	P*
	Medical office - individual	P
	Other office	P
Commercial Parking	Commercial Parking	SUP

Restaurants	Restaurant, curb or drive-in service	P
	Restaurant, indoor with seating only	P
	Restaurant, indoor with drive-through window	P
	Restaurant, take out only, drive-through or walk up	P
Retail Sales and Service	Open Air Market	P
	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
Self Service Storage	Self Service Storage	SUP
Vehicle Sales and Service	Vehicle general repair	P*
	Vehicle service, limited	P*
	Vehicle sales and rental	P*
Manufacturing & production	Indoor Only	P*
Light Industrial Manufacturing and Production	Flex Space	P*
	Industrial Use Indoor	P*
	Industrial Use with outdoor operations	P
Warehouse and freight movement	Storage outdoor	P*
	Storage indoor	P*
Wholesale Sales		P*
Waste Related Services	Recyclable materials collection center	P*

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

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

**Prohibited Overlay uses adjacent to or within 150 feet of existing residential uses:** The following 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

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



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

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

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

<b>Case</b>	<b>Applicant</b>	<b>Location</b>	<b>Zoning Change</b>
CUD-Z-96-03	W.E. Buffaloe	US 70 HWY E (1/2-mile west of site)	I-1 to I-2 C64
CUD-Z-14-01	Joe Cermin	Konica Minolta – 2217 US 70 HWY E	Wake County HD to Town of Garner I-1 C172
CUD-Z-16-05	Freedom Roads LLC	Camping World – 2300 US 70 HWY E	Wake County HD to Town of Garner SB C185
CUD-Z-16-10	Joe Cermin	4812 Green Garden Rd	Wake County HD to Town of Garner I-2 C190
Z-17-01	Town of Garner	ETJ Extension	Wake County R-30 to Town of Garner R-20

**Adjacent Zoning and Land Use:**

**North:** I-1    Undeveloped  
**South:** R-40    Undeveloped  
**East:** I-2    Commercial Business Park  
**West:** SB, I-2    Undeveloped



#### **IV. COMMUNITY INFORMATION**

**Overall Neighborhood Character:** This stretch of US 70 E, east of Raynor Road to Guy Road, began transitioning to commercial development about 6 years ago when City of Raleigh began allowing property owners to connect into the water line running along the north side of US 70 E. Since that time, more commercial properties have connected and annexed. There is also development pressures for office/ warehouse along this corridor.

**Traffic:** The site has approximately 645 feet of road frontage on US 70 HWY E. This road is currently a 4-lane divided highway within a right of way width of 200 feet. It is maintained by NCDOT. NCDOT average daily traffic count history on W Garner Road is as follows:

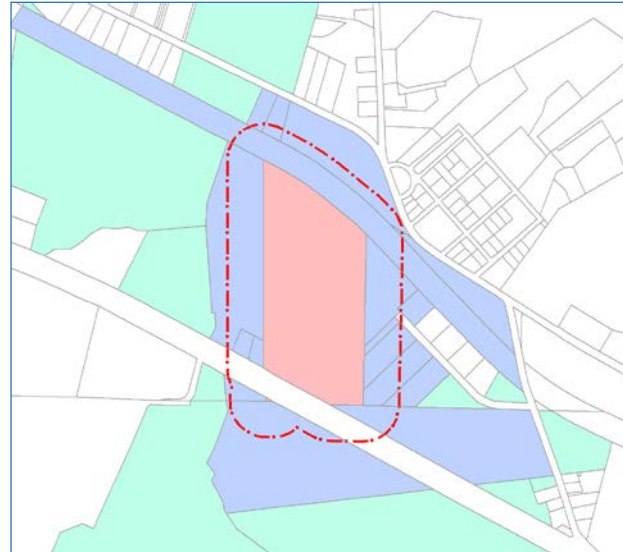
- Year 2009 – 25,000
- Year 2011 – 24,000
- Year 2015 – 29,000
- Year 2017 – 30,000
- Year 2018 – 29,500

A Traffic Impact Analysis was not yet required for this project. Should a proposal come in for the balance of the property that raises the total traffic above the specified thresholds, an analysis will be required at that time.

**Neighborhood Meeting:** Staff identified 29 properties (23 after removing exact duplicates) within the notification radius as shown at right and provided the list below to the applicant for first class mailed notices.

- Red area = development parcels
- Red line = 300' buffer
- Dk. Blue area = parcels w/in 300'
- Lt. Blue area = parcels +1 rule

The neighborhood meeting was held virtually on June 23, 2020 with approximately 1 neighbor in attendance – in red print in the table below. No one called in during a separate call-in period from 1 to 5:30 PM the same day.



OWNER	ADDR1	ADDR2
R & D PROPERTIES, LLC	111 SIGMA DR	GARNER NC 27529-8543
WATTS, LAURA LYNN GAUL, BARBARA WATTS	132 S HIDDENBROOKE DR	ADVANCE NC 27006-7298
HENDERSON, BROOKIE RENEE S STRICKLAND, SAMMY RONALD	1601 PAGAN RD	RALEIGH NC 27603-9224
HENDERSON, BROOKIE RENEE STRICKLAND, SAMMY RONALD	1601 PAGAN RD	RALEIGH NC 27603-9224
FEORE, JOHN J FEORE, JOANN M	1925 PARTRIDGE BERRY DR	RALEIGH NC 27606-9695
ALEXANDER, RANDY	2133 HWY 70 E	GARNER NC 27529
DOMBALIS, FLOYE L	2617 TATTON DR	RALEIGH NC 27608-2050
L & L COMPANY LLC	2805 TOWNGATE DR	RALEIGH NC 27614-8920
NC RAILROAD COMPANY	2809 HIGHWOODS BLVD STE 100	RALEIGH NC 27604-1000
MARTINEZ, JOSE NIETO CALDERON, RAFAELA JAMIES	2828 E GARNER RD	RALEIGH NC 27610-9674
MOUNT MORIAH BAPTIST CHURCH INC	3000 E GARNER RD	RALEIGH NC 27610-9678
MOUNT MORIAH BAPTIST CHURCH	3000 E GARNER RD	RALEIGH NC 27610-9678
GARNER INDUSTRIAL I LLC	302 W 3RD ST STE 800	CINCINNATI OH 45202-3426
HAHN, RONNIE J	303 TWIN LAKES CT	SUNSET BEACH NC 28468-4514
<b>PARMAR, AMRUTAL</b>	<b>388 BROADMOOR WAY</b>	<b>CLAYTON NC 27520-4914</b>
J & M SMITH ENTERPRISES LLC	400 FLETCHER DR	RALEIGH NC 27603-3802
JONES, TERRY MARTIN	4901 TV TOWER RD	GARNER NC 27529-9468
PITTMAN, PATRICIA S SMITH, PAMELA J	5206 ECHO RIDGE RD	RALEIGH NC 27612-6943
CREECH, JOHN GREGORY BARKER, CONNIE CREECH	8109 LAKISTA POINT LN	GARNER NC 27529-9096
BRIEGAN CONCRETE LLC	900 N GARVER RD	MONROE OH 45050-1241
CBC REAL ESTATE CO INC	PO BOX 12000	RALEIGH NC 27605-2000
AUBURN TOWER PARTNERSHIP	PO BOX 12000	RALEIGH NC 27605-2000
SEEDLING TECHNOLOGY CENTER LLC	PO BOX 620	GARNER NC 27529-0620

The meeting was hosted by:

- Mr. Justin Parker, Al Neyer Industrial; and
- Mr. Michael Kane, Capital Civil Engineering.

Questions and answers are listed below.

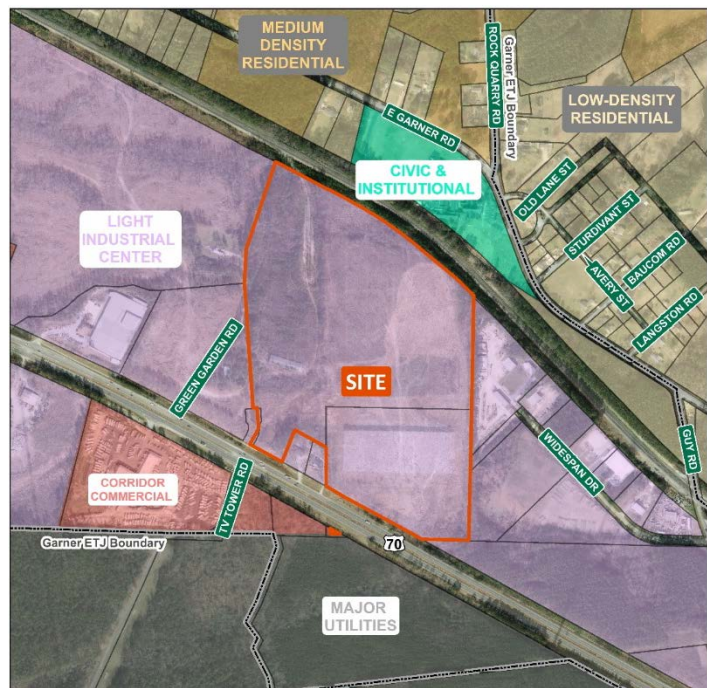
1. Mr. Parmar inquired on how close sewer is. Showed him the location and that it was planned that it could be extended. Informed him another property owner off Widespan had similar interest.
2. Mr. Parmar inquired what his zoning is. Informed him it was R-40 and he would need to do similar rezoning if wanted to do something commercial along US70 someday.
3. Informed Mr. Parmar our status of construction is nearly complete. Rezoning is somewhat of a downzone from I-1 to SB so that potential tenants could do outdoor storage if they want to in the loading dock area. Informed him we would be conditioning out some of the uses from SB such as Bars.
4. We discussed the future NCDOT / US 70 interchange. I posted an exhibit from NCDOT of where that is proposed to be located west of TV Tower Rd.

## **V. STATEMENTS OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN**

**2018 Garner Forward Plan:** In addition to land use, the 2018 *Garner Forward Comprehensive Plan* also provides guidance on keeping the Town's character, living spaces, working places, recreation opportunities and transportation. Applicable sections are analyzed in the following paragraphs.

### ***Land Use:***

On the current Future Land Use Map, the rezoning site is designated as **Light Industrial Center**. This corridor along US HWY 70 E from Raynor Road to Guy Road has this designation. **Light Industrial Centers** support small to medium-scale, on-site manufacturing and production uses including warehousing, industrial flex space, light manufacturing, distribution, medical research/laboratory, and assembly operations.





**Working Places:**

The guiding principles and recommendations for commercial development and working spaces are found on pages 68 – 72. Staff finds this request in support of the following:

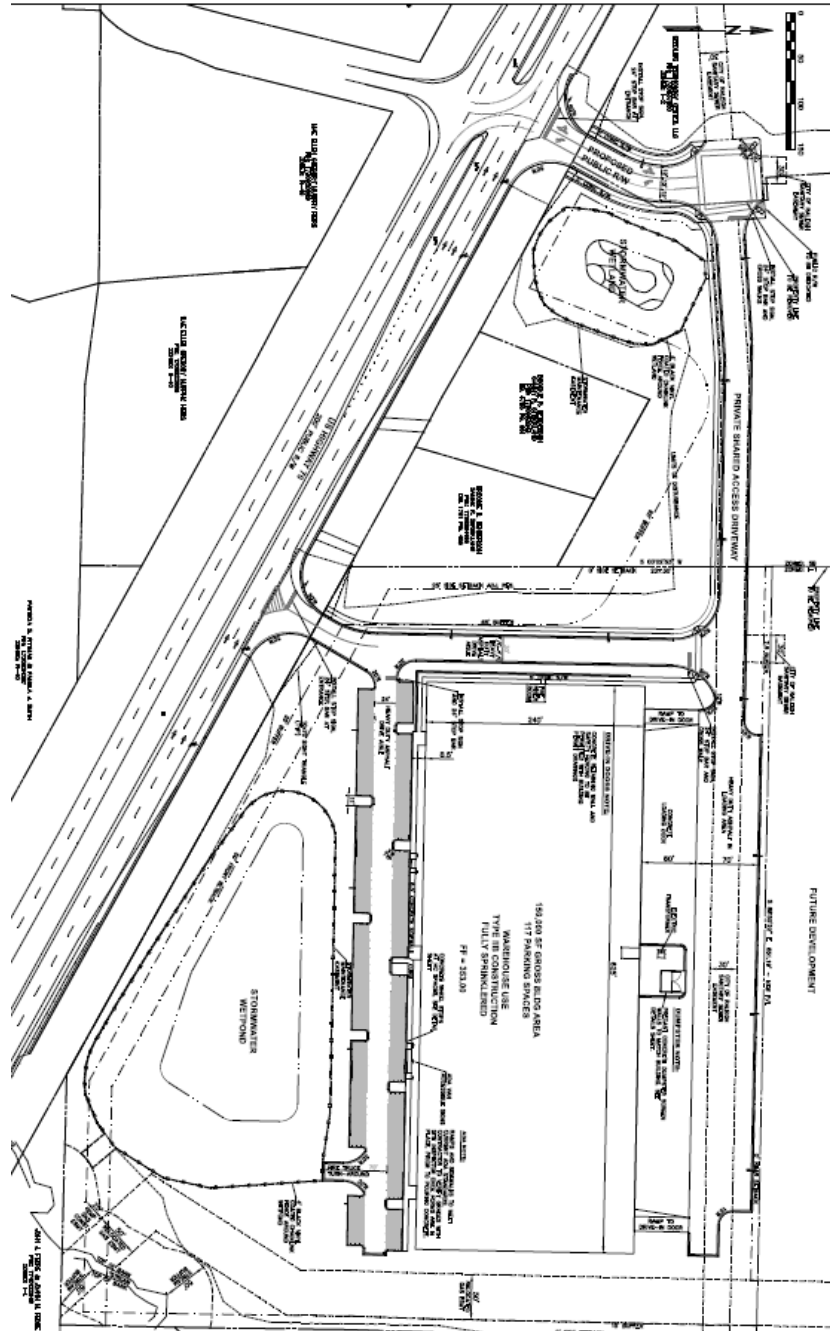
1. Don't wait for lightening to strike - proactively seek out the companies and businesses people want to see more of in Garner (e.g., restaurants, industrial) Page. 69. Garner needs more industrial flex space to meet current demands. This rezoning would allow industrial/ flex space uses along this commercial HWY US 70 E corridor while providing jobs that benefit Garner.
2. Smaller, leaner, and cleaner manufacturing and industry, often mixed with offices and even ground-floor retailing, are becoming the most attractive options for many communities that want to have higher wages (Page 70). This rezoning would allow a mix of uses including office, retail, and industrial.
3. Understand Utility Demands Associated with Development (Page 68). This rezoning and associated development will extend public sewer from the west, and this will provide opportunities for more commercial and industrial development along this corridor providing jobs and tax base to Garner.

