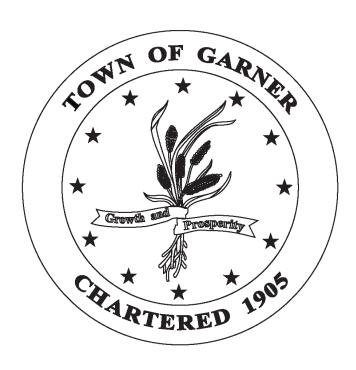
## Town of Garner



# Town Council Meeting December 19, 2023

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

## Town of Garner Town Council Regular Meeting Agenda December 19, 2023

The regular meeting of the Town Council will be conducted at 5:00 p.m. in Ronnie S. Williams Council Chambers located in Garner Town Hall, 900 7<sup>th</sup> Avenue, Garner.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton
- B. PLEDGE OF ALLEGIANCE: Council Member Kathy Behringer
- C. INVOCATION: Council Member Kathy Behringer
- D. PETITIONS AND COMMENTS
- E. ADOPTION OF AGENDA
- F. PRESENTATIONS
  - Fiscal Year 2022-2023 Audit Presentation
     Presenter: Tim Lyons, Mauldin & Jenkins CPAs
- G. CONSENT

Voluntary satellite annexation petition (ANX-23-06) submitted by Drew Thigpen and Garner Property QOZB LLC to bring 16.85+/- acres into the corporate limits of the Town of Garner. The property is generally located at 2525 US Highway 70 East and may be otherwise identified as Wake County PIN 1740122349.

Action: Consider approving Resolution (2023) 2557 to set public hearing for February 6, 2024

Voluntary contiguous annexation petition (ANX-23-08) submitted by Andy McGinty and Timber Drive Associates LP to bring 24.63 +/- acres and 5.57 +/- acres of adjacent intervening public right-of-way for a total of 27.20 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 0 Timber Drive East and may be otherwise identified as Wake County PIN(s) 1720738299 & 1720732562.

Action: Consider approving Resolution (2023) 2558 to set public hearing for February 6, 2024

3.	Voluntary Satellite Annexation Petition # ANX-23-09 Garner V Industrial Page 16
	Presenter: Reginald Buie, Enforcement Administrator
	Voluntary satellite annexation petition (ANX-23-09) submitted by Garner Industrial V, LLC to bring 22.47 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 3001 Garner Business Park Drive and may be otherwise identified as Wake County PIN(s) 1730845677.
	Action: Consider approving Resolution (2023) 2559 to set public hearing for January 16, 2024
4.	Voluntary Contiguous Annexation Petition # ANX-23-10 Golden Trace
	Voluntary contiguous annexation petition (ANX-23-10) submitted by Amanda H. Bryan, Richard S. Slater, Robert L. Bryan & Timothy S. Bryan to bring 47.62 +/- acres into the corporate limits of the Town of Garner. The properties are generally located at 1725, 1805, 1813, and 1817 New Bethel Church Road and may be otherwise identified as Wake County PIN(s) 1629231622, 1629233112, 1629237034, and 1629239795.
	Action: Consider approving Resolution (2023) 2560 to set public hearing for January 16, 2024
5.	Voluntary Contiguous Annexation Petition # ANX-23-11 3201 Waterfield Drive Page 24
	Presenter: Reginald Buie, Enforcement Administrator
	Voluntary contiguous annexation petition (ANX-23-11) submitted by Alfred B. Goodrich to bring 5.34 +/- acres and 1.8 +/- acres of adjacent intervening public right-of-way (7.14 +/- acres total) into the corporate limits of the Town of Garner. The property is generally located at 3201 Waterfield Drive and may be otherwise identified as Wake County PIN(s) 1730033129.
	Action: Consider approving Resolution (2023) 2561 to set public hearing for February 6, 2024
6.	White Deer Park Splash Pad Project – Design Build Method Criteria PRCR Splash Pad Design and Build Page 28

Resolution establishing the criteria to determine the appropriateness of the Design-Build method of construction delivery for the White Deer Park splash pad project.

Presenter: Maria Munoz-Blanco, PRCR Director

Action: Consider approval of the Resolution (2023) 2554 for the Design-Build method criteria for the White Deer Park Splash Pad project

7.	Surplus Property Page 3	3
	Presenter: David Beck, Finance Director	

The Public Works department has a truck that has experienced an engine failure. The cost to repair exceeds the value of the vehicle. The vehicle will be sold and the proceeds will supplement the VERT budget to purchase a replacement.

Action: Consider approving Resolution (2023) 2555

#### 8. Voluntary Satellite Annexation Petition # ANX-22-10

Voluntary satellite annexation petition (ANX-22-10) submitted by Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust; and Peter Daniels Hudgins, Jr. & Lena R. Hudgins to bring 72.25 +/-acres into the satellite corporate limits of the Town of Garner. The property is generally located at 5715 Fayetteville Road and may be otherwise identified as Wake County PIN(s) 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028.

Action: Consider approving Resolution (2023) 2556 to set public hearing for January 16, 2024

#### H. PUBLIC HEARINGS

1. Tier 2 Conditional Rezoning # CZ-MP-22-14

Vintage Garner Page 41

Presenter: Ashley Harris, Planner

Tier 2 conditional rezoning request (CZ-MP-22-14) submitted by Thomas H. Johnson, Jr. (Williams Mullen) to rezone approximately 43.26 +/- acres from Light Industrial (LI) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C274) Conditional for a mixed-use development of a maximum of 654 multi-family units and 40,000 square feet of commercial space. The site is located on the west side of US Highway 401 (Fayetteville Road) between Farm Road and Transport Drive and may further be identified as Wake County PIN #'s 1701046088 and 0791932831.

Action: Consider closing public hearing to refer case to Planning Commission for consistency review and recommendation

#### 2. Zoning Text Amendment # ZTA-23-04

Presenter: Jeff Triezenberg, Planning Director

Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct technical errors and omissions in the initial

adoption of the Garner Forward version of the UDO on July 5, 2023.

Action: Consider closure of hearing and refer to Planning Commission for plan consistency review and recommendation

#### NEW/OLD BUSINESS

Several other municipalities have offered assistance to the Town to address debris cleanup from the tornado that impacted the Town on December 10, 2023. The Mayor, with the concurrence of Town Council, may enter into a mutual aid agreement for reciprocal emergency management and aid.

Action: Ratify the Mayor's execution of one or more mutual aid agreements

Explore re-scoping option, funding opportunities, and fiscal impacts for the Jones Sausage Road project.

Action: Consider approving re-scoped project area and acceptance of FY24 LAPP funding

Public Service Company of North Carolina, operating as Dominion Energy, has requested that the Town of Garner approve a new thirty-year franchise so that it may continue to operate and maintain a gas utility system within the Town limits.

Action: Recommended first vote to adopt Ordinance (2023) 5230 granting a gas franchise

- J. COMMITTEE REPORTS
- K. MANAGER REPORTS
  - Talk of the Town

#### L. ATTORNEY REPORTS

#### M. COUNCIL COMMENTS

#### N. CLOSED SESSION

Pursuant to N.C. General Statutes Section 143.318.11(a)(3) to consult with the Town Attorney regarding litigation.

#### O. ADJOURN

Meeting Date: December 19, 2023					
Subject: Fiscal Year 2022	2-2023 Audit Presentation				
Location on Agenda: F	resentations	<b>V</b>			
Department: Finance					
Contact: David C. Beck,					
Presenter: Tim Lyons, M	1auldin & Jenkins CPAs				
Brief Summary:					
	& Jenkins CPA firm will pre		Y 2022-2023 audit rep	oort. Approval	for an amended
audit contract with a tim	ne extension is needed as w	rell.			
Recommended Motion	n and/or Requested Action	on:			
Receive report as informa	ation and approve contract	extension			
Detailed Notes:					
The Town's audit firm wil	I present the results of the	FY 22-23 fi	inancial audit and go	over key highlig	ghts. An
	ntract is needed as well du		•	•	•
- '-	Town's financial software				
due to the software upgra	ade so that delayed finaliza	ation of the	e financial statements	and audit repo	ort.
Funding Source:					
N/A					
Cost:	One Time:	Annual:	O	No Cost:	•
Manager's Comments	and Recommendations:				
I					
Attachments Yes:					
Agenda Form Reviewed by:	Initials:		C	omments:	
Department Head:					
Department nead.	DCB				
Finance Director:					
	DCB				
Town Attorney:					
<b>-</b>					
Town Manager:	RD				
Town Clerk:					
TOWIT CIETK.					

Meeting Date: Decemb	per 19, 2023	
Subject:Voluntary Satel	lite Annexation Petition #A	NX-23-06, 2525 US Highway 70 East
Location on Agenda: (	Consent	
Department: Planning		
Contact: Ashley Harris, F	Planner II	
Presenter: Ashley Harris	s, Planner II	
Brief Summary:		
Voluntary satellite annex	xation petition (ANX-23-06	) submitted by Drew Thigpen and Garner Property QOZB LLC to
bring 16.85+/- acres into	the corporate limits of the	e Town of Garner. The property is generally located at 2525 US
Highway 70 East and ma	y be otherwise identified a	as Wake County PIN 1740122349.
Recommended Motion	n and/or Requested Acti	Ou.
	•	ublic hearing for February 6, 2024.
		able feating for restaury 6, 2024.
Detailed Notes:		
		sewer at Guy Road Warehouse (SUP-SP-22-01), approved
of service.	ne Raleigh-Garner Merger <i>i</i>	Agreement, an annexation petition is required for the extension
or service.		
Funding Source:		
Cost:	One Time:	Annual: No Cost:
Manager's Comments	and Recommendations:	
Attachments Yes: 💽	No: ()	
Agenda Form	Initials:	Comments:
Reviewed by:		
Department Head:	JST	
	331	
Finance Director:		
T		
Town Attorney:		
Town Manager:	_	
1.2.60.1	RD	
Town Clerk:		



# Town of Garner Planning Department

## Annexation ANX-23-06



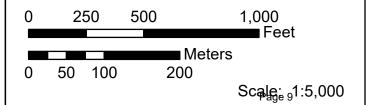


**Owner:** Garner Property QOZB LLC

**Location:** Guy Rd.

**Project:** Guy Road Warehouse

Pin #: 1740-12-2349 Area: +/- 16.37 AC





## **Planning Department Memorandum**

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

FROM: Ashley Harris, Planner II

SUBJECT: Voluntary Satellite Annexation Petition # ANX-23-06, 2525 US Hwy 70 East

**DATE:** December 19, 2023

ANNEXATION PETITION: ANX-23-06

OWNERS: Garner Property QOZB LLC

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 2525 US 70 HWY E

WAKE COUNTY PIN #: 1740122349

REAL ESTATE ID #: 0082889

AREA: 16.85 +/- acres

ZONING: Light Industrial (LI)

Commercial Highway Overlay (CHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and

sewer at Guy Road Warehouse Drive (SUP-SP-22-01), approved December 5, 2022; <u>Per the Raleigh-Garner</u> *Merger Agreement*, an annexation petition is required

for the extension of service.

RECOMMENDATION: Set Public Hearing for February 6, 2024.

#### **RESOLUTION NO. (2023) 2557**

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has 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 petition has been made;

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

**Section 1.** That public hearing on the question of annexation of the area described herein will be held at the Town Hall at 6:00 p.m. on the 6<sup>th</sup> day of February 2024.

**Section 2.** The area proposed for annexation is described as follows:

Case # ANX-22-06, 2525 US Hwy 70 East (Satellite) – 16.85 +/- acres generally located at 2525 US Highway 70 East

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

Duly adopted this 19<sup>th</sup> day of December 2023.

	Buddy Gupton, Mayor
ITEST:	
Stella L. Gibson, Town Clerk	

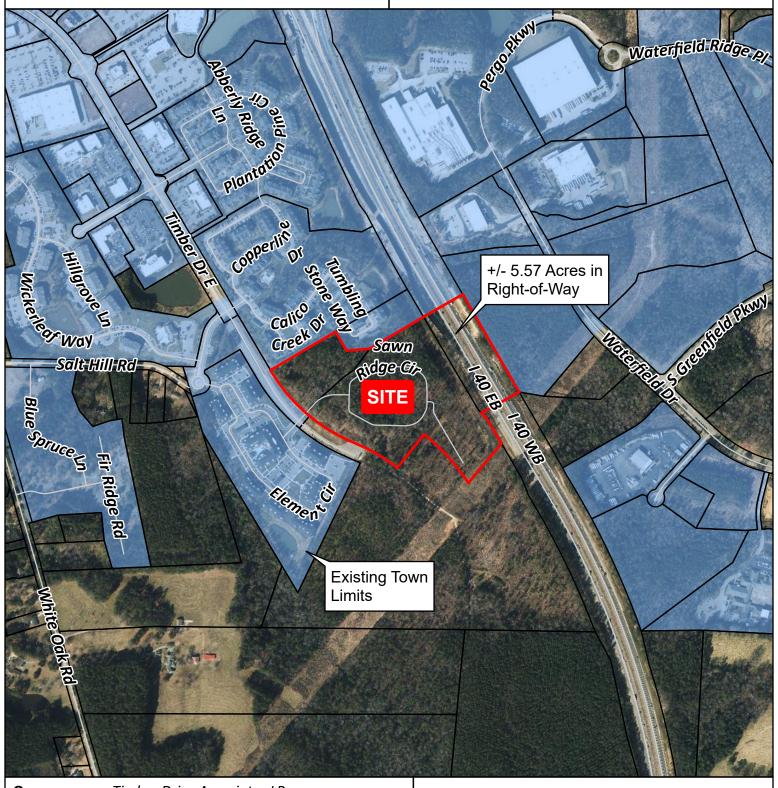
Meeting Date: Decemb	oer 19, 2023				
Subject:Voluntary Conti	guous Annexation Petition	#ANX-23-08, Timber Drive	Associates LP		
Location on Agenda: (	Consent	▼			
Department: Planning					
Contact: Ashley Harris, F	Planner II				
Presenter: Ashley Harris	, Planner II				
Brief Summary:					
to bring 24.63 +/- acres a into the corporate limits	and 5.57 +/- acres of adjace	ent intervening public right e property is generally loca	Ginty and Timber Drive Associates LP -of-way for a total of 27.20 +/- acres ted at 0 Timber Drive East and may		
Recommended Motion	n and/or Requested Action	on:			
Consider approving Resol	ution (2023) 2558 to set pu	ublic hearing for February 6	5, 2024.		
Drive Townhomes (CUP-S		nber 17, 2020; Per the Rale	rtments (CUP-SP-20-03) and Timber igh-Garner Merger Agreement, an		
Funding Source:					
runding source.					
Cost:	One Time:	Annual:	No Cost:		
Manager's Comments	and Recommendations:				
Attachments Yes: 💽	No: O				
Agenda Form	Initials:		Comments:		
Reviewed by:					
Department Head:	JST				
Finance Director:					
Town Attorney:					
Town Manager:	RD				
Town Clerk:					



## Town of Garner Planning Department

## Annexation ANX-23-08





**Owners:** Timber Drive Associates LP,

Castle Development Partners LLC

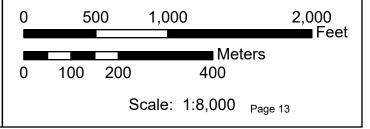
**Location:** *Timber Dr. East* 

**Development:** Timber Drive Apartments and Townhomes

**Pin #:** 1720-73-8299, 1720-73-2562

**Area:** +/- 21.63 Acres on Site,

+/- 27.2 Acres Total Including Right-of-Way





## **Planning Department Memorandum**

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

**FROM:** Ashley Harris, Planner II

SUBJECT: Voluntary Contiguous Annexation Petition # ANX-23-08, Timber Drive

Associates LP

**DATE:** December 19, 2023

ANNEXATION APPLICATION: ANX-23-08

OWNERS: Timber Drive Associates, LP

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 0 Timber Dr E

WAKE COUNTY PIN #: 1720738299, 1720732562

REAL ESTATE ID #: 0481154, 0503312

AREA: 24.63 +/- acres plus 5.57 +/- acres of adjacent

intervening right-of-way for a total of 27.20 +/- acres

ZONING: Multifamily B (MF-B) C228

Limited Access Highway Overlay (LHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and

sewer at Timber Drive Apartments (CUP-SP-20-03) and Timber Drive Townhomes (CUP-SB-20-04), approved November 17, 2020; Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the

extension of service.

RECOMMENDATION: Set Public Hearing for February 6, 2024.

#### **RESOLUTION NO. (2023) 2558**

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has 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 petition 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 area described herein will be held at the Town Hall at 6:00 p.m. on the 6<sup>th</sup> day of February 2024.

