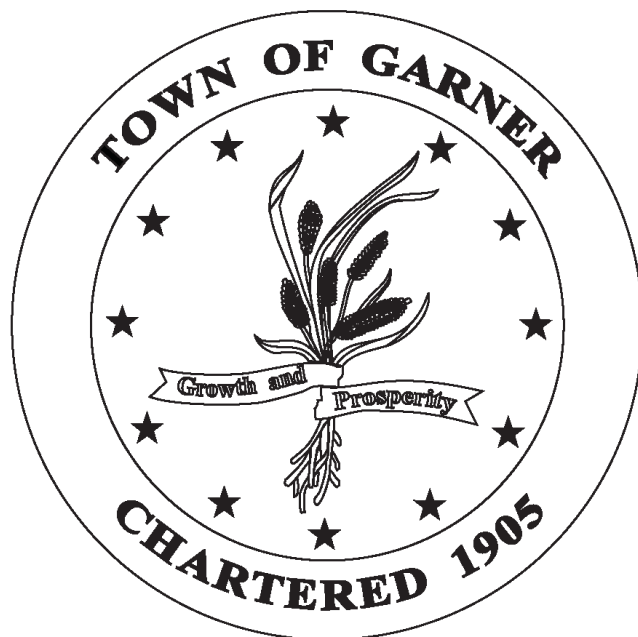


# Town of Garner



Town Council Meeting  
February 6, 2023

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

**Town of Garner**  
**Town Council Regular Meeting Agenda**  
**February 6, 2023**

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.

**Mask Policy:** All staff and visitors, including people who are fully vaccinated, have the option to wear face coverings while inside Town facilities and during Town Council meetings. All persons should practice social distancing, when possible, in Council Chambers.

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

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

- B. PLEDGE OF ALLEGIANCE: Mayor ProTem Elmo Vance

- C. INVOCATION: Mayor ProTem Elmo Vance

- 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

- G. CONSENT

- 1. Voluntary Annexation Petitions # ANX-22-19 and ANX-22-20 ..... Page 5  
Presenter: David Bamford, Assistant Planning Director

Voluntary annexation petitions (ANX-22-19 and ANX-22-20) submitted by Harold Thomas and Paul Blackwell, respectively, to annex 0.93 +/- acres and 0.97 +/- acres, respectively, into the Town of Garner corporate limits. The properties are located at 1102/1104 Creech Road and 2195 Clifford Rd, respectively, and may otherwise be identified as Wake County PIN# 1711886316 / 1711886436 and 1629454194, respectively.

Action: Consider motion to adopt resolution (2023) 2523 to set public hearing for March 6, 2023.

- 2. Budget Amendment - Replacement Vehicle ..... Page 11  
Presenter: Sara Warren, Budget Manager

The Police Department would like to purchase a new vehicle to replace a vehicle that was recently totaled in an accident. This amendment would allocate funds to purchase

a Toyota Camry. Funding for the purchase would come from insurance proceeds received.

Action: Consider approving Ordinance (2023) 5180

- 3. Minutes ..... Page 13  
Presenter: Stella Gibson

Minutes from the December 20, 2022 and January 7, 2023 Council meetings.

Action: Consider approving minutes

H. PUBLIC HEARINGS

I. NEW/OLD BUSINESS

- 1. Tier 2 Conditional Planned District Rezoning #CZ-PD-22-01, Golden Trace ..... Page 30  
Presenter: Ashley Harris, Planner

Conditional Planned District rezoning request (CZ-PD-22-01) submitted by Lennar Corporation to conditionally rezone approximately 47.6 +/- acres from Single-Family Residential (R-20) to Planned Residential Development (PRD C13) Conditional for a residential development consisting of up to 130 single-family detached dwelling units. The site is located along the north side of New Bethel Church Road between Clifford Road and Magnolia Lane and may be further identified as Wake County PIN # 1629237034, 1629239795, 1629233112, and portions of 1629231442 and 1629138501.

Action: Consider motion to approve CZ-PD-22-01 by adopting Ordinance (2023) 5182.

- 2. Renaming Downtown Social District ..... Page 55  
Presenters: Shayla Douglas, Downtown Development and Small Business Manager and Terri Jones, Town Attorney

Downtown Garner Association is asking to change social district name from "Downtown Social District" to "Garner Social District". The board will need to approve this change in order to correct the social district ordinance, so social district application can be submitted to ALE for approval.

Action: Consider motion to amend Ordinance (2022) 5162 to include name change of Social District; Adopt Ordinance (2023) 5181

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- GoTriangle is having an open-house-style community informational event about commuter rail on Feb. 16 from 5:30 to 8 p.m. at the Garner Senior Center. Residents can drop in anytime, learn more and offer feedback.
- Public Works is holding an electronics recycling event on Saturday, Feb. 18, from 8 a.m. to 1 p.m. at the Public Works Complex, located at 610 Rand Mill Road. More information on that is at [GarnerNC.gov](http://GarnerNC.gov).
- The Character and Land Use Elements--or CLUE--community workshop is Wednesday, Feb. 22, from noon to 6 p.m. at the Garner Recreation Center. Residents can drop in anytime and offer their input on the proposed updates to the Garner Forward Comprehensive Plan. Folks can learn more about the CLUE update by going to [GarnerForward.com](http://GarnerForward.com).

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURN

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 6, 2023		
Subject: Voluntary Annexation Petitions # ANX-22-19 and ANX-22-20		
Location on Agenda: Consent		
Department: Planning		
Contact: David Bamford, AICP; Assistant Planning Director		
Presenter: David Bamford, AICP; Assistant Planning Director		
<b>Brief Summary:</b>  Voluntary annexation petitions (ANX-22-19 and ANX-22-20) submitted by Harold Thomas and Paul Blackwell, respectively, to annex 0.93 +/- acres and 0.97 +/- acres, respectively, into the Town of Garner corporate limits. The properties are located at 1102/1104 Creech Road and 2195 Clifford Rd, respectively, and may otherwise be identified as Wake County PIN# 1711886316 / 1711886436 and 1629454194, respectively.		
<b>Recommended Motion and/or Requested Action:</b> Consider motion to adopt resolution (2023) _____ to set public hearing for March 6, 2023.		
<b>Detailed Notes:</b> This petition follows requests for public water at 1102/1104 Creech Road and for public water and sewer at 2195 Clifford Road. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.		
<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:		

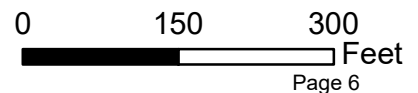


NC Center for Geographic Information & Analysis

Owner: Harold Thomas  
Location: 1102 and 1104 Creech Rd  
Acres: 0.93  
Pins: 1711886316 and 1711886436



NOT TO SCALE



## Planning Department Staff Report

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

**FROM:** David Bamford, AICP; Assistant Planning Director

**SUBJECT:** ***Voluntary Annexation Petition # ANX-22-19, 1102 and 1104 Creech Rd***

**DATE:** February 6, 2023

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**ANNEXATION APPLICATION:** ANX-22-19

**OWNERS:** Harold Thomas

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** 1102 and 1104 Creech Rd

**WAKE COUNTY PIN #:** 1711886316 and 1711886436

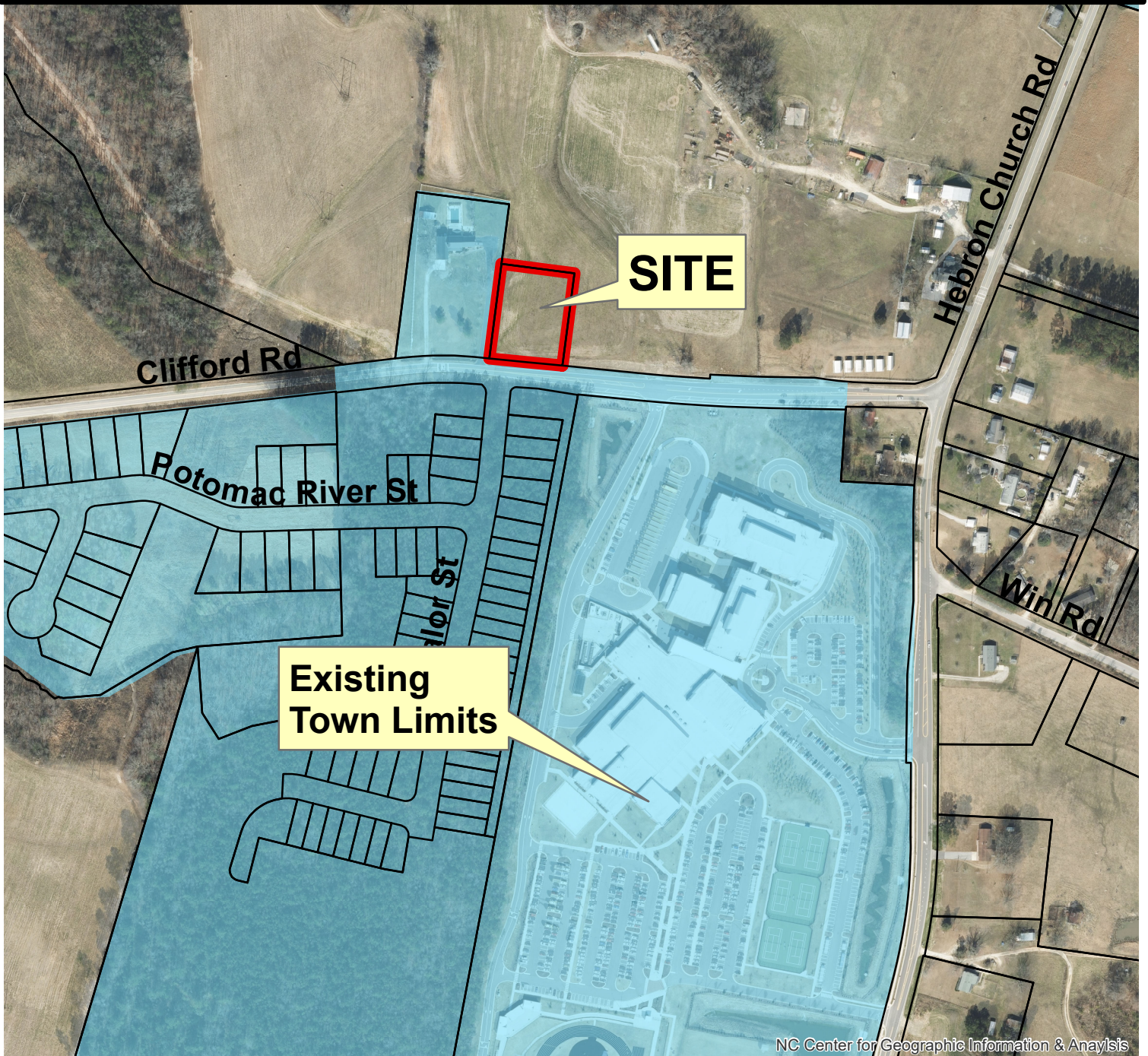
**REAL ESTATE ID #:** 0013102 and 0082791

**AREA:** 0.93 +/- acres

**ZONING:** Residential Agriculture (RA)

**ASSOCIATED DEVELOPMENT PLAN:** This petition follows a request for public water at 1102 and 1104 Creech Rd; (Single-Family); Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

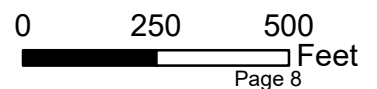
**RECOMMENDATION:** Set Public Hearing for March 6, 2023



Owner: Paul Blackwell  
Location: 12195 Clifford Rd  
Acres 0.97  
Pin: 2195 CLIFFORD RD



NOT TO SCALE





## Planning Department Staff Report

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

**FROM:** David Bamford, AICP; Assistant Planning Director

**SUBJECT:** ***Voluntary Annexation Petition # ANX-22-20, 2195 Clifford Rd***

**DATE:** February 6, 2023

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ANNEXATION APPLICATION: ANX-22-20

OWNERS: Paul Blackwell

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 2195 Clifford Rd

WAKE COUNTY PIN #: 1629454194

REAL ESTATE ID #: 0492164

AREA: 0.97 +/- acres

ZONING: Residential Agriculture (RA)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer at 2195 Clifford Rd (Single-Family); Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Set Public Hearing for March 6, 2023

RESOLUTION NO. (2023) 2523

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

WHEREAS, two (2) 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 has been made;

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

**Section 1.** That a public hearing on the question of annexation of the areas described herein will be held at the Town Hall at 7:00 p.m. on the 6<sup>h</sup> day of March 2023.