**Zoning Consistency Statement:** Based on the preceding, Town staff offers that the requested rezoning from Industrial 1 (I-1) to Service Business Conditional Use (SB C230) is consistent with the 2018 *Garner Forward Comprehensive Plan's* guiding principles and recommendations of the working places sections of the plan as well as being consistent with the Future Land Use Map designation of Light Industrial Center.

**VI. SITE PLAN PROJECT DATA**

**Acreeage:** 37.73 acres with 13.29 to be rezoned and developed at this time

**Number of Lots:** 2



<b>Minimum Lot Size:</b>	Light Industrial:	no minimum lot size
	Service Business (proposed zoning):	9,000 square feet

**Setbacks:**

Light Industrial:	Front – 50' Rear – 0'/50' Side – 0'/25' Corner Side – 35'
Service Business:	Front – 35' Rear – 0'/25' Side – 0'/25' Corner Side – 35'

**Landscape and Buffer Requirements:** *Tree Cover:* They required tree coverage area for this project is 10%. They are providing 10% coverage.

***Street Buffers:***

- A 25-foot buffer (horizontal distance separation only) along US Highway 70 frontage.

***Street Trees:***

- US Highway 70: 16 required; 17 provided
- ***Perimeter Buffers:*** Perimeter buffer for the east side of the project is 15-feet wide. The rear buffer has been reduced to 7.5 feet. The western buffer is 65 feet wide because of the abutting residential use.

**Environmental Features:** This site does not contain FEMA designated floodplain.



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

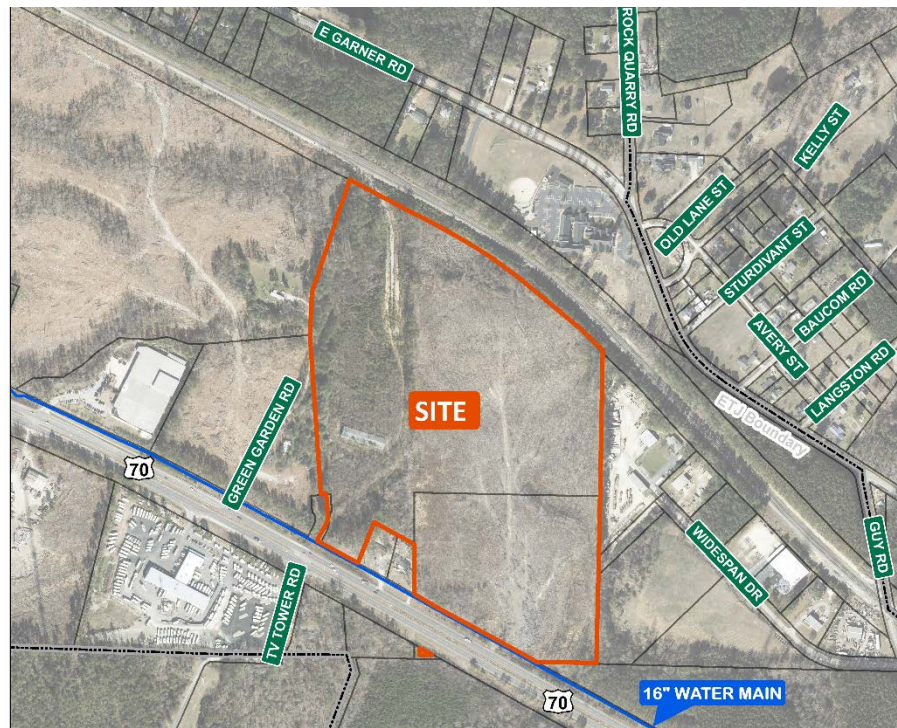
**Parking:** Parking is based on 1 space per 300 square feet of gross floor space of office area and 1 space per 5,000 square feet of gross floor space of warehouse area

- Required: 109 (5 accessible)
- Proposed: 117 (5 accessible)

**Lighting:** Proposed lighting meets the requirements of the Lighting Ordinance as well as meeting staff recommendations for LED fixtures. All fixtures have zero uplight, low glare and a warm white light exhibiting a color temperature of no more than 4,000 K (Kelvin).

**Infrastructure:** **Stormwater Management** – The US 70 Industrial commercial development is not located within the watershed protection area. This site is subject to water quality requirements for nitrogen and water quantity requirements for the 1, 10- and 25-year storm events. This developed plan proposes a stormwater wetland and a wet retention pond to meet water quality requirements for nitrogen as well as stormwater quantity requirements for the 1, 10- and 25-year storms. A nitrogen offset buydown will be required.

**Water/Sewer** – Connection to the City of Raleigh public sanitary sewer and water system will occur through existing infrastructure.





**Site Access:** The site will be accessed through proposed drive isle that is off of US Highway 70.

## **VII. SITE PLAN CONFORMITY WITH ADOPTED TOWN PLANS AND POLICIES**

### **2018 Garner Forward Transportation Plan:**

The 2018 Garner Forward Transportation Plan update did not include further recommendations for US 70. The 2010 Garner Transportation Plan recommends US 70 as a 6-lane boulevard. There are no specific bicycle and pedestrian recommendations in the area beyond standards required by the UDO. The transit portion of the plan notes that commuter rail may be extended along the tracks at the rear of the property; however, there are no specific needs at this site. With the widening of US 70 across the frontage, the plans may be considered consistent with the Garner's adopted transportation plans.

### **Parks & Recreation, Open Space & Greenways Master Plan:**

A review of the Parks and Recreation, Open Space and Greenways Master Plan revealed no plan recommendations in the project area; therefore, this project, as proposed, may be considered consistent with the Parks & Recreation, Open Space & Greenways Master Plan.

### **Unified Development Ordinance Regulations:**

After sufficient review and plan revisions, staff finds that this project, as now proposed, conforms to the regulations of the Unified Development Ordinance. This project was previously approved as a site plan and met all the conditions of approval at that time. No additional conditions are requested at this time.

## **VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION**

The Planning Commission reviewed this request at their July 20, 2020 meeting. With a unanimous vote, the Planning Commission confirmed staff's findings in Section VII that CUP-SP-20-05, US 70 Industrial, is in conformity with adopted town plans and policies, and further accepted, by a unanimous vote, staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommended approval of CUD-Z-20-05 to the Town Council.

Staff recommendations for rezoning request (CUD-Z-20-05) and minor subdivision plan (CUP-SP-20-05) conformity are highlighted in the motion worksheet in the next section.

## CUD-Z-20-05 – 2337 US 70 E Industrial

### *Rezoning Motion Worksheet*

**Choose one (1) of the following three (3) options:** *(staff recommendation is highlighted below)*  
*If not accepting staff recommendation, please select your own finding from below options.*

- 1. Find Consistent with the Comprehensive Plan and Approve:**
2. Find Inconsistent with the Comprehensive Plan and Deny:
3. Find Inconsistent with the Comprehensive Plan and Approve:

---

**Please find the correlating motion option below to make your motion (number 1, 2 or 3):**

**1. Find Consistent with the Comprehensive Plan and Approve:**

"I move that the Town Council accept staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2020) 4068 approving rezoning request CUD-Z-20-05 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning."

- Allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Allow for the conservation and preservation of natural features and green space to promote recreation opportunities.
- Provide your own reason: \_\_\_\_\_

**2. Find Inconsistent with the Comprehensive Plan and Deny:**

I move that the Town Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD-Z-20-05."

**3. Find Inconsistent with the Comprehensive Plan and Approve:**

"I move that the Town Council find that although the rezoning request is inconsistent with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, it is reasonable and in the public interest because it will likely \_\_\_\_\_ select as many reasons as appropriate from below list or provide your own reasoning

- Allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Allow for the conservation and preservation of natural features and green space to promote recreation opportunities.
- Provide your own reason: \_\_\_\_\_

and therefore, I move further that the Town Council adopt Ordinance No. (2020) 4068 approving rezoning request number CUD-Z-20-05.

**CUP-SP-20-05 2337 US 70 E Industrial**

*Conditional Use Permit Motion Worksheet*

**Choose one (1) of the following two (2) options:** *(staff recommendation is highlighted below) If not accepting staff recommendation, please select your own finding from below options.*

**1. Find Consistent with Town plans and ordinances and Approve:**

2. Find Inconsistent with Town plans and ordinances and Deny:

**Please find the correlating motion option below to make your motion (number 1 or 2):**

**1. Find Consistent with Town plans and ordinances and Approve:**

“I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SP-20-05, 2337 US 70 E Industrial with no additional 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, etc.:**

\_\_\_\_\_

2. Find Inconsistent with Town plans and ordinances and Deny:

"I move that the Council find the application does not meet one or more of the criteria in Section 3.14.D. for granting a special use permit,

***(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. The proposed use does not comply with all applicable provisions of this UDO;  
*because/as evidenced by* \_\_\_\_\_;
4. If completed as proposed, the development will not comply with all requirements of this section;  
*because/as evidenced by* \_\_\_\_\_;
5. The proposed use will not be compatible with the proximate area in which it is to be located;  
*because/as evidenced by* \_\_\_\_\_;
6. The proposed use is inconsistent with the Transportation Plan, other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in harmony with the intent of the UDO as relates to the general zoning plan);  
*because/as evidenced by* \_\_\_\_\_;
7. The proposed use is incompatible with adjacent uses 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* \_\_\_\_\_;
8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;  
*because/as evidenced by* \_\_\_\_\_;
9. 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* \_\_\_\_\_;
10. Adequate assurances of continuing maintenance have not been provided;  
*because/as evidenced by* \_\_\_\_\_;

and therefore, deny conditional use permit CUP-SP-20-05, 2337 US 70 E Industrial.



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

**ORDINANCE NO. (2020) 4068**

**AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL USE 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 use zoning district be established and that this new district classification be applied to the applicant's property.

WHEREAS, the Town Council is authorized by the Town Charter to establish conditional use zoning districts:

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 Justin Parker in Rezoning Application No. CUD-Z-20-05.

**Section 2.** There is hereby created a new conditional use zoning district, to be known as the Service Business Conditional Use (SB C230); within this district, all of the regulations that apply to property within the Service Business Conditional Use (SB C230) zoning district shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following is a limited range of permissible uses for the SB C230 district.

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

<b>Use Category</b>	<b>Specific Use</b>	<b>SB C230</b>
Household Living	Security or caretaker's quarters	P
Community Service	Community Center	SUP
	Other community service	SUP
	Library, museum, art	P
	Civil service, fraternal lodge, similar uses	SUP
Day Cares	Day Care Center	P*
Educational Facilities and Services	Trade Vocational	SUP
	Business School, college, satellite campus	P
	College, University	P
Government Facilities	Ambulance service, rescue squad, police or fire station	P
	Government utility, with outdoor storage	SUP
	Government office	SUP
Health Care	Medical clinic	P
Religious Institutions	Religious Institutions	P*
Utilities	Minor Utility, elevated water tank	P*
	Telecommunications facility	SUP
Entertainment	Indoor entertainment facility	P*
	Medical office - individual	P
	Other office	P
Commercial Parking	Commercial Parking	SUP
Restaurants	Restaurant, curb or drive-in service	P
	Restaurant, indoor with seating only	P
	Restaurant, indoor with drive-through window	P
	Restaurant, take out only, drive-through or walk up	P
Retail Sales and Service	Open Air Market	P
	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
Self Service Storage	Self Service Storage	SUP
Vehicle Sales and Service	Vehicle general repair	P*
	Vehicle service, limited	P*
	Vehicle sales and rental	P*
Manufacturing and production	Indoor Only	P*

Light Industrial Manufacturing and Production	Flex Space	P*
	Industrial Use Indoor	P*
	Industrial Use with outdoor operations	P
Warehouse and freight movement	Storage outdoor	P*
	Storage indoor	P*
Wholesale Sales		P*
Waste Related Services	Recyclable materials collection center	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
Garner Industrial LLC	1730-93-9155 and a .4-acre portion of 1730-94-6013	Light Industrial (I-1)	Service Business Conditional Use (SB C230)