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

Case # ANX-23-08, Timber Drive Associates LP (Contiguous) – 24.63 +/- acres plus 5.57 +/- acres of adjacent intervening right-of-way for a total of 27.20 +/- acres generally located southeast of 1605 Timber Drive East.

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

Duly adopted this 19<sup>th</sup> day of December 2023.

	Buddy Gupton, Mayor
TEST:	
Stella L. Gibson, Town Clerk	

Meeting Date: Decemb	per 19, 2023		<b>T</b>
Subject: Voluntary Satel	lite Annexation Petition # A	ANX-23-09, Garner V Industrial	
Location on Agenda: (	Consent	₹	
Department: Planning			
Contact:Reginald Buie, I	MPA, CZO; Enforcement Ad	dministrator	
Presenter:Reginald Buie	e, MPA, CZO; Enforcement A	: Administrator	
Brief Summary:			
Voluntary satellite annex	ation petition (ANX-23-09)	) submitted by Garner Industrial V, LLC to bring 22.4	47 +/- acres
into the satellite corpora	te limits of the Town of Gar	arner. The property is generally located at 3001 Gar	ner Business
Park Drive and may be of	therwise identified as Wake	ke County PIN(s) 1730845677.	
Recommended Motion	n and/or Requested Action	ion:	
Consider approving Resol	lution (2023) 2559 to set pu	public hearing for January 16, 2024.	
Detailed Notes:			
	quest for public water and s	sewer as part of an associated development case for	or Garner V
Industrial (SUP-SP-22-09),	, approved May 2, 2023; pe	er the Raleigh-Garner Merger Agreement, an annex	kation
petition is required for the	e extension of service.		
Funding Source:			
	<u>-</u>		
Cost:	One Time:	Annual: No Cost: •	)
Manager's Comments	and Recommendations:	:	
Attachments Yes: •	No: O		
	Initials:	Comments:	
Agenda Form	mittals:	Comments:	
Reviewed by:			
Department Head:	JST		
Finance Discretes			
Finance Director:			
Town Attornous			
Town Attorney:			
Town Manager:			
	RD		
Town Clerk:			



# Town of Garner Planning Department

## Annexation ANX-23-09





**Owner:** Garner Industrial V, LLC

**Project:** Garner V, Garner Business Park

**Location:** Garner Business Park Dr.

Pin #: 1730-84-5677 Area: +/- 22.47 AC Scale: 1:8,000

0 0.05 0.1 0.15 0.2 0.25





### **Planning Department Memorandum**

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

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: Voluntary Satellite Annexation Petition # ANX-23-09, Garner V Industrial

**DATE:** December 19, 2023

ANNEXATION APPLICATION: ANX-23-09

OWNERS: Garner Industrial V, LLC

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 3001 Garner Business Park Drive

WAKE COUNTY PIN #: 1730845677

REAL ESTATE ID #: 0506890

AREA: 22.47 +/- acres

ZONING: Heavy Industrial (HI)

Commercial Highway Overlay (CHO) District Limited Access Highway Overlay (LHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and

sewer with an associated development case – Garner V Industrial (SUP-SP-22-09), approved May 2, 2023; <u>Per the Raleigh-Garner Merger Agreement</u>, an annexation

petition is required for the extension of service.

RECOMMENDATION: Set Public Hearing for January 16, 2024.

#### **RESOLUTION NO. (2023) 2559**

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has 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 petition has been made;

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

**Section 1.** That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 16<sup>th</sup> day of January 2024.

**Section 2.** The area proposed for annexation is described as follows:

• Case # ANX-23-09, Garner V Industrial (Satellite) – 22.47 +/- acres generally located at 3001 Garner Business Park Drive.

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

Duly adopted this 19th day of December 2023.

	Buddy Gupton, Mayor
ATTEST:	
Stella L. Gibson, Town Clerk	

Meeting Date: Decemb	Meeting Date: December 19, 2023				
Subject:Voluntary Conti	Subject: Voluntary Contiguous Annexation Petition # ANX-23-10, Golden Trace				
Location on Agenda: (	Location on Agenda: Consent				
Department: Planning					
Contact: Jeff Triezenber	g, AICP, GISP; Planning Dire	ector			
Presenter: Reginald Buie	e, MPA, CZO; Zoning Admir	nistrator			
Brief Summary:					
			a H. Bryan, Richard S. Slater, Robe		
'	•	•	of the Town of Garner. The propert		
_ ·			d and may be otherwise identified	d as	
Wake County PIN(s) 1629	9231622, 1629233112, 162	29237034, and 16292397	95.		
December ded Matie	/ D A - + :				
	n and/or Requested Acti				
Consider approving Reso	lution (2023) 2560 to set p	ublic hearing for January	16, 2024		
Detailed Notes:					
			for Golden Trace (CZ-PD-22-01)	_	
1	2023. Per the Raleigh-Gar	ner Merger Agreement, a	in annexation petition is required f	for	
the extension of service.					
Funding Source:					
Cost:	One Time:	Annual:	No Cost:		
Manager's Comments	and Recommendations:				
Attachments Yes:	) No: ()				
Agenda Form	Initials:		Comments:		
Reviewed by:	militiais.		Comments.		
Department Head:					
рерагинени пеац.	JST				
Finance Director:					
Tillance Director.					
Town Attorney:					
Town Accorney.					
Town Manager:	RD				
	ND				
Town Clerk:					



# Town of Garner Planning Department

## Annexation ANX-23-10





Owners: Amanda H. Bryan, Timothy S. Bryan,

Richard S. Slater, Robert Lewis Bryan

**Project:** Golden Trace

**Location:** New Bethel Church Rd.

Pin #: 1629-23-9795, 1629-23-3112,

1629-23-1622, 1629-23-7034

**Area:** +/- 47.62 AC

0 250 500 1,000 1,500 Miles 0 0.05 0.1 0.15 0.2 0.25

Scale: 1:8,000

Page 21

2,000

Feet



## **Planning Department Memorandum**

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

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: Voluntary Contiguous Annexation Petition # ANX-23-10, Golden Trace

**DATE:** December 19, 2023

ANNEXATION APPLICATION: ANX-23-10

OWNERS: Amanda H. Bryan; Richard S. Slater; Robert L. Bryan; &

Timothy S. Bryan

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 1725, 1805, 1813 and 1817 New Bethel Church Road

WAKE COUNTY PIN #: 1629231622, 1629233112, 1629237034, and

1629239795

REAL ESTATE ID #: 0009437, 0257113, 0257114, and 0009418

AREA: 47.62 +/- acres

ZONING: Residential 4 (R4)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and

sewer for Golden Trace (CZ-PD-22-01), approved February 6, 2023. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the

extension of service.

RECOMMENDATION: Set Public Hearing for January 16, 2024.

#### **RESOLUTION NO. (2023) 2560**

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has 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 petition has been made;

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

**Section 1.** That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 16<sup>th</sup> day of January 2024.

**Section 2.** The area proposed for annexation is described as follows:

Case # ANX-23-10, Amanda H. Bryan; Richard S. Slater; Robert L. Bryan; & Timoty S. Bryan (Contiguous) – 47.62 +/- acres generally located at 1725, 1805, 1813, and 1817 New Bethel Church Road.

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

Duly adopted this 19th day of December 2023.

	Buddy Gupton, Mayor
TTEST:	
Stella L. Gibson. Town Clerk	

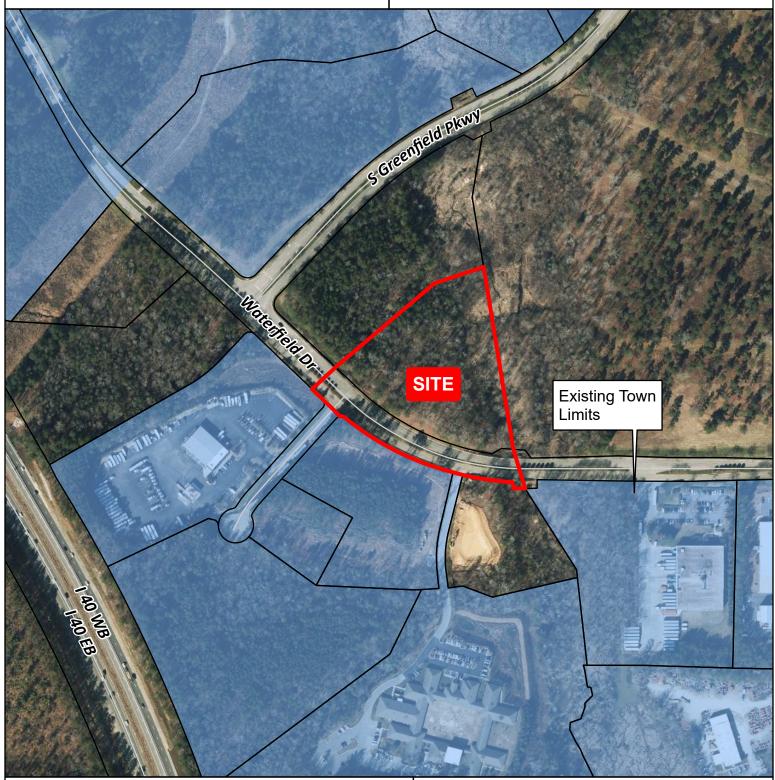
Meeting Date: Decemb	er 19, 2023		¥
Subject:Voluntary Conti	guous Annexation Petition	# ANX-23-11, 3201 Wat	erfield Drive
Location on Agenda: (	Consent	▼	
Department: Planning			
Contact: Jeff Triezenberg	g, AICP, GISP; Planning Dire	ector	
Presenter:Reginald Buie	e, MPA, CZO; Zoning Admin	nistrator	
Brief Summary:			
· -	· · · · · · · · · · · · · · · · · · ·	· ·	B. Goodrich to bring 5.34 +/- acres and
=			II) into the corporate limits of the Town
	• ,	1 Waterfield Drive and n	nay be otherwise identified as Wake
County PIN(s) 173003312	29.		
	n and/or Requested Action		
Consider approving Resol	ution (2023) 2561 to set p	ublic hearing for Februa	ry 6, 2024
Detailed Notes:			
			that was approved on September 30,
2022. Per the Raleigh-Ga	rner Merger Agreement, a	n annexation petition is	required for the extension of service.
Funding Source:			
rananig Source.			
Cost:	One Time:	Annual:	No Cost:
	and Recommendations:		110 00011
manager 5 comments			
Attachments Yes: •			
Agenda Form	Initials:		Comments:
Reviewed by:			
Department Head:	JST		
	JJ1		
Finance Director:			
Town Attorney:			
Town Managor:			
Town Manager:	RD		
Town Clerk:			
TOWIT CIETK.			



# Town of Garner Planning Department

## Annexation ANX-23-11





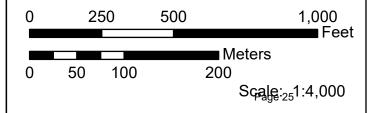
Owner: Vanguard Ventures II Eat LLC

Location: Waterfield Dr.

Development: 3201 Waterfield Dr.

Pin #: 1730-03-3129

Area: +/- 7.14 AC





## **Planning Department Memorandum**

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

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: Voluntary Contiguous Annexation Petition # ANX-23-11, 3201 Waterfield

Drive

**DATE:** December 19, 2023

ANNEXATION APPLICATION: ANX-23-11

OWNERS: Alfred B. Goodrich

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 3201 Waterfield Drive

WAKE COUNTY PIN #: 1730033129

REAL ESTATE ID #: 0377133

AREA: 5.34 +/- acres plus 1.8 +/-acres of adjacent intervening

public right-of-way for a total of 7.14 +/- acres

ZONING: Light Industrial (LI)

Limited Access Highway Overlay (LHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and

sewer for 3201 Waterfield Drive (SP-22-10), which was approved on September 30, 2022. <u>Per the Raleigh-Garner Merger Agreement</u>, an annexation petition is

required for the extension of service.

RECOMMENDATION: Set Public Hearing for February 6, 2024.

#### **RESOLUTION NO. (2023) 2561**

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has 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 petition has been made;

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

**Section 1.** That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 6<sup>th</sup> day of February 2024.

**Section 2.** The area proposed for annexation is described as follows:

Case # ANX-23-11, Alfred B. Goodrich (Contiguous) – 5.34 +/- acres plus 1.8 +/- acres of adjacent intervening public right-of-way generally located at 3201 Waterfield Drive.

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

Duly adopted this 19<sup>th</sup> day of December 2023.

	Buddy Gupton, Mayo
TTEST:	
Stella L. Gibson, Town Clerk	

Subject: White Deer Park Splash Pad Project – Design Build Method Criteria  Location on Agenda: Consent  Department: Parks, Recreation & Cultural Resources  Contact: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Brief Summary:			
Department: Parks, Recreation & Cultural Resources  Contact: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Brief Summary:			
Contact: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Brief Summary:			
Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources  Brief Summary:			
Brief Summary:			
,			
Resolution establishing the criteria to determine the appropriateness of the Design-Build method of construction			
delivery for the White Deer Park splash pad project.			
Recommended Motion and/or Requested Action: Consider approval of Resolution (2023) 2554 for the			
Design-Build method criteria for the White Deer Park Splash Pad project			
Detailed Notes:			
N.C. General Statutes 143-128.1A requires the governmental entity to establish in writing the criteria used to			
determine that the Design-Build method is appropriate for a project. This agenda item has been prepared to meet			
the statutory requirements to be able to use the Design-Build method for the White Deer Park splash pad project. A			
Request for Qualifications (RFQ) will be used to identify a Design-Builder and future action by Town Council to			
approve the contract with the Design-Builder will be required.			
Fire dia a Corress			
Funding Source:			
Funding Source:			
N/A			
N/A Cost: N/A One Time: Annual: No Cost:			
N/A			
N/A Cost: N/A One Time: Annual: No Cost:			
N/A Cost: N/A One Time: Annual: No Cost:			
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N/A Cost: N/A One Time: Annual: No Cost:			
Cost: N/A One Time: Annual: No Cost: Manager's Comments and Recommendations:			
N/A  Cost: N/A  One Time:  Annual:  No Cost:  Manager's Comments and Recommendations:  Attachments Yes:  No:			
N/A  Cost: N/A  One Time: Annual: No Cost:  Manager's Comments and Recommendations:  Attachments Yes: No: Agenda Form Reviewed by:  Department Head:			
N/A  Cost: N/A  One Time:  Annual:  No Cost:  Manager's Comments and Recommendations:  Attachments Yes:  No:  Agenda Form Reviewed by:  Department Head:  MMB			
N/A  Cost: N/A  One Time: Annual: No Cost:  Manager's Comments and Recommendations:  Attachments Yes: No: Agenda Form Reviewed by:  Department Head:			
N/A  Cost: N/A  One Time:  Annual:  No Cost:  Manager's Comments and Recommendations:  Attachments Yes:  No:  Agenda Form Reviewed by:  Department Head:  MMB			
N/A  Cost: N/A  One Time:  Annual:  No Cost:  Manager's Comments and Recommendations:  Attachments Yes:  No:  Agenda Form Reviewed by:  Department Head:  MMB			
N/A  Cost: N/A  One Time: Annual: No Cost:  Manager's Comments and Recommendations:  Attachments Yes: No: Agenda Form Reviewed by: Department Head:  Town Attorney:			
N/A  Cost: N/A  One Time: Annual: No Cost:  Manager's Comments and Recommendations:  Attachments Yes: No: Agenda Form Reviewed by: Department Head:  MMB  Finance Director:			
N/A  Cost: N/A  One Time:  Annual:  No Cost:  Manager's Comments and Recommendations:  Attachments Yes:  No:  Agenda Form Reviewed by:  Department Head:  MMB  Finance Director:  Town Attorney:  Town Manager:			

#### Garner Parks, Recreation and Cultural Resources



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

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

December 11, 2023

To: Jodi Miller, Assistant Town Manager

From: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources

Re: White Deer Park Splash Pad Project - Design Build Method Criteria

On June 2023, with the adoption of the FY24 Capital Improvement Plan, Town Council approved funding for improvements at White Deer Park, including the development of the Town's first splash pad. To initiate the projects, the Town engaged the design firm Surface 678 to develop general concepts for how the project could be placed within the existing layout of White Deer Park.

As the next step in the development of the splash pad project, staff recommends utilizing the Design-Build construction delivery method as authorized in N.C. General Statutes 143-128.1A. The Design-Build method is an integrated approach that delivers both design and construction under one contract. The Design-Build team works with the Town to complete the design, prepare specifications, and construct the project. The Design-Builder is selected through an RFQ process.

The benefits of using the Design-Build method for this project are: (1) to ensure the timely completion of the project without undue delays; (2) to ensure the project's completion within the funding resources allocated to the project; (3) to ensure the delivery of a quality project suitable for one of our signature parks; and (4) to collaborate with an experienced design-build team who is knowledgeable about the functionality of aquatic systems.