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

- ANX-22-19, 1102 and 1104 Creech Road: 0.93 +/- acres (Satellite)
- ANX-22-20, 2195 Clifford Road: 0.97 +/- acres (Contiguous)

**Section 3.** Notice of said public hearings shall be published at least ten (10) days prior to the date of said public hearing.

Duly adopted this 6<sup>th</sup> day of February 2023.

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Ken Marshburn, Mayor

ATTEST:

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Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 6, 2023 <span style="float: right;"><input type="button" value="v"/></span>		
Subject: Budget Amendment - Replacement Vehicle		
Location on Agenda: Consent <span style="float: right;"><input type="button" value="v"/></span>		
Department: Administration		
Contact: Sara Warren, Budget Manager		
Presenter: Sara Warren, Budget Manager		
<p><b>Brief Summary:</b> The Police Department would like to purchase a new vehicle to replace a vehicle that was recently totaled in an accident. This amendment would allocate funds to purchase a Toyota Camry. Funding for the purchase would come from insurance proceeds received.</p>		
<p><b>Recommended Motion and/or Requested Action:</b> Consider approving Ordinance (2023) 5180</p>		
Detailed Notes:		
<p><b>Funding Source:</b> Insurance proceeds</p>		
Cost: \$27,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2023) 5180

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

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

Section One. That the GENERAL FUND be amended as follows for the purposes of replacing a totaled vehicle for the Garner Police Department:

**Revenue Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10305000-465070	Insurance Proceeds		\$ 42,500	\$ 27,000	\$ 69,500

TOTAL REVENUE INCREASE (DECREASE) \$ 27,000.00

**Expenditure Amendment Request**

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10605000-537451	Capital Outlay - Public Safety		\$ 450,201	\$ 27,000	\$ 477,201

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 27,000.00

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

Duly adopted this 6th day of February 2023.

\_\_\_\_\_  
Ken Marshburn, Mayor

ATTEST:

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

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 6, 2023		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from the December 20, 2022 and January 7, 2023 Council meetings.		
Recommended Motion and/or Requested Action: Consider approving minutes		
Detailed Notes:		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Town Council Regular Meeting Minutes  
December 20, 2022**

The Council met at 7:00 p.m. in the Ronnie S. Williams Council Chambers at 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 Elmo Vance, Council Members, Gra Singleton, Kathy Behringer and Phil Matthews and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Asst. Town Manager, David Beck-Finance Director, Leah Harrison-Interim Town Engineer, Jeff Triezenberg-Planning Director, Reginald Buie-Planner, Maria Munoz-Blanco-PRCR Director, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

**PLEDGE OF ALLEGIANCE:** Council Member Phil Matthews

**INVOCATION:** Council Member Phil Matthews

**PETITIONS AND COMMENTS**

**ADOPTION OF AGENDA**

Motion: Vance  
Second: Matthews  
Vote: 5:0

**PRESENTATIONS**

**CONSENT**

**On-Call Master Agreement and SOW # 1 (White Deer Park) – Surface 678, PA**

Presenter: Maria Munoz-Blanco, PRCR Director

Presentation of On-Call Master Agreement and Statement of Work # 1 (SOW#1) with Surface 678, PA for design services for the inclusive playground and splashpad projects to be located at White Deer Park.

Action: Approve Master Agreement & SOW#1 with Surface 678 and authorize the Town Manager to execute contracts.

**Budget Amendment - Development Services Software**

Presenter: David Beck, Finance Director

Several years ago, the Town set aside \$200,000 of fund balance towards the purchase of a new software program for the Development Services departments. This amendment draws down the second half of those funds to keep the project moving towards implementation. These funds will be used to pay for licenses, software agreements, and other ancillary needs for the new program.

Action: Adopt Ordinance (2022) 5163

**Budget Amendment - Liles Property**

Presenter: David Beck, Finance Director

Utilization of fee-in-lieu of parkland revenue reserves for the third and final installment payment for the purchase of the Liles property.

Action: Adopt Ordinance (2022) 5164

**Wake County Hospitality Tax Small Capital Projects Fund Grant Application**

Presenter: Maria Munoz-Blanco, PRCR Director

The Wake County Hospitality Tax Small Capital Projects Fund provides grants to assist in the development of projects throughout Wake County that can impact sports, arts, culture, and convention related activities for visitors and residents. PRCR proposes to submit an application to leverage 2021 Bond Program funds for Yeargan Park Phase 1. The request will be for \$2 million.

Action: Adopt Resolution (2022) 2520

**On-Call Master Agreement and SOW # 1 (South Garner Greenway) - Withers Ravenel, Inc.**

Presenter: Maria Munoz-Blanco, PRCR Director

Presentation of On-Call Master Agreement and Statement of Work # 1 (SOW#1) with Withers Ravenel, Inc. for design services for the South Garner Greenway Extension Buffaloe Road alignment.

Action: Approve the WithersRavenel Master Agreement/SOW#1 and authorize the Town Manager to execute contract

**Surplus Property**

Presenter: David Beck, Finance Director

A 2017 Ford Explorer used by the Police Department has been declared a total loss by the insurance company after being involved in an accident. The request is to surplus the vehicle to release it to the insurance company.

Action: Adopt Resolution (2022) 2519

**ANX-22-17, Oak Manor**

Presenter: David Bamford, Assistant Planning Director

Voluntary contiguous annexation petition (ANX-22-17) submitted by Sherry Ferguson, Martha Williams, De An Winton, and Meritage Homes of the Carolinas Inc., to annex 167.53 +/- acres into the Town of Garner's corporate limits. The annexed area is to include an additional 2.50 +/- acres of intervening and adjacent right-of-way along New Bethel Church and Clifford roads for a total of 170.03 +/- acres.

Action: Set Public Hearing for January 17, 2023, by adopting Resolution (2022) 2520

**Forest Hills Building Capital Project Ordinance**

Presenter: David Beck, Finance Director

The Town will be issuing debt in the near future to fund several capital projects. The projects include the purchase and renovations of the Forest Hills building, the purchase of the former First Citizens Bank building, and the purchase of land for a Public Works expansion. Part of the debt proceeds will reimburse the Town for the purchase of the two buildings. Design work will begin on the Forest Hills renovation and this ordinance established the budget for that work along with the rest of the debt proceeds.

Action: Adopt Ordinance (2022) 5165

Action: Approve Consent Agenda

Motion: Singleton

Second: Matthews

Vote: 5:0

## **PUBLIC HEARINGS**

Mayor Marshburn explained the procedures to be followed during the following hearings and asked Council to disclose any bias, ex parte communications, any close familial, business or other associational relationships with an affected person, or have a financial interest in the outcome. Hearing none, the Clerk administered the Oath to Collier Marsh, Nick Kirkland, Baohong Wan, Beth Blackmon, Josh Whitaker, Alison Jones, Jeff Triezenberg, and Terri Jones.

### **Special Use Permit # SUP-SP-21-07, Tryon Station Apartments**

Presenter: Alison Jones, Planner

Special use permit request (SUP-SP-21-07) submitted by Kelly Development Company to permit the development of a multifamily (triplex and higher, including apartment) residential community of more than 100 dwelling units on 17.88 +/- acres, not to exceed 9.8 dwelling units/acre. The site is located at 1509 Creech Road and may be further identified as Wake County PIN # 1712719535.

Mayor Marshburn opened the hearing.

Toby Coleman summarized the project and the following provided expert opinions in their respective areas; Nick Kirkland, Appraiser; Lyle Overcash, Traffic Studies; and Chris Bostic, Landscape Architect.

After general discussion, Mr. Overcash stated they would recommend advisory signs on the northbound approach of Creech Road as you come up to the Tyron Road Extension and that the road would have streetlights.

Mayor Marshburn closed the hearing.

Action: I find that application # SUP-SP-21-07 meets the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D; therefore, I move that the Town Council approve SUP-SP-21-07, Tryon Station Apartments with the five (5) site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Singleton

Second: Behringer

Vote: 5:0



**Voluntary Contiguous Annexation Petition # ANX-22-14, Caddy South**

Presenter: Reginald Buie, Planner

Voluntary contiguous annexation petition (ANX-22-14) submitted by Cambridge-Caddy LLC to annex 9.55 +/- acres into the Town of Garner's corporate limits. The annexed area is to include an additional 1.93 +/- acres of adjacent US Highway 401 right-of-way for a total of 11.48 +/- acres.

Action: Approve Ordinance (2022) 5166

Motion: Vance  
Second: Matthews  
Vote: 5:0

**Planned Development Conditional Rezoning # CZ-PD-22-01, Golden Trace**

Presenter: Jeff Triezenberg, Planning Director

Planned development conditional rezoning request (CZ-PD-22-01) submitted by Lennar Corporation to rezone approximately 47.6 +/- acres from Single-Family Residential (R-20) to Planned Residential Development (PRD C13) Conditional for a residential development consisting of up to 130 single-family detached dwelling units. The site is located generally at 1817 New Bethel Church Road and may be further identified as Wake County PIN # 1629237034, 1629239795, 1629233112, and portions of 1629231442 and 1629138501.

Collier Marsh presented highlights of the project.

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

Motion: Vance  
Second: Matthews  
Vote: 4:1

Council Member Dellinger voted nay.

**Tier 2 Conditional Rezoning Request # CZ-MP-22-06, Ackerman Road Subdivision**

Presenter: Ashley Harris, Planner

Tier 2 conditional rezoning request (CZ-MP-22-06) submitted by Construction Masters, LLC to rezone 7.57 +/- acres from Single-Family Residential (R-40) to Single-Family Residential (R-9 C255) Conditional and Multifamily Residential (MF-A C255) Conditional not to exceed 33 dwelling units. The site is located at and adjacent to 1932 Ackerman Road and may be further identified as Wake County PINs # 1629381473 and 1629380782. Zoning conditions are proposed that restrict the range of permissible uses, and architectural and other conditions are also proposed.

Ms. Harris presented the project and both she and Peter Canasan (Civil Engineer) responded to

questions regarding pavement right-of-way, tree canopy preservations and open space, and public alleyways.

John Allman, Shonda Littleton, Denise Lopes, Angie Brady and Marciel Gonzalez voiced concern about townhomes, density, traffic, difficulty entering and exiting property, preservation of wetlands, on-street parking, and safety.

Mayor Marshburn closed the hearing.

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

Motion: Singleton  
Second: Matthews  
Vote: 4:1

Council Member Dellinger voted nay.