**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 3<sup>rd</sup> day of August, 2020.

---

Ken Marshburn, Mayor

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

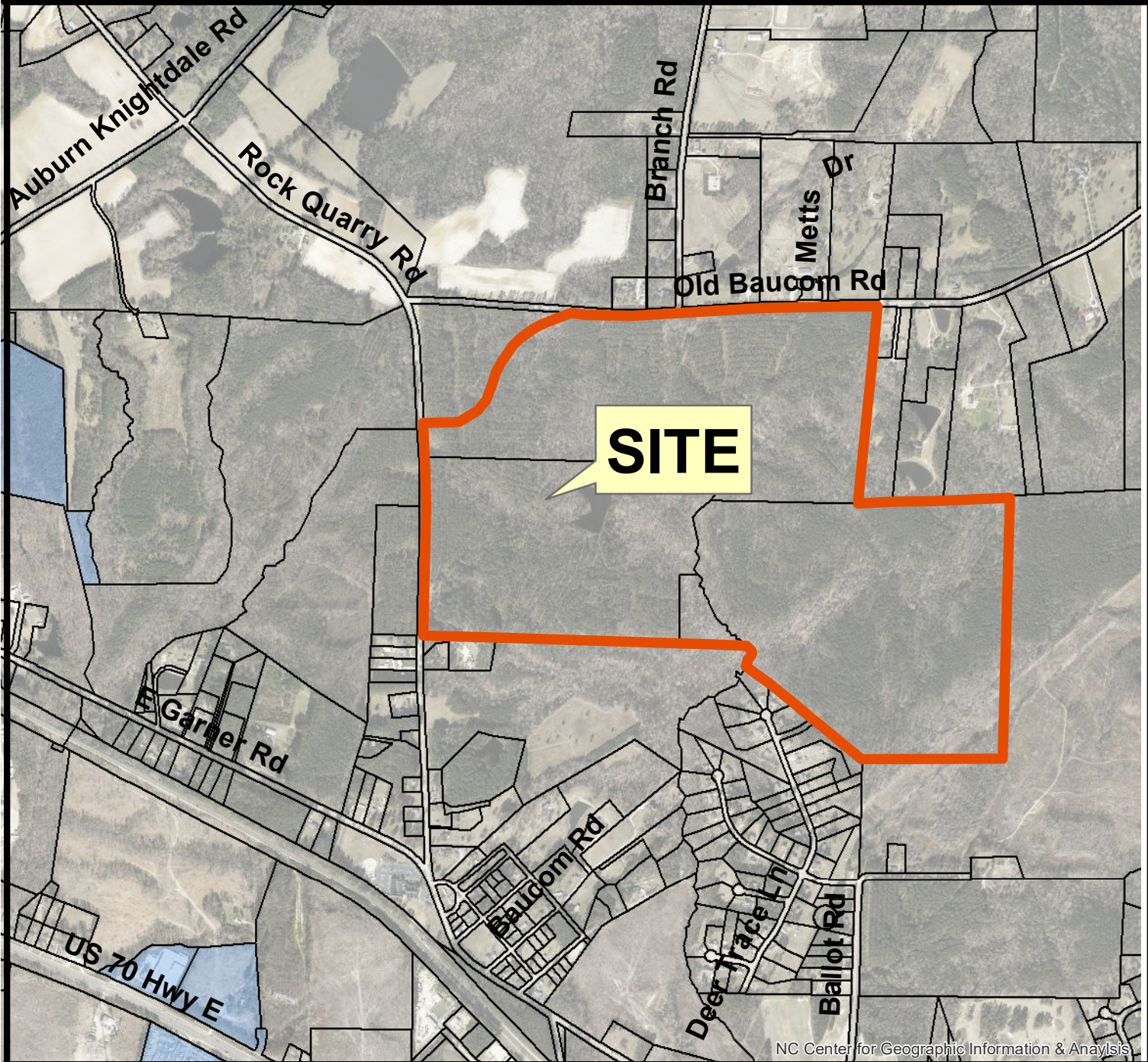
Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: Annexation 20-14 Edge of Auburn		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
<p><b>Brief Summary:</b></p> <p>This annexation petition is for the proposed Edge of Auburn development (Rezoning PD-Z-19-05 and associated master plan PD-MP-19-05). The site is approximately 298.5-acres and located at the northeast corner of Old Baucom Rd &amp; Rock Quarry Rd. This annexation must track along with this rezoning and master plan because this area is outside Garner's jurisdiction in Wake County. The site can be identified as Wake County PINs: Portions of 1740-28-4951 and 1740-17-4496, 1740-47-0086, and 1740-27-8010.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Adopt annexation Ordinance (2020) 4069</p>		
<p><b>Detailed Notes:</b></p> <p>See attached vicinity map and staff reports.</p>		
<p><b>Funding Source:</b></p> <p>n/a</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Planning Department**

**Annexation  
ANX 20-14**

0 1,000 2,000  
Feet



NC Center for Geographic Information & Analysis

Owner: Edge of Auburn LLC  
Location: Old Baucom Rd & Rock Quarry Rd  
Area: 298.5  
Pin: Portions of 1740-28-4951 and 1740-17-4496,  
1740-47-0086, & 1740-27-8010



## Planning Department Memorandum

---

**TO:** Mayor and Town Council

**FROM:** David Bamford, AICP; Planning Services Manager

**SUBJECT:** ***ANX-20-14: Edge of Auburn***

**DATE:** August 3, 2020

---

**ANNEXATION APPLICATION:** ANX-20-14

**OWNERS:** Edge of Auburn LLC

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** Old Baucom Rd & Rock Quarry Rd

**WAKE COUNTY PIN #:** 1740-47-0086, 1740-27-8010 and portions of 1740-28-4951 and 1740-17-4496.

**REAL ESTATE ID #:** 0461640, 0036209 and portions of 0009406 and 0002199.

**AREA:** 298.5 +/- acres

**ZONING:** Wake County R-30 (Rezoning to Town of Garner PRD C10)

**ASSOCIATED DEVELOPMENT PLAN:** Rezoning (PD-Z-19-05) and associated master plan (PD-MP-19-05) - Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

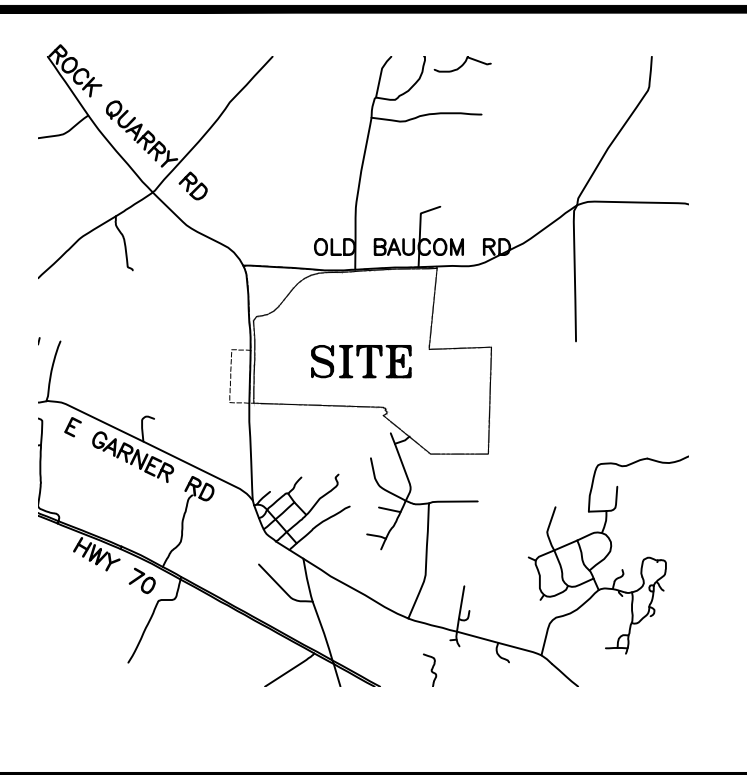
**RECOMMENDATION:** Adopt annexation ordinance

**KEY DATES:**

SET PUBLIC HEARING: July 7, 2020

PUBLIC HEARING: August 3, 2020

ANNEXATION EFFECTIVE: August 3, 2020



**GENERAL NOTES**

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS AN ANNEXATION PLAT.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NAD 83 (2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: R-30
5. AREA BY COORDINATE GEOMETRY.
6. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A F.I.R.M MAP NUMBER #3720174000J DATED MAY 2, 2006.
7. UTILITY STATEMENT  
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF GARNER, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.

DATE \_\_\_\_\_ OWNER (PRINTED) \_\_\_\_\_ OWNER (SIGNATURE) \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 10839, PAGE 2259); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 11087, PAGE 704; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:154845±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS DAY OF \_\_\_\_\_, A.D., \_\_\_\_\_.

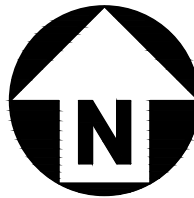
JAMES S. ARMSTRONG, PROFESSIONAL LAND SURVEYOR L-4411

TYPE OF PLAT

I HEREBY CERTIFY THIS PLAT OF THE FOLLOWING TYPE: G.S. 47-30 (F)(11)(D). THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

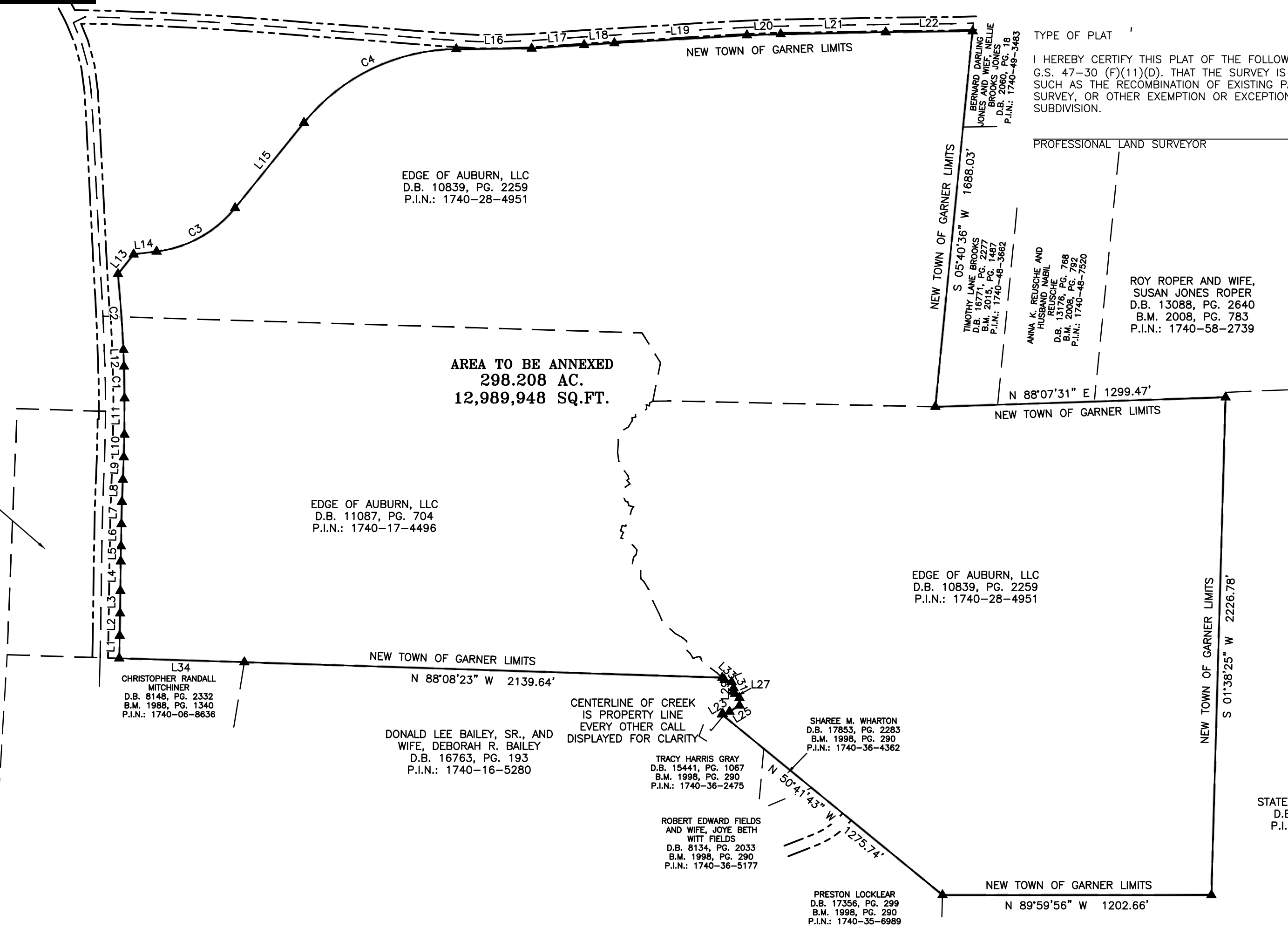
PROFESSIONAL LAND SURVEYOR

ROY ROPER AND WIFE, SUSAN JONES ROPER  
D.B. 13088, PG. 2640  
B.M. 2008, PG. 783  
P.I.N.: 1740-58-2739

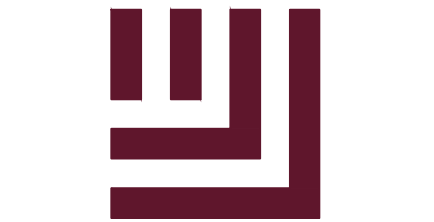
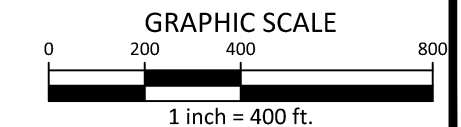


LINE	BEARING	DISTANCE
L1	N 01°09'48" E	100.82'
L2	N 01°03'45" E	100.40'
L3	N 00°33'27" E	100.30'
L4	N 00°45'26" E	132.43'
L5	N 01°08'54" E	166.88'
L6	N 00°54'34" E	99.76'
L7	N 01°27'45" E	98.90'
L8	N 02°22'18" E	99.39'
L9	N 02°16'29" E	100.59'
L10	N 01°30'40" E	101.25'
L11	N 00°15'15" E	162.22'
L12	N 01°58'08" W	74.96'
L13	N 38°34'06" E	112.89'
L14	N 83°04'28" E	103.07'
L15	N 38°55'44" E	490.11'
L16	N 89°32'01" E	337.24'
L17	N 86°04'57" E	235.41'
L18	N 86°27'55" E	135.39'
L19	N 86°37'43" E	594.10'
L20	N 88°10'20" E	151.26'
L21	N 88°55'07" E	469.64'
L22	N 89°17'41" E	389.11'
L23	N 58°51'22" E	4.87'
L24	N 71°20'57" E	31.77'
L25	N 58°44'05" E	52.32'
L26	N 00°50'46" W	33.60'
L27	N 46°38'07" W	27.12'
L28	N 35°18'23" W	12.38'
L29	N 01°18'24" E	15.36'
L30	N 59°23'10" E	3.01'
L31	N 22°56'55" W	28.00'
L32	N 73°22'50" W	32.81'
L33	N 47°15'02" W	14.10'
L34	N 88°13'11" W	559.71'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	5079.35'	142.01'	142.01'	N 00°57'33" W
C2	6564.15'	339.39'	339.35'	N 04°08'19" W
C3	535.00'	412.21'	402.09'	N 61°00'06" E
C4	885.00'	781.65'	756.49'	N 64°13'52" E



STATE OF NORTH CAROLINA  
D.B. 11095, PG. 633  
P.I.N.: 1740-76-0858



**McADAMS**

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

phone 919. 361. 5000  
fax 919. 361. 2269  
license number: C-0293, C-187

www.mcadamsco.com

**CLIENT**

LENNAR CAROLINAS, LLC

**EDGE OF AUBURN  
ANNEXATION PLAT**

ST. MARY'S TOWNSHIP WAKE COUNTY, NC



**REVISIONS**

NO.	DATE

**PLAN INFORMATION**

PROJECT NO.	LEN-18050
FILENAME	LEN18050-A1
CHECKED BY	JSA
DRAWN BY	TAM
SCALE	1"=400'
DATE	06-10-2020

**SHEET**

**SHEET TITLE**

**1-1**

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

ORDINANCE NO. (2020) 4069

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,  
NORTH CAROLINA

WHEREAS, the Town Council of the Town of Garner has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7<sup>th</sup> Avenue in the Town of Garner Town Hall at 7:00 PM on August 3, 2020, after due notice by the *News & Observer* on July 17, 2020, and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the

same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Garner and of the area proposed for annexation will be best served by annexing the area described;

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

**Section 1.** By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of August 3, 2020.

**ANX-20-14, Edge of Auburn – Satellite Annexation**

Wake County PINs #: approximately a 106-acre portion of 1740-28-4951, approximately an 80-acre portion of 1740-17-4496 east of Rock Quarry Road, 1740-47-0086, and 1740-27-8010; totaling approximately 298.5 +/- acres.