This agenda item has been prepared to meet the statutory requirements for written criteria to determine the appropriateness of the Design-Build method for a project. Future action by Town Council to approve the contract with a Design-Builder will be required.

#### Statutory Requirements

N.C. General Statutes 143-128.1A requires the governmental entity to establish in writing the criteria used to determine that the Design-Build method is appropriate for a project. The Statute requires that, at a minimum, the criteria address the following items:

- 1. The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
- 2. The time constraints for the delivery of the project.
- 3. The ability to ensure that a quality project can be delivered.

- 4. The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
- 5. A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section. [Note: GS 143.128.2 and 143.128.4 are the statutes for minority business participation and historically under-utilized businesses.]
- 6. The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1). [Note: (1), (2), and (4) are separate prime bidding, single prime bidding, and construction manager at risk respectively.)

#### Proposed Criteria for White Deer Park Project

To meet the requirements of N.C. General Statutes 143-128.1A, PRCR staff recommends that Town Council approve the following criteria for the White Deer Park splash pad project:

- 1. The Design-Build method may be used when it is determined that the Town, through its Parks, Recreation & Cultural Resources, Engineering, Legal, Finance, and Purchasing staff, has the capacity to adequately and thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder.
- 2. The Design-Build method may be used when it is determined that timeliness is an important factor for the completion of the project and other delivery methods may not be timely due to multiple steps required for completion.
- 3. The Design-Build method may be used when it is determined that the Town, through its Parks, Recreation & Cultural Resources, Engineering, Legal, Finance, and Purchasing staff, has the knowledge and capacity to ensure that the design-build firm will provide a quality project within the budget constraints established for the project.
- 4. The Design-Build method may be used when it is determined that the Town has professional and experienced staff knowledgeable of the design-build process.
- 5. The Design-Build method may be used when it is determined that the project requirements will include compliance with the good faith efforts and M/WBE goal set by Council.
- 6. Prior to the issuance of an RFQ, the Parks, Recreation & Cultural Resources Department will compare the advantages and disadvantages of using the Design-Build method compared with the other construction delivery methods available, specifically separate-prime bidding, single-prime bidding, and construction management at risk.

#### Staff Recommendation

That the Town Council approve the resolution authorizing the Town Manager to establish the criteria to be used to determine the applicability of the Design-Build Method to the White Deer Park splash pad project and to include the selection criteria including the weighting of the qualifications criteria in the request for qualifications (RFQ).

#### RESOLUTION NO. (2023) 2554

## A RESOLUTION ESTABLISHING THE CRITERIA FOR THE USE OF THE DESIGN-BUILD METHOD FOR THE WHITE DEER PARK SPLASH PAD PROJECT

WHEREAS, N.C. General Statutes 143-128 authorizes local governments to utilize the Design-Build Method for construction projects; and

WHEREAS, the Design-Build Method offers the benefit of the design team and contractor working together to achieve the public owner's objectives under a single contract; and

WHEREAS, N.C. General Statutes 143.128.1A requires that prior to issuing a request for qualifications to identify a Design-Builder, the governmental entity must establish in writing the criteria used to determine when the Design-Build Method is appropriate for a project; and

WHEREAS, the Town of Garner Parks, Recreation & Cultural Resources Comprehensive Master Plan adopted in January 2020 identified a splash pad as a priority amenity to add to the Town's park system to meet the needs of the community; and

WHEREAS, White Deer Park has been identified as the optimal location for the development of the Town's splash pad and the project is authorized in the FY2024 Capital Improvement Plan.

WHEREAS, the Town of Garner desires to establish the following criteria to determine the use of the Design-Build Method for the White Deer Park Splash Pad Project:

- 1. The Design-Build method may be used when it is determined that the Town, through its Parks, Recreation & Cultural Resources, Engineering, Legal, Finance, and Purchasing staff, has the capacity to adequately and thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder.
- 2. The Design-Build method may be used when it is determined that timeliness is an important factor for the completion of the project and other delivery methods may not be timely due to multiple steps required for completion.
- 3. The Design-Build method may be used when it is determined that the Town, through its Parks, Recreation & Cultural Resources, Engineering, Legal, Finance, and Purchasing staff, has the knowledge and capacity to ensure that the design-build firm will provide a quality project within the budget constraints established for the project.
- 4. The Design-Build method may be used when it is determined that the Town has professional and experienced staff knowledgeable of the design-build process.
- 5. The Design-Build method may be used when it is determined that the project requirements will include compliance with the good faith efforts and M/WBE goal set by Council.
- 6. Prior to the issuance of an RFQ, the Parks, Recreation & Cultural Resources Department will compare the advantages and disadvantages of using the Design-Build method compared with the other construction delivery methods available, specifically separate-prime bidding, single-prime bidding, and construction management at risk.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER HEREBY RESOLVES to authorize the Town Manager to establish the criteria to be used to determine the applicability of the Design-Build Method to the White Deer Park splash pad project and to include the selection criteria and the weighting of the qualifications criteria in the request for qualifications (RFQ).

THIS RESOLUTION passed and	THIS RESOLUTION passed and adopted this 19 <sup>th</sup> day of December 2023.		
	Buddy Gupton, Mayor		
ATTEST: Stella Gibson, Town Cler	 k		

Meeting Date: December 19, 2023			
Subject: Surplus Property			
Location on Agenda: Consent			
Department: Finance			
Contact: David Beck, Fin	ance Director		
Presenter: David Beck, F	Finance Director		
Brief Summary:			
		experienced an engine failure. The cost to repair exceeds the	
	vehicle will be sold and th	ne proceeds will supplement the VERT budget to purchase a	
replacement.			
December ded Metier	and/an Danwastad Asti		
	n and/or Requested Acti	on:	
Approve Resolution (2023	3) 2555		
Detailed Notes:			
Funding Source:			
N/A			
Cost:	One Time:	Annual: No Cost:	
Manager's Comments	and Recommendations:		
Attachments Yes: •	No.		
		Comments:	
Agenda Form	Initials:	comments:	
Reviewed by:			
Department Head:	DCB		
Finance Director:			
Filiance Director.	DCB		
Town Attorney:			
TOWN ALLOTHEY.			
Town Manager:	20		
	RD		
Town Clerk:			

#### **RESOLUTION NO. (2023) 2555**

#### RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

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

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

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

Asset Tag #	Year	Make/Model	Vin/Serial #
8006	2015	Ram 1500 4x4 Crew Cab	1C6RR7FT9FS579288

AND BE IT FURTHER RESOLVED by the Garner Town Council that the Town Manager is hereby authorized to sell these items by private sale at a negotiated price as provided for by G.S. 160A-267.

Duly adopted this the 19th day of December 2023.

	Buddy Gupton, Mayor
ATTEST:	
Stella L. Gibson, Town Clerk	

#### Current Asset \$4,500.00 Value Date Permission is hereby granted to dispose of the above items which are surplus and no longer used in this Department. Department Head Signature Finance Director Signature Present Condition (i.e. poor, fair, good) Poor Interanl Engine Failure Replacement Explanation Ordered FIXED ASSET RECORD CHANGE REQUEST Division: Streets Surplus Transfer Addition Other Department Contact Information: VALUED AT LESS THAN \$5,000 Woody Daniel Phone # 919.661.6875 **TOWN OF GARNER** Name: IC6RR7FT9FS579288 Serial No./ Vin No. a. Surplus: Reason why Item is Being Surplused (if Vehicle or Equipment, Include Transfer: Indicate Department and Division Property is Being Transferred to. Transfer: Request Asset to be Transferred to Different Department/Division Addition: Asset through Seizure or Donation (should not include purchased Addition: Indicate if Item was Donated, Acquired through Seizure, or Other Department: Public Works a. Surplus: Request Item to be Sold or Otherwise Disposed b. Transfer: Request Asset to he Transfer: List Department & Division where asset is currently assigned List Asset #, Name, Description, Serial No./Vin No. 2015 Ram 1500 4x4 Crew Cab Name & Description (Year, Make, Model, etc.) Vehicle or Equipment Inspection Form). Check the Applicable box for Type of Change: Under Explanation, include the following: d. Other: Please include explanation. TOG Asset # 8006 þ. ပံ Q. 3.2.1 4

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

Date

Town Manager Signature

i. If Donated, need documentation supporting valuation of Asset.)

Other: Please include explanation.

<del>p</del>

Meeting Date: Decemb	per 19, 2023			$\blacksquare$
Subject: Voluntary Satel	lite Annexation Petition # A	NX-22-10, 401 Crossing		
Location on Agenda:	Consent	▼		
Department: Planning				
	g, AICP, GISP; Planning Dire			
	erg, AICP, GISP; Planning D	irector		
Brief Summary:				
<u> </u>			nson Lee; Joseph Ira Lee, III; L. Alton	
•			t; and Peter Daniels Hudgins, Jr. & I Town of Garner. The property is	_ena
		•	d as Wake County PIN(s) 079078109	96.
= ·	=	•	80066, 0790897596, 0790992265,	,
0790992386, 079099247	<sup>7</sup> 6, 0791902864, 07909921	75, 0790885319, 07909	31008, 0790882057, 0790783046,	
0790981161, 079088504	18, 0790881017, 07907853	41, 0790889068, and 07	90888028.	
Recommended Motion	n and/or Requested Action	on:		
Consider approving Reso	lution (2023) 2556 to set p	ublic hearing for January	16, 2024.	
Detailed Notes:				
			t (CZ-PD-22-03) that was originally	
			Since the property is not currently i	in
	· · · · · · · · · · · · · · · · · · ·		e as the possible approval of the	1
		= : :	osed annexation area. The associate 24, so this annexation public hearing	
must be reset for that da	_	teting of January 10, 20	.4, 30 this affilexation public flearing	5
Funding Source:				
			<u>_</u>	
Cost:	One Time:	Annual:	No Cost:	
Manager's Comments	and Recommendations:			
Attachments Yes:		ſ		
Agenda Form	Initials:		Comments:	
Reviewed by:				
Department Head:	JST			
Finance Director:				
Tillance Director.				
Town Attorney:				
Town Manager:				-
	RD			
Town Clerk:				



# Town of Garner Planning Department

# Annexation ANX-22-10





Owners: Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee

of the Joseph I. Lee Revocable Trust; Peter Daniels Hudgins, Jr. & Lena R. Hudgins;

**Project:** 401 Crossing

Location: Fayetteville Rd / St Patrick Dr

Pin #: 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098,

0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161,

0790885048, 0790881017, 0790785341, 0790889068, and 0790888028

**Area:** +/- 72.25 AC



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## **Planning Department Memorandum**

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

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: Voluntary Satellite Annexation Petition # ANX-22-10, 401 Crossing

**DATE:** December 19, 2023

ANNEXATION APPLICATION: ANX-22-10

OWNERS: Ruth Johnson Lee;

Joseph Ira Lee, III; L. Alton Johnson Heirs;

Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable

Trust;

Peter Daniels Hudgins, Jr. & Lena R. Hudgins;

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 5715 Fayetteville Road

WAKE COUNTY PIN #: 0790781096, 0709788067, 0790889826, 0790884847,

0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017,

0790785341, 0790889068, and 0790888028

REAL ESTATE ID #: 0041400, 0041412, 0093673, 0093672, 0041472,

0036082, 0036092, 0036088, 0036097, 0036084, 0036094, 0036096, 0036091, 0036093, 0036089, 0036090, 0036087, 0036095, 0036098, 0041406,

0041409, 0041410, and 0041411

AREA: 72.25 +/- acres

ZONING: Proposed - Commercial Mixed Use (CMX C15)

Conditional

Currently - Wake County Residential 40 Watershed

District (R-40W)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and

sewer for 401 Crossing (CZ-PD-22-03), should it be approved January 16, 2024, or at a subsequent meeting; Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of

service.

RECOMMENDATION: Set Public Hearing for January 16, 2024.

#### **RESOLUTION NO. (2023) 2556**

## RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the areas described herein has 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 petition has been made;

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

**Section 1.** That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 16<sup>th</sup> day of January 2024.

**Section 2.** The area proposed for annexation is described as follows:

 Case # ANX-22-10, 401 Crossing (Satellite) – 72.25 +/- acres generally located at 5715 Fayetteville Road

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

Duly adopted this 19<sup>th</sup> day of December 2023.

	Buddy Gupton, Mayor
ST:	

# Town of Garner Town Council Meeting Agenda Form

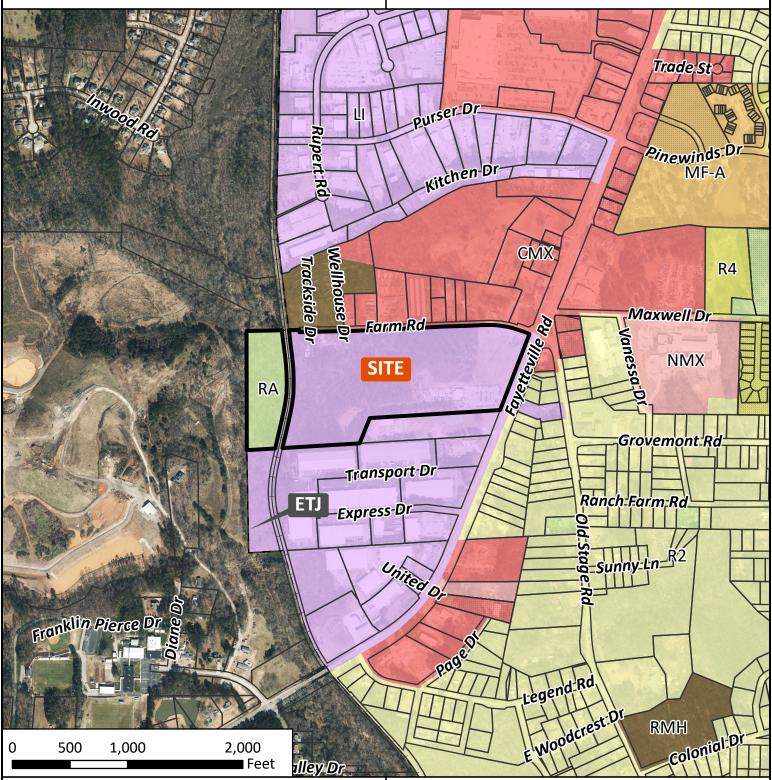
Meeting Date: Decemb	er 19, 2023				▼
Subject: Tier 2 Condition	ubject: Tier 2 Conditional Rezoning # CZ-MP-22-14, Vintage Garner				
Location on Agenda:	Public Hearings				
Department: Planning					
Contact: Ashley Harris, F	Planner II				
Presenter: Ashley Harris	, Planner Il				
Brief Summary:					
rezone approximately 43 (CMX C274) Conditional feet of commercial space	ng request (CZ-MP-22-14) : 3.26 +/- acres from Light In for a mixed-use developme e. The site is located on the e and may further be ident	dustrial (LI) ent of a ma e west side o	and Rural Agrion ximum of 654 r of US Highway	cultural (RA) to Com multi-family units an 401 (Fayetteville Ro	mercial Mixed Use d 40,000 square ad) between Farm
Recommended Motion	n and/or Requested Acti	on:			
Consider closing public he	earing to refer case to Plan	ning Comm	ission for consi	istency review and re	ecommendation.
commitments for the buil continuation of the public	posed that restrict the ran dings that address appeara c hearing initially held on O uently to December 19, 20	ance and th october 17, 2	e quality of ma 2023 and conti	terials and constructure nued firstly to Nover	tion. This is a
Funding Source:					
Cost:	One Time:	Annual:	0	No Cost:	•
	and Recommendations:				
Attachments Yes:   No:					
Agenda Form	Initials:			Comments:	
Reviewed by:					
Department Head:	JST				
Finance Director:					
Town Attorney:					
Town Manager:	RD				
Town Clerk:					



# Town of Garner Planning Department

# Tier 2 Conditional Rezoning CZ-MP-22-14





Project: Vintage Garner Apartments

Applicant: Capital Commercial, LLC

Owner: Lee & Hudgins Enterprises, LLC

**Location:** 5100 & 0 Fayetteville Rd. **Pin #:** 1701-04-6088; 0791-93-2831

**Proposed Use:** Multiple

Current Zoning: Light Industrial (LI) &

Rural Agriculture (RA)

**Proposed Zoning:** Commercial Mixed Use (CMX)

**Acreage:** 43.26 +/-

Overlay: Commercial Highway (ជូមូ០)



### **Planning Department Staff Report**

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

**FROM:** Ashley Harris, Planner II

SUBJECT: Tier 2 Conditional Rezoning # CZ-MP-22-14, Vintage Garner

**DATE:** December 19, 2023

#### I. PROJECT AT A GLANCE

**Project Number(s):** CZ-MP-22-14, Tier 2 Conditional Rezoning

**Applicant:** Thomas H. Johnson, Jr. - Attorney (Williams Mullen)

Owners: Lee & Hudgins Enterprises, LLC

**Designer:** JDavis Architects

**General Description -**

**Project Area & Location:** 43.26 +/- acres

Wake County PIN(s): 1701046088 and 0791932831

Current Zoning: Light Industrial (LI) and Rural Agricultural (RA)

**Requested Zoning:** Commercial Mixed Use (CMX C274) Conditional

Overlay: Commercial Highway Overlay (CHO)

**Key Meeting Dates:** 

Public Hearing: October 17, 2023; November 21, 2023; & December 19,

2023

Planning Commission: TBD

Action: TBD

#### **II. BACKGROUND / REQUEST SUMMARY**

Request: Tier 2 conditional rezoning request (CZ-MP-22-14) submitted by Thomas H. Johnson, Jr. (Williams Mullen) to rezone approximately 43.26 +/- acres from Light Industrial (LI) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C274) Conditional for a mixed-use development of a maximum of 654 multi-family units and 40,000 square feet of commercial space. The site is located on the west side of US Highway 401 (Fayetteville Road) between Farm Road and Transport Drive and may further be identified as Wake County PIN(s) 1701046088 and 0791932831.