### **Zoning Text Amendment # ZTA-22-02, Public Notice Requirements**

Presenter: Jeff Triezenberg, Planning Director

On behalf of the Garner Town Council, the Garner Planning Department is requesting to amend Section 4.4.6. "Public Notice Requirements" of the Garner Unified Development Ordinance to reduce the mailed notification area from 1,000 feet from the affected parcel(s) to 500 feet, change the required notice recipients from all property owners and tenants to all property owners as well as any parcel's primary physical address that is different from the mailing address of record and require the applicant to provide the Planning Director with first class stamped envelopes addressed to all persons subject to the mailed public notice requirements.

Council discussed the merits and drawbacks to changing the notification distance.

Katie Cardenas said she felt that keeping the public informed whether they be owners or renters was important because they are part of a community and that it was important that they stay educated and informed. She encouraged Council to stay with 1,000 feet because increasingly dense development will require more to be informed of impacts.

Keith Roberts stated he felt that changing the notification distance back to 500 ft was appropriate because if you extend the notification distance out too far you take away the voice of the people who are actually impacted. He felt notifying residents in apartments is excessive.

Ms. Jones noted that she would prefer occupant instead of renter.

Mayor Marshburn closed the hearing.

Manager Dickerson added that mailings are just one form of notification for the public – there are signs posted on the property and also on the Town's website.

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

Motion: Matthews  
Second: Singleton

Council consensus to move forward on the motion to call the question.

Vote: 4:1

Council Member Dellinger voted nay.

## **NEW/OLD BUSINESS**

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

Presenter: Reginald Buie, Planner

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

Council Member Dellinger expressed concern about this project and questioned how single-family detached homes are considered apartments. Mr. Triezenberg responded that a single-family home could be rezoned as a multi-family piece of property even though it's a single unit single-family detached home if it's part of a multi-structure type situation. Mr. Triezenberg also noted that when these types of products started coming into the Town several years ago, jurisdictions everywhere were trying to figure out how they should be classified. In some cases, where it's not completely 100 percent clear you have to choose what is most closely aligned to it. Since these are not proposing individual lot lines where you're having to deal with setbacks and things like that, you have the closest thing that they represent which is a multi-family type structure.

Action: I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report as our own; however, I also move that the Town Council deny rezoning ZC-MP-003, as the request is not reasonable nor in the public interest because it will likely not allow/encourage shared-use and mixed-use developments, support more 55+ housing opportunities, create better neighborhood appearance by rear-loading driveways and using alleys, promoting walking in front of homes and allowing trash removal to be kept out of sight.

Motion: Singleton  
Second: Dellinger  
Vote: 3:2

Council Members Behringer and Matthews voted nay.

## **COMMITTEE REPORTS**

### **MANAGER REPORTS**

- Talk of the Town
- Community public meetings relating to the possible fire merger with the Garner Fire Rescue Department will be on January 11th at Town Hall and the second will be on January 12th at the Panther Branch Community Center.
- EV charging stations at Town Hall have been completed.

- Town Hall will be closed December 23<sup>rd</sup> through the 27<sup>th</sup> and January 2<sup>nd</sup> for the holidays and on January 16<sup>th</sup> in recognition of MLK Day. This event will be virtual this year.

## **ATTORNEY REPORTS**

## **COUNCIL REPORTS**

Council Members Matthews and Behringer had nothing to report.

Singleton

- Thanked All-Star and the Public Works Department for the great work they do in the Town.

Dellinger

- Asked about the timeline for the LMG downtown project. Mr. Hodges responded that the last update received was that spring of 2023.

Vance

- Stated the WCMA Holiday Dinner was outstanding.

Marshburn

- Each year the League puts together a committee where they develop legislative proposals and hear from the committee. They take those proposals, then refine and publish. Each Town gets a voting delegate to serve on the committee. Council consensus to appoint Mayor Marshburn as the Town's voting delegate.

Council wished everyone a safe and happy holiday.

**ADJOURN:** 10:00 p.m.

**Town of Garner  
Town Council Regular Meeting Minutes  
January 17, 2023**

The Council met at 7:00 p.m. in the Ronnie S. Williams Council Chambers at 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 Elmo Vance, Council Members, Gra Singleton, Kathy Behringer and Phil Matthews and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Asst. Town Manager, David Beck-Finance Director, Leah Harrison-Interim Town Engineer, Jeff Triezenberg-Planning Director, David Bamford-Assistant Planning Director, Ashley Harris-Planner, Reginald Buie-Planner, Maria Munoz-Blanco-PRCR Director, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

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

**PLEDGE OF ALLEGIANCE:** Council Member Gra Singleton

**INVOCATION:** Council Member Gra Singleton

**PETITIONS AND COMMENTS**

Chris Mills, who lives outside of the Town, stated that the Town should not be operating fire services in areas outside of Garner. He added that he was unaware that the possible merger was being discussed.

**ADOPTION OF AGENDA**

Mayor Marshburn noted that the Garner Station Lots 106 & 107 item is being continued.

Motion: Matthews  
Second: Behringer  
Vote: 5:0

Continue to February 21, 2023 Council Meeting

Motion: Singleton  
Second: Matthews  
Vote: 5:0

**PRESENTATIONS**

**CONSENT**

**HDR Amendment-Jones Sausage Road Well & Septic Investigation**

Presenter: Leah Harrison, Town Engineer

Amendment to design contract with HDR for Jones Sausage Road to allow Three Oaks Engineering to perform investigation on potential well and septic impacts to adjacent properties.

Action: Approve and authorize Town Manager to execute Amendment #2 with HDR for Jones Sausage Road.

**CDM Smith Contract-Phase 1 Stormwater Inventory & Assessment**

Presenter: Leah Harrison, Town Engineer

Request to award contract with CDM Smith to perform Phase 1 of the Stormwater Inventory and Assessment.

Action: Approve and authorize the Town Manager to execute the Phase 1 contract with CDM Smith.

**Junction Blvd Pipe Repair Project**

Presenter: Leah Harrison, Town Engineer

Request to award the construction bid for Junction Blvd Storm Pipe Lining Repair project to Narron Contracting, Inc.

Action: Award bid to Narron Contracting, Inc. and authorize Town Manager to execute construction contract.

**Construction Manager at Risk Contract Yeargan Park Phase 1 - Balfour Beatty Construction LLC**

Presenter: Maria Munoz-Blanco, PRCR Director

Consider approval of a contract with Balfour Beatty Construction LLC for Construction Manager at Risk (CMAR) Pre-Construction and Construction Services for Yeargan Park Phase 1 and authorize the Town Manager to negotiate and execute the contract in an amount not to exceed \$116,334.00 for pre-construction services and 3.5% Construction Fee for construction services including the establishment of a Guaranteed Maximum Price (GMP).

Action: Approve contract with Balfour Beatty Construction LLC & authorize Town Manager to execute contract

**Resolution of Disposable Property**

Presenter: Mike McIver, Deputy Police Chief

Recognize service weapon, badge, and K-9 Holston as disposable property so that all can be awarded to Corporal Scott Klein in recognition of his retirement from the Town of Garner after 25 years of service.

Action: Adopt Resolution (2023) 2522

**Vandora Springs Sidewalk Project - Change Order #3 - Installation of Lighting Conduit**

Presenter: Leah Harrison, Town Engineer

Change Order #3 for contract with SA Hauling for Vandora Springs Sidewalk Project. Change order is for installation of lighting conduit for street lighting.

Action: Authorize the Town Manager to execute Change Order #3 to the Vandora Springs contract with SA Hauling.

**Budget Amendment - Memorial Benches**

Presenter: David Beck, Finance Director

Due to increased interest in memorial benches this year, the funds budgeted to purchase benches is not sufficient to cover the cost of new orders. The benches are paid for through donations from individuals and organizations.

Action: Adopt Ordinance (2023) 5168

**Surplus Property**

Presenter: David Beck, Finance Director

A 2019 Dodge Caravan used by the Police Department has been declared a total loss by our insurance company after being involved in an accident. The request is to surplus the vehicle to release it to the insurance company.

Action: Adopt Resolution (2023) 2521

**Budget Amendment – Replacement Vehicle**

Presenter: David Beck, Finance Director

The Police Department would like to purchase a new vehicle to replace a 2019 Dodge Caravan that was recently totaled in an accident. This amendment would allocate funds to purchase and equip a new Dodge Charger vehicle. Funding for the purchase would come from insurance proceeds received for the totaled vehicle and revenue generated from selling other surplus property.

Action: Adopt Ordinance (2023) 5169

**Council Meeting Minutes**

Presenter: Stella Gibson, Town Clerk

Minutes from November 22, November 29, and December 5, 2022 Council meetings.

Action: Approve minutes

Action: Approve Consent Agenda

Motion: Vance

Second: Matthews

Vote: 5:0

**PUBLIC HEARINGS**

**Voluntary Contiguous Annexation Petition # ANX-22-18, Waterfield Ridge Apartments**

Presenter: Reginald Buie, Planner

Voluntary contiguous annexation petition (ANX-22-18) submitted by DD Garner-Waterfield, LLC to annex 28.38 +/- acres into the Town of Garner corporate limits. The annexed area is to include an additional 2.79 +/- acres of intervening and adjacent right-of-way along Waterfield Ridge Place for a total of 31.17 +/- acres.

Action: Adopt annexation Ordinance (2023) 5175

Motion: Singleton  
Second: Vance  
Vote: 5:0

**ANX-22-11, 724 Rand Road**

Presenter: Reginald Buie, Planner

This petition follows a request for public water and sewer at 724 Rand Road (Single-Family); Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.

Action: Adopt annexation Ordinance (2023) 5172

Motion: Vance  
Second: Behringer  
Vote: 5:0

**ANX-22-12, 5907 Fayetteville Road**

Presenter: Reginald Buie, Planner

Voluntary satellite annexation petition (ANX-22-12) submitted by Four O One South, LLC to annex 5.37 +/- acres into the Town of Garner corporate limits. The property is located at 5907 Fayetteville Road and may be further identified as Wake County PIN # 0790786801.

Action: Council consensus to adopt annexation Ordinance (2023) 5173

**Voluntary Contiguous Annexation Petition # ANX-22-13, 8012 Hebron Church Rd**

Presenter: Reginald Buie, Planner

Voluntary contiguous annexation petition (ANX-22-13) filed by Mark Cooper to annex 1.03 +/- acres into the Town of Garner corporate limits. The property is located at 8012 Hebron Church Road and may be further identified as Wake County PIN # 1629569820. The adopting ordinance includes 0.14 +/- acres of adjacent right-of-way in Hebron Church Road for a total annexation area of 1.17 +/- acres.

Action: Adopt annexation Ordinance (2023) 5174

Motion: Singleton  
Second: Behringer  
Vote: 5:0

**Voluntary Satellite Annexation Petition # ANX 21-13, 4700 Guy Rd**

Presenter: Reginald Buie, Planner



Voluntary satellite annexation petition (ANX-21-13) submitted by D&S Properties, LLC to annex 6.17 +/- acres into the Town of Garner corporate limits. The proposed annexation area is located at 4700 Guy Road and may be further identified as Wake County PIN# 1740208127.

Action: Adopt annexation Ordinance (2023) 5171

Motion: Singleton  
Second: Matthews  
Vote: 5:0

**Voluntary Contiguous Annexation Petition # ANX-22-17, Oak Manor**

Presenter: Reginald Buie, Planner

Voluntary contiguous annexation petition (ANX-22-17) submitted by Sherry Ferguson, Martha Williams, De An Winton, and Meritage Homes of the Carolinas Inc. to annex 167.53 +/- acres into the Town of Garner corporate limits. The property is generally located south of Clifford Road and north of Swift Creek on both sides of New Bethel Church Road. The adopting ordinance includes 2.50 +/- acres of intervening and adjacent rights-of-way along New Bethel Church and Clifford roads for a total annexation area of 170.03 +/- acres.