BEGINNING AT A POINT IN THE PROPOSED EASTERN RIGHT OF WAY OF ROCK QUARRY ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID PROPOSED RIGHT OF WAY NORTH 01°09'48" EAST 100.82 FEET TO A POINT; THENCE NORTH 01°03'45" EAST 100.40 FEET TO A POINT; THENCE NORTH 00°33'27" EAST 100.30 FEET TO A POINT; THENCE NORTH 00°45'26" EAST 132.43 FEET TO A POINT; THENCE NORTH 01°08'54" EAST 66.88 FEET TO A POINT; THENCE NORTH 00°54'34" EAST 99.76 FEET TO A POINT; THENCE NORTH 01°27'45" EAST 98.90 FEE TO A POINT; THENCE NORTH 02°22'18" EAST 99.39 FEET TO A POINT; THENCE NORTH 02°16'29" EAST 100.59 FEET TO A POINT; THENCE NORTH 01°30'40" EAST 101.25 FEET TO A POINT; THENCE NORTH 00°15'15" EAST 162.22 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 142.01 FEET, WITH A RADIUS OF 5079.35 FEET, WITH A CHORD BEARING OF NORTH 00°57'33" WEST, WITH A CHORD LENGTH OF 142.01 FEET TO A POINT; THENCE NORTH 01°58'08" WEST 74.96 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 339.39 FEET, WITH A RADIUS OF 6564.15 FEET, WITH A CHORD BEARING OF NORTH 04°08'19" WEST, WITH A CHORD LENGTH OF 339.35 FEET TO A POINT; THENCE

LEAVING SAID PROPOSED RIGHT OF WAY NORTH 38°34'06" EAST 112.89 FEET TO A POINT; THENCE NORTH 83°04'28" EAST 103.07 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 412.21 FEET, WITH A RADIUS OF 535.00 FEET, WITH A CHORD BEARING OF NORTH 61°00'06" EAST, WITH A CHORD LENGTH OF 402.09 FEET TO A POINT; THENCE NORTH 38°55'44" EAST 490.11 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 781.65 FEET, WITH A RADIUS OF 885.00 FEET, WITH A CHORD BEARING OF NORTH 64°13'52" EAST, WITH A CHORD LENGTH OF 756.49 FEET TO A POINT IN THE PROPOSED SOUTHERN RIGHT OF WAY OF OLD BAUCOM ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID PROPOSED RIGHT OF WAY NORTH 89°32'01" EAST 337.24 FEET TO A POINT; THENCE NORTH 86°04'57" EAST 235.41 FEET TO A POINT; THENCE NORTH 86°27'55" EAST 135.39 FEET TO A POINT; THENCE NORTH 86°37'43" EAST 594.10 FEET TO A POINT; THENCE NORTH 88°10'20" EAST 151.26 FEET TO A POINT; THENCE NORTH 88°55'07" EAST 469.64 FEET TO A POINT; THENCE NORTH 89°17'41" EAST 389.11 FEET TO A POINT; THENCE LEAVING SAID PROPOSED RIGHT OF WAY SOUTH 05°40'36" WEST 430.71 FEET TO AN IRON PIPE; THENCE SOUTH 05°40'36" WEST 1257.33 FEET TO AN IRON PIPE; THENCE NORTH 88°07'31" EAST 1299.47 FEET TO AN IRON PIPE; THENCE SOUTH 01°38'25" WEST 2226.78 FEET TO AN IRON PIPE; THENCE NORTH 89°59'56" WEST 1202.66 FEET TO AN IRON PIPE; THENCE NORTH 50°41'43" WEST 1275.74 FEET TO A POINT IN THE CENTERLINE OF A CREEK; THENCE WITH SAID CREEK NORTH 58°51'22" EAST 4.87 FEET TO A POINT; THENCE NORTH 71°20'57" EAST 31.77 FEET TO A POINT; THENCE NORTH 58°44'05" EAST 52.32 FEET TO A POINT; THENCE NORTH 00°50'46" WEST 33.60 FEET TO A POINT; THENCE NORTH 46°38'07" WEST 27.12 FEET TO A POINT; THENCE NORTH 35°18'23" WEST 12.38 FEET TO A POINT; THENCE NORTH 01°18'24" EAST 15.36 FEET TO A POINT; THENCE NORTH 59°23'10" EAST 3.01 FEET TO A POINT; THENCE NORTH 22°56'55" WEST 28.00 FEET TO A POINT; THENCE NORTH 73°22'50" WEST 32.81 FEET TO A POINT; THENCE NORTH 47°15'02" WEST 14.10 FEET TO A POINT; THENCE LEAVING SAID CREEK NORTH 88°08'23" WEST 2139.64 FEET TO AN IRON PIPE; THENCE NORTH 88°13'11" WEST 559.71 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 12,989,948 SQ.FT., 298.208 ACRES AS SHOWN ON THE ANNEXATION MAP PREPARED BY THE JOHN R. MCADAMS COMPANY DATED JULY 9, 2020.

**Section 2.** Upon and after August 3, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above,



together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 3<sup>rd</sup> day of August 2020.

---

Ken Marshburn, Mayor

ATTEST:

---

Stella L. Gibson, Town Clerk

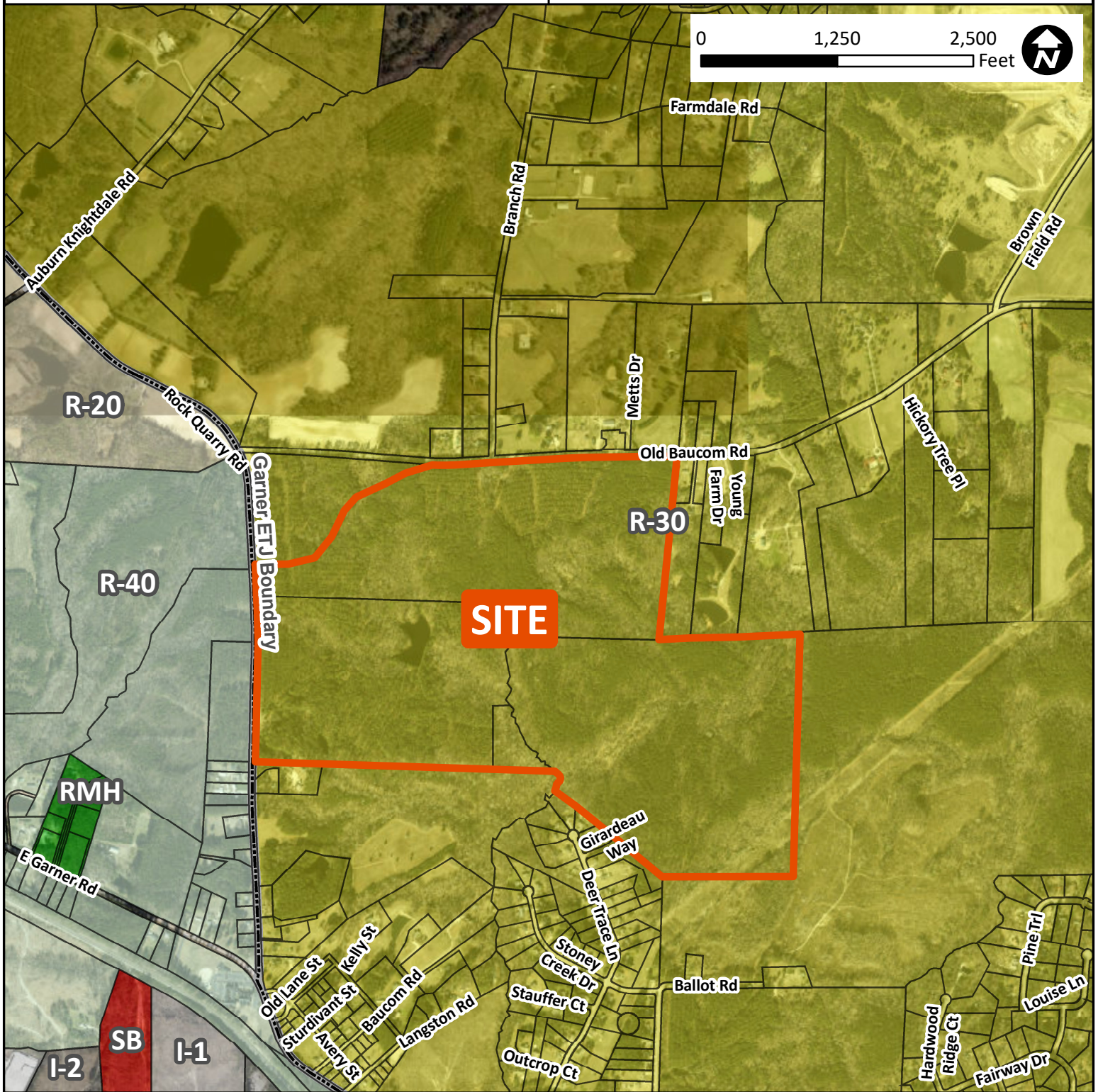
Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: August 3, 2020		
Subject: PD-Z-19-05 & PD-MP-19-05, Edge of Auburn		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager & Stacy Harper, AICP; Principal Planner		
<b>Brief Summary:</b>  Conditional use planned development district zoning (PD-Z-19-05) and associated master plan (PD-MP-19-05) request have been submitted by Joseph Conlan to re-zone 298 +/- acres from Wake County R-30 (R-30) to Planned Residential District (PRD C-10) Conditional Use for a 898-unit subdivision (696 single-family dwellings and 202 townhouses). The site is located on the southeast corner of Old Baucom Road and Rock Quarry Road and may be further identified as Wake County PIN#: 1740-47-0086, 1740-27-8010 and portions of 1740-28-4951 and 1740-17-4496.		
<b>Recommended Motion and/or Requested Action:</b> Consider adoption of Ordinance (2020) 4070		
<b>Detailed Notes:</b> See attached vicinity map and staff report. A neighborhood meeting was required by ordinance and was held on February 18, 2020. Use restrictions and characteristics are voluntarily offered as zoning conditions. Staff recommends approval of PD-Z-19-05 & finds PD-MP-19-05 in conformity with the UDO.		
<b>Funding Source:</b> n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b>          		
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 Use Rezoning  
PD-Z-19-05 & PD-MP-19-05**



**Project:** Edge of Auburn  
**Applicant:** Joseph Conlan  
**Owner:** Edge of Auburn, LLC  
**Location:** Rock Quarry Rd. & Old Baucom Rd.  
**Pin #:** portion of 1740-28-4951, 1740-17-4496, 1740-47-0086, & 1740-27-8010

**Proposed Use:** Master Plan Community  
**Current Zoning:** Wake County Residential (R-30)  
**Proposed Zoning:** PD-PRD C10  
**Acreage:** 298.5  
**Overlay:** N/A

## Planning Department Staff Report

---

**TO:** Mayor and Town Council Members

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

**SUBJECT:** *Conditional Use Rezoning # PD-Z-19-05, and  
Conditional Use Master Plan # PD-MP-19-05, Edge of Auburn*

**DATE:** August 3, 2020

---

### I. PROJECT AT A GLANCE

**Project Number(s):** PD-Z-19-05, Conditional Use Rezoning  
PD-MP-19-05, Planned Development Master Plan

**Applicant:** Joseph Conlan

**Owner(s):** Edge of Auburn LLC

**General Description -**

**Project Area & Location:** 298.5 +/- acres at the southeast corner of Old Baucom Rd and Rock Quarry Rd

**Wake Count PIN(s):** 1740-47-0086, 1740-27-8010 and portions of 1740-28-4951 and 1740-17-4496.

**Current Zoning:** Wake County Single-Family Residential (R-30)

**Requested Zoning:** Planned Residential Development (PRD C10) Conditional Use

**Proposed Use:** Single-Family Detached and Townhouse subdivision

**Key Meeting Dates -**

**Planning Commission:** July 20, 2020

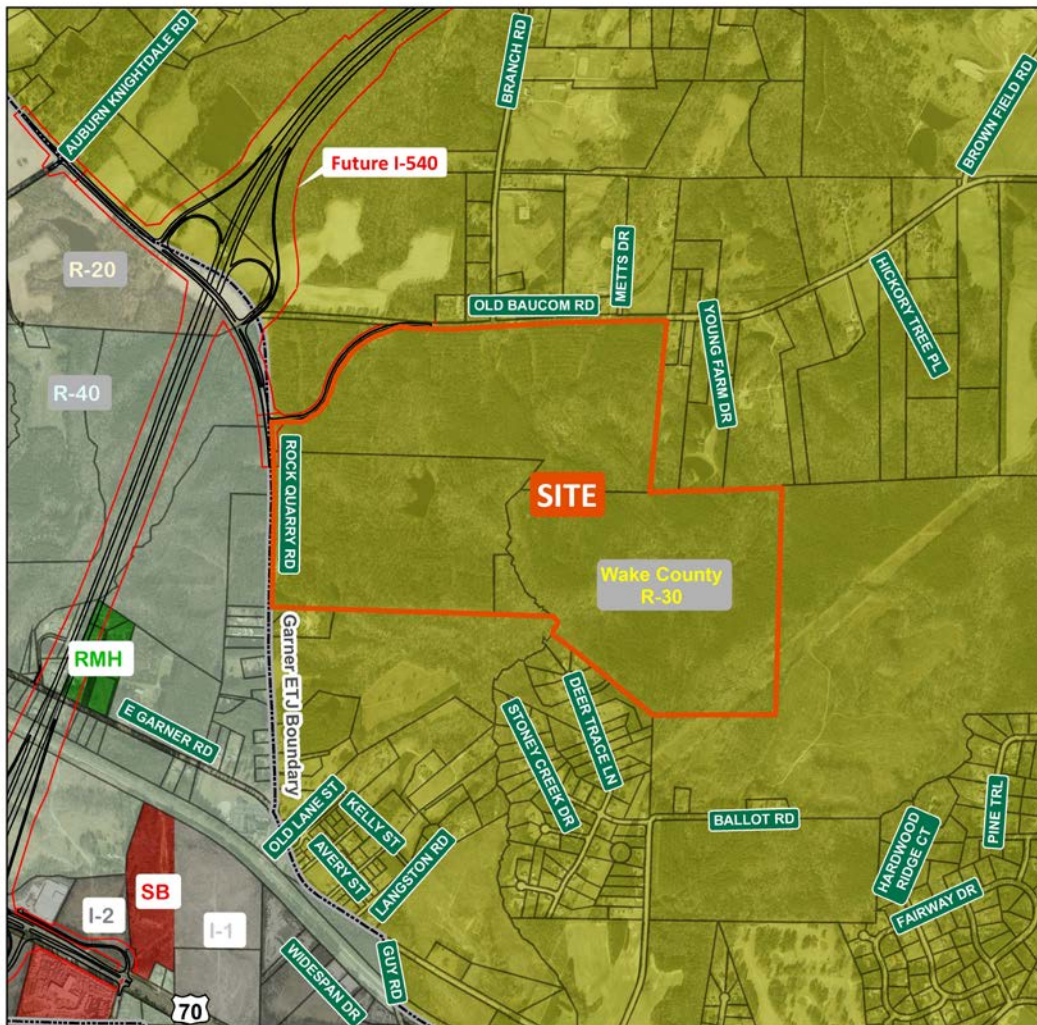
**Public Hearing & Action:** August 3, 2020



## II. BACKGROUND / REQUEST SUMMARY

This rezoning (PD-Z-19-05) and associated master plan (PD-MP-19-05) have been submitted for the development of a maximum of 910 units with a maximum density of 3.1 units per acre (per zoning conditions). The master plan currently shows an 898-unit residential community (696 single-family homes and 202 townhomes) at a density of 2.7 units per acre.