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

**Update:** Since the opening of the public hearing on October 17, 2023, the applicant has made adjustments to their request, related to open space amenities. The public hearing initially held on October 17, 2023, was continued firstly to November 21, 2023, by Town Council and subsequently to December 19, 2023 at the request of the applicant.

Updated sections of the initial staff report are identified herein in blue. The applicant will address the specific adjustments made.



#### **III. ZONING ANALYSIS**

**Existing:** The site is currently zoned **Light Industrial (LI)** and **Rural Agricultural (RA)**. The **Light Industrial (LI)** District is intended to provide for a limited range of low-intensity industrial uses that are not noxious or offensive due to odors, smoke, dust, noise, fumes, or vibration. Operations are restricted to inside a building with outdoor storage prohibited.

#### The following is a list of allowable uses in the Light Industrial (LI) District:

- 1. Security or Caretaker's Quarters
- 2. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses
- 3. Higher Education
- 4. Emergency Services
- 5. Prison, Jail, Detention Facility (SUP)
- 6. Cemetery (SUP)
- 7. Hospital (SUP)
- 8. Ambulatory Health & Emergency Care Facility (SUP)
- 9. Religious Institution
- 10. Bar, Nightclub, Tavern
- 11. Indoor Athletic or Entertainment Facility (not theater)
- 12. Outdoor Athletic or Entertainment Facility (SUP)
- 13. Theater, Drive-In (SUP)
- 14. Hotel / Motel
- 15. Other Office Uses Not Listed
- 16. Medical Office
- 17. Restaurant, Sit-down Establishment
- 18. Convenience Store, without Fuel Sales
- 19. Convenience Store, with Fuel Sales
- 20. Funeral Home
- 21. Crematorium (SUP)
- 22. Personal or Professional Services (up to 5,000 sqft ground floor footprint
- 23. Personal or Professional Services (> 5,000 sqft ground floor footprint)
- 24. Sales / Retail (no outdoor operations)
- 25. Sales / Retail (with outdoor operations up to 25 percent of total sales area)

- 26. Sales Oriented Use (with outdoor operations > 25 percent of total sales area)
- 27. Parking Lot or Deck, Commercial
- 28. Self Storage, Mini Storage
- 29. Veterinarian / Kennel, Indoor
- 30. Veterinarian / Kennel, with Outdoor Operations (SUP)
- 31. Vehicle Sales, Rental, Service, Repair
- 32. Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Uses Not Listed
- 33. Microbrewery / Microdistillery
- 34. Wholesale Sales
- 35. Industrial, Manufacturing, or Production, Indoor Only
- 36. Passenger Terminals (SUP)
- 37. Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation (SUP)
- 38. Minor Utility
- 39. Telecommunication Facility
- 40. Concealed Telecommunication Facility
- 41. Greenhouse, Nursery (commercial), indoor operations

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

#### The following is a list of allowable uses in the Rural Agricultural (RA) District:

- 1. Single-Family Detached
- 2. Manufactured Home Class A
- 3. Manufactured Home Class B
- 4. Other Group Living Uses Not Listed (SUP)
- 5. Group Care (with 9 or fewer residents)
- 6. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses
- 7. Community Center
- 8. Higher Education (SUP)
- 9. School, Primary or Secondary
- 10. Emergency Services
- 11. Prison, Jail, Detention Facility (SUP)
- 12. Cemetery
- 13. Religious Institution
- 14. Golf Course or Country Club,
  Private
- 15. Horse Stables and Related Facilities
- 16. Other Outdoor Parks and Open Space Uses Not Listed (SUP)

- 17. Public Park, Passive Open Space, Nature Park
- 18. Bed and Breakfast Home, 8 rooms or fewer
- 19. In Home Family Child Care Home
- 20. Crematorium (SUP)
- 21. Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation (SUP)
- 22. Minor Utility
- 23. Solar Farms (SUP)
- 24. Telecommunication Facility
- 25. Other Agricultural Uses Not Listed (SUP)
- 26. Agriculture or Silviculture
- 27. Greenhouse, Nursery (commercial), indoor operations
- 28. Greenhouse, Nursery (commercial), outdoor operations (SUP)

**Proposed**: The proposed zoning of the site is **Commercial Mixed Use (CMX C274) Conditional**. The CMX district is designed to accommodate general commercial, retail, and service activities that serve the whole community. Offices and very light industrial uses may also be appropriate depending on the context. This district serves a wide range of users and may draw customers

depending on the context. This district serves a wide range of users and may draw custo from outside of the town. It must have good automobile access and access to transit is preferred. Pedestrian connectivity is also important.

The applicant has proposed the following permitted uses and conditions:

#### 1. Permitted Use Table:

Note: Permitted uses, whether by-right or special use permit, may be subject to additional use standards as described in the UDO and are subject to all other applicable regulations of the UDO. Uses designated with "—" indicates the use is not allowed in the respective area of the plan. There are two areas: one identified as residential, the other as commercial.

Use Category	Specific Use	СМХ	C274
		Res	Comm
Residential Use**	Multifamily (> 4 Units Per Structure or over 2,500 sq ft footprint)	Р	-
	Upper Story Residential	Р	-
	Security or Caretaker's Quarters	Р	-
	Group Care (with More than 9 residents)	Р	_
Civic and Institutional	Assembly, Civil, Service Fraternal Clubs, Lodges and Similar uses	-	Р
	Library, Museum, Art Gallery	-	Р
	Community Center	-	Р
	Emergency Services	-	Р
	Hospice	-	Р
	Hospital	-	Р
	Ambulatory Health & Emergency Servies	-	Р
	Religious Institution	-	Р
	Other Civic and institutional uses not listed	-	S
Recreation and	Indoor Athletic or entertainment Facility	-	Р
Entertainment	Outdoor Athletic or Entertainment Facility	-	Р
	Public Park, Passive open Space, Nature Park	-	Р
	Other Indoor Recreational and Entertainment Uses not Listed	-	S
Commercial,	Convenience Store, without Fuel Sales	-	Р
Office, Retail,	Convenience Store, with Fuel Sales	-	Р
Service	Other Restaurant and Food Service Uses Not Listed	-	Р
	Day Care Center	-	Р
	Gym, Spa, or Pool	-	Р
	Personal or Professional Servies (up to 5,000 sq. ft. ground floor footprint)	-	Р
	Personal or Professional Services (> 5,000 sq. ft. ground floor footprint)	-	Р
	Banks or Financial Institution	-	Р
	Banks or Financial Institution with Drive-thru or Vehicular ATM	-	Р

	Sales / Retail (no outdoor operations)	-	Р
	Sales / Retail (with outdoor operations up to 25% of total sales area)	-	Р
	Veterinarian / Kennel, Indoor	-	Р
	Veterinarian / Kennel, with Outdoor Operations	-	Р
Industrial, Manufacturing, Warehousing, Waste Services and Transportation	Microbrewery / Microdistillery	-	Р
Utilities	Minor Utility	Р	Р
	Telecommunication Facility	Р	Р
	Concealed Telecommunications Facility	Р	Р

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

- 2. Maximum building height for multifamily buildings shall be 57 feet and may be attained in accordance with provisions of UDO Section 5.6.8.C by providing increased building setbacks beyond the minimum required, as shown on master plan approved as part of conditional rezoning case CZ-MP-22-14.
- 3. Buildings 1 and 8 as shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14 will have a minimum 2,500 square feet of coworking space each.
- 4. EV parking spaces shall be provided within the Residential and Commercial areas shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14 at a rate of 1 EV space per 50 parking spaces (garages not included); locations and details to be determined and shown on the site plan submitted for review of this development.
- 5. Applicant shall provide a mural on the side of one of the commercial/retail buildings interior to the site, with details regarding location and timing to be determined and shown on the site plan submitted for review of this development.
- 6. All plant material to be installed in the development shall consist of native/non-invasive species, with details regarding plant type, location and timing of installation to be determined and shown on the site plan submitted for review of this development.
- 7. An enhanced pedestrian corridor with associated design elements including pedestrian-scale lighting shall be provided consistent as shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14, with details to be determined and shown on the site plan submitted for review of this development.

- 8. Fencing to be installed around the SCM will be consistent with UDO requirements and shall be determined and shown on the site plan submitted for review of this development.
- 9. An additional ten feet (10') shall be added to the required Neuse River Riparian Buffer and shown on the site plan submitted for review of this development.
- 10. A shared parking agreement consistent with UDO provisions/requirements will be provided between the multi-family residential use area and the commercial use area shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14, with details regarding parking agreement to be determined and shown on the site plan submitted for review of this development.
- 11. All multifamily buildings will have a flat roof, with HVAC equipment mounted on the roof and screened by parapet walls.
- 12. All multifamily and commercial/retail entrances will include annual planting beds to be changed out at least two times per year.
- 13. A trail will be provided around the SCM as shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14, with details regarding specific location and material to be determined and shown on the site plan submitted for review of this development.
- 14. A dog park amenity area containing a minimum of 3,000 square feet will be provided as part of Phase 1 or Phase 2 of the multi-family portion of the development, with details regarding specific location and design to be determined and shown on the site plan submitted for review of this development.
- 15. A minimum of 10,000 square feet of active outdoor open space will be provided at buildings containing leasing and indoor amenities for the residential units including but not limited to a swimming pool, corn hole, bocce ball, etc. Location(s) and other use/design details regarding the active outdoor space will be determined and shown on the site plan submitted for review of this development.
- 16. A public plaza containing a minimum of 4,000 square feet will be provided adjacent to commercial development on Lot 1 or Lot 2 shown on the master plan, with details regarding specific location(s) and other design-related details to be determined and shown on the site plan submitted for review of this development.

Overlay Districts: This property falls withing the Commercial Highway Overlay (CHO) district. The Commercial Highway Overlay (CHO) District was established to: 1) Provide for functional, efficient transportation corridor; 2) Expand economic opportunity; 3) Protect community character; and 4) Preserve and promote the community's appearance and quality. The overlay is explained in Article 5.14.2. of the Unified Development Ordinance. None of the prohibited uses are proposed for conditional inclusion.

#### Commercial Highway (CHO) Overlay prohibited uses:

a. Drive-in movie theaters

- b. Adult cabarets and establishments
- c. Outside storage of goods not related to sale or use on premises
- d. Scrap materials, salvage yards, junkyards, and automobile graveyards
- e. Mining or quarrying operations; including on-site sales of products; coal or aggregate sale and or storage; concrete mixing plant;
- f. Reclamation landfill
- g. Commercial greenhouse operations
- h. Recyclable material collection centers
- i. Solar Farms

## Commercial Highway (CHO) Overlay prohibited uses adjacent to or within 150 feet of existing residential uses:

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

**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-96-5	Town of Garner	Fayetteville Road	R-40 to SB-C22
CUD-Z-89-3	Longbranch Development Company	Malibu Drive	R-40W & 80W, R-40W, R-40 & 80W, and R-40W to R-12PR-C29, R-12PR- C29, SB-C30 and SB-C30
PD-Z-14-01	Tony M. Tate	Fayetteville Road (Swift Creek Station)	SB C-22, Residential-12 PR C-54, Residential-12 PR C-29 to TND C-2
PD-Z-19-01	Forsyth Investments Company, LLC	Georgia's Landing	Single-Family R-40 to (PRD C6)
CZ-22-06	Four O One South LLC	Fayetteville Road	Wake County HD to Garner LI C268
CZ-MP-22-04	Swift Creek Apartments, LLC	Fayetteville Road	CMX and R4 TND C2 to CMX C261 and MF-B C261

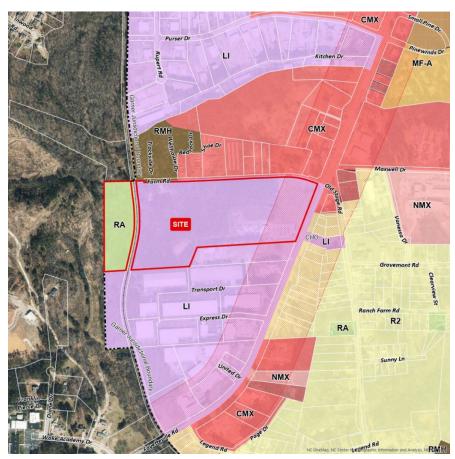
#### **Adjacent Zoning and Land Use:**

North: CMX Residential, Mini Storage, Retail

South: LI Industrial

East: CMX/R2/LI Convenience Store with fuel sales, vacant

West: R-40W Landfill



#### IV. COMMUNITY INFORMATION

**Overall Neighborhood Character:** A mixed area of existing residential, light industrial and highway-oriented development. The area is heavily influenced by US 401 as the primary traffic facility in the immediate vicinity.

**Traffic:** The project will have approximately 700 feet of frontage along Fayetteville Road and 1,800 feet of frontage along Farm Road to be widened and improved. As general background information only, the NCDOT average daily traffic count history in this area is as follows:

#### Fayetteville Road

Year 2011 – 28,000

• Year 2015 – 30,000

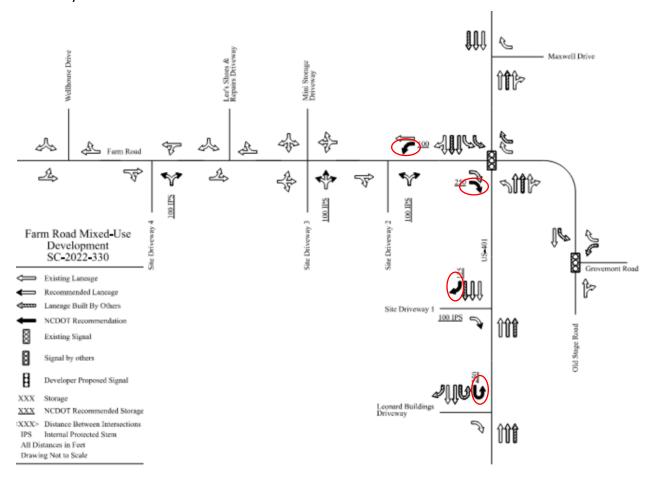
Year 2019 – 32,500

Year 2013 – 28,000

• Year 2017 – 30,000

Year 2021 – 30,500

A traffic impact analysis (TIA) was required by both the Town and NCDOT. It was completed in November of 2022. NCDOT's Congestion Management Unit recommended the addition of an additional left turn lane on Farm Road, an additional south bound right turn lane at the intersection of Farm Road and US 401, a dedicated southbound right-turn lane at site driveway 1, and an additional U-turn lane at the Leonard Building's driveway south of the project boundary.



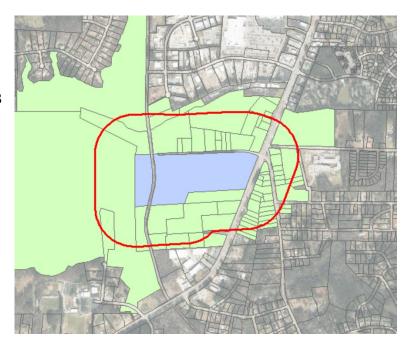
**First Required Neighborhood Meeting:** A neighborhood meeting was held October 6, 2022, at 6:00 PM in the Avery Street Recreation Center. All owners and occupants within 800 feet were invited via first class mail notice. There were approximately 3 people in attendance.