Action: Adopt annexation Ordinance (2023) 5159

Motion: Vance  
Second: Behringer  
Vote: 4:1

Council Member Dellinger voted nay.

**CZ-PD-22-02, Copper Ridge**

Presenter: Ashley Harris, Planner

Planned Development conditional rezoning request (CZ-PD-22-02) submitted by KB Home Carolinas to rezone 55.77 +/- acres from Single-Family Residential (R-40) to Planned Residential Development (PRD C14) for development of a subdivision of single-family detached dwelling units at a density of no more than 2.5 units per acre or more than 139 units. The request offers architectural conditions along with a master development plan. The site is located on the north side of Ten Ten Road and south of Eagle Ridge Subdivision and may be further identified as Wake County PIN(s) 699758451, 699659341, 699752306, 699755508, and 699656341.

Jessie Hardesty provided a summary of the project.

James Lock, who's property borders this project, stated he was not opposed to the project, but didn't understand the need to connect to Hurst Drive when there's already a connection to Eagle Ridge. He was also concerned about road widths. He added that he was not opposed to a permanent cul-de-sac.

Michael Adams was concerned about increased traffic on Ten Ten Road.

Richard Lee, was concerned about traffic, hazardous chemicals and water quality resulting from previous tobacco crops as well as possible native American artifacts.

Lindsey Addison was concerned about increased and cut-through traffic, homeowner financial obligations to restructure and rebuild the road as well as its upkeep.

Zach Brown was concerned about increased and cut-through traffic.

David Reynders was concerned about traffic and opposed connection to Hurst Lane.

Jan Williams, president of White Croft Manor HOA was concerned about where the construction entrance will be for this project.

Ms. Jones advised Hurst Drive is non-conforming but could have a turn-around. The plan would need to be redesigned and brought into conformance. Staff will look into.

Tony Beasley, Inspections Director, provided information on the requirements to have a cul-de-sac at a dead-end road.

Council requested staff to clarify road length and whether we need special permission from the County to require connection.

Close public hearing.

Action: Consider motion to refer to the Planning Commission.

Motion: Vance  
Second: Behringer  
Vote: 5:0

Mayor Marshburn explained the procedures to be followed during the following hearings and asked Council to disclose any bias, ex parte communications, any close familial, business or other associational relationships with an affected person, or have a financial interest in the outcome. Hearing none, the Clerk administered the Oath to Nate Buhler, Alison Jones and Leah Harrison.

### **Special Use Permit # SUP-SP-22-06, Caddy Road Public Storage**

Presenter: Alison Jones, Planner

Special use permit request (SUP-SP-22-06) submitted by PS NC III (Mike Vahle) to establish 125,025 square feet Self-Service Storage in one building on a 9.56 +/- acre site located 7740 Caddy Road and can be further identified as Wake County PIN# 0699078909.

After general discussion, there was concern about the bright color of orange on the building. Mur Buhler explained that this color was a critical element for their brand, but could limit the color in certain areas.

Mayor Marshburn closed the hearing.

Action: I find that application # SUP-SP-22-06 meets the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D.; therefore, I move that the Town Council approve SUP-SP-22-06, Caddy Road Public Storage with the four (4) site-specific conditions to be listed on the permit that will be prepared by staff.

Motion: Matthews  
Second: Behringer

Motion: Council Member Dellinger requested to amend the motion to add the orange only be contained to the northern quarter of the building.

Second: Singleton  
Vote: 5:0

Vote on Council Members original: 5:0.

#### **4506 Jones Sausage Road Unsafe Building Demolition**

Presenter: Doug Griner, Building Codes Inspector

A report of noncompliance with the order to repair or demolish the unsafe building located at 4506 Jones Sausage Road was filed with the Town Manager who scheduled a hearing before Town Council. Authorization is needed under Town Code of Ordinances Section 19-42 for the demolition and removal of the unsafe building at 4506 Jones Sausage Road.

Action: Adopt Ordinance (2023) 5170

Motion: Behringer  
Second: Vance  
Vote: 5:0

#### **NEW/OLD BUSINESS**

##### **Demolition Contract and Budget Amendment with Corbett Group**

Presenter: Doug Griner, Building Codes Inspector

If Council adopts Ordinance (2023) 5170 approving the demolition of 4506 Jones Sausage Road, a budget amendment is needed to create the funding source and a contract needs to be awarded.

Action: Approve Services Contract with the Corbett Group and consider adopting Ordinance (2023) 5178

Motion: Singleton  
Second: Behringer  
Vote: 5:0

##### **Tier 2 Conditional Rezoning #CZ-MP-22-01 Burnette Farms**

Presenter: Ashley Harris, Planner

Tier 2 conditional rezoning request (CZ-MP-22-01) submitted by Madison Holding LLC to rezone 45.02 +/- acres from Single-Family Residential (R-20) to Multifamily Residential (MF-2 C258) Conditional for the development of a residential community at around 10.5 units per acre. The site is located at the southwest corner of Auburn Knightdale Rd and Rock Quarry Rd and may be further identified as Wake County PIN # 1731706353 (partial).

Council Member Dellinger asked why there was no commercial component for this project. Beth Blackmon Daniel Smoot explained that this project is only a portion of a larger piece of property and at this time it would be premature to put a commercial component forward. There need to be enough rooftops to support commercial. The commercial component will come in the future. Council Member Dellinger responded that he felt this was not the best use of the property and that it was inconsistent with the Land Use Plan.

Council Members Behringer and Vance expressed the same concerns as Council Member Dellinger.

Christine Murphy stated she lives in Auburn Village and is concerned about density, residents looking out their windows and able to see a three-story apartment building only 50 yards away, congruency, traffic, and the ability of emergency vehicles to access the area.

Action: Refer to Planning Commission for review.

Motion: Dellinger  
Motion fails for lack of a second.

Action: Approve CZ-MP-22-01 by adopting Ordinance (2023) 5177

Motion: Matthews  
Second: Singleton  
Vote: 4:1

Council Member Dellinger voted nay.

### **Tier 1 Conditional Rezoning # CZ-22-06, 5907 Fayetteville Road**

Presenter: Reginald Buie, CZO; Senior Planner

Tier 1 conditional district rezoning request (CZ-22-06) submitted by Four O One South, LLC to rezone approximately 5.37 +/- acres from Highway District (Wake County) to Light Industrial (LI C268) Conditional District. The site is located at 5907 Fayetteville Road and may be further identified as Wake County PIN 0790786801. Use conditions are proposed.

Action: Consider approving CZ-22-06 by adopting Ordinance (2023) 5176

Motion: Vance  
Second: Matthews  
Vote: 5:0

## **COMMITTEE REPORTS**

### **MANAGER REPORTS**

- Quarterly Capital Projects Update
- Talk of the Town
- Quarterly Financial Report

## ATTORNEY REPORTS

## COUNCIL REPORTS

### Matthews

- Commended GFRD for their quick response to the fire on Pagan Road.
- Inquired about purple streetlights on Aversboro Road.

### Singleton

- Reported several streetlights being out around Town including Timber Drive, Hwy 50, Town Hall, etc.

### Behringer

- Reported a business on Garner Road has granite slabs in front of the building instead of on the sides.
- The lot behind Family Auto was cleared but now there is debris on the lot. She asked if the Town could encourage the debris to be removed.
- Attended DGA Retreat and Joyce Stevens was elected as the new president of the Downtown Garner Association

### Dellinger

- Asked about the agenda for Council's Retreat. Mr. Dickerson replied that a draft agenda is being prepared and will be sent to Council this week and presented at the next work session for Council input.
- Asked to review the budget timeline for this year.
- Asked if information from the merger public meetings would be provided.

### Vance

- Stated the virtual MLK event was well done and thanked Kyle Kettle for his efforts in putting the videos together.

### Marshburn

- Congresswoman Ross will be on-site at the Garner Senior Center to present a symbolic check to the Town recognizing federal funding received to make improvements to the facility.
- The parking lot at the Post Office is in need of repairs due to the large number of holes. John will follow-up on.

**ADJOURN:** 10:43 p.m.

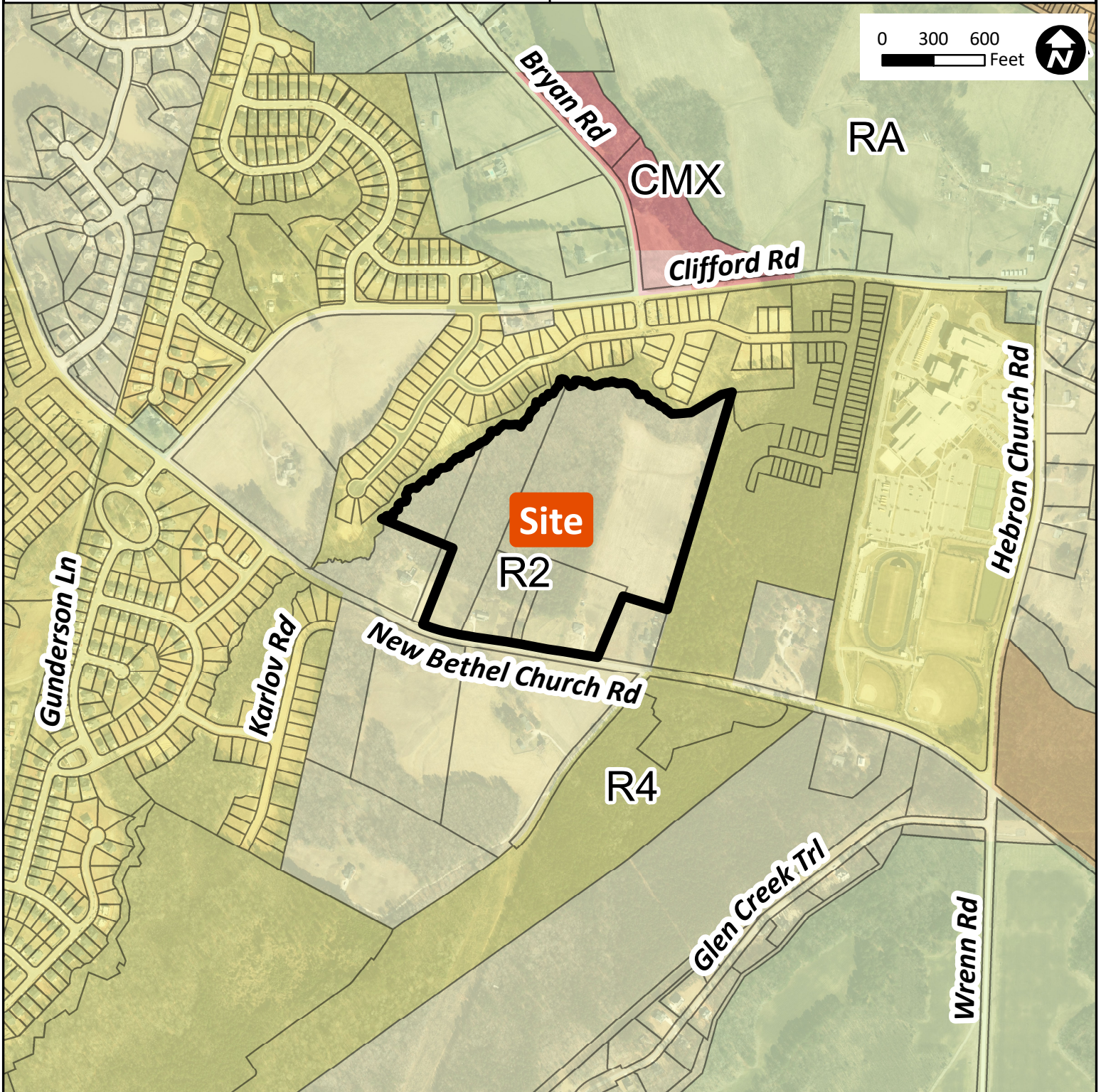
Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 6, 2023		
Subject: Tier 2 Conditional Planned District Rezoning #CZ-PD-22-01, Golden Trace		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Ashley Harris, Planner I		
Presenter: Ashley Harris, Planner I		
<b>Brief Summary:</b> Conditional Planned District rezoning request (CZ-PD-22-01) submitted by Lennar Corporation to conditionally rezone approximately 47.6 +/- acres from Single-Family Residential (R-20) to Planned Residential Development (PRD C13) Conditional for a residential development consisting of up to 130 single-family detached dwelling units. The site is located along the north side of New Bethel Church Road between Clifford Road and Magnolia Lane and may be further identified as Wake County PIN # 1629237034, 1629239795, 1629233112, and portions of 1629231442 and 1629138501.		
<b>Recommended Motion and/or Requested Action:</b> Consider motion to approve CZ-PD-22-01 by adopting Ordinance (2023) 5182		
<b>Detailed Notes:</b> As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be rezoned from Residential (R2) to Residential 4 (R4 C270) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the former UDO which was in effect at the time of application (2/1/2022) governing the Planned Residential Development (PRD) district. Zoning conditions are proposed that restrict the range of permissible uses and to provide architectural commitments for the residential structures that address appearance and the quality of materials and construction.		
<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 type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