The requested zoning is Planned Residential Development (PRD C10). All planned development districts are conditional use districts. The site is located outside of Garner's ETJ in Wake County zoned R-30.



### Adjacent Zoning and Land Use:

- North:** Wake County R-30 – Single-family, farming, agricultural
- South:** Wake County R-30 – Single-family, farming, agricultural
- East:** Wake County R-30 – Single-family, farming, agricultural
- West:** R-40 – Single-family, farming, agricultural



**III. ZONING ANALYSIS**

**Existing:** The site is currently zoned **Wake County Single-Family Residential (R-30)**. This district allows single-family lots of at least 30,000 square feet (0.69 acres) or a density of 1.45 units per acre. Under this zoning, the 298.5-acre site could accommodate approximately 303 single-family lots (estimate subtracts 20% of the site area for streets and roads, and 10% for open space).

*The following is a list of permitted uses in the Wake County R-30 District:*

- |  |  |
|--|--|
| 1. Single-family site built and modular homes          | 13. Banks (SUP)                        |
| 2. Duplex, Triplex, quadplex                           | 14. Drug stores (SUP)                  |
| 3. Schools   | 15. Book stores (SUP)                  |
| 4. Libraries   | 16. Antique shops (SUP)                |
| 5. Museums / art galleries                             | 17. Hardware stores (SUP)              |
| 6. Religious institutions                              | 18. Indoor retail (SUP)                |
| 7. Day care centers (SUP)                              | 19. Barber shops / beauty salons (SUP) |
| 8. Community centers (SUP)                             | 20. Shoe repair (SUP)                  |
| 9. Government buildings (SUP)                          | 21. Self-service laundries (SUP)       |
| 10. Outdoor recreation (SUP)                           | 22. Cemeteries (SUP)                   |
| 11. Convenience stores (w/ or without fuel sales (SUP) | 23. Mining (SUP)                       |
| 12. Auto repair (SUP)                                  | 24. Landfills (SUP)                    |

**Proposed:** The proposed zoning district is Planned Residential District (PRD C10). This is an option to encourage a mix of housing choices, allowing a density bonus in return for provision of substantial landscaping, screening and buffering. Developments are permissible on tracts of at least 15 contiguous acres.

*There are no generally permitted uses within planned districts. All uses are conditional.*

The following conditions are proposed:

1. Permitted use table:

Use Category	Specific Use	PRD C10
Household Living	Townhouse	P*
	Single-family	P*

2. 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.
3. The maximum density shall not exceed 3.1 dwelling units per acre with a maximum of 910 dwelling units. Of the 910 dwelling units, a maximum of 210 shall be townhomes.

4. A deviation greater than 20% from §6.12.A of the Town of Garner UDO is requested. Within the Edge of Auburn development, a minimum of 50% of all single-family lots shall be 5,000 sq ft or greater.
5. A deviation of greater than 20% is requested from Section 6.1.A, Residential District Development Standards for a PRD development. Lots setbacks are detailed in the table below:

	Single-Family R-12 (UDO 6.1A)	Single-Family (front load) Proposed	Single-Family (rear load) Proposed	Townhome UDO	Townhome (front load) Proposed	Townhome (rear load) Proposed
Front Yard	30'	20' <i>33%</i>	5' <i>83%</i>	25' * (front load) 15' * (rear load)	20' <i>20%</i>	5' <i>66%</i>
Rear Yard	20'	15' <i>25%</i>	20' (dwelling) 5' (detached garage) <i>75%</i>	25' **	15' <i>40%</i>	20' <i>20%</i>
Side Yard	6' min. 15' combined	5' min. 10' combined <i>33%</i>	5' min. 10' combined <i>33%</i>	15' **	5' (end unit) <i>66%</i>	5' (end unit) <i>66%</i>
Corner Lot Side Yard	20'	8' <i>60%</i>	8' <i>60%</i>	25' **	8' <i>68%</i>	8' <i>68%</i>
Building Separation	NA	NA	NA	30'	30'	30'

Percentage reduction from UDO shown in *italics*

\*References UDO 6.5.C.3.c

\*\*References UDO 6.2

6. The pool shall be a minimum of 2,000 square feet and the cabana shall be a minimum of 1,775 square feet.
7. All townhomes shall have at least a one-car garage. All single-family homes shall have at least a 2-car garage.
8. All housing types shall be a minimum .045-gauge vinyl siding. If masonry is not the predominant first floor finish (greater than 50%), then front elevation shall have two types of vinyl siding, i.e. lap and shake, or board and batten.
9. At a minimum, all single-family homes and townhomes shall have at least a 24" stone/ masonry water table on front façade.
10. All slab foundations with an exposed height of greater than 12 inches shall be finished with masonry product – applies to front and side elevations with right of way frontage. All slab foundations with an exposed height of 12 inches or less shall be textured with parging and painted to match siding material – applies to front and side elevations.
11. Garage doors for all townhomes shall have carriage door hardware or windows. Garage doors for single-family homes shall have carriage door hardware and windows.

12. Elevations with a cantilever front elevation accent shall have decorative brackets or shelf supports for single-family homes.
13. All homes shall have a minimum 8" eaves on the front and rear facade with a minimum 8" roof overhang on all sides.
14. A covered front porch, a minimum of 20 square feet, shall be provided as part of all dwellings.
15. Shutters or window trim shall be provided on the front facade of all dwellings and side facades of all townhome dwellings with right of way frontage.
16. An outdoor deck or patio, a minimum of 40 square feet, is required as part of all townhome dwelling units.
17. An outdoor deck or patio, a minimum of 64 square feet, is required as part of all single-family dwelling units.
18. All dwelling units shall have at least one window on each side elevation (excludes interior townhome units).

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

Case	Applicant	Location	Zoning Change
Z-17-01	Town of Garner	ETJ Extension	Wake County R-30 to Town of Garner R-40 and R-20

#### **IV. COMMUNITY INFORMATION**

**Overall Neighborhood Character:** This area of the community is primarily rural and with large tracts with scattered single-family. NC 540 is planned to cut through this area just northwest of the intersection of Old Baucom Rd and Rock Quarry Road. The project site has frontage on both roads.

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

##### **Rock Quarry Road**

- Year 2007 – 4,600
- Year 2009 – 4,000
- Year 2011 – 3,900
- Year 2013 – 4,200
- Year 2015 – 4,900
- Year 2017 – 5,100

##### **Old Baucom Road**

- Year 2007 – 1,100
- Year 2009 – 1,000
- Year 2011 – 880
- Year 2013 – 960
- Year 2015 – N/A
- Year 2017 – N/A

A Traffic Impact Analysis was required by the Town and NCDOT. In addition to UDO-required widening of existing roads along the property frontages, NCDOT's Congestion Management Unit found the following improvements necessary to existing roadways in the area.

Rock Quarry – Auburn Knightdale Road Intersection

- Construct an exclusive northbound left turn lane on Rock Quarry at Auburn Knightdale with storage and tapers.
- Construct an exclusive southbound right turn lane on Rock Quarry at Auburn Knightdale with storage and taper.
- Provide traffic signal modifications to accommodate the above laneage.

Rock Quarry – Old Baucom Intersectction

- Construct an exclusive southbound left turn lane on Rock Quarry at Old Baucom with storage and tapers.

Rock Quarry Road (General)

- Widen Rock Quarry through the project frontage to provide one-half of a four lane median-divided cross section in general accordance with the Town's Comprehensive Transportation Plan, to include exclusive southbound left turn lanes with appropriate storage and tapers at both site drives (payment in lieu of median construction may be requested).

Rock Quarry – East Garner Road Intersection

- Construct an exclusive eastbound left turn lane on East Garner Road at Rock Quarry with storage and tapers.
- Construct an exclusive southbound right turn lane on Rock Quarry at East Garner Road with storage and taper.
- Install a traffic signal to accommodate the above laneage.

East Garner Road – Ballot Road Intersection

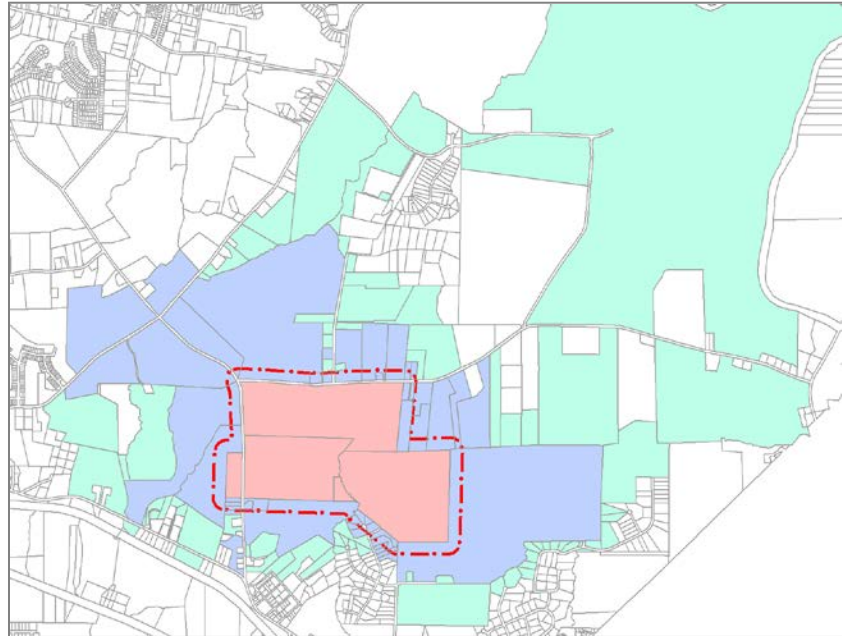
- Construct an exclusive left turn lane on East Garner Road at Ballot Road with storage and tapers.

Old Baucom Road – West Site Drive

- Construct an exclusive eastbound right turn lane on Old Baucom at the west site drive with storage and tapers.

**Neighborhood Meeting:** Staff identified 114 properties (96 after removing exact duplicates) within the notification radius as shown at right and provided the list below to the applicant for first class mailed notices. As of the time of the meeting, one (1) notice had been returned as undeliverable.

- Red area = development parcels
- Red line = 300' buffer
- Dk. Blue area = parcels w/in 300'
- Lt. Blue area = parcels +1 rule



The neighborhood meeting was held at Mount Moriah Baptist Church on February 18, 2020 with approximately 58 neighbors in attendance – those identifiable in red print in the table below.