**Neighborhood Meeting Summary:** There were questions regarding the commercial uses being proposed, the number of bedrooms in the multi-family units, access to 401, and utilities. See full neighborhood meeting information attached at the end of this report for further detail.

#### Second Required Neighborhood

**Meeting:** A neighborhood meeting was held April 12, 2023, at 6:00 PM in the Avery Street Recreation Center. There were approximately 3 people in attendance.

Neighborhood Meeting
Summary: There were
questions regarding the design
of the multifamily buildings
and questions related to
utilities. See full neighborhood
meeting information attached
at the end of this report for
further detail.



**Public Hearing Summary (10.17.23):** The Town Council begun the public hearing at their meeting on August 22, 2023. Please refer to the Town Council Meeting for 10/17/23 video (<a href="https://www.youtube.com/watch?v=ojBn3BqqN2w&t=715s">https://www.youtube.com/watch?v=ojBn3BqqN2w&t=715s</a>) at the Town of Garner's YouTube page (<a href="https://www.youtube.com/@TownofGarner/streams">https://www.youtube.com/@TownofGarner/streams</a>). The staff presentation begins at the 0:11:46 minute mark of the video, and comments begin at 0:26:40. The applicant spoke on behalf of the project beginning at the 0:30:43 minute mark.

Questions and comments from the Town Council related to the rezoning revolved around:

- clarifying the location of site driveways off Farm Road,
- clarifying building height maximums, and receiving a verbal commitment from the applicant that these will be 4-story elevatored apartment buildings,
- asking if any of the units will be designated for workforce housing,
- clarifying if this project falls within the critical Swift Creek Watershed area and the stormwater quantity and quality requirements,
- commenting that capture of the 100-year storm had been proffered by another project to the south,
- questioning the sizes and nature (e.g. passive vs. active) of amenity/open spaces,
- requesting a large open green space for children to play,
- commenting on an appreciation for the inclusion of commercial acreage along the 401 frontage,
- questioning if the commercial area meets the intent of the Garner Forward comprehensive plan,
- questioning the process for parking reductions,
- clarifying the proposed phasing and property lines shown on the plan.

The Town Council continued the public hearing to their regular meeting of November 21, 2023, on a vote of 5 to 0.

**Public Hearing Summary (11.21.23):** At the request of the applicant, the Town Council continued the public hearing to their regular meeting of December 19, 2023, on a vote of 5 to 0.

### V. PLANNED DEVELOPMENT PROJECT DATA

**Acreage:** 43.26 +/- acres

Residential: 37 +/- acres; Commercial: 6 +/- acres

Units/Bldg Size: • Multifamily: 654 units max. (~15.29 du/acre)

• Commercial: 40,000 sq ft retail/commercial

### **Master Plan:**



**Buildings:** Sampling of elevations (to meet requirements of Article 9):





# Lots and Setbacks:

### CMX - Large Residential Structures:

Front setback: 10'

Side (all) setback: 10' (also see building separation)

Rear setback: 20'

All setbacks increase 10' adjacent to lots with single-family detached or duplex residential units.

Maximum height: 45' (up to 57' w/ additional setback)

Building Separation: 20' min.

#### CMX - Non-residential Structures:

Front setback: 15'

Side setback: 10' (also see building separation)

Corner Side setback: 15' Rear setback: 25'

All setbacks increase 10' adjacent to lots with single-family detached or duplex residential units.

Maximum height: 45' (unlimited w/ add'l setback and SUP)

Building Separation: 20' min.

Landscape and Buffer Requirements:

**Tree Canopy Cover:** Sliding scale from 18-20% to be met. Master Plan envisions 20% (8.20 +/- acres) of preservation.

#### **Perimeter Buffers:**

- 15' perimeter buffer along southern property line
- Street buffer along Farm Road
- Street buffer along US 401

**Street Trees:** Must be provided approximately every 40 feet along all roadways. Additional street trees to be provided in Vehicle Service Areas along property lines at a rate of approximately 1 every 40 feet.

## Environmental Features:

There are FEMA designated floodplains and an associated 50-foot conservation buffer at the western boundary of the project, adjacent to the railroad. This area of the property is reserved for stormwater management and tree preservation.



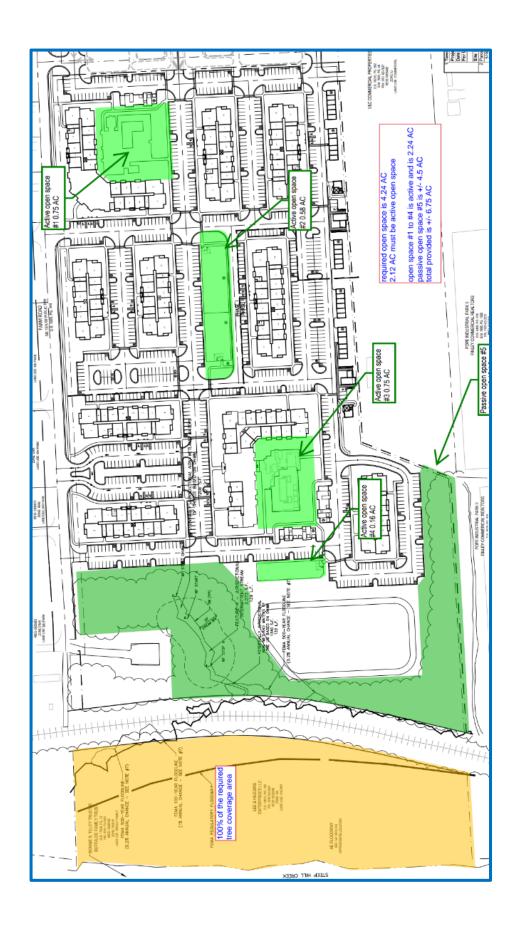
## Parks and Open *Open Space*Space:

- Total open space required: 10% (4.24 +/- acres min.)
  - Total open space planned: Master Plan envisions 14% (6.3 +/-acres)
  - Active open space required: (25% of total required) 1.06 acres.
  - Active open space provided: 2.24 acres

Open space areas will be maintained by the property manager. The required open space will be met with a combination of qualifying conservation areas and recreation space. Recreation space will consist of a minimum 0.16 +/- acre dog park, two 0.75+/- acre pools and associated amenities, 0.58 +/- acre parklet including 150ft x 60ft open play field, playground, and dog park, private trails, a public plaza.







**Lighting:** To be verified at site plan for UDO compliance.

**Parking:** To be verified at site plan for UDO compliance.

Infrastructure:

Water/Sewer – The site will be served by City of Raleigh water and sewer infrastructure. Water will connect to existing service in US 401 and the line will be extended through the site and along public streets. A new sanitary sewer pump station will be installed on site with a force main feeding into existing lines in Maxwell Drive. Sewer lines will be extended to adjacent and upstream properties per the Raleigh Water policy.



**Stormwater Management** – Vintage Garner is a mixed-use 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 one stormwater control measures (SCM). This SCM 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. Commercial lots are proposed to be treated with underground stormwater control measures.

**Transportation/Access** – The project will have three points of access along Farm Road. There will also be two points of right-in/right-out only access along US 401. Curb, gutter, sidewalk and additional pavement will be installed along both street frontages. Cross access to the south will be provided to PIN 1701037527.

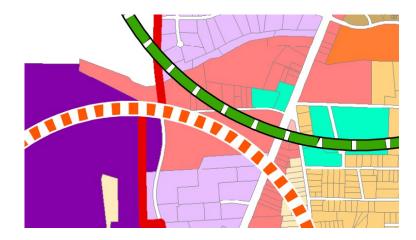
#### **VI. PLAN CONSISTENCY**

**Statutory Directive:** When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning proposal with the Town's current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish, or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan <u>does not</u> 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
- Swift Creek Land Management Plan

Preview of 2018 Comp Plan's Future Land Use Map: (site is currently designated as corridor commercial in red, while being at the edge of both a mixed-use and commercial focus area of change)



#### **VII. REASONABLENESS**

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

resources and more may serve as sources as well. The Town Council may find that a rezoning request furthers the efforts to achieve specific goals and objectives stated within these plans and policies; and thereby render said request a reasonable one. The converse may also apply.

#### **VIII. RECOMMENDATION**

Staff recommends that once the Town Council has heard comments, concerns, and questions from the public that Conditional Zoning request CZ-MP-22-14 be referred to the Planning Commission for their review and recommendation regarding plan consistency.

### WILLIAMS MULLEN

Thomas H. Johnson, Jr. Direct Dial: 919.981.4006 tjohnson@williamsmullen.com

September 21, 2022

Re: Notice of Neighborhood Meeting for Proposed Rezoning of

5100 Fayetteville Road (Wake County PIN: 1701046088)

Dear Neighboring Property Owner and/or Current Tenant:

You are invited to attend a neighborhood meeting to learn about a proposed rezoning of an approximately 37-acre property, owned by Lee & Hudgins Enterprises LLC, located at 5100 Fayetteville Road and identified as Wake County PIN: 1701046088, outlined in red as shown on the enclosed vicinity map. The meeting will be held on <a href="Thursday">Thursday</a>, October 6, 2022 from 6:00 PM until 7:00 PM at the Avery Street Recreation Center (Multipurpose Room A), 125 Avery Street, Garner, NC 27529. The purpose of the meeting is to provide owners and current tenants of neighboring properties an opportunity to learn from the applicant more about the requested rezoning, ask questions and share feedback with the applicant before the submittal of an application to the Town.

The subject property is currently zoned Light Industrial (LI) with a portion of the property adjacent to US Highway 401 (Fayetteville Road) within the Commercial Highway Overlay District. The applicant is proposing to rezone the property to the Commercial Mixed Use (CMX) designation to allow for development of both commercial and residential uses on the property. CMX zoning is a conditional zoning district for which future development on the property will be subject to a master plan reviewed and approved as part of the rezoning request. The master plan will be a condition of the zoning and establishes permitted uses, density and dimensional standards, and other development requirements applicable to the property.

Prior to submittal of a rezoning application, the Town of Garner requires applicants to hold a neighborhood meeting and invite owners and tenants of properties within 1,000 feet of the site proposed for rezoning. Following the meeting, the applicant prepares a summary report identifying issues raised and any resolution or explanations provided by the applicant. This report is submitted to the Town as part of the rezoning application. Substantial changes to the proposed rezoning and associated master plan may occur following the neighborhood meeting and after the application is submitted to the Town.

Information about planning and development in Garner, including the rezoning process, can be found on the Town's website at <a href="https://www.garnernc.gov/departments/planning-1764">https://www.garnernc.gov/departments/planning-1764</a>, or by contacting the Garner Planning Department at 919-773-4449. If you have any questions about this proposed rezoning, please contact me at 919-981-4006 or tjohnson@williamsmullen.com.

Sincerely,

Thomas H. Johnson, Jr.

Hora A Blas

Enclosure: vicinity map

cc: Town of Garner Planning Department

## WILLIAMS MULLEN

Thomas H. Johnson, Jr. Direct Dial: 919.981.4006 tjohnson@williamsmullen.com



(2021 aerial image source: Wake County GIS iMAPS)