**Town of Garner  
Planning Department**

**Conditional District Zoning Application  
CZ-PD-22-01**



**Project:** Golden Trace  
**Applicant:** Tucker Ennis, Lennar  
**Owner:** Multiple  
**Location:** 1709, 1805, 1813 New Bethel Church Road  
**Pin #:** 1629237034, 1629239795, 1629231442, 1629138501, 1629233112

**Proposed Use:** Planned Residential Development  
**Current Zoning:** R2  
**Proposed Zoning:** R4 PRD C13  
**Acreage:** 47.6  
**Overlay:** Lower Swift Creek Overlay District



## Planning Department Staff Report

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

**FROM:** Ashley Harris, Planner I

**SUBJECT:** *Tier 2 Conditional Planned District Rezoning # CZ-PD-22-01, Golden Trace*

**DATE:** February 6, 2022

### I. PROJECT AT A GLANCE

**Project Number(s):** CZ-PD-22-01

**Applicant:** Tucker Ennis, Lennar Corporation

**Owners:** Richard S. & Sharon Q. Slater, William W. Jr. & Amanda H. Bryan, Timothy S. Bryan, and Robert L. Bryan

**Designer:** McAdams

**General Description -**

**Project Area & Location:** 47.6 +/- acres

**Wake Count PIN(s):** 1629237034, 1629239795, 1629233112, and portions of 1629231442 and 1629138501.

**Current Zoning:** At time of application: Single Family Residential (R-20)  
As of 7-5-22: Single Family Residential (R-2)

**Requested Zoning:** At time of application: Planned Residential Development (PRD C13) Conditional  
As of 7-5-22: Residential 4 (R4 C270) Conditional

**Overlay:** At time of application: Swift Creek Conservation District  
As of 7-5-22: Lower Swift Creek Overlay (LSC)

**Key Meeting Dates:**

**Public Hearing:** December 20, 2022

**Planning Commission:** January 9, 2023

**Action:** February 6, 2023

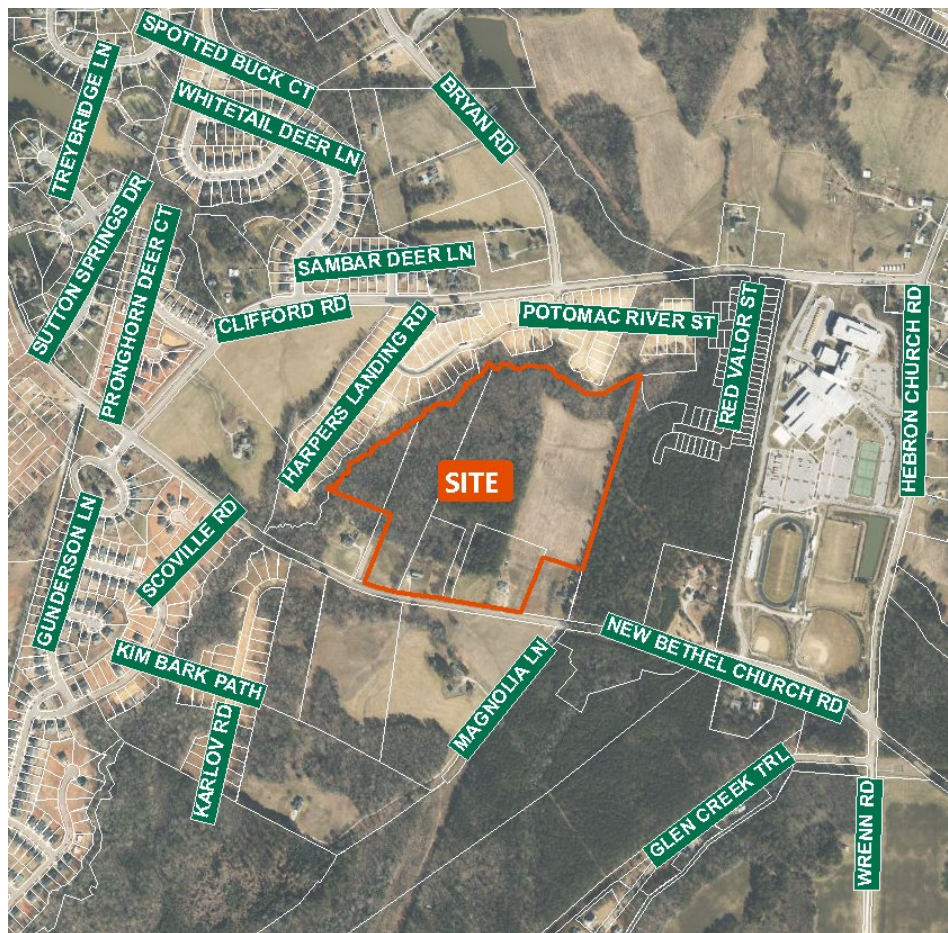


## II. BACKGROUND / REQUEST SUMMARY

**Request:** Lennar Corporation is requesting to rezone approximately 47.6 +/- acres from **Single-Family Residential (R-20)** to **Planned Residential Development (PRD C13) Conditional** for a residential development consisting of up to 130 single-family detached dwelling units. The site is located along the north side of New Bethel Church Road between Clifford Road and Magnolia Lane and may be further identified as Wake County PIN # 1629237034, 1629239795, 1629233112, and portions of 1629231442 and 1629138501.

Zoning conditions are proposed that restrict the range of permissible uses and to provide architectural commitments for the residential structures that address appearance and the quality of materials and construction.

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be rezoned from Residential (R2) to Residential 4 (R4 C270) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the former UDO which was in effect at the time of application (2/1/2022) governing the Planned Residential Development (PRD) district.



**III. ZONING ANALYSIS**

**Existing:** The site is currently zoned **Residential 2 (R2)**. The R2 district allows single-family residential lots at a maximum rate of 2 dwelling units per acre.

***The following is a list of permitted uses in the R2 District:***

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

**Proposed:** The proposed zoning of the site is **Planned Residential Development (PRD C13 Conditional)**. If approved, this district will be designated as Residential 4 (R4 C270) Conditional under the current ordinance. The PRD district is intended to provide for master-planned residential communities containing a mix of housing types, including associated amenities. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in the base residential districts, or greater scrutiny by the Town due to their scale. PRD development is permissible on tracts of land of 15 acres or greater.

***The applicant has proposed the following zoning conditions for the PRD C13 district:***

1. Permitted use table:

Use Category	Specific Use	PRD C13
Residential Use**	Single-family	P

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

- The maximum density shall not exceed 2.73 dwelling units per acre with a maximum of 130 dwelling units.
- A Homeowners Association (HOA) shall be established in accordance with the Town of Garner Unified Development Ordinance. HOA documents must be recorded with the first final plat.
- A deviation greater than 20% from §6.12.A of the Town of Garner UDO is requested. Lots shall be a minimum of 4,680 sq ft.
- 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
Front Yard	30'	20' <i>33%</i>
Garage Setback	N/A	22'
Rear Yard	20'	15' <i>25%</i>
Side Yard	6' min. 15' combined	5' min. 10' combined <i>17%</i> <i>33%</i>
Corner Lot Side Yard	20'	10' <i>50%</i>
Building Separation	N/A	N/A

Percentage reduction from UDO shown in *italics*

6. The Main Amenity shall begin construction upon receiving the first certificate of occupancy on the model homes in Phase 1 and shall be completed within 18 months. The pool shall be a minimum of 1,600 square feet and the cabana shall be a minimum of 800 square feet.
7. All dwelling units shall have at least a 2-car garage.
8. If masonry is not the predominant first floor finish (greater than 50%) of front elevations, then front elevations shall have two types of siding, i.e. lap and shake, or board and batten.
9. All foundations shall be turned-down slabs with a finished floor elevation at least 12" above grade. All turned down slab foundations greater than 12" shall have 12" of masonry above foundation insulation on front and sides of home. Masonry will hang from the foundation wall with wire mesh and mastic and will not rest on the insulation.
10. Front load garage doors shall have windows.
11. All homes shall have a minimum 12" eaves on the front and rear facade with a minimum 12" roof overhang on all sides.
12. An outdoor deck, porch, or patio, a minimum of 100 square feet, is required as part of all dwelling units.
13. A covered front porch, a minimum of 20 square feet, is required as part of all dwelling units. Any cantilevered projection shall have cosmetic brackets or shelf supports directly underneath them.
14. All dwelling units shall have at least one window per habitable floor on each side elevation. Windows shall have 1x4 trim.

15. The following is required in the main amenity: swimming pool, cabana, benches, trash receptacles, and bike racks.
16. A decorative light fixture, a minimum of 6" wide and 12" long, shall be included on all garage door façades.
17. Vinyl siding shall be prohibited.
18. Black aluminum picket fencing shall be provided around wet pond SCMs.
19. The development is located in the White Oak/Bryan Corridor Impact Area as defined in the Development Agreement dated December 19, 2022 and recorded in the Wake County Registry at Book 19234 Page 690 (the "Development Agreement"). Consistent with the terms of Article 6 of the Development Agreement, prior to approval of the first final subdivision plat of any portion of the development the developer shall either (1) enter into a Cost Share Agreement with Pulte Home Company LLC or (2) make a Corridor Fee Payment to the Town.

**Overlay Districts:** This property falls within the **Lower Swift Creek Overlay (LSC) District**. This overlay district has additional development standards applicable to new residential and non-residential development in the LSC: The overlay is explained in Article 5.14.3 of the *Unified Development Ordinance*:

1. The standards of both the LSC overlay district and the underlying zoning district shall apply to each parcel. Where the standards of the overlay district and the underlying district differ, the more restrictive standards shall control development in new projects created after effective date of the LSC which is May 31, 2005.
2. The maximum impervious surface coverage of the new residential development projects and new non-residential development projects, which are defined as those projects approved or permitted after May 31, 2005, are as follows:
  - a. New single-family detached residential subdivision development projects shall be limited to a maximum of 30 percent total impervious surface area.
  - b. New multifamily residential development projects defined to include townhomes, condominiums, apartments, or other attached multifamily housing units shall be limited to a maximum of 50 percent total impervious surface area.
  - c. New non-residential development projects shall be limited to a maximum of 70 percent of total of impervious surface area.