OWNER	ADDR1	ADDR2
BEAVERS, DANIEL W BEAVERS, ERIN M	1005 PINE TRL	CLAYTON NC 27520-9358
CHAVEZ, CLIFFORD T CHAVEZ, VICKIE L	1009 PINE TRL	CLAYTON NC 27520-9358
<b>FREEMAN, DANNA F</b>	<b>1101 PINE TRL</b>	<b>CLAYTON NC 27520-9360</b>
MCCARDLE, VAN R MCCARDLE, CHERYL M	1105 PINE TRL	CLAYTON NC 27520-9360
WELLS, JESSE C	1109 PINE TRL	CLAYTON NC 27520-9360
OKAMOTO, ERIC E OKAMOTO, JUDITH F	1113 PINE TRL	CLAYTON NC 27520-9360
<b>HOLLAND, STEPHEN DANE HOLLAND, KRISTINE ANNE</b>	<b>11160 60TH ST N</b>	<b>WEST PALM BEACH FL 33411-8848</b>
BIDDIX, THOMAS L BIDDIX, DEBORAH W	1117 PINE TRL	CLAYTON NC 27520-9360
TART, JOHN LISKER III	1121 PINE TRL	CLAYTON NC 27520-9360
LONG, JUDITH E	1125 PINE TRL	CLAYTON NC 27520-9360
GLOVER PROPERTIES LLC	120 CIRCLE G LN	WILLOW SPRING NC 27592-9671
<b>PRICE, RALPH L PRICE, BEVERLY W</b>	<b>1201 PINE TRL</b>	<b>CLAYTON NC 27520-9361</b>
SLAVIN, JAMES A SLAVIN, MARY E	1205 PINE TRL	CLAYTON NC 27520-9361
WATTS, LAURA LYNN GAUL, BARBARA WATTS	132 S HIDDENBROOKE DR	ADVANCE NC 27006-7298
NORTH CAROLINA STATE OF	1321 MAIL SERVICE CTR	RALEIGH NC 27699-1300
BALL RENTALS LLC	1401 AVERSBORO RD STE 206	GARNER NC 27529-3980
HICKS, KRISTIN L HARRI HICKS, JAMES CRAIG	222 MARY SANDRA PL	CLAYTON NC 27520-7786
BURNETTE FOREST LLC	2316 BYRD ST	RALEIGH NC 27608-1412
BAUCOM, JOHN R III BAUCOM, CYNTHIA L	2440 BRANCH RD	RALEIGH NC 27610-9208



OWNER	ADDR1	ADDR2
EGLAND, RANDY EGLAND, JOANN	2521 BRANCH RD	RALEIGH NC 27610-9211
JOHNSON, ANDREW A JOHNSON, SHIRLEY B	2624 BRANCH RD	RALEIGH NC 27610-9212
CATES, JEFFREY PAUL CATES, NANCY STEWART	2632 E GARNER RD	RALEIGH NC 27610-9670
UNDERHILL, THOMAS E UNDERHILL, KIM S B	2633 BRANCH RD	RALEIGH NC 27610-9213
HARTMAN, ANNETTE KAY	2637 E GARNER RD	RALEIGH NC 27610-9671
NEIDITCH, JON A HUGHES, MARY ANNE	2700 BALLOT RD	CLAYTON NC 27520-9304
DEVANE, CAROL J DEVANE, JETHRO	2700 BRANCH RD	RALEIGH NC 27610-9214
GAZDA, SHANE GAZDA, MARGERY CARNEY	2704 EMMETT CREST CT	CLAYTON NC 27520-9322
FORGENG, JOSEPH T FORGENG, KATHERINE W	2708 BRANCH RD	RALEIGH NC 27610-9214
BENNETT, MARK D BENNETT, RHONDA M	2708 EMMETT CREST CT	CLAYTON NC 27520-9322
STALLINGS, WALTER HUBERT	2717 BRANCH RD	RALEIGH NC 27610-9215
DANIEL, SETH ALAN DANIEL, LAUREN TALTON	2728 BRANCH RD	RALEIGH NC 27610-9214
BURGESS, JIMMIE LEE BURGESS, EVELYN	2736 BRANCH RD	RALEIGH NC 27610-9214
LOCKAMON, DONALD R JR LOCKAMON, SANDRA C	2745 GARNER RD	RALEIGH NC 27610-4645
MCINTYRE, JOHN BAPTIST	2749 E GARNER RD	RALEIGH NC 27610-9673
LOMA LINDA FARM LLC	2904 AUGUSTA CT	RALEIGH NC 27607-6501
KEITH, DEBORAH J	2909 YOUNG FARM DR	RALEIGH NC 27610-8647
BERRY, TIMOTHY EARL BERRY, DEBORAH ROBERTSON	2925 KELLY ST	RALEIGH NC 27610-9639
REUSCHE, ANNA K REUSCHE, NABIL	2945 YOUNG FARM DR	RALEIGH NC 27610-8647
BAUCOM, JULIAN BAUCOM, MARLENE	3021 HICKORY TREE PL	RALEIGH NC 27610-8539
AUBURN ASSOCIATES	3204 BRENNAN DR	RALEIGH NC 27613-1309
LONG BRANCH FARM LLC	3217 TATES CREEK RD	LEXINGTON KY 40502-3405
RAGAN, NEAL SCOTT	3300 STONEY CREEK DR	CLAYTON NC 27520-5932
JACKSON, STACY C	3301 STONEY CREEK DR	CLAYTON NC 27520-5933
RICH, JOHNNY	3304 STONEY CREEK DR	CLAYTON NC 27520-5932
MARTINEZ, AURELIO ALVAREZ SIMON, FLORA PASCUAL	3305 STONEY CREEK DR	CLAYTON NC 27520-5933
GARRETT, KAWAND T GARRETT, CHANDA S	3392 DEER TRACE LN	CLAYTON NC 27520-5956
LITTLETON, PHILLIP L	3393 DEER TRACE LN	CLAYTON NC 27520-5957
MAY, SAMUEL L MAY, PRISCILLA G	3396 DEER TRACE LN	CLAYTON NC 27520-5956
FIELDS, ROBERT EDWARD FIELDS, JOYE BETH	3397 DEER TRACE LN	CLAYTON NC 27520-5957
LOCKLEAR, PRESTON	3401 DEER TRACE LN	CLAYTON NC 27520-5931
ALLEN, WILLIE E JR ALLEN, CINDY S	3404 DEER TRACE LN	CLAYTON NC 27520-5930
SALEH, ABDELKADER JOSE MEDINA, LILLIMAR DEL CARME	3405 DEER TRACE LN	CLAYTON NC 27520-5931
CREEL, JOHN W CREEL, PATRICIA B	3413 DEER TRACE LN	CLAYTON NC 27520-5931
SALAS, JUAN MIGUEL CHAVEZ CONTRERAS, LAURA P ARIAS	3417 DEER TRACE LN	CLAYTON NC 27520-5931
FORD, CARMIN BRITNEY	3425 DEER TRACE LN	CLAYTON NC 27520-5931
AUTON, SUSAN M AUTON, JERRY L	3524 BALLOT RD	CLAYTON NC 27520-9301
WALL, JIMMY E	3609 AUBURN KNIGHTDALE RD	RALEIGH NC 27610-8209
DUTY, STEVEN B	3617 BAUCOM RD	RALEIGH NC 27610-9269

OWNER	ADDR1	ADDR2
HODGE, KAY B	3713 AUBURN KNIGHTDALE RD	RALEIGH NC 27610-8211
BARBOUR, JOHN T	3720 E GARNER RD	CLAYTON NC 27520-6540
DOUGLAS, BARBARA	413 HARDWOOD RIDGE CT	CLAYTON NC 27520-8603
MCCLUNG, DOUGLAS E MCCLUNG, AMY E	420 HARDWOOD RIDGE CT	CLAYTON NC 27520-8603
SPRINGFIELD BAPTIST CHURCH	4309 AUBURN KNIGHTDALE RD	RALEIGH NC 27610-8221
GRAY, TRACY HARRIS	507 COMPETITION RD	RALEIGH NC 27603-1967
ADAMS, JEANNETTE R HEIRS	5979 WINDCHASE POINTE CT	ROCKY MOUNT NC 27803-8784
RILEY, NORMA LUCAS CASEY	7000 FARMDALE RD	RALEIGH NC 27610-9732
ROPER, SUSAN JONES ROPER, ROY	7011 FARMDALE RD	RALEIGH NC 27610-9732
EDGE OF AUBURN LLC	7101 CREEDMOOR RD STE 142	RALEIGH NC 27613-1682
DUKE, WILBUR P JR DUKE, CYNTHIA M	7429 OLD BAUCOM RD	RALEIGH NC 27610-9245
STALLINGS, W RAND	7509 OLD BAUCOM RD	RALEIGH NC 27610-9247
HOWELL, BRENDA J HOWELL, DAVID L	7600 AGGRAVATION LN	RALEIGH NC 27610-8600
CARTER, G RANDAL	7601 OLD BAUCOM RD	RALEIGH NC 27610-9249
WATKINS, JOSEPH	7604 ROCK QUARRY RD	RALEIGH NC 27610-9632
MITCHINER, CHRISTOPHER RANDALL	7605 ROCK QUARRY RD	RALEIGH NC 27610-9633
STALLINGS, LARRY ROGER	7608 AGGRAVATION LN	RALEIGH NC 27610-8600
MOORE, CAROLYN	7609 ROCK QUARRY RD	RALEIGH NC 27610-9633
STALLINGS, LESTER R	7612 ROCK QUARRY RD	RALEIGH NC 27610-9632
JONES, BERNARD D JONES, NELLIE B	7620 OLD BAUCOM RD	RALEIGH NC 27610-9248
BAILEY, DEBORAH R ROBERTS, PATRICK GORDON	7620 ROCK QUARRY RD	RALEIGH NC 27610-9632
RESPESS, KATHERINE	7621 OLD BAUCOM RD	RALEIGH NC 27610-9249
BROOKS, TIMOTHY LANE	7624 OLD BAUCOM RD	RALEIGH NC 27610-9248
MCDONALD, AMANDA YOUNG	7629 OLD BAUCOM RD	RALEIGH NC 27610-9249
WILKERSON, FRANCINE GAIL	7709 OLD BAUCOM RD	RALEIGH NC 27610-9251
SAVOY, ERIK SAVOY, TRACEY	7719 ROCK QUARRY RD	RALEIGH NC 27610-9635
IVEY, WILLIAM CRAIG IVEY, TERESA ANN	7737 ROCK QUARRY RD	RALEIGH NC 27610-9635
MOODY, JAMES ALLEN MOODY, ANNE MILLSAPS	7820 OLD BAUCOM RD	RALEIGH NC 27610-9252
METTS, JACK D METTS, CAROL C	803 BENSON RD	GARNER NC 27529-4204
MCINNES, STEWART CRAIG TANKARD, ANNE M	8419 KALB RD	RICHMOND VA 23229-4133
STATE OF NORTH CAROLINA C/O PROPERTY CONTROL OFFICE	9001 MAIL SERVICE CTR	RALEIGH NC 27699-9000
BURGESS, DONALD LEE BAILEY, DEBORAH R	966 SETH TURNER RD	DEEP RUN NC 28525-9543
STORMS, JANET POWELL POWELL, LINDA SUE	PO BOX 1251	GARNER NC 27529-1251
BURNETTE FARMS LLC	PO BOX 18724	RALEIGH NC 27619-8724
EDGE OF AUBURN LLC	PO BOX 19808	RALEIGH NC 27619-9808
JERNIGAN, TRACY	PO BOX 422	MAXTON NC 28364-0422
WAKE COUNTY ATTORNEY'S OFFICE	PO BOX 550	RALEIGH NC 27602-0550
RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590

The meeting was hosted by:

- Mr. Ryan Akers, McAdams;
- Ms. Jessie Hardesty, McAdams;
- Mr. Tim Lengen, Lennar;
- Mr. Kevin Dean, Kimley-Horn;
- Mr. Chad Beck, Kimley-Horn; and
- Mr. Collier Marsh, Parker Poe.

Questions and answers are listed below.

1. How will traffic affect those living on Branch Road?

Applicant Response: We don't expect a significant amount of delays here, but it is included as part of the traffic study still in progress.

2. Is Phase 5 of the development tying into the Stoney Creek neighborhood?

Applicant Response: Girardeau way is currently stubbed to the development site, which means we are required to connect. This would most likely be one of the last connections made as it is a part of Phase 5.

3. When is the build out year for the project?

Applicant Response: The build out year looks like 2029 or 2030.

4. The build out year for I-540 is 2029, how will traffic be dealt with until then?

Applicant Response: The traffic study is based on the time of build out, so it takes into account the build out of I-540. DOT coordinates construction so that it doesn't have a large effect on commute times.

5. Where will the open space be in the project?

Applicant Response: We pointed out these areas on the land use map on display.

6. If this community has an HOA, will I be forced to join an HOA?

Applicant Response: No, the HOA will only be for the Lennar development.

7. Will I have access to the amenities provided in the development?

Applicant Response: The greenways will be open to the public, but amenities such as the pool will be reserved for those living in the Edge of Auburn development.

8. How is the traffic study conducted?

Applicant Response: Kevin Dean and Chad Beck from Kimley Horn explained their process in detail, elaborating on how they take traffic counts on certain days and times of the week to account for work and school commutes, how they don't take counts during harsh weather, and how those counts contribute to their traffic impact analysis.

9. Will the water for the development be well water or public? (concerned if it was well water that it would dry up her well)

Applicant Response: Water will be public from City of Raleigh.

10. How will stormwater management be handled? We don't want it to affect our ponds or streams.

Applicant Response: Ryan Akers gave a detailed response of the stormwater management practices taking place on the site including proposed retention ponds to capture runoff and slowly infiltrate water back into the ground. Ponds on surrounding properties should not be affected negatively.

11. Are you planning to annex other surrounding properties?

Applicant Response: No, just this property.

12. Will there be buffers surrounding the property?

Applicant Response: A 25-foot perimeter setback is to remain undisturbed along the property lines.

13. Are you developing the other Edge of Auburn land?

Applicant Response: No, the only land to be developed for this project is what is shown on the vicinity map displayed.

14. What is the price point of the homes going into the development? (Concern over houses looking cheap)

Applicant Response: Prices aren't set in stone, but townhomes would most likely be starting around \$200,000.

15. Can we get PDFs of the plan?

Applicant Response: If you have trouble finding them on the Garner website, feel free to email us and we can send them to you.

16. Will the homes be built on slab or have crawl space?

Applicant Response: Single family homes could be either. The townhomes will be slab.

17. How many townhomes will there be compared to single family?

Applicant Response: Roughly 20% of the homes will be townhomes, and they will be concentrated in the southwest corner of the property.

18. Will electric lines cut through my property?

Applicant Response: We will not be cutting through anyone's property; lines will be down street centerlines.

19. How much will this community reflect Auburn Village?

Applicant Response: The quality will be very similar, but Auburn Village is an age restricted community, so the design is very flat with minimal steps.

20. Will road improvements be implemented before the development is constructed?

Applicant Response: Road improvements will be phased and coordinated with the phasing of the development. The roadway phasing is determined by the DOT.