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1300 FARM RD	RALEIGH, NC 27609-4697	ME 205 W MILLBROOK RD STE 210	C/O KOHN-ELL ASSOCIATION MANGEN	INWOOD FOREST ASSOCIATION INC
1300 FARM RD		GARNER, NC 27529-2571	2664 TIMBER DR STE 416	OLD RANCH TRUST
M. M. MALECH, NC 27903-4715  4200 CLD STAGE ED  ALECH NC 27903-4716  ALE		RALEIGH, NC 27603-4225	917 GROVEMONT RD	ROUNTREE, MICHAEL
1300 FARM RD		RALEIGH, NC 27603-2608	2116 LAKE WHEELER RD	PLAYMAKER PROPERTIES LLC
1930 FARM RD 1930 CHO STAGE RD 2500 OLD STAGE RD 2500 CHO STAGE RD 2500 OLD STAGE RD 2500 CHO STAGE RD		PHOENIX, AZ 85072-2085	PO BOX 52085	PARTOZES, ERMA W HEIRS RABBANI, CHERYL A SPENCER
1930 FARM RD 1930 FARM RD 1930 FARM RD 1930 FARM RD 1736 FOR RD 1737 FOR RD 1737 FOR RD 1738 FOR RD 17		GARNER, NC 27529-0324	PO BOX 324	DWB PROPERTIES LLC
1300 FARM RD 1500 FARM RD 1500 FARM RD 1500 FARM RD 1706 FARM RD 1706 FARM RD 1708 FARM RD 1709		RALEIGH, NC 27615-3984	8501 AVERELL CT	NAIMEE, SHAHAB
1300 FARM RD   RALEIGH, NC 27803-3715     5200 OLD STAGE RD   RALEIGH, NC 27803-4114     1216 FARM RD   RALEIGH, NC 27803-4414     1216 FARM RD   RALEIGH, NC 27803-4416     1216 FARM RD   RALEIGH, NC 27803-4411     1216 FARM RD   RALEIGH, NC 27803-4411     1216 FARM RD   RALEIGH, NC 27803-4521     1226 FARM RD   RALEIGH, NC 27803-4521     1226 FARM RD   RALEIGH, NC 27803-4627     1226 FARM RD   RALEIGH, NC 27803-411     1226 FARM RD   RALEIGH, NC 27803-341     1226 FARM RD   RALEIGH, NC 27803-341     1227 FARM RD   RALEIGH, NC 27803-341     1228 FARM RD   RALEIGH, NC 27803-342     1228 FARM RD   RALEIGH, NC 27803-341     1229 FARM RD   RALEIGH, NC 27803-367     1220 FARM RD   RALEIGH, NC 27803-419     1220 FARM RD   RALEIG		RALEIGH, NC 27603-4109	5019 OLD STAGE RD	COLLINS, JUDY STANLEY
1300 FARM RD	RALEIGH, NC 27604-6142	6105 RIVER MEADOW CT	JERRY L PARTOZES	PARTOZES, ERMA WHITAKER HEIRS
1300 FARM RD		RALEIGH, NC 27603-4110	5028 OLD STAGE RD	PELL, DEBRA ANN
1300 FARM RD		RALEIGH, NC 27603-4111	5113 OLD STAGE RD	ROMERO-MARENCO, JOSE ANIBAL CASTRO-CEDILLOS, MARIA HILDA
1300 FARM RD			1201 MAXWELL DR	ST ANDREWS METHODIST CHURCH
1300 FARM RD		WANE FUREST, NC 27507-6439  RAI FIGH NC 27503-4109	5015 OI D STAGE RD	COLLINS TAMES B
1300 FARM RD		XALEIGH, NC 2/615-3964	SOCI AVERTEL CI	MIDLOWN GROOT, LEC
1300 FARM RD		DAL FIGH NO 27615 2084	PO BOX 855	SEN ER TRACTOR CO INC
1300 FARM RD		GARNER, NC 27529-4257	1002 PHILLIP ST	BUMGARNER, JAMES EDWARD BUMGARNER, LINDA W
E, KARENM  E, KARENM  5200 OLD STAGE RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27629-4024  1216 FARM RD  RALEIGH, NC 27629-4024  1216 FARM RD  RALEIGH, NC 27629-4024  1217 PROPERTIES LLC  1218 FARM RD  RALEIGH, NC 27629-4024  1228 FARMER, NC 27629-4024  1231 FARMER RD  RALEIGH, NC 27629-4024  1232 FARMER RD  RALEIGH, NC 27629-4024  1231 FARMER RD  RALEIGH, NC 27629-4024  RA		RALEIGH, NC 27603-4109	5029 OLD STAGE RD	FELLOWSHIP BAPTIST CHURCH OF
E, KARENM 5200 CLD STAGE RD RALEIGH, NC 27603-3715  1200 CLD STAGE RD RALEIGH, NC 27603-3715  1210 CHARSON, VERNON BERLIN 1216 FARM RD RALEIGH, NC 27603-4114  1216 FARM RD RALEIGH, NC 27603-4114  1216 FARM RD RALEIGH, NC 27603-4114  1226 FARM RD RALEIGH, NC 27603-4114  1226 FARM RD RALEIGH, NC 27603-4114  1226 FARM RD RALEIGH, NC 27603-4521  1226 FARM RD RALEIGH, NC 27603-4521  1226 FARM RD RALEIGH, NC 27603-4521  1236 BOULDER CT RALEIGH, NC 27603-4113  1236 BOULDER CT GARWER, NC 27523-9024  1236 BOULDER CT GARWER, NC 27523-9024  1236 BOULDER CT RALEIGH, NC 27603-3873  1236 BOULDER CT RALEIGH, NC 27603-3973  1236 BOULDER CT RALEIGH, NC 27603-3973  1237 BOOK 789  1238 BOULDER CT RALEIGH, NC 27603-3973  1238 BOULDER CT RALEIGH, NC 27603-3973  1239 DORNARIE DR RALEIGH, NC 27603-3973  1230 COLONY DR RALEIGH, NC 27603-3973  1240 RALEIGH, NC 27603-3973  1240 RALEIGH, NC 27603-3973  1250 BOOK 789  1260 RANGER RE CT RALEIGH, NC 27603-3473  1260 RANGER RE CT RANGER RE CT RALEIGH, NC 27603-3473  1260 RANGER RE CT RANGER RE RANGER RE RANGER NC 27639-783	RALEIGH, NC 27603-3622	4926 FAYETTEVILLE RD	S R COLLINS ETAL TRUSTEES	ERNEST MYATT PRESBYTERIAN CHURCH
E, KAREN M  E, KAREN M  E, CAREN M  DO CARM RD  STAGE RD  RALEIGH, NC 27693-3715  RALEIGH, NC 27693-3715  RALEIGH, NC 27693-3715  RALEIGH, NC 27693-3715  RALEIGH, NC 27693-4114  1216 FARM RD  RALEIGH, NC 27693-4114  1216 FARM RD  RALEIGH, NC 27693-4121  RALEIGH, NC 27693-4121  RALEIGH, NC 27693-4221  RALEIGH, NC 27693-4221  RALEIGH, NC 27693-4121  STAGE RD  RALEIGH, NC 27693-4121  1208 FARM RD  S203 OLD STAGE RD  RALEIGH, NC 27693-4123  RALEIGH, NC 27693-3673  RALEIGH, NC 27693-3673  RALEIGH, NC 27693-3673  RALEIGH, NC 27693-3673  RALEIGH, NC 27529-0769  RALEIGH, NC 27693-4121  RALEIGH, NC 27693-4109  RALEIGH, NC 27693-410		RALEIGH, NC 27603-4131	5201 FAYETTEVILLE RD	MARKEY, ROBERT THOMAS
E. KAREN M  E. KAREN M  5200 CARM RD  FALEIGH, NG 27603-3715  RALEIGH, NG 27603-3715  1206 FARM RD  C.E. FAYER  C.E. KAREN M  1216 FARM RD  1216 FARM RD  RALEIGH, NG 27603-4114  1216 FARM RD  RALEIGH, NG 27603-4113  RALEIGH, NG 27603-4111  RALEIGH, NG 27603-4111  RALEIGH, NG 27603-4111  RALEIGH, NG 27603-4121  RALEIGH, NG	RALEIGH, NC 27610-4145	1551 ROCK QUARRY RD	RE SERVICES DIRECTOR	WAKE CNTY BOARD OF EDUCATION
E, KAREN M  1300 FARM RD  RALEIGH, NC 27603-3715  1210 FARM RD  1216 FARM RD  1220 FAR		RALEIGH. NC 27603-4346	922 RANCH FARM RD	HARRIS. CARROLL L
E, KAREN M  1300 FARM RD  RALEIGH, NC 27603-3715  RALEIGH, NC 27603-3715  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4106  RALEIGH, NC 27603-4111  RANILIC  PO BOX 769  FINLEY COMMERCIAL REALTORS  PO BOX 97215  RALEIGH, NC 27603-4121  RANILIAMS, MARIA B  RALEIGH, NC 27603-4121  RANILIAMS, MARIA B  RALEIGH, NC 27603-4121  RANILIAMS, MARIA B  RALEIGH, NC 27612-3704  PO BOX 97215  FINLEY COMMERCIAL REALTORS  PO BOX 97215  FINLEY COMMERCIAL REALTORS  PO BOX 97215  RALEIGH, NC 27603-4121  RANILIAMS, MARIA B  RALEIGH, NC 27603-4121  RALEIGH, NC 27603-4121  RANILIAMS, MARIA B  RALEIGH, NC 27603-4111		GARNER NC 27529-7529	108 AMBERLEY CT	COLLINS SIDNEY POOLE
E, KAREN M  1300 FARM RD  RALEIGH, NC 27603-3715  RALEIGH, NC 27603-3715  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4106  RANER, NC 27529-4867  RALEIGH, NC 27603-4106  RALEIGH, NC 27603-4101  RALEIGH, NC 27603-4109  RALEIGH, NC		STAFFORD VA 225-0270	2205 AOLIIA DR	RARRANI CHERYI A ADENCER
E, KAREN M  1300 FARM RD  2300 OLD STAGE RD  2300 OLD STAGE RD  2416 FARM RD  2126 FARM RD  2226 FAMBANI  2226 FAM			703 EDGEWATER DR	SAULS PROPERTIES LLC
E, KAREN M  1300 FARM RD  RALEIGH, NC 27603-4715  2200 PAR PAR RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1218 FARM RD  RALEIGH, NC 27603-4106  1228 FARM RD  RALEIGH, NC 27603-4106  RALEIGH, NC 27603-3673  RALEIGH, NC 27603-3673  RALEIGH, NC 27639-3020  RALEIGH, NC 27639-3020  RALEIGH, NC 27639-3020  RALEIGH, NC 27639-3020  RALEIGH, NC 27639-3021  RALEIGH, NC 27639-4121  RALEIGH, NC 27633-4121  RALEIGH, NC 2		RALEIGH, NC 27603-4119	5521 WAKE ACADEMY DR	TILLEY, BONNIE B TRUSTEE BUFFALOE FAMILY TRUST
E., KAREN M   1300 FARM RD		RALEIGH, NC 27603-4606	1330 COLONY DR	MERCER, WALTER KENNETH II
E, KAREN M  1300 FARM RD  5200 OLD STAGE RD  RALEIGH, NC 27603-4714  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4106  RALEIGH, NC 27603-4113  RALEIGH, NC 27603-4111  RALEIGH, NC 27603-4113  RALEIGH, NC 27603-4111  RALEIGH, NC 27603-4113  RALEIGH, NC 27603-4111  RALEIGH, NC 276		RALEIGH, NC 27603-4109	5029 OLD STAGE RD	FELLOWSHIP BAPTIST CHURCH OF RAL
EE, KAREN M  1300 FARM RD  5200 OLD STAGE RD  216 FARM RD  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4106  1226 FARM RD  RALEIGH, NC 27603-4106  1228 FARM RD  RALEIGH, NC 27603-4106  1228 FARM RD  RALEIGH, NC 27603-4106  1238 FARM RD  RALEIGH, NC 27603-4113  RALEIGH, NC 27603-4113  RALEIGH, NC 27639-9020  RALEIGH, NC 27639-90769  RALEIGH, NC 27639-9020  RALEIGH, NC 27639-9020  RALEIGH, NC 27639-9020  RALEIGH, NC 27639-9020  RALEIGH, NC 27	STAFFORD, VA 22554-2527	2205 AQUIA DR	C/O C S RABBANI	PARTOZES, ERMA W HEIRS SPENCER, INEZ W
E, KAREN M  1300 FARM RD  5200 OLD STAGE RD  RALEIGH, NC 27603-4714  1216 FARM RD  2106 FARM RD  2108 FARM RD  210		RALEIGH. NC 27603-3672	4824 FAYETTEVILLE RD	J. L. BUFFALOE LLC
E, KAREN M  1300 FARM RD  5200 OLD STAGE RD  1216 FARM RD	RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK III
EE, KAREN M  1300 FARM RD  5200 OLD STAGE RD  RALEIGH, NC 27603-4715  RALEIGH, NC 27603-4114  1216 FARM RD  1216 FARM RD  RALEIGH, NC 27603-4116  12760 FARM RD  RALEIGH, NC 27603-4116  RALEIGH, NC 27603-4116  RALEIGH, NC 27603-4116  RALEIGH, NC 27603-4106  RALEIGH, NC 27603-4113  JOB EASY WIND LN  GARNER, NC 27529-9020  MINITED ROPERTIES LLC  PO BOX 324  PO BOX 324  PO BOX 324  IES LLC  PO BOX 769  FINLEY COMMERCIAL REALTORS  PO BOX 97215  RK LIMITED PARTINERSHIP  FINLEY COMMERCIAL REALTORS  PO BOX 97215		RALEIGH, NC 2/612-3/04	151 DRINGE ORK	V. & C. COMMERCIAL BROBERTIES I I C
EE, KAREN M         1300 FARM RD         RALEIGH, NC 27603-3715           5200 OLD STAGE RD         RALEIGH, NC 27603-4114           5200 OLD STAGE RD         RALEIGH, NC 27603-4114           5200 OLD STAGE RD         RALEIGH, NC 27603-4106           5200 CE, FAYE B         7825 OLD STAGE RD         RALEIGH, NC 27603-4106           10CE, FAYE B         5203 OLD STAGE RD         RALEIGH, NC 27603-4106           MENT PROPERTIES LLC         703 EDGEWATER DR         RALEIGH, NC 27603-4113           MISTEE WILSON G BANEGAS-GUPTA TRUST THE         3316 BOULDER CT         GARNER, NC 27529-9020           MYLER, BRENDA W         PO BOX 324         RALEIGH, NC 27603-311           1ES LLC         PO BOX 324         RALEIGH, NC 27603-311           1ES LLC         PO BOX 769         RALEIGH, NC 27529-0324           PO BOX 769         FINLEY COMMERCIAL REALTORS         PO BOX 97215           RK LIMITED         FINLEY COMMERCIAL REALTORS         PO BOX 97215           RK LIMITED         FINLEY COMMERCIAL REALTORS         PO BOX 97215           FINLEY COMMERCIAL		RALEIGH, NC 27615-6527	1300 CLENT VIDEL DB	POPE INDUSTRIAL PARK IV LLC
IE, KAREN M         1300 FARM RD         RALEIGH, NC 27603-3715           5200 OLD STAGE RD         RALEIGH, NC 27603-4114           1216 FARM RD         RALEIGH, NC 27603-4116           EJOHNSON, VERNON BERLIN         7825 OLD STAGE RD         RALEIGH, NC 27603-4106           ICE, KAREN M         1208 FARM RD         RALEIGH, NC 27603-41106           ICE, KAREN M         1208 FARM RD         RALEIGH, NC 27603-41106           ISTRUSTEE         5203 OLD STAGE RD         RALEIGH, NC 27603-4113           ISTRUSTEE         190 EASY WIND LN         GARNER, NC 27529-4867           MENT PROPERTIES LLC         703 EDGEWATER DR         GARNER, NC 27529-4867           WLER, BRENDA W         105 RUPERT RD         RALEIGH, NC 27603-3673           ISTEE WILSON G BANEGAS-GUPTA TRUST THE         3316 BOULDER CT         RALEIGH, NC 27603-3673           IES LLC         PO BOX 324         PO BOX 769         RALEIGH, NC 27529-0769           IES LLC         PO BOX 769         GARNER, NC 27529-0769         GARNER, NC 27529-0769           IES LLC         PO BOX 769         GARNER, NC 27529-0769         PO BOX 97215           RK LIMITED         FINLEY COMMERCIAL REALTORS         PO BOX 97215           RK LIMITED PARTNERSHIP         FINLEY COMMERCIAL REALTORS         PO BOX 97215		RALEIGH, NC 27603-4121	5501 DIANE DR	WILLIAMS, THOMAS L JR WILLIAMS, MARIA B
IE, KAREN M         1300 FARM RD         RALEIGH, NC 27603-3715           5200 OLD STAGE RD         RALEIGH, NC 27603-4114           1216 FARM RD         RALEIGH, NC 27603-4114           1216 FARM RD         RALEIGH, NC 27603-4106           12 JOHNSON, VERNON BERLIN         7825 OLD STAGE RD         RALEIGH, NC 27603-4521           12. KAREN M         1208 FARM RD         RALEIGH, NC 27603-4106           12. KAREN M         1208 FARM RD         RALEIGH, NC 27603-4106           12. KAREN M         RALEIGH, NC 27603-4106         RALEIGH, NC 27603-4106           12. KAREN M         RALEIGH, NC 27603-4106         RALEIGH, NC 27603-4113           12. KAREN M         130 EASY WIND LN         RALEIGH, NC 27529-4867           12. KAREN M         703 EDGEWATER DR         RALEIGH, NC 27529-4867           12. KAREN M         105 RUPERT RD         RALEIGH, NC 27603-3673           12. KAREN M         105 RUPERT RD         RALEIGH, NC 27603-3673           12. KAREN M         27529-0324         PO BOX 769           12. KAREN M         PO BOX 769         GARNER, NC 27529-0769           12. KAREN M         PO BOX 769         GARNER, NC 27529-0769           12. KAREN M         PO BOX 769         GARNER, NC 27529-0769           12. KAREN M         PO BOX 97215         PO BOX 97215 </td <td>RALEIGH, NC 27624-7215</td> <td>PO BOX 97215</td> <td>FINLEY COMMERCIAL REALTORS</td> <td>POPE INDUSTRIAL PARK II</td>	RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK II
IE, KAREN M         1300 FARM RD         RALEIGH, NC 27603-3715           5200 OLD STAGE RD         RALEIGH, NC 27603-4114           1216 FARM RD         RALEIGH, NC 27603-4114           12 JOHNSON, VERNON BERLIN         7825 OLD STAGE RD         RALEIGH, NC 27603-4106           IE, KAREN M         1208 FARM RD         RALEIGH, NC 27603-4106           ICE, FAYE B         5203 OLD STAGE RD         RALEIGH, NC 27603-4113           ISIS TRUSTEE         5203 OLD STAGE RD         RALEIGH, NC 27603-4113           MENENT PROPERTIES LLC         190 EASY WIND LN         GARNER, NC 27529-0867           MEENDA W         105 RUPERT RD         RALEIGH, NC 27603-3673           ISTEE WILSON G BANEGAS-GUPTA TRUST THE         3316 BOULDER CT         RALEIGH, NC 27607-3111           PO BOX 769         RALEIGH, NC 27529-0769           IES LLC         GARNER, NC 27529-0769           PO BOX 769         GARNER, NC 27529-0769           PO BOX 769         GARNER, NC 27529-0769           PO BOX 97215         FINLEY COMMERCIAL REALTORS         PO BOX 97215	RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK LIMITED PARTNERSHIP
IE, KAREN M       1300 FARM RD       RALEIGH, NC 27603-3715         5200 OLD STAGE RD       RALEIGH, NC 27603-4114         1216 FARM RD       RALEIGH, NC 27603-4106         2 JOHNSON, VERNON BERLIN       7825 OLD STAGE RD       RALEIGH, NC 27603-4521         1E, KAREN M       1208 FARM RD       RALEIGH, NC 27603-4106         1CE, FAYE B       5203 OLD STAGE RD       RALEIGH, NC 27603-4113         1SIS TRUSTEE       5203 OLD STAGE RD       RALEIGH, NC 27603-4113         MENT PROPERTIES LLC       190 EASY WIND LN       GARNER, NC 27529-4867         MERN BRENDA W       703 EDGEWATER DR       RALEIGH, NC 27603-3673         STEE WILSON G BANEGAS-GUPTA TRUST THE       3316 BOULDER CT       RALEIGH, NC 27607-3111         PO BOX 769       GARNER, NC 27529-0324         PO BOX 769       GARNER, NC 27529-0769         PO BOX 769       GARNER, NC 27529-0769	RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK LIMITED
IE, KAREN M       1300 FARM RD       RALEIGH, NC 27603-3715         5200 OLD STAGE RD       RALEIGH, NC 27603-4114         1216 FARM RD       RALEIGH, NC 27603-4106         2 JOHNSON, VERNON BERLIN       7825 OLD STAGE RD       RALEIGH, NC 27603-4521         1E, KAREN M       1208 FARM RD       RALEIGH, NC 27603-4106         ICE, FAYE B       5203 OLD STAGE RD       RALEIGH, NC 27603-4113         IST TRUSTEE       190 EASY WINDL LN       RALEIGH, NC 27603-4113         MENT PROPERTIES LLC       703 EDGEWATER DR       RALEIGH, NC 27529-4867         MERT RD       703 EDGEWATER DR       GARNER, NC 27529-0920         WLER, BRENDA W       105 RUPERT RD       RALEIGH, NC 27603-3673         STEE WILSON G BANEGAS-GUPTA TRUST THE       3316 BOULDER CT       RALEIGH, NC 27607-3111         PO BOX 769       GARNER, NC 27529-0324         PO BOX 769       GARNER, NC 27529-0769         FINLEY COMMERCIAL REALTORS       PO BOX 97215		GARNER, NC 27529-0769	PO BOX 769	BANNISTER PROPERTIES
IE, KAREN M       1300 FARM RD       RALEIGH, NC 27603-3715         5200 OLD STAGE RD       RALEIGH, NC 27603-4114         1216 FARM RD       RALEIGH, NC 27603-4106         2 JOHNSON, VERNON BERLIN       7825 OLD STAGE RD       RALEIGH, NC 27603-5521         1E, KAREN M       1208 FARM RD       RALEIGH, NC 27603-4106         1CE, FAYE B       5203 OLD STAGE RD       RALEIGH, NC 27603-4106         1SIS TRUSTEE       5203 OLD STAGE RD       RALEIGH, NC 27603-4113         MENT PROPERTIES LLC       105 RUPERT RD       RALEIGH, NC 27529-9020         WILER, BRENDA W       105 RUPERT RD       RALEIGH, NC 27603-3673         WILER, BRENDA W       105 RUPERT RD       RALEIGH, NC 27603-3673         STEE WILSON G BANEGAS-GUPTA TRUST THE       3316 BOULDER CT       RALEIGH, NC 27529-0324         PO BOX 769       GARNIER, NC 27529-0324         GARNIER, NC 27529-0324       GARNIER, NC 27529-0769	RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK
IE, KAREN M       1300 FARM RD       RALEIGH, NC 27603-3715         5200 OLD STAGE RD       RALEIGH, NC 27603-4114         1216 FARM RD       RALEIGH, NC 27603-4106         2 JOHNSON, VERNON BERLIN       1216 FARM RD       RALEIGH, NC 27603-4521         1E, KAREN M       1208 FARM RD       RALEIGH, NC 27603-4106         1CE, FAYE B       5203 OLD STAGE RD       RALEIGH, NC 27603-4106         1ST RUSTEE       5203 OLD STAGE RD       RALEIGH, NC 27603-4113         MENT PROPERTIES LLC       703 EDGEWATER DR       RALEIGH, NC 27529-9020         MULER, BRENDA W       703 EDGEWATER DR       RALEIGH, NC 27603-3673         STEE WILSON G BANEGAS-GUPTA TRUST THE       3316 BOULDER CT       RALEIGH, NC 27607-3111         PO ROX 324       GARNER, NC 27529-0324		GARNER, NC 27529-0769	PO BOX 769	BANNISTER PROPERTIES ILC
1300 FARM RD		GARNER, NC 27529-0324	PO BOX 324	BANNISTER, DAVID W
1300 FARM RD  5200 OLD STAGE RD  1216 FARM RD  7825 OLD STAGE RD  7825 OLD STAGE RD  7826 OLD STAGE RD  7827 OLD STAGE RD  7828 FARM RD  7829 OLD STAGE RD  7829 OLD STAGE RD  7820 OLD STAGE RD  7830 OLD		RALEIGH, NC 27603-3073	3346 BOLL DEB OT	CLIDTA SANTALK TRUSTER WILLSON G BANEGAS GLIDTA TRUST THE
1300 FARM RD       RALEIGH, NC 27603-3715         5200 OLD STAGE RD       RALEIGH, NC 27603-4114         1216 FARM RD       RALEIGH, NC 27603-4106         7825 OLD STAGE RD       RALEIGH, NC 27603-5521         1208 FARM RD       RALEIGH, NC 27603-4106         5203 OLD STAGE RD       RALEIGH, NC 27603-4113         190 EASY WIND LN       GARNER, NC 27529-4867		GARNER, NC 27529-9020	703 EDGEWATER DR	THOMPSON DEVELOPMENT PROPERTIES LLC
1300 FARM RD       RALEIGH, NC 27603-3715         5200 OLD STAGE RD       RALEIGH, NC 27603-4114         1216 FARM RD       RALEIGH, NC 27603-4106         7825 OLD STAGE RD       RALEIGH, NC 27603-5521         1208 FARM RD       RALEIGH, NC 27603-4106         5203 OLD STAGE RD       RALEIGH, NC 27603-4113		GARNER, NC 27529-4867	190 EASY WIND LN	THOMPSON, MARY LOIS TRUSTEE
1300 FARM RD  RALEIGH, NC 27603-3715  5200 OLD STAGE RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4106  7825 OLD STAGE RD  RALEIGH, NC 27603-5521  RALEIGH, NC 27603-4106			5203 OLD STAGE RD	NANCE, JERRY O NANCE, FAYE B
1300 FARM RD  RALEIGH, NC 27603-3715  5200 OLD STAGE RD  RALEIGH, NC 27603-4114  1216 FARM RD  RALEIGH, NC 27603-4106  RALEIGH, NC 27603-5521				EE, CHARLIE H JR LEE, KAREN M
1300 FARM RD RALEIGH, NC 27603-3715  5200 OLD STAGE RD RALEIGH, NC 27603-4114  1216 FARM RD RALEIGH NC 27603-4106		RALEIGH, NC 27603-5521	7825 OLD STAGE RD	JOHNSON, PERCY LEE JOHNSON, VERNON BERLIN
1300 FARM RD RALEIGH, NC 27603-3715		RALEIGH, NC 27603-4114	1216 FARM RD	MACN, LARRIED
		BALEIGH, NC 27603-3715	F300 OF D STACE BD	MACK - ABBK D - EE, CIAXEE II J X EEE, XAXEN M
			1300 EARM BD	EE CHARLE H IBLEE KARENM