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

Case	Applicant	Location	Zoning Change
CUD-Z-03-02	Henry A. Thompson	New Bethel Church Road	R-40 to R-5 C-119
CUD-Z-04-02	Horace Tart	Glens at Bethel	R-40 to R-9 C-124
CUD-Z-04-03	Town of Garner	Centennial Park	SB C-7 to R-12 C-125

<b>Case</b>	<b>Applicant</b>	<b>Location</b>	<b>Zoning Change</b>
CUD-Z-06-01	Glennjan, LLC	Ackerman Rd	R-40 to R-12 C-135
CUD-Z-06-10	Matthew Sutton	Sutton Springs	R-40 to R-15 C-144
CUD-Z-10-01	Capital Bank	Sutton Springs	R-15 C144 to R-15 C-159 (DENIED)
CUD-Z-12-02	Sheetz, Inc.	NC 50 & New Bethel Church Road	R-40 to CR C-163 (DENIED)
CUD-Z-13-06	Wake County Board of Education	H8 South Garner High School	Wake County R-30 to R-9 C-170
CUD-Z-15-06	Phyllis King	Oak Park	R-40 to R-9 C-180
CUD-Z-16-08	Martha Bagley	Clifford Grove	R-40 to R-9 C-188
CUD-Z-17-02	Paul & Lois Bryan	Clifford Glenn Phase 2	R-40 to R-9 C195
CUD-Z-17-03	Peggy Tingen / Lorraine Bryan	Clifford Glenn Phase 1	R-40 to R-9 C196
CUD-Z-18-05	KB Homes	Harper's Landing	R-20 to R-9 C204
PD-Z-19-02	Meritage Homes	Oak Manor (was Bethel)	R-20 to (PRD C7)
PD-Z-19-03	Royal Oaks	Oak Park West	R-40 and R-20 to PRD C8
CUD-Z-20-01	Lennar	Ridgemoor South	R-40 to MF-1 C226

**Adjacent Zoning and Land Use:**

<b>North:</b>	R4	Harper's Landing
<b>South:</b>	R2	Agricultural
<b>East:</b>	R4/R2	Oak Manor, Single-Family Detached
<b>West:</b>	R4/R2	Harper's Landing, Single-Family Detached



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

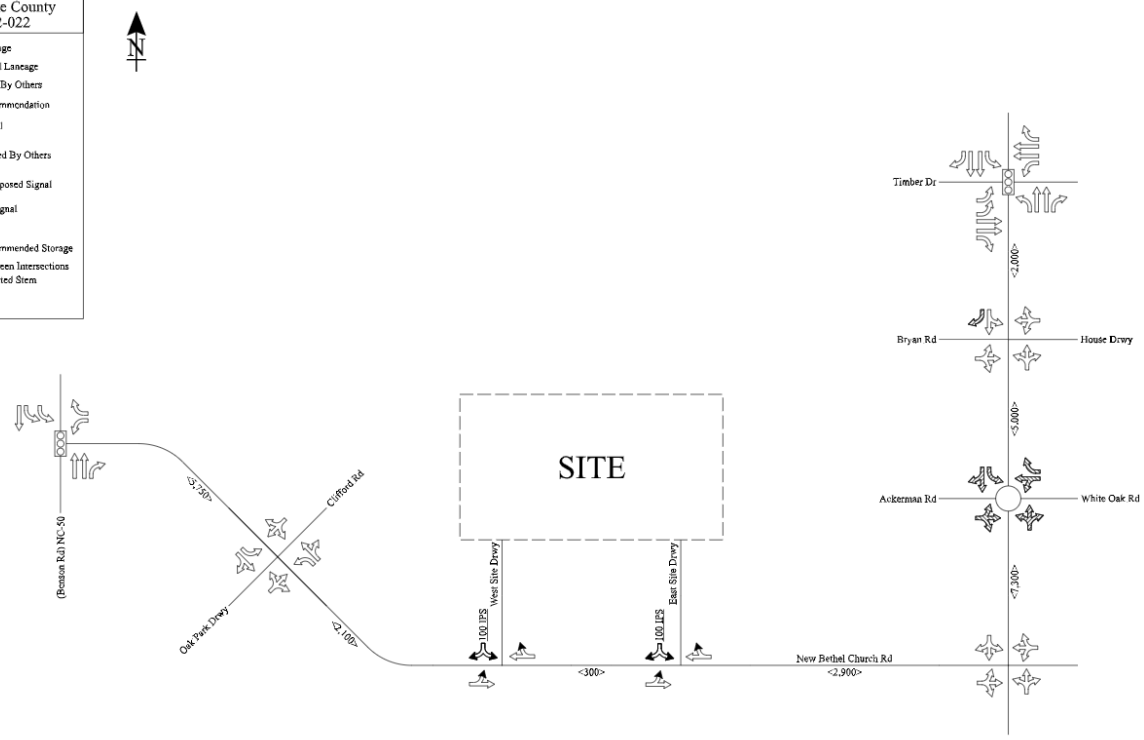
**Overall Neighborhood Character:** The area is largely residential, consisting of primarily single-family detached residences with a few townhomes mixed in. A few larger agricultural tracts also remain. The area is influenced heavily by the presence of South Garner High School just to the east of the site as the other primary traffic generator in the immediate vicinity.

**Traffic:** The project will have a little over 1,000 feet of frontage along New Bethel Church Road. As general background information only, the NCDOT average daily traffic count history in this area is as follows:

- Year 2011 – 3,700
- Year 2013 – N/A
- Year 2015 – 2,600
- Year 2017 – N/A
- Year 2019 – N/A
- Year 2021 – N/A

A traffic impact analysis (TIA) was required by both the Town and NCDOT. It was completed in January of 2022. NCDOT’s Congestion Management Unit did not recommend any intersection improvements other than 100 feet of internal storage at each point of egress from the site. Shared turning and through movements along a widened New Bethel Church Road were deemed sufficient.

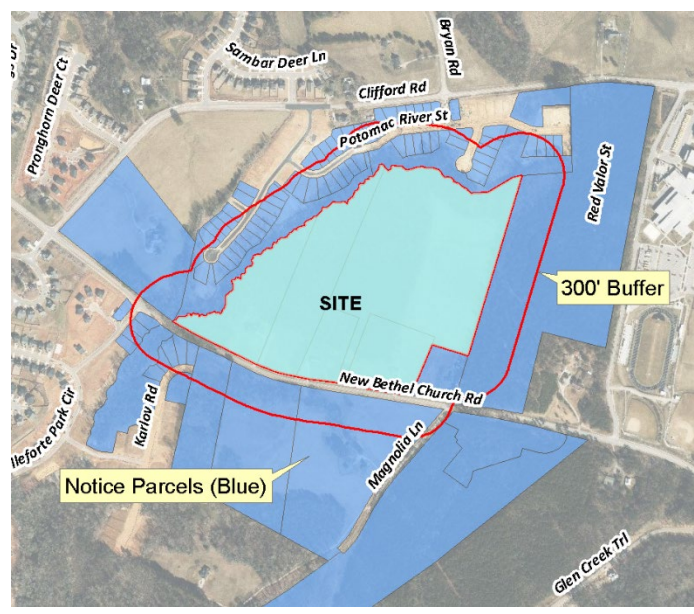
- Golden Trace Residential  
Garner, Wake County  
SC-2022-022
- ← Existing Laneage
  - ⇨ Recommended Laneage
  - ⇨ Laneage Built By Others
  - ⇨ NCDOT Recommendation
  - Existing Signal
  - Signal Proposed By Others
  - Developer Proposed Signal
  - Monitor for Signal
  - XXX Storage
  - XXX NCDOT Recommended Storage
  - <XXX> Distance Between Intersections
  - IPS Internal Protected Stem
  - All Distances in Feet
  - Drawing Not to Scale



This project is located within the Impact Area identified in Exhibit E of the Walters Buffaloe Development Agreement approved by the Town Council on November 22, 2022. As this project required a TIA, it is subject to the Agreement and for contributing its financial share for the road improvements being undertaken along White Oak Road at Bryan Road. Staff has worked with the applicant to add a condition addressing this prior to this item returning to the Town Council for a decision.

**Neighborhood Meeting: A** neighborhood meeting was held on May 18, 2022, at 6:00 PM in the Avery Street Recreation Center. There were approximately 5 people in attendance – all of them either owners of property subject to the rezoning request or their relatives.

**Neighborhood Meeting Summary:** There were no questions regarding the project, although a brief discussion on the history of the property took place.



OWNER	ADDR1	ADDR2
BRYAN, DOAN S	1832 NEW BETHEL CHURCH RD	GARNER NC 27529-8865
JONES, AMANDA RAYE JONES, TIMOTHY	113 SCOVILLE RD	GARNER NC 27529-7198
BARNES, KAMA P NEAL, FITZGERALD DALLAS	175 HARPERS LANDING RD	GARNER NC 27529-7083
KB HOME RALEIGH-DURHAM INC	4506 S MIAMI BLVD STE 100	DURHAM NC 27703-8001
MERTIAGE HOMES OF THE CAROLINAS INC	8800 E RAINTREE DR STE 300	SCOTTSDALE AZ 85260-3966
GRACIA, ENRIQUE GRACIA, ANGELES	124 POTOMAC RIVER ST	GARNER NC 27529-7082
RHODE, MARK RHODE, ENEDELIA	183 HARPERS LANDING RD	GARNER NC 27529-7083
SHERMAN, EVAN J	171 HARPERS LANDING RD	GARNER NC 27529-7083
COSTON, JERVINA	159 HARPERS LANDING RD	GARNER NC 27529-7083
WATSON, BRIDGET GENE	101 SCOVILLE RD	GARNER NC 27529-7198
BRYAN, WILLIAM W JR BRYAN, AMANDA H	1709 NEW BETHEL CHURCH RD	GARNER NC 27529-8864
MORGAN, PHILLIP ALLEN	131 POTOMAC RIVER ST	GARNER NC 27529-7082
SMITH, CANDES	148 HARPERS LANDING RD	GARNER NC 27529-7083
BOXLEY, BRIAN ROBERT BOXLEY, MEGHAN LAUREEN	116 POTOMAC RIVER ST	GARNER NC 27529-7082
BRYAN, TIMOTHY SAMUEL JR	1841 NEW BETHEL CHURCH RD	GARNER NC 27529-8866
TINGEN, DANIEL H TINGEN, PEGGY B	1600 CLIFFORD RD	GARNER NC 27529-9108
OAK PARK DEVELOPERS LLC	1611 JONES FRANKLIN RD STE 101	RALEIGH NC 27606-3376
RAVIZEE, OLIVIA MICHELLE RAVIZEE, JUSTIN BLAKE	111 POTOMAC RIVER ST	GARNER NC 27529-7082
MCGRIFF, ROBERT	135 POTOMAC RIVER ST	GARNER NC 27529-7082
MERITAGE HOMES OF THE CAROLINAS INC	8800 E RAINTREE DR STE 300	SCOTTSDALE AZ 85260-3966
BRYAN, ROBERT LEWIS	1813 NEW BETHEL CHURCH RD	GARNER NC 27529-8866
BRYAN, TIMOTHY S	7620 WINDALIERE DR	CORNELIUS NC 28031-8738
HEADEN, JOHNATHON HEADEN, JATRIN M	104 POTOMAC RIVER ST	GARNER NC 27529-7082
OLSZOWY, JONATHAN OLSZOWY, ELIZABETH	128 POTOMAC RIVER ST	GARNER NC 27529-7082
GHEBREMICHELE, DANIEL ADHANOM, HIRITY	163 HARPERS LANDING RD	GARNER NC 27529-7083
LOHJA, STEVAN LOHJA, EMILY	109 SCOVILLE RD	GARNER NC 27529-7198
ZHOU, JIANJUN TRUSTEE XING, YAN TRUSTEE	2304 BUENA VISTA AVE	BELMONT CA 94002-1526
KING, SUSAN KING, HAROLD	147 HARPERS LANDING RD	GARNER NC 27529-7083
JONES, ROBIN PAULETTE	105 SCOVILLE RD	GARNER NC 27529-7198
AMARAL, SAMANTHA IVETTE	144 HARPERS LANDING RD	GARNER NC 27529-7083
BRIFIL, LOLEE OFIANI	168 HARPERS LANDING RD	GARNER NC 27529-7083
EAST, JESSICA LAURIN BEST, JESSE BRANDON	155 HARPERS LANDING RD	GARNER NC 27529-7083
MILASH, ABADI MUSFUN, MERHAWIT	160 HARPERS LANDING RD	GARNER NC 27529-7083
COOK, MARCY NICOLE COOK, MITCHELL WAYNE	100 HOYNE WAY	GARNER NC 27529-7197
BULABAIDESAI, LAKSHMINATHAN SAMPATH, VELVIZHI	179 HARPERS LANDING RD	GARNER NC 27529-7083
SLATER, RICHARD S SLATER, SHARON Q	5801 SPOTTED OWL LNDG	NORTH MYRTLE BEACH SC 29582-9335
EDMONDSON, LAPONDA MCKOY EDMONDSON, BYRON	167 HARPERS LANDING RD	GARNER NC 27529-7083