## **V. ANALYSIS AND STATEMENT OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN**

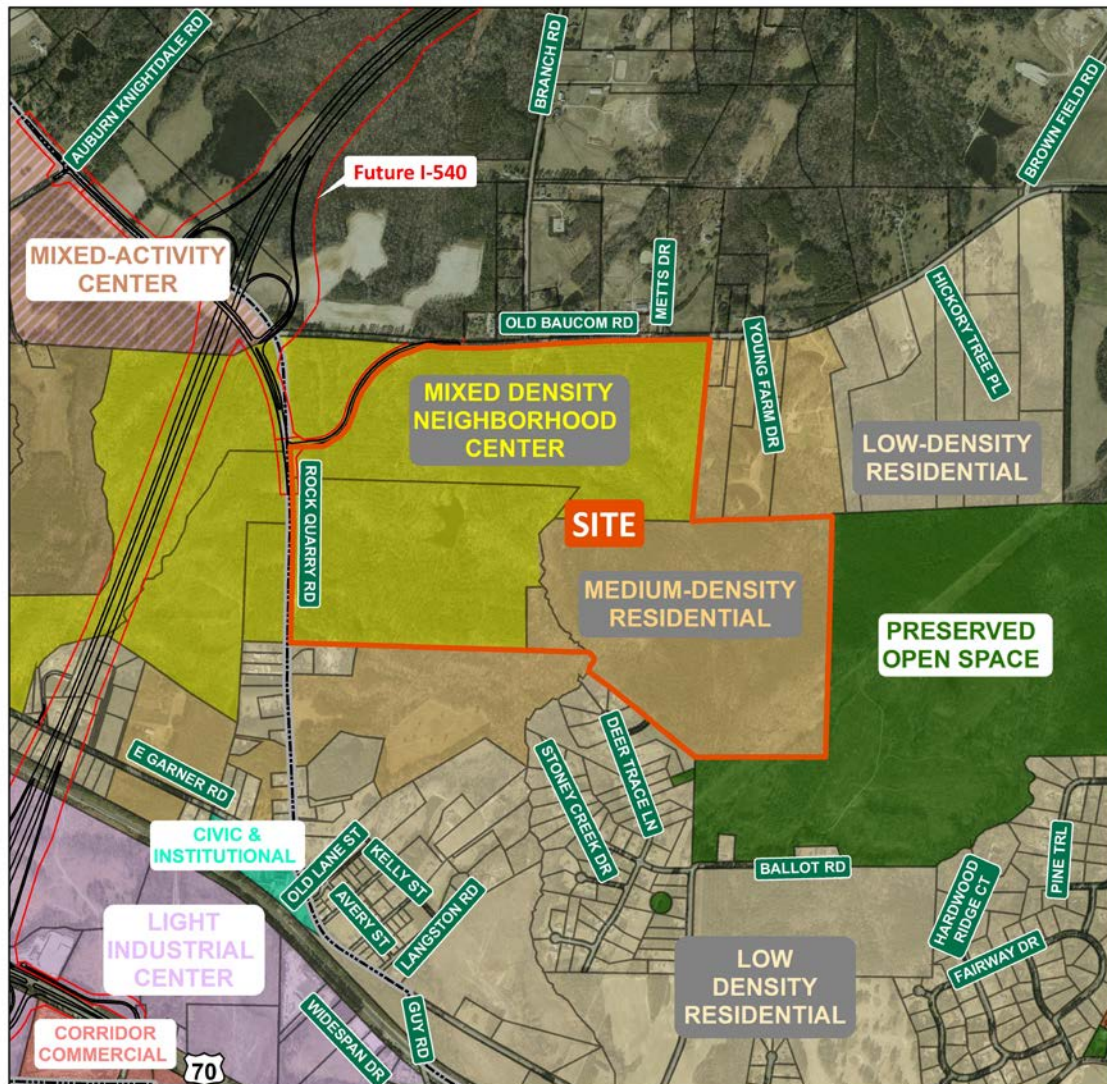
**2018 Garner Forward Plan:** In addition to land use, the 2018 *Garner Forward Comprehensive Plan* also provides guidance on keeping the Town's character, living spaces, working places, recreation opportunities and transportation. Applicable sections are analyzed in the following paragraphs.

### ***Land Use:***

Approximately 181.6 acres of the project site is designated as **Mixed-Density Neighborhood Center (MDC)** on the future land use map. The **Mixed-Density Neighborhood Center** may include a mix of residential uses at medium (2.5 – 5 units per acre) and high densities (over 5 units per acre). This would include developments mixing single-family, townhomes, or apartments together with incidental commercial uses integrated within the community. The development of self-contained, self-supporting neighborhoods is also encouraged and may include individual offices, retail storefronts, and other service-related uses located along collector streets (or higher categories of street). Non-residential uses should be limited in scale and not rise to the level of creating a Neighborhood Commerce Center (NCC), be part of the overall fabric of the development, and serve customers within walking distance.

Approximately 116.9 acres of the project site is designated as **Medium Density Residential (MDR)**. The MDR designation includes single-family, duplex, triplex, quadplex, and townhome-style residences with no less than two and a half (2.5) nor more than five (5) units per acre. Medium-Density Residential structures may also include auxiliary units detached from the primary house. The MDR district encourages context sensitive residential uses that preserve and enhance the culture of adjacent residential communities.





**Living Spaces:**

The guiding principles and recommendations for living spaces and housing are found on pages 63 – 68. Staff finds this request in support of the following:

1. “Garner recognizes that its housing stock is aging and that it could be more diverse to attract younger residents and retain older ones” (p.63). This zone diversifies lot sizes, incorporates alley/rear garage products, and provides exterior maintenance-free choices for owners.
2. “The younger and older residents – ‘Millennials’ and ‘Boomers’ respectively – share many of the same desires in a living space: proximity to shopping and services; an appreciation for greenways; and fun places to gather” (p. 63). This zone provides for approximately 2.7 miles of trails and greenways as well as a main pool amenity, a dog park, a neighborhood park, 1 pocket park, a gazebo park, and a townhome park amenity.

3. In greenfield areas, favoring larger master-planned tracts helps to maximize private contributions and amenities which is also a recommended practice (p. 64). This zone provides for approximately 2.7 mile of trails and greenways as well as a main pool amenity, a dog park, a neighborhood park, 1 pocket park, a gazebo park, and a townhome park amenity.
4. Mixing housing types within a development allows the proposed townhomes and single-family detached homes to live compatibly as they are clustered and share similar design characteristics (p. 65). This zone mixes and clusters 4 primary different housing types throughout the community: single-family front loaded, single-family rear loaded, townhome front loaded, and townhome rear loaded.

***Recreation Opportunities:***

The guiding principles and recommendations for recreation opportunities are found on pages 76 - 82. Staff finds this request in support of the following:

1. "In addition to large projects, small 'parklets', ... and small connections between neighborhoods, ... should be priorities to soften perspectives and communicate a human scale for pedestrians" (p. 76). This zone offers sidewalks along internal streets, greenway and trail connections linking all parts of the neighborhood to mini-parks and to the larger neighborhood parks and amenities.
2. A stated purpose of the PRD zone is to conserve and preserve natural features and green space which is a recommended practice for promoting recreation opportunities (p. 77). This zone provides for a total of approximately 81.73 acres of open space for conservation. Out of this total, 69.73 acres are designated as passive open space and 12 acres as active recreation.
3. "Parks play a vital role in neighborhood life, providing a place for children to play and residents to meet. This includes pocket parks, areas of a quarter acre or less..." (p. 78). While this zone provides for several large-scale amenities and open spaces (over an acre), 1 small pocket park is proposed in the southeastern portion of the community.

**Zoning Consistency Statement:** The requested rezoning from Wake County Single-Family Residential (R-30) to Planned Residential District (PRD C10) is consistent with the 2018 *Garner Forward Comprehensive Plan's* guiding principles and recommendations of the Living Spaces and Recreational Opportunities sections of the plan as well as being consistent with the range of recommended densities and uses for both the Mixed Density Center and the Medium Density Residential land use categories.



**Minimum Lot  
Size:**

Single Family Homes (Front Load)

Product A	4,440 square feet
Product C	5,330 square feet
Product D	6,630 square feet
Product E	8,450 square feet

Single-Family (Rear Load)

Product B	5,022 square feet
-----------	-------------------

Townhome (Front Load)

Product G	1,980 square feet
-----------	-------------------

Townhome (Rear Load)

Product F	1,386 square feet
-----------	-------------------

**Setbacks:**

Perimeter of Development:	25'
Single Family (Front Load):	Front – 20' Rear – 15' Side – 5' Corner Side – 8'
Single-Family (Rear Load):	Front – 5' Rear – 20' (for dwelling) Rear – 5' (for garage) Side* – 5' Corner Side – 8'
Townhome (Front Load):	Front – 20' Rear – 15' Side – 5' (for end unit) Corner Side – 8'
Townhome (Rear Load):	Front – 5' Rear – 20' Side – 5' (for end unit) Corner Side – 8'

*\* Interior side setback distance less than 10 feet requires a 5-foot property maintenance easement be provided on the adjoining lot and recorded on the final subdivision plat.*

**Landscape and Buffer Requirements:**

The plan as proposed meets the requirements of the Landscape Ordinance.

- **Tree Cover:** Requirement of 12% is met with existing plant material. The plan states that the development will meet a minimum of 12.4%.
- **Perimeter Setback:** There is a minimum 25-foot perimeter setback required.
- **Street Trees:** Provided every 40' on average along all interior streets (not required on alleys).

**Parks and Open Space:**

**Open Space –**

- Required: 25% (74.625 acres)
- Proposed: 27% (81.73 acres)

The development's main amenity will be located on 3.4 acres and will include a pool, clubhouse, lawn games, flexible lawn space, a pavilion, a playground, and seating areas.

A 1.8-acre dog park will be provided with a walking trail inside the fenced area.

There will be an 8.7-acre neighborhood park on the eastern side of the development. This area will include a walking trail, flexible lawn area, a 9-hole disc golf course, and a sand volleyball court.

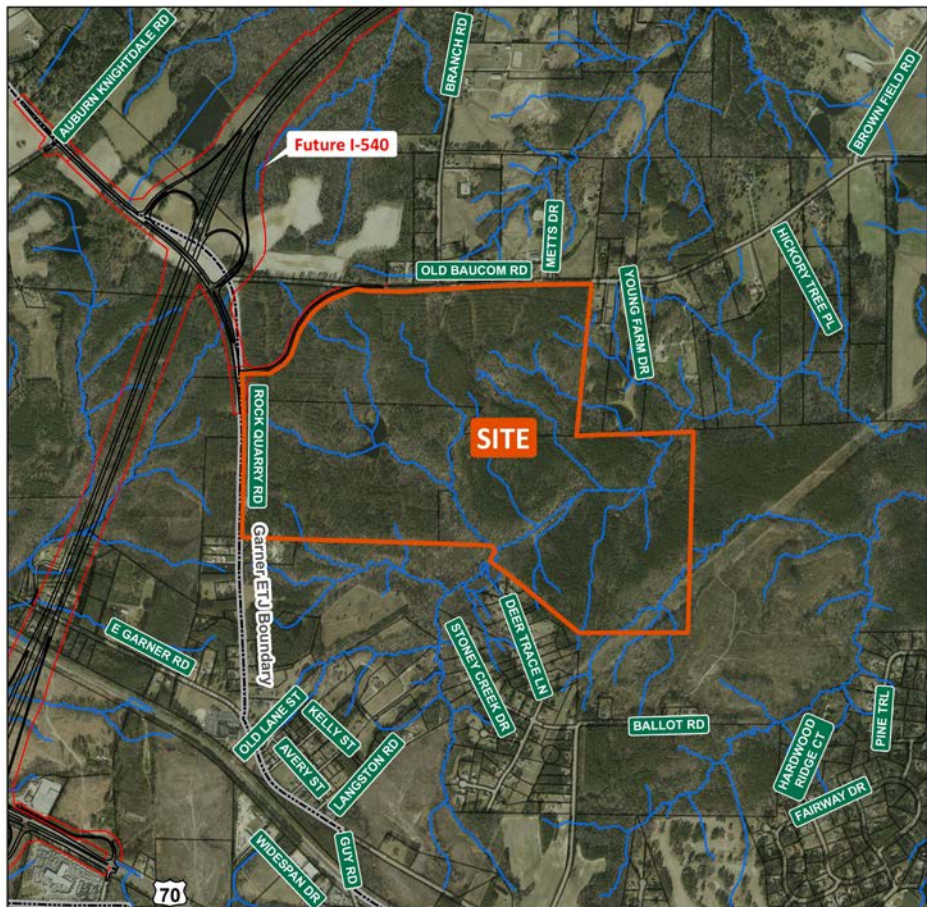
Along the western edge of the development a gazebo park is planned with a walking trail near the pond and a boardwalk over the wetland area.

There will be two other passive open space areas – a linear park with trails in the townhome area and a pocket park in the southeastern part of the development.



**Environmental Features:**

The project site is not within a FEMA designated floodplain. The site is impacted by riparian buffers, and these are shown on the master plan.



**Fire Protection:**

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

**Lighting:**

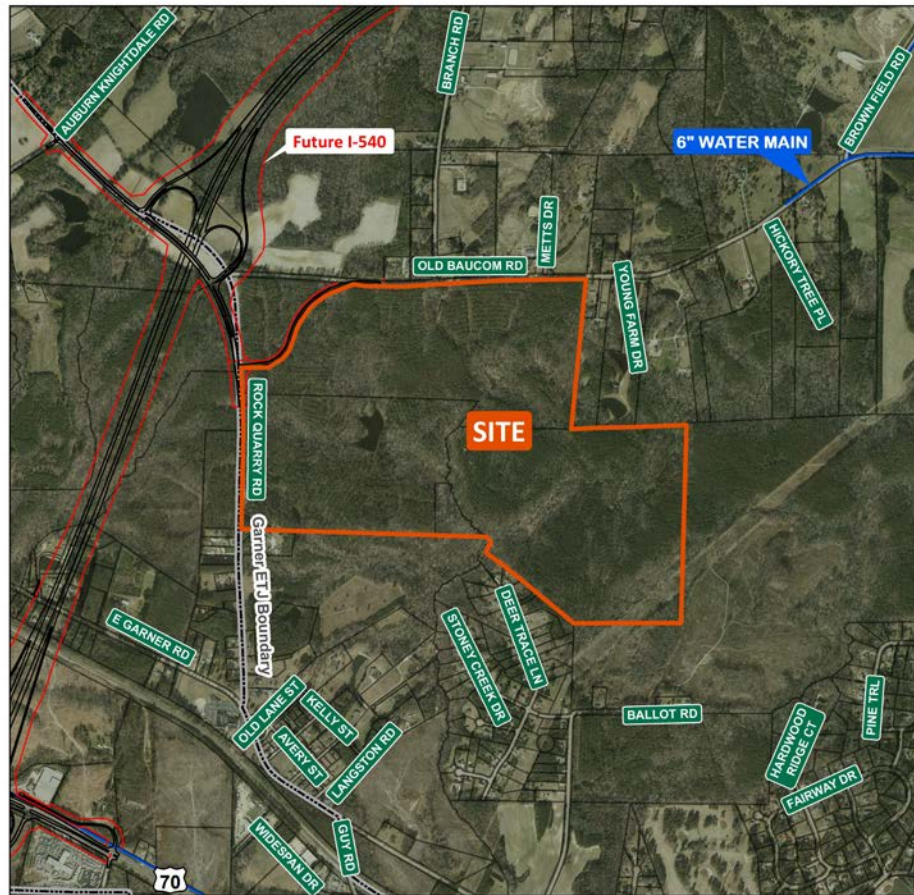
Street lighting and lighting for common parking areas will be reviewed during the subsequent preliminary plats and/or site plans for approval.