NAME	ADDRESS	USPS_CITY
Current Tenant	1101 Transport Dr	Raleigh, NC 27603
Current Tenant	1208 United Dr	Raleigh, NC 27603
Current Tenant	5217 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	919 Grovemont Rd	Raleigh, NC 27603
Current Tenant	1345 Express Dr	Raleigh, NC 27603
Current Tenant	2108 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5111 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1413 Transport Dr	Raleigh, NC 27603
Current Tenant	1200 Transport Dr	Raleigh, NC 27603
Current Tenant	1308 Farm Rd	Raleigh, NC 27603
Current Tenant	1317 Transport Dr	Raleigh, NC 27603
Current Tenant	925 Kitchen Dr	Raleigh, NC 27603
Current Tenant	2119 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2103 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5301 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	885 Kitchen Dr STE A	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT E	Raleigh, NC 27603
Current Tenant	1208 Express Dr	Raleigh, NC 27603
Current Tenant	2210 Trackside Dr	Raleigh, NC 27603
Current Tenant	2208 Trackside Dr	Raleigh, NC 27603
Current Tenant	2009 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2211 Trackside Dr	Raleigh, NC 27603
Current Tenant	2001 Bedrock Dr	Raleigh, NC 27603
Current Tenant	137 Shoe Dr	Raleigh, NC 27603
Current Tenant	150 Shoe Dr	Raleigh, NC 27603
Current Tenant	5501 Diane Dr	Raleigh, NC 27603
Current Tenant	1212 Transport Dr	Raleigh, NC 27603
Current Tenant	1349 Express Dr	Raleigh, NC 27603
Current Tenant	1101 Maxwell Dr	Raleigh, NC 27603
Current Tenant	1301 Transport Dr	Raleigh, NC 27603
Current Tenant	1228 United Dr	Raleigh, NC 27603
Current Tenant	5122 Old Stage Rd	Raleigh, NC 27603
Current Tenant	925 Grovemont Rd	Raleigh, NC 27603
Current Tenant	5011 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1208 Farm Rd	Raleigh, NC 27603
Current Tenant	925 Grovemont Rd BLDG A	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 105	Raleigh, NC 27603
Current Tenant	5119 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT C	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT I	Raleigh, NC 27603
Current Tenant	5121 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT H	Raleigh, NC 27603
Current Tenant	2212 Trackside Dr	Raleigh, NC 27603
Current Tenant	2014 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2014 Bedrock Dr	
		Raleigh, NC 27603 Raleigh, NC 27603
Current Tenant Current Tenant	2005 Bedrock Dr 2004 Bedrock Dr	
		Raleigh, NC 27603
Current Tenant	2110 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2013 Bedrock Dr	Raleigh, NC 27603
Current Tenant	5025 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2201 Trackside Dr	Raleigh, NC 27603
Current Tenant	133 Shoe Dr	Raleigh, NC 27603
Current Tenant	5525 Wake Academy Dr	Raleigh, NC 27603
Current Tenant	5203 Old Stage Rd	Raleigh, NC 27603
Current Tenant	5213 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5114 Old Stage Rd	Raleigh, NC 27603
Current Tenant	105 Rupert Rd	Raleigh, NC 27603
Current Tenant	140 Rupert Rd	Raleigh, NC 27603
Current Tenant	1103 Transport Dr	Raleigh, NC 27603
Current Tenant	4840 Fayetteville Rd	Raleigh, NC 27603

Comment Tement	1000 Farm Dd	Delaish NC 27602
Current Tenant	1200 Farm Rd	Raleigh, NC 27603
Current Tenant Current Tenant	5124 Old Stage Rd	Raleigh, NC 27603
	2121 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	914 Ranch Farm Rd	Raleigh, NC 27603
Current Tenant	1110 Farm Rd	Raleigh, NC 27603
Current Tenant	5119 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1220 Express Dr	Raleigh, NC 27603
Current Tenant	2106 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2207 Trackside Dr	Raleigh, NC 27603
Current Tenant	2206 Trackside Dr	Raleigh, NC 27603
Current Tenant	2102 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	121 Shoe Dr	Raleigh, NC 27603
Current Tenant	161 Shoe Dr	Raleigh, NC 27603
Current Tenant	5509 Diane Dr	Raleigh, NC 27603
Current Tenant	5521 Wake Academy Dr	Raleigh, NC 27603
Current Tenant	5028 Old Stage Rd	Raleigh, NC 27603
Current Tenant	5322 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5001 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1216 United Dr	Raleigh, NC 27603
Current Tenant	1113 Transport Dr	Raleigh, NC 27603
Current Tenant	5024 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4833 Fayetteville Rd D	Raleigh, NC 27603
Current Tenant	1212 United Dr	Raleigh, NC 27603
Current Tenant	1105 Transport Dr	Raleigh, NC 27603
Current Tenant	1300 Farm Rd	Raleigh, NC 27603
Current Tenant	2105 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5205 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT B	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 109	Raleigh, NC 27603
Current Tenant	2011 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2205 Trackside Dr	Raleigh, NC 27603
Current Tenant	4833 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	2100 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2007 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2008 Bedrock Dr	Raleigh, NC 27603
Current Tenant	129 Shoe Dr	Raleigh, NC 27603
Current Tenant	157 Shoe Dr	Raleigh, NC 27603
Current Tenant	1216 Transport Dr	Raleigh, NC 27603
Current Tenant	1335 Express Dr	Raleigh, NC 27603
Current Tenant	5221 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1201 Maxwell Dr GYM	Raleigh, NC 27603
Current Tenant	5019 Old Stage Rd	Raleigh, NC 27603
Current Tenant	985 Kitchen Dr	Raleigh, NC 27603
Current Tenant	1412 Transport Dr	Raleigh, NC 27603
Current Tenant	1406 Transport Dr	Raleigh, NC 27603
Current Tenant	2006 Bedrock Dr	Raleigh, NC 27603
Current Tenant	5300 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5132 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4901 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1215 United Dr	Raleigh, NC 27603
Current Tenant	5226 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5109 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2107 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT D	Raleigh, NC 27603
Current Tenant	5322 Fayetteville Rd STE 200	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT A	Raleigh, NC 27603
Current Tenant	1313 Transport Dr	Raleigh, NC 27603
Current Tenant	2012 Bedrock Dr	Raleigh, NC 27603
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Current Tenant Current Tenant	2209 Trackside Dr	Raleigh, NC 27603
	2204 Trackside Dr	Raleigh, NC 27603
Current Tenant	158 Shoe Dr	Raleigh, NC 27603

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Current Tenant	5105 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1314 Farm Rd	Raleigh, NC 27603
Current Tenant	1337 Express Dr	Raleigh, NC 27603
Current Tenant	4835 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4832 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5100 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5120 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	989 Kitchen Dr	Raleigh, NC 27603
Current Tenant	1333 Express Dr	Raleigh, NC 27603
Current Tenant	4826 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4830 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1416 Transport Dr	Raleigh, NC 27603
Current Tenant	1341 Express Dr	Raleigh, NC 27603
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Current Tenant	1305 Transport Dr	Raleigh, NC 27603
Current Tenant	5322 Fayetteville Rd STE 100	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 101	Raleigh, NC 27603
Current Tenant	4926 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	2003 Bedrock Dr	Raleigh, NC 27603
Current Tenant	5020 Vanessa Dr	Raleigh, NC 27603
Current Tenant	1312 Farm Rd	Raleigh, NC 27603
Current Tenant	2213 Trackside Dr	Raleigh, NC 27603
Current Tenant	125 Shoe Dr	Raleigh, NC 27603
Current Tenant	145 Shoe Dr	Raleigh, NC 27603
Current Tenant	153 Shoe Dr	Raleigh, NC 27603
Current Tenant	149 Shoe Dr	Raleigh, NC 27603
Current Tenant	1108 Farm Rd	Raleigh, NC 27603
Current Tenant	1220 United Dr	Raleigh, NC 27603
Current Tenant	140 Rupert Rd STE 144	Raleigh, NC 27603
Current Tenant	1224 United Dr	Raleigh, NC 27603
Current Tenant	5005 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4828 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5102 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1325 Express Dr	Raleigh, NC 27603
Current Tenant	922 Ranch Farm Rd	Raleigh, NC 27603
Current Tenant	1109 Transport Dr	Raleigh, NC 27603
Current Tenant	1220 Transport Dr	Raleigh, NC 27603
Current Tenant	1204 United Dr	Raleigh, NC 27603
Current Tenant	5120 Old Stage Rd	Raleigh, NC 27603
Current Tenant	5116 Old Stage Rd	Raleigh, NC 27603
Current Tenant	5110 Old Stage Rd	Raleigh, NC 27603
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Current Tenant	2104 Wellhouse Dr	Raleigh, NC 27603
	5311 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1216 Express Dr	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 107	Raleigh, NC 27603
Current Tenant	5307 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4833 Fayetteville Rd G	Raleigh, NC 27603
Current Tenant	2010 Bedrock Dr	Raleigh, NC 27603
Current Tenant	925 Kitchen Dr STE B	Raleigh, NC 27603
Current Tenant	146 Shoe Dr	Raleigh, NC 27603
Current Tenant	1303 Transport Dr	Raleigh, NC 27603
Current Tenant	1208 Transport Dr	Raleigh, NC 27603
Current Tenant	1204 Farm Rd	Raleigh, NC 27603
Current Tenant	917 Grovemont Rd	Raleigh, NC 27603
Current Tenant	1201 Maxwell Dr	Raleigh, NC 27603
Current Tenant	5130 Old Stage Rd	Raleigh, NC 27603
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#### **Neighborhood Meeting Notice Mailing List (Tenants)**

Current Tenant	1408 Transport Dr	Raleigh, NC 27603
Current Tenant	5106 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2123 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5201 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5200 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1309 Transport Dr	Raleigh, NC 27603
Current Tenant	1216 Farm Rd	Raleigh, NC 27603
Current Tenant	5209 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5009 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	991 Kitchen Dr	Raleigh, NC 27603
Current Tenant	1400 Transport Dr	Raleigh, NC 27603
Current Tenant	885 Kitchen Dr	Raleigh, NC 27603
Current Tenant	5015 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT F	Raleigh, NC 27603
Current Tenant	885 Kitchen Dr STE B	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 111	Raleigh, NC 27603
Current Tenant	2200 Trackside Dr	Raleigh, NC 27603
Current Tenant	2202 Trackside Dr	Raleigh, NC 27603
Current Tenant	2203 Trackside Dr	Raleigh, NC 27603
Current Tenant	2018 Bedrock Dr	Raleigh, NC 27603
Current Tenant	154 Shoe Dr	Raleigh, NC 27603
Current Tenant	5311 1/2 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1325 Express Dr OFFIC	Raleigh, NC 27603

#### NEIGHBORHOOD MEETING SUMMARY REPORT: Proposed Rezoning of 5100 Fayetteville Road (Wake County PIN: 1701046088)

The applicant conducted a neighborhood meeting on the proposed rezoning consistent with the requirements of Garner UDO Section 4.4.6. The meeting was held on <u>October 6, 2022</u>, at the <u>Avery Street Recreation Center (Multipurpose Room A)</u>, 125 Avery Street, Garner, NC 27529.

Owners and tenants of properties within 1,000 feet of the parcel proposed for rezoning were notified of the meeting by first-class mail using a mailing list provided to the applicant by Garner Planning Department staff. A copy of the meeting notice and mailing list, mailed notices returned, and the meeting attendance roster is attached to this report. A total of 3 neighbors attended the meeting.

Below is a summary of the meeting including questions/comments from attendees and responses provided by the applicant team.

The meeting began at 6:00 PM.