OWNER	ADDR1	ADDR2
LIAO, HSIUHUEI SHIH	163 ALBERT DR	LEXINGTON NC 27292-8498
ESTRADA-LOPEZ, LUZ E KANAWATI, BILAL	123 POTOMAC RIVER ST	GARNER NC 27529-7082
GOPU, NILEESH PURAYANNUR, SREEDEVI	112 POTOMAC RIVER ST	GARNER NC 27529-7082
KALLUMKAL, JOSE MATHEW KALLUMKAL, MARY JOSE	176 HARPERS LANDING RD	GARNER NC 27529-7083
SMITH, SHANA	127 POTOMAC RIVER ST	GARNER NC 27529-7082
BROWNING, ANDREW BROWNING, CHRISTINA	151 HARPERS LANDING RD	GARNER NC 27529-7083
SINGH, SUNIL SINGH, SNEHLATA	322 STONEHOUSE DR	APEX NC 27523-7127

**Public Hearing Summary:** The Town Council conducted a public hearing at their meeting on Tuesday, December 20, 2022. Please refer to [Town Council Meeting for 12/20/2022 - YouTube](#) video at the Town of Garner’s YouTube page ([www.youtube.com/users/TownofGarner/videos](http://www.youtube.com/users/TownofGarner/videos)). The staff presentation begins at the 40-minute mark of the video, and comments begin at 58 minutes.

There were comments about the lot sizes and setbacks being reduced. A question about the neighborhood meeting was raised. There were no comments from the public.

The Town Council closed the public hearing and voted (4-1 in favor) to refer the item to the Planning Commission for consistency review and recommendation.

## V. PLANNED DEVELOPMENT PROJECT DATA

**Acreeage:** 47.6 +/- acres

**Units/Density:** 130 units max. (approximately 2.73 du/acre)

2 single-family lot types:

- 31'-wide front-load (garage) lot, (95 units max.)
- 29'-wide rear-load (alley/garage) lot, (45 units max.)

**Master Plan:**



**Buildings:**

Sampling of elevations:





**Lots and Setbacks:**

**Front-Loaded Lots:**

- Minimum lot width: 31 feet
- Front setback: 20 feet (22' for garage)
- Side setback: 5 feet
- Rear setback: 15 feet
- Corner side setback: 8 feet
- Maximum height: 40 feet

**Alley/Rear-Loaded Lots:**

- Minimum lot width: 29 feet
- Front setback: 5 feet
- Side setback: 5 feet (also see building separation)
- Rear setback: 20 feet (5 feet for garage) both from back of curb
- Corner side setback: 8 feet
- Maximum height: 40 feet

**Landscape and Buffer Requirements:**

**Tree Canopy Cover:** Sliding scale from 18-20% (rule at time of submittal) to be met. Master plan envisions 14% minimum preservation with the balance to be met by new canopy plantings for a total of 18.5% minimum.

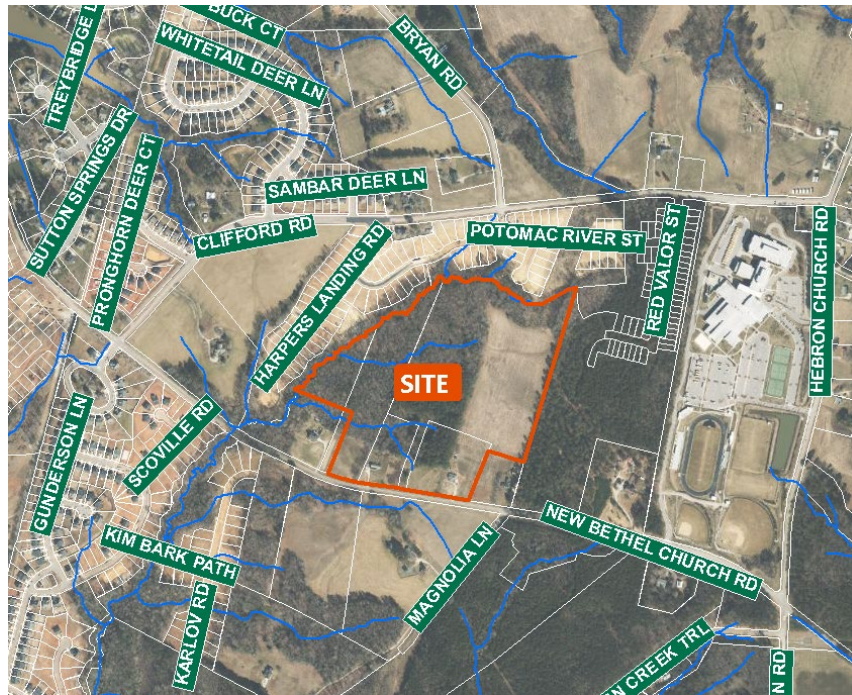
**Perimeter Buffers:**

- 25' undisturbed perimeter setback only is required.

**Street Trees:** Must be provided approximately every 40 feet along all roadways (alleys not included).

**Environmental Features:**

There are no FEMA designated floodplains; however, there are buffered streams and wetlands along the western and northern margins of the site with “fingers” extending eastward along the blue lines seen below.



**Parks and Open Space:**

**Open Space –**

- Required: 25% (11.93 acres min.)
- Anticipated: >25% (>11.93 acres min.), including preserved wetlands, preserved tree canopy, public greenway, preserved pond, active recreation center w/ clubhouse, open play field, dog park and private trails.

Open space areas will be owned and maintained by a HOA. Required open space will be met with a combination of qualifying conservation areas and recreation space. Recreation space will include a clubhouse, private and public trails, a swimming pool, open fields and pocket play areas.

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

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

**Water/Sewer** – The site will be served by City of Raleigh water and sewer infrastructure. Water will connect to existing service in New Bethel Church Road in front of Oak Park and the line will be extended across the project’s frontage. Sewer service will tie into existing lines at the Oak Park Subdivision and will be extended to adjacent and upstream properties per the Raleigh Water policy.



**Transportation/Access** – The project will have two points of access on New Bethel Church Road. Additional pavement, curb, gutter, and sidewalks will also be required along the frontage. A portion of a public greenway will also be constructed along the major transmission easement traversing the eastern portions of the site, providing eventual pedestrian connection to the adjacent neighborhoods of Oak Manor and Harper’s Landing.

## **VI. PLAN CONSISTENCY**

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

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

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

**Planning Commission Meeting Summary:** The Planning commission conducted their meeting on January 9, 2023.

- Staff presented an overview of the request.
- Mr. Carson asked about the proposed street connections and pavement details; he also inquired about the required road improvements.
- Ms. Avent inquired about the size of the proposed homes and a discussion about lot size followed.
- Mr. Blasco asked about the proposed greenway and encouraged the developer to look into future opportunities for connections into the neighboring developments of Oak Park and Harper's Landing; staff followed up via email to explain these discussions are already taking place with said neighboring developments.
- Mr. Jefferson asked about the character of the neighborhood given that some of the units are proposed to be alley loaded he suggested that the front porches be large enough to be "usable space" and that some form of street tree is incorporated into the alleys. Staff notes that although street trees are not required on alleys, they are looking at screening of rear parking pads and refuse container storage and landscaping generally to improve the views "down" alleys from the intersecting streets.
- Mr. Voiland and Mr. Jefferson commented on their appreciation for tree canopy preservation, especially near the stream.
- On a vote of 6-1 the planning commission voted to accept staff's consistency statement recommended approval to the town council. The dissenting vote by Mr. Blasco was because he felt the housing types differed too much (similar types not facing each other along a public street) to create a cohesive character for the neighborhood.

## Relevant Land Use Plan Analysis:

### **2018 Garner Forward Plan – CONSISTENT:**

The site of the request is designated as Medium-Density Residential (MDR). The Medium-Density Residential 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 proposed single-family development at 2.7 units per acre is consistent in both use and density with the future land use map.



### **2010/18 Garner Transportation Plan - CONSISTENT:**

The *Transportation Plan* calls for sidewalks along New Bethel Church Rd as a pedestrian recommendation. This project will install curb, gutter, and sidewalks. Required widening of New Bethel Church Rd along the frontage will also be done. With these improvements, this project can be considered consistent with the Transportation Plan.

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

The site is not designated as a park land search area. In addition, there is no proposed greenway corridor proposed for this section of New Bethel Church Rd. However, in discussions with the PRCR Department, due to the lack of roadway connection options around this tract, public connections to nearby public greenway facilities have been recommended and incorporated into this proposal. This rezoning master plan can be considered consistent with the PRCR Master Plan.

**Consistency Statement:** This request to rezone approximately 47.6 +/- acres from **Single-Family Residential (R-20)** to **Planned Residential Development (PRD C13) Conditional** for a residential development consisting of up to 130 single-family detached dwelling units is consistent with the Town of Garner's adopted plans, including the Future Land Use Map's designation of Medium-Density Residential (MDR) in regard to both proposed density and land use.

## **VII. REASONABLENESS**

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

## **VIII. RECOMMENDATION**

**Staff Recommendation:** In addition to findings of plan consistency, staff would also note the following in support of a motion to approve CZ-PD-22-01 as presented:

1. The proposed single family residential is similar in use, character, lot size, and architectural style to the residential neighborhoods located to the north and to the east of the development respectively.
2. The proposed trail network allows for a public pedestrian connection into adjacent developments in the absence of any sidewalk or street connections increasing pedestrian safety and aligning with the PRCR comprehensive plan.