**Infrastructure:**

**Stormwater Management** – Edge of Auburn is a residential development site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1-, 10- and 25-year storm events. This development plan proposes eight stormwater wet retention ponds to treat impervious surface for nitrogen and all water quantity requirements to ensure stormwater requirement are met as part of this development. 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. Water and sewer will be extended to the site from the Auburn Village development on Auburn-Knightdale Road.



**Transportation/Access** – Edge of Auburn is located at the southeast corner of Rock Quarry Road and Old Baucom Road. The site is directly adjacent to the future I-540. Due to the construction of I-540, Old Baucom Road will be realigned just east of Rock Quarry Road. Along the frontage of the project, Rock Quarry will be widened to a thoroughfare section, consistent with what will be installed by NCDOT with the construction of I-540. Curb, gutter, and sidewalk will be installed. Old Baucom will be widened to a major collector. The south side of Old Baucom Road will have a 10-foot multi-use path in lieu of sidewalk. This also eliminates the need for a separate bike lane. This multi-use path will tie into the roadway and greenway network within the Edge of Auburn development. The subdivision will have two entrances onto Rock Quarry and two entrances onto Old Baucom Road. The developer will also perform a signal warrant analysis for the intersection of White Oak Road and Raynor Road with site plan application.

## **VII. SITE PLAN CONFORMITY WITH ADOPTED TOWN PLANS AND POLICIES**

### **2018 Garner Forward Transportation Plan:**

The 2018 *Garner Forward Transportation Plan* recommends Rock Quarry Road as a 4-lane divided facility. The Plan does not provide any recommendations for pedestrian or bicycle facilities. With the proposed road improvements – being coordinated with the NC 540 improvements – this project, as proposed, may be found to be in conformity with the recommendation of the 2018 *Garner Forward Transportation Plan*.

### **Parks & Recreation, Open Space & Greenways Master Plan:**

A review of the Parks and Recreation, Open Space and Greenways Master Plan revealed no additional recommendations in the project area that are any longer a priority for the Parks, Recreation & Cultural Resources Department; therefore, with the inclusion of the proposed public greenway, this project may be found to be in conformity with the Parks & Recreation, Open Space & Greenways Master Plan.

### **Unified Development Ordinance Regulations:**

After sufficient review and plan revisions, staff finds that this project, as now proposed, conforms to the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner;
2. Prior to recordation of the first final plat:
  - a. a voluntary annexation petition for the for the entire project site shall be filed with the Garner Planning Department; and
  - b. documents establishing a Homeowner’s Association and restrictive covenants shall be submitted to the Garner Planning Director for review;
3. The Main Amenity shall begin construction upon receiving the Certificate of Occupancy on the model homes in Phase 1 and shall be completed within 18 months;
4. Prior to issuance of the first building permit:
  - a. all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department; and
  - b. the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank;
5. Prior to the recording of the final plat for each phase, amenities in the preceding phase shall be complete; and prior to the issuance of the first certificate of occupancy in the final phase, amenities in said final phase shall be complete;

6. Prior to the issuance of each building permit, any outstanding fee-in-lieu of park land dedication following dedication of the public greenway easements shall be paid to the Town of Garner; and
7. The developer shall be responsible for all roadway improvements required by NCDOT.

#### **VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION**

The Planning Commission reviewed this request at their July 20, 2020 meeting. By a unanimous vote, the Planning Commission confirmed staff's findings in Section VII that PD-MP-19-05, Edge of Auburn, is in conformity with adopted town plans and policies. The Commission further accepted staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommended approval of PD-Z-19-05 to the Town Council by a unanimous vote.

Staff recommendations for rezoning request (PD-Z-19-05) and master plan (PD-MP-19-05) conformity are highlighted in the motion worksheets on the following pages.

## PD-Z-19-05 – Edge of Auburn

### *Rezoning Motion Worksheet*

**Choose one (1) of the following three (3) options:** *(staff recommendation is highlighted below)*  
*If not accepting staff recommendation, please select your own finding from below options.*

1. Find Consistent with the Comprehensive Plan and Approve:
2. Find Inconsistent with the Comprehensive Plan and Deny:
3. Find Inconsistent with the Comprehensive Plan and Approve:

---

**Please find the correlating motion option below to make your motion (number 1, 2 or 3):**

#### **1. Find Consistent with the Comprehensive Plan and Approve:**

"I move that the Town Council accept staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2020) 4070 approving rezoning request PD-Z-19-05 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning."

- Allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Allow for the conservation and preservation of natural features and green space to promote recreation opportunities.
- Provide your own reason: \_\_\_\_\_

#### **2. Find Inconsistent with the Comprehensive Plan and Deny:**

I move that the Town Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number PD-Z-19-05."

**3. Find Inconsistent with the Comprehensive Plan and Approve:**

"I move that the Town Council find that although the rezoning request is inconsistent with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, it is reasonable and in the public interest because it will likely \_\_\_\_\_ select as many reasons as appropriate from below list or provide your own reasoning \_\_\_\_\_

- Allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Allow for the conservation and preservation of natural features and green space to promote recreation opportunities.
- Provide your own reason: \_\_\_\_\_

and therefore, I move further that the Town Council adopt Ordinance No. (2020) 4070 approving rezoning request number PD-Z-19-05.

**PD-MP-19-05 Edge of Auburn**  
*Conditional Use Permit Motion Worksheet*

**Choose one (1) of the following two (2) options:** *(staff recommendation is highlighted below) If not accepting staff recommendation, please select your own finding from below options.*

**1. Find Consistent with Town plans and ordinances and Approve:**

2. Find Inconsistent with Town plans and ordinances and Deny:

---

**Please find the correlating motion option below to make your motion (number 1 or 2):**

**1. Find Consistent with Town plans and ordinances and Approve:**

“I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve PD-MP-19-05, Edge of Auburn with the eight 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, etc.:**

\_\_\_\_\_



2. Find Inconsistent with Town plans and ordinances and Deny:

"I move that the Council find the application does not meet one or more of the criteria in Section 3.14.D. for granting a special use permit,

***(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. The proposed use does not comply with all applicable provisions of this UDO;  
*because/as evidenced by* \_\_\_\_\_;
4. If completed as proposed, the development will not comply with all requirements of this section;  
*because/as evidenced by* \_\_\_\_\_;
5. The proposed use will not be compatible with the proximate area in which it is to be located;  
*because/as evidenced by* \_\_\_\_\_;
6. The proposed use is inconsistent with the Transportation Plan, other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in harmony with the intent of the UDO as relates to the general zoning plan);  
*because/as evidenced by* \_\_\_\_\_;
7. The proposed use is incompatible with adjacent uses 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* \_\_\_\_\_;
8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;  
*because/as evidenced by* \_\_\_\_\_;
9. 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* \_\_\_\_\_;
10. Adequate assurances of continuing maintenance have not been provided;  
*because/as evidenced by* \_\_\_\_\_;

and therefore, deny master plan Edge of Auburn – PD-MP-19-05.

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

**ORDINANCE NO. (2020) 4070**

**AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL USE 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 use zoning district be established and that this new district classification be applied to the applicant's property.

WHEREAS, the Town Council is authorized by the Town Charter to establish conditional use zoning districts:

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 Joseph Conlan in Rezoning Application No. PD Z 19-05 (PRD C10).

**Section 2.** There is hereby created a new conditional use zoning district, to be known as the Planned Residential District Conditional Use (PRD C10); within this district, all of the regulations that apply to property within the Planned Residential District Conditional Use (PRD C10) zoning district shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following is a list of conditions for the Planned Residential District Conditional Use (PRD C10) district.

1. Permitted use table:

Use Category	Specific Use	PRD C10
Household Living	Townhouse	P*
	Single-family	P*

2. 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.
3. The maximum density shall not exceed 3.1 dwelling units per acre with a maximum of 910 dwelling units. Of the 910 dwelling units, a maximum of 210 shall be townhomes.
4. A deviation greater than 20% from §6.12.A of the Town of Garner UDO is requested. Within the Edge of Auburn development, a minimum of 50% of all single-family lots shall be 5,000 sq ft or greater.
5. A deviation of greater than 20% is requested from Section 6.1.A, Residential District Development Standards for a PRD development. Lots setbacks are detailed in the table below:

	Single-Family R-12 (UDO 6.1A)	Single-Family (front load) Proposed	Single-Family (rear load) Proposed	Townhome UDO	Townhome (front load) Proposed	Townhome (rear load) Proposed
Front Yard	30'	20' <i>33%</i>	5' <i>83%</i>	25' * (front load) 15' * (rear load)	20' <i>20%</i>	5' <i>66%</i>
Rear Yard	20'	15' <i>25%</i>	20' (dwelling) 5' (detached garage) <i>75%</i>	25' **	15' <i>40%</i>	20' <i>20%</i>
Side Yard	6' min. 15' combined	5' min. 10' combined <i>33%</i>	5' min. 10' combined <i>33%</i>	15' **	5' (end unit) <i>66%</i>	5' (end unit) <i>66%</i>
Corner Lot Side Yard	20'	8' <i>60%</i>	8' <i>60%</i>	25' **	8' <i>68%</i>	8' <i>68%</i>
Building Separation	NA	NA	NA	30'	30'	30'

Percentage reduction from UDO shown in *italics*

\*References UDO 6.5.C.3.c

\*\*References UDO 6.2

6. The pool shall be a minimum of 2,000 square feet and the cabana shall be a minimum of 1,775 square feet.
7. All townhomes shall have at least a one-car garage. All single-family homes shall have at least a 2-car garage.

8. All housing types shall be a minimum .045-gauge vinyl siding. If masonry is not the predominant first floor finish (greater than 50%), then front elevation shall have two types of vinyl siding, i.e. lap and shake, or board and batten.
9. At a minimum, all single-family homes and townhomes shall have at least a 24" stone/ masonry water table on front façade.
10. All slab foundations with an exposed height of greater than 12 inches shall be finished with masonry product – applies to front and side elevations with right of way frontage. All slab foundations with an exposed height of 12 inches or less shall be textured with parging and painted to match siding material – applies to front and side elevations.
11. Garage doors for all townhomes shall have carriage door hardware or windows. Garage doors for single-family homes shall have carriage door hardware and windows.
12. Elevations with a cantilever front elevation accent shall have decorative brackets or shelf supports for single-family homes.
13. All homes shall have a minimum 8" eaves on the front and rear facade with a minimum 8" roof overhang on all sides.
14. A covered front porch, a minimum of 20 square feet, shall be provided as part of all dwellings.
15. Shutters or window trim shall be provided on the front facade of all dwellings and side facades of all townhome dwellings with right of way frontage.
16. An outdoor deck or patio, a minimum of 40 square feet, is required as part of all townhome dwelling units.
17. An outdoor deck or patio, a minimum of 64 square feet, is required as part of all single-family dwelling units.
18. All dwelling units shall have at least one window on each side elevation (excludes interior townhome units).

**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:

<b>Owner(s)</b>	<b>Tract No.</b>	<b>Existing Zoning</b>	<b>New Zoning</b>
Edge of Auburn LLC	Portion of 1740-28-4951, 1740-17-4496, 1740-47-0086, & 1740-27-8010	Wake County Single-Family Residential (R-30)	<b>Planned Residential District Conditional Use (PRD C10)</b>

**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 3<sup>rd</sup> day of August, 2020.

---

Ken Marshburn, Mayor

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

# REPORTS



## Garner Info

Id	Title	Description	Current Status	Address	Date Created	Comments
7582231	Commercial Vehicles	Two truck tractors parked on residential lot.	In Progress	1704 Spring Drive	3/6/2020	Residents were given until 7/27/2020 to remove vehicles or complaint will be turned over to Town Attorney.
7914296	Misc. - Parks / Town Property	Car parked in front of Jaycee Park for days	Submitted	1301-1399 Sycamore Dr	5/10/2020	This was handled by the TSU and can be closed.
8179735	Misc. - Parks / Town Property	as the dog parks are getting a lot of use due to covid-19 , Lake Benson dog park and Garner dog park mulched again	In Progress		6/20/2020	We are currently looking into this however our resources have been limited at this point. Our normal schedule to have these areas mulched would occur in the fall.
8230885	Watershed Conservation Buffer		Submitted		6/27/2020	Need more info so I will know who needs to handle this.
8388237	Yard Waste/ Loose Leaves		In Progress		7/20/2020	We have tagged the pile and asked that it be prepared properly. We will give the resident some time to prepare it properly before the Town removes it at cost to the resident.
8390111	Trash/Solid Waste (Private Property)	This house has multiple junk cars parked on the road. The yard is filled with trash, they have tables with junk items and car parts on it with a tarp to protect it from weather. I feel they might be hoarders. The cars get tagged with a orange sticker but sit for several weeks. Their dog came running down the street and was so skinny and smelled horrible. I feed the dog from my porch and it took of back to their home. Please do something about these people home and help their animal	Received	1504 Pineview Dr	7/20/2020	
8409622	Sidewalk Repair	Grout? Peeling where sidewalks meets the road. Same across the street. Scarborough n'hood entrance starts buffalo.	In Progress	2401 Buffaloe Rd	7/23/2020	

## Garner Info

Id	Title	Description	Current Status	Address	Date Created	Comments
8414931	Trash/Solid Waste (Private Property)	This home is neglected with a substantial amount of items littering the yard, and it has not been mowed. Mail is overflowing from box.	Received	1302 Park Ave	7/23/2020	
8417897	Trash/Solid Waste (Private Property)	washer dryer in back yard, car not moved in over three years, dead tree covered over with weeds. overgrown Bushes where wasps and bees swarm.	Received	1702 Foxwood Dr	7/24/2020	
8433039	Trim Vegetation	foliage intruding the curbing and Road needs to be trimmed please. Thank you.	Received	1106 Southerlund Rd	7/27/2020	Thanks, and for future reference you can include both addresses on one request. However sending two is fine as well
8433055	Trim Vegetation	foliage intruding on the curbing and Road needs to be trimmed please. Thank you.	Received	1110 Southerlund Rd	7/27/2020	
8433208	Animal Concern - Non Emergency	little black and white dog that belongs to this home is always out in the street. Chase's people and tries to bite them when walking on the street.	Submitted	3707 Cason St	7/27/2020	ACO Gale has been made aware of this concern and will be following up on it.