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



**CZ-PD-22-01, Golden Trace**  
*Zoning Amendment Motion Worksheet*

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

<p><b>1. CONSISTENT AND REASONABLE</b></p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2023) 5182 approving rezoning <b>CZ-PD-22-01</b>, as the request is reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u> ).”</p>
<p><b>2. CONSISTENT BUT NOT REASONABLE</b></p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning <b>CZ-PD-22-01</b>, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u> ).”</p>
<p><b>3. INCONSISTENT YET REASONABLE</b></p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u> ); yet, I also move that the Town Council adopt Ordinance No. (2023) 5182 approving rezoning <b>CZ-PD-22-01</b>, as the request is still reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u> ).”</p>
<p><b>4. INCONSISTENT NOR REASONABLE</b></p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u> ); and I further move that the Town Council deny rezoning <b>CZ-PD-22-01</b>, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options next page and/or provide your own reasoning</u> ).”</p>

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

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

*Green = supporting elements, Yellow = perhaps/partial, Red = nothing overtly supporting identified, Gray = likely n/a*

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

**ORDINANCE NO. (2023) 5182**

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

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

WHEREAS, the Town Council finds this request to rezone approximately 47.6 +/- acres from Residential 2 (R2) to Residential 4 (R4 C270) Conditional for a residential development consisting of up to 130 single-family detached dwelling units is consistent with the Town of Garner's adopted plans, including the Future Land Use Map's designation of Medium-Density Residential (MDR) in regard to both proposed density and land use.

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

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will mix housing types in infill areas in harmony with adjoining, older neighborhoods; create better neighborhood appearance by rear-loading driveways and using alleys, promoting walking in front of homes and allowing trash removal to be kept out of sight; and connect the community internally with open spaces;

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

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

from its present zoning to that requested by Tucker Ennis of the Lennar Corporation in Zoning Map Amendment Application No. CZ-PD-22-01 (Residential 2 (R2) to Residential 4 (R4 C270) Conditional).

**Section 2.** That there is hereby created a new conditional zoning district based on the former Planned Residential District (PRD) in effect at the time of project submittal, to be known going forward as Residential 4 (R4 C270) Conditional; all of the regulations that apply to property within the R4 C270 district shall be applicable subject to the following conditions:

1. Permitted use table:

Use Category	Specific Use	R4 C270
Residential Use**	Single-family	P

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

2. The maximum density shall not exceed 2.73 dwelling units per acre with a maximum of 130 dwelling units.
3. A Homeowners Association (HOA) shall be established in accordance with the Town of Garner Unified Development Ordinance. HOA documents must be recorded with the first final plat.
4. A deviation greater than 20% from §6.12.A of the Town of Garner UDO is requested. Lots shall be a minimum of 4,680 sq ft.
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
Front Yard	30'	20' 33%
Garage Setback	N/A	22'
Rear Yard	20'	15' 25%
Side Yard	6' min. 15' combined	5' min. 10' combined 17% 33%
Corner Lot Side Yard	20'	10' 50%
Building Separation	N/A	N/A

6. The Main Amenity shall begin construction upon receiving the first certificate of occupancy on the model homes in Phase 1 and shall be completed within 18 months. The pool shall be a minimum of 1,600 square feet and the cabana shall be a minimum of 800 square feet.
7. All dwelling units shall have at least a 2-car garage.

8. If masonry is not the predominant first floor finish (greater than 50%) of front elevations, then front elevations shall have two types of siding, i.e. lap and shake, or board and batten.
9. All foundations shall be turned-down slabs with a finished floor elevation at least 12" above grade. All turned down slab foundations greater than 12" shall have 12" of masonry above foundation insulation on front and sides of home. Masonry will hang from the foundation wall with wire mesh and mastic and will not rest on the insulation.
10. Front load garage doors shall have windows.
11. All homes shall have a minimum 12" eaves on the front and rear facade with a minimum 12" roof overhang on all sides.
12. An outdoor deck, porch, or patio, a minimum of 100 square feet, is required as part of all dwelling units.
13. A covered front porch, a minimum of 20 square feet, is required as part of all dwelling units. Any cantilevered projection shall have cosmetic brackets or shelf supports directly underneath them.
14. All dwelling units shall have at least one window per habitable floor on each side elevation. Windows shall have 1x4 trim.
15. The following is required in the main amenity: swimming pool, cabana, benches, trash receptacles, and bike racks.
16. A decorative light fixture, a minimum of 6" wide and 12" long, shall be included on all garage door façades.
17. Vinyl siding shall be prohibited.
18. Black aluminum picket fencing shall be provided around wet pond SCMs.
19. The development is located in the White Oak/Bryan Corridor Impact Area as defined in the Development Agreement dated December 19, 2022 and recorded in the Wake County Registry at Book 19234 Page 690 (the "Development Agreement"). Consistent with the terms of Article 6 of the Development Agreement, prior to approval of the first final subdivision plat of any portion of the development the developer shall either (1) enter into a Cost Share Agreement with Pulte Home Company LLC or (2) make a Corridor Fee Payment to the Town.

**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
Richard S. & Sharon Q. Slater, William W. Jr. & Amanda H. Bryan, Timothy S. Bryan, and Robert L. Bryan	1629237034, 1629239795, 1629233112, & portions of 1629231442 and 1629138501	Residential 2 (R2)	Residential 4 (R4 C270) Conditional

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

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

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

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

Duly adopted this 6<sup>th</sup> day of February 2023.

---

Ken Marshburn, Mayor

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

CERTIFICATION OF TOWN CLERK

I, Stella Gibson, do hereby certify this is a true copy of Ordinance No. (2023) 5182 adopted at the February 6, 2023 Garner Town Council meeting. Said Ordinance is recorded in the office of the Town Clerk, Garner Town Hall, Garner, North Carolina.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the Town of Garner, this 6<sup>th</sup> day of February, 2023.

---

Stella Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 6, 2023 <span style="float: right;">▼</span>		
Subject: Renaming Downtown Social District		
Location on Agenda: Old/New Business <span style="float: right;">▼</span>		
Department: Economic Development		
Contact: Shayla Douglas, Downtown Development and Small Business Manager		
Presenter: Shayla Douglas and Terri Jones, Town Attorney		
<b>Brief Summary:</b>  Downtown Garner Association is asking to change social district name from "Downtown Social District" to "Garner Social District". Council will need to approve this change in order to correct the social district ordinance, so social district application can be submitted to ALE for approval.		
<b>Recommended Motion and/or Requested Action:</b> Motion to amend Ordinance (2022) 5162 to include name change of social district; Adopt Ordinance (2023) 5181		
Detailed Notes:		
<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:	SCD	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

# Garner Social District

Effective Date:  
March 1, 2023



**Legend**

- Social District Boundaries
- Wayfinding Signs





ORDINANCE NO. (2023) 5181

AN ORDINANCE AMENDING ORDINANCE (2022) 5162  
RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES  
AND CHANGING THE NAME OF THE DOWNTOWN SOCIAL DISTRICT

WHEREAS, on December 5, 2022, the Garner Town Council adopted Ordinance (2022) 5162 designating the Downtown Social District pursuant to Sections 18B-300.1 and 160A-205.4 of the North Carolina General Statutes;

WHEREAS, the Downtown Garner Association has recommended changing the name to Garner Social District.

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Garner as follows:

*Section One.* That the references to “Downtown Social District” and “Downtown Garner Social District” be amended to “Garner Social District” in Ordinance (2022) 5162 as adopted on December 5, 2022.

*Section Two.* This Ordinance is effective upon adoption.

Adopted this the 6<sup>th</sup> day of February, 2023.

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Ken Marshburn, Mayor

ATTEST:

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Stella Gibson, Town Clerk

**TOWN OF GARNER**

**GARNER SOCIAL DISTRICT**

**MAINTENANCE AND OPERATIONS PLAN**

**Plan Adopted:**

# Garner Social District Maintenance and Operations Plan

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# Maintenance and Operations Plan

## Introduction

Session Law 2021-150 authorized local governments to establish “Social Districts” within their jurisdictions. These Social Districts allow for common areas where licensed establishments (e.g., bars, breweries, restaurants) may sell alcoholic beverages in designated containers to be taken into the common area for consumption. The Town of Garner (the “Town”) has established such a Social District, designated “Garner Social District”. In the plan that follows, the management and maintenance of the Garner Social District is outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the Town of Garner and Downtown Garner websites.

## District Boundaries

The map of the Garner Social District is shown on page 11. Boundaries of the Social District will be clearly marked with signs at entrance/exit points.

## Days and Hours of Operation

The days and hours during which alcoholic beverages may be consumed within the Garner Social District are Wednesday, Thursday, Friday, and Saturday between the hours of 12:00 p.m. and 10:00 p.m., and Sunday between the hours of 12:00 p.m. and 5:00 p.m.

## District Logo

The Garner Social District will utilize the logo below:

\*Logo to be added\*

## Town Property and the Social District

It shall be unlawful for any person to possess an open container of an alcoholic beverage on any property owned, occupied, or controlled by the Town (including parking facilities) unless that property has been designated by the Town as eligible for the consumption of alcohol under the rules of the social district and applicable State law. Any Town properties designated as eligible will be signed accordingly.

## Beverage Containers and Rules of Use

The following regulations apply to containers within the Garner Social District:

- (1) The container clearly identifies the permittee from which the alcoholic beverage was purchased
- (2) The container clearly displays the Garner Social District logo
- (3) The date and time of beverage purchase, as well as the first name of the purchaser, is to be written on the beverage container at time of purchase

- (4) The container is not comprised of glass
- (5) The container is fully clear and transparent
- (6) The container displays, in no less than 12 point font, the statement, “Drink Responsibly – Be 21”
- (7) The container shall not hold more than sixteen (16) fluid ounces

### **Responsibilities of Participating Businesses**

- (1) Permittees shall only sell and serve alcoholic beverages on their licensed premises and shall not allow a person to enter or reenter their licensed premises with an alcoholic beverage not sold by the permittee.
- (2) Permittees shall only sell alcoholic beverages for consumption in Social District in containers described above. Permittees shall be responsible for providing required information on containers.
- (3) Permittees shall be responsible for purchase of containers and other supplies needed to ensure Social District legal compliance.
- (4) Business wishing to participate in the Social District shall prominently place the Social District logo on their entrance(s).

### **Responsibilities of Consumers**

- (1) Only alcoholic beverages in containers described above purchased from a permittee located in or contiguous to the Social District may be possessed and consumed
- (2) Any alcoholic beverage purchased for consumption in the Social District shall only be consumed in the Social District, and, unless the person is reentering the licensed premises where the alcoholic beverage was purchased, the beverage and the container shall be disposed of before exiting the district. Alcoholic beverages may not be consumed within a vehicle.
- (3) Consumers with an alcoholic beverage shall only enter participating businesses within the Social District, as signified by having the Social District logo prominently placed on the entrance(s).
- (4) A single patron cannot be sold or delivered alcoholic beverages in excess of:
  - Not more than two alcoholic beverage drinks at one time of any of the following:
    - A malt beverage, unfortified wine, fortified wine
  - Not more than one alcoholic beverage at one time if an alcoholic beverage drink is a mixed beverage or contains spiritous liquor.

## **Sanitation and Maintenance**

Trash/recycling receptacles will be located at the boundaries of the Social District to encourage patrons to properly dispose of their used cups and unconsumed alcohol, as well as throughout the Social District as presently available throughout the downtown.

## **Special Events**

North Carolina law allows a special event located within a social district to receive a permit from the ABC Commission for the sale of alcohol within the event area. The special event permittee may also participate in a social district if the requirements under North Carolina law to do so are followed, including allowing beverages with social district cups to be carried from and into the special event area.

Participation in the social district is at the special event holder's discretion. Event organizers will have the choice to allow social district beverages within their event footprint or not.

## **Enforcement**

Town of Garner Police Officers will enforce the requirements of the District. The Town of Garner reserves the right to prohibit an ABC permittee from participating in the district due to violations of the Social District management plan.

To report potential violations please call the Garner Police Department at 919-772-8810 or the N.C. Alcohol Law Enforcement Division (1-877-ALE-AGENT).

# Garner Social District Ordinance

# Map of Garner Social District





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Ken Marshburn, Mayor

ATTEST:

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Stella Gibson, Town Clerk