Tyler Morris, representing the applicant Capitol Commercial LLC, introduced members of the applicant team present at the meeting and explained the proposed request to rezone approximately 36.96 acres located at 5100 Fayetteville Road from the current zoning of Light Industrial to Commercial Mixed Use Conditional district with an associated master plan. A preliminary copy of the master plan was shown to the attendees. Mr. Morris explained the proposed zoning is to allow for commercial uses along the property frontage on Fayetteville Road and multi-family residential use on the parcel to the rear of the commercial area. He also reviewed the proposed site layout including location of amenity areas/gathering spaces for residents of the multi-family use, vehicle access, parking areas and buffers.

Attendees did not express any concerns/issues with the proposed zoning, and asked questions and provided comments about the following:

- What types of commercial uses will be allowed under the proposed zoning?
   Neighbors in attendance mentioned they would like the commercial uses to be compatible. Applicant team explained the commercial uses would be in accordance with those allowed under the Garner UDO for CMX zoning.
- What are the number of bedrooms in the multi-family part of proposed development?
   Mr. Morris explained the intent is to have mostly one- and two-bedroom units with a small number of three-bedroom units, and that details regarding that design aspect is still being reviewed/discussed by the applicant.
- <u>Does the developer have any other similar projects in the Raleigh area?</u>
   Mr. Morris and Mr. Stegall provided the locations and details of projects the developer has completed in the area.
- Will the main access to the development be from Highway 401?
   The applicant team explained primary access to the parcel will be from Highway 401 with additional access from the parcel's frontage on Farm Road, and that access will be reviewed by Town of Garner staff and designed in accordance with the applicable requirements.

#### NEIGHBORHOOD MEETING SUMMARY REPORT: Proposed Rezoning of 5100 Fayetteville Road (Wake County PIN: 1701046088)

Will the proposed development be served by public water and sewer?
 The applicant team explained the plan to design and construct water and sewer utilities in accordance with the applicable requirements and regulations. The team described possible routes for the utilities and explained they are still discussing that aspect of the proposed development with Town staff, and noted the existing topography of the site and surrounding area does not provide many options for routing sewer to the site.

With no further questions or comments from the neighbors in attendance, the meeting concluded at 6:40pm.

# Neighborhood Meeting Attendance Roster Thursday, October 6, 2022 6:00 PM

Avery Street Recreation Center, 125 Avery Street, Garner, NC

Proposed Rezoning - property at 5100 Fayetteville Rd, Garner, NC (PIN: 1701046088)

Wayne Nicholas - Senior Land Planner (919) 981-4084	Ken Thompson (919) 835-1500 (JDavis Architects)	David Lasley (Piedmont Land Design, LLP) (919) 845-7600	Jason Stegall (Capitol Commercial, LLC)	Tyler Morris (Capitol Commercial, LLC)	APPLICANT TEAM	Bouge M Shows 919-772-282	C	BOB GREEN Brien 3	CANE CREEN	Name Email / Phone
+		0				2821		(17.4) (17.4)		
301 Fayetteville Street, Suite 1700 Raleigh, NC 27601	510 S. Wilmington Street Raleigh, NC 27601	8522-204 Six Forks Road Raleigh, NC 27615				Balish, N.C. 2740 B		EDABLY MYAT, FRE CHICK		Address

## WILLIAMS MULLEN

Thomas H. Johnson, Jr. Direct Dial: 919.981.4006 tjohnson@williamsmullen.com

March 29, 2023

Re: Notice of Neighborhood Meeting for Proposed Rezoning and Special Use Permit: 5100 Fayetteville Road (Wake County PIN: 1701046088)

Dear Neighboring Property Owner and/or Current Tenant:

You are invited to attend a neighborhood meeting to learn about a rezoning application under review by the Town of Garner for development of commercial and residential uses on a 37± acre property, owned by Lee & Hudgins Enterprises LLC, located at 5100 Fayetteville Road and identified as Wake County PIN: 1701046088, outlined in red on the vicinity map included on the following page. The meeting will be held on <a href="Wednesday">Wednesday</a>, April 12, 2023 from 6:00 PM until 7:00 PM at the Avery Street Recreation Center (Multipurpose Room A), 125 Avery Street, Garner, NC 27529. Garner's regulations also require submittal of a special use permit application for development with 100 or more multifamily residential units, and for a neighborhood meeting to be held on special use permit requests. This meeting will serve as a neighborhood meeting for the associated special use permit as well. The purpose of these meetings is to provide owners and current tenants of neighboring properties an opportunity to learn from the applicant more about the proposed development, ask questions and share feedback with the applicant before the requests are scheduled for public hearing before the Town Council.

The subject property is currently zoned Light Industrial (LI) with a portion of the parcel adjacent to US Highway 401 (Fayetteville Road) being in the Commercial Highway Overlay District. The applicant is proposing to rezone the property to Commercial Mixed Use (CMX) to allow for development of commercial and multifamily residential uses on the property. CMX zoning is a conditional zoning district for which future development on the property will be subject to a master plan reviewed and approved as part of the rezoning request. The master plan will be a condition of the zoning and establishes permitted uses, density and dimensional standards, and other development requirements applicable to the property.

After the rezoning and associated master plan submittal is reviewed by Town staff and prior to scheduling a public hearing with the Town Council, the Town of Garner requires applicants to hold a neighborhood meeting and invite owners and tenants of properties within 1,000 feet of the site proposed for rezoning and an associated special use permit. Following the meeting, the applicant prepares a summary report identifying issues raised and any resolution or explanation provided by the applicant. This report is submitted to the Town as part of the rezoning and special use permit applications. Substantial changes to the proposed rezoning and associated master plan may occur following the neighborhood meeting and before the Town Council votes a decision on the requested rezoning and special use permit.

# WILLIAMS MULLEN

Thomas H. Johnson, Jr. Direct Dial: 919.981.4006 tjohnson@williamsmullen.com

Information about planning and development in Garner, including the rezoning and special use permit processes, can be found on the Town's website at

https://www.garnernc.gov/departments/planning-1764, or by contacting the Garner Planning Department at 919-773-4449. If you have any questions about this proposed rezoning and special use permit, please contact me at 919-981-4006 or tjohnson@williamsmullen.com.

Sincerely,

Thomas H. Johnson, Jr.

Mora Aplas

cc: Town of Garner Planning Department



(2021 aerial image source: Wake County GIS iMAPS)

	RAI FIGH NC 27603-4111	5111 OLD STAGE RD	DISORRO SARAH
	RALEIGH, NC 27603-4225	919 GROVEMONT RD	CROUSE, STEVEN E
	RALEIGH, NC 27603-3622	4926 FAYETTEVILLE RD	MYATTS CHAPEL CHURCH
	NER NC 27529-0471	PO BOX 471	CHATHAM. B CLARK
RALEIGH, NC 27609-4697	ME 205 W MILLBROOK RD STE 210	C/O KOHN-ELL ASSOCIATION MANGEME 205 \	INWOOD FOREST ASSOCIATION INC
	GARNER, NC 27529-2571	2664 TIMBER DR STE 416	OLD RANCH TRUST
	RALEIGH, NC 27603-4225	917 GROVEMONT RD	ROUNTREE, MICHAEL
	RALEIGH, NC 27603-2608	2116 LAKE WHEELER RD	PLAYMAKER PROPERTIES LLC
	PHOENIX, AZ 85072-2085	PO BOX 52085	PARTOZES, ERMA W HEIRS RABBANI, CHERYL A SPENCER
	GARNER, NC 27529-0324	PO BOX 324	DWB PROPERTIES LLC
	RALEIGH, NC 27615-3984	8501 AVERELL CT	NAIMEE, SHAHAB
	RALEIGH, NC 27603-4109	5019 OLD STAGE RD	COLLINS, JUDY STANLEY
RALEIGH, NC 27604-6142	6105 RIVER MEADOW CT	JERRY L PARTOZES	PARTOZES, ERMA WHITAKER HEIRS
	RALEIGH, NC 27603-4110	5028 OLD STAGE RD	PELL, DEBRA ANN
	RALEIGH, NC 27603-4111	5113 OLD STAGE RD	ROMERO-MARENCO, JOSE ANIBAL CASTRO-CEDILLOS, MARIA HILDA
	RALEIGH, NC 27603-4266	1201 MAXWELL DR	ST ANDREWS METHODIST CHURCH
	RALEIGH, NC 27603-4109	5015 OLD STAGE RD	COLLINS, JAMES B
	WAKE FOREST, NC 27587-8439	5526 ZEBULON RD	HONEYCUTT, RALPH STEVENS TRUSTEE
	RALEIGH, NC 27615-3984	8501 AVERELL CT	MIDTOWN GROUP, LLC
	CARY, NC 27512-0855	PO BOX 855	SENTER TRACTOR CO INC
	GARNER, NC 27529-4257	1002 PHILLIP ST	BUMGARNER, JAMES EDWARD BUMGARNER, LINDA W
	RALEIGH, NC 27603-4109	5029 OLD STAGE RD	FELLOWSHIP BAPTIST CHURCH OF
RALEIGH, NC 27603-3622	4926 FAYETTEVILLE RD	S R COLLINS ETAL TRUSTEES	ERNEST MYATT PRESBYTERIAN CHURCH
	RALEIGH, NC 27603-4131	5201 FAYETTEVILLE RD	MARKEY, ROBERT THOMAS
RALEIGH, NC 27610-4145	1551 ROCK QUARRY RD	RE SERVICES DIRECTOR	WAKE CNTY BOARD OF EDUCATION
	RALEIGH, NC 27603-4346	922 RANCH FARM RD	HARRIS, CARROLL L
	GARNER, NC 27529-7529	108 AMBERLEY CT	COLLINS, SIDNEY POOLE
	STAFFORD, VA 22554-2527	2205 AQUIA DR	RABBANI, CHERYL A SPENCER
	GARNER, NC 27529-8278	322 FOX WALK PATH	KYLE WHITE ENTERPRISES LLC
	GARNER NC 27529-9020	703 EDGEWATER DR	
	RAI FIGH NC 27603-4119	5521 WAKE ACADEMY DR	TILLEY BONNIE B TRUSTEE BUFFALOF FAMILY TRUST
	BALEIGH NC 27603-4606	1330 COLONY DD	אהסספס איאן דהס אפאואפדע וו רבבכלאיטי ווי סין כיוסי לין לאב
STAFFORD, VA 22554-2527	2205 AQUIA DR BAI EIGH NC 37603-4100	5039 OI D STAGE BD	PARTOZES, ERMA W HEIRS SPENCER, INEZ W
	RALEIGH, NC 27603-3672	4824 FAYETTEVILLE RD	
RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK III
	PITTSBORO, NC 27312-7611	151 PRINCE CRK	V & C COMMERCIAL PROPERTIES LLC
	RALEIGH, NC 27612-3704	4200 GLEN LAUREL DR	LEE & HUDGINS ENTERPRISES LLC
	RALEIGH, NC 27615-6527	6512 SIX FORKS RD STE 501B	POPE INDUSTRIAL PARK IV LLC
	RALEIGH, NC 27603-4121	5501 DIANE DR	WILLIAMS, THOMAS L JR WILLIAMS, MARIA B
RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK II
RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK LIMITED PARTNERSHIP
RALEIGH, NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK LIMITED
	GARNER, NC 27529-0769	PO BOX 769	BANNISTER PROPERTIES
RALEIGH. NC 27624-7215	PO BOX 97215	FINLEY COMMERCIAL REALTORS	POPE INDUSTRIAL PARK
	GARNER NC 27529-0769	PO BOX 769	BANNISTER PROPERTIES LLC
	GARNER NC 27529-0324	PO BOX 324	BANNISTER DAVID W
	BAI EIGH NC 27607-3111	3316 BOULDER CT	GUPTA SANIAI K TRUSTEE WII SON G BANEGAS-GUPTA TRUST THE
	RALEIGH, NC 27603-3673	105 RUPERT RD	FOWLER, BOBBY E FOWLER, BRENDA W
	GARNER. NC 27529-9020	703 EDGEWATER DR	THOMPSON DEVELOPMENT PROPERTIES LLC
	GARNER NC 27529-4867	190 FASY WIND I N	THOMPSON MARY LOIS TRUSTEE
	RAI FIGH NC 27603-4113	5203 OI D STAGE RD	NANCE JERRY O NANCE FAYER
	BALEIGH NC 27603-4106	1208 EARM RD	TEE CHARLE H IRLEE KAREN M
	BALEIGH, NC 27603-4106	7825 OLD STACE BD	ICHNISON BEBOY I DE IOUNISON VERNION BEBLIN
	RALEIGH, NC 27603-4114	5200 OLD STAGE RD	MACK, LARRY D
	RALEIGH, NC 27603-3715	1300 FARM RD	LEE, CHARLIE H JR LEE, KAREN M
		AUUN	CANAL

NAME	ADDRESS	USPS_CITY
Current Tenant	1101 Transport Dr	Raleigh, NC 27603
Current Tenant	1208 United Dr	Raleigh, NC 27603
Current Tenant	5217 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	919 Grovemont Rd	Raleigh, NC 27603
Current Tenant	1345 Express Dr	Raleigh, NC 27603
Current Tenant	2108 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5111 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1413 Transport Dr	Raleigh, NC 27603
Current Tenant	1200 Transport Dr	Raleigh, NC 27603
Current Tenant	1308 Farm Rd	Raleigh, NC 27603
Current Tenant	1317 Transport Dr	Raleigh, NC 27603
Current Tenant	925 Kitchen Dr	Raleigh, NC 27603
Current Tenant	2119 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2103 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5301 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	885 Kitchen Dr STE A	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT E	Raleigh, NC 27603
Current Tenant	1208 Express Dr	Raleigh, NC 27603
Current Tenant	2210 Trackside Dr	Raleigh, NC 27603
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Current Tenant	2009 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2211 Trackside Dr	Raleigh, NC 27603
Current Tenant	2001 Bedrock Dr	Raleigh, NC 27603
Current Tenant	137 Shoe Dr	Raleigh, NC 27603
Current Tenant	150 Shoe Dr	Raleigh, NC 27603
Current Tenant	5501 Diane Dr	Raleigh, NC 27603
Current Tenant	1212 Transport Dr	Raleigh, NC 27603
Current Tenant	1349 Express Dr	Raleigh, NC 27603
Current Tenant	1101 Maxwell Dr	Raleigh, NC 27603
Current Tenant	1301 Transport Dr	Raleigh, NC 27603
Current Tenant	1228 United Dr	Raleigh, NC 27603
Current Tenant	5122 Old Stage Rd	Raleigh, NC 27603
Current Tenant	925 Grovemont Rd	Raleigh, NC 27603
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Current Tenant	925 Grovemont Rd BLDG A	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 105	Raleigh, NC 27603
Current Tenant	5119 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT C	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT I	Raleigh, NC 27603
Current Tenant	5121 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT H	Raleigh, NC 27603
Current Tenant	2212 Trackside Dr	Raleigh, NC 27603
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Current Tenant	2014 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2005 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2004 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2110 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2013 Bedrock Dr	Raleigh, NC 27603
Current Tenant	5025 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2201 Trackside Dr	
Current Tenant	133 Shoe Dr	Raleigh, NC 27603
		Raleigh, NC 27603
Current Tenant	5525 Wake Academy Dr	Raleigh, NC 27603
Current Tenant	5203 Old Stage Rd	Raleigh, NC 27603
Current Tenant	5213 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5114 Old Stage Rd	Raleigh, NC 27603
Current Tenant	105 Rupert Rd	Raleigh, NC 27603
Current Tenant	140 Rupert Rd	Raleigh, NC 27603
Current Tenant	1103 Transport Dr	Raleigh, NC 27603
Current Tenant	4840 Fayetteville Rd	Raleigh, NC 27603

Comment Tenent	1000 Farm Dd	Deleigh NC 27602
Current Tenant	1200 Farm Rd	Raleigh, NC 27603
Current Tenant	5124 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2121 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	914 Ranch Farm Rd	Raleigh, NC 27603
Current Tenant	1110 Farm Rd	Raleigh, NC 27603
Current Tenant	5119 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1220 Express Dr	Raleigh, NC 27603
Current Tenant	2106 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2207 Trackside Dr	Raleigh, NC 27603
Current Tenant	2206 Trackside Dr	Raleigh, NC 27603
Current Tenant	2102 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	121 Shoe Dr	Raleigh, NC 27603
Current Tenant	161 Shoe Dr	Raleigh, NC 27603
Current Tenant	5509 Diane Dr	Raleigh, NC 27603
Current Tenant	5521 Wake Academy Dr	Raleigh, NC 27603
Current Tenant	5028 Old Stage Rd	Raleigh, NC 27603
Current Tenant	5322 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5001 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1216 United Dr	Raleigh, NC 27603
Current Tenant	1113 Transport Dr	Raleigh, NC 27603
Current Tenant	5024 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4833 Fayetteville Rd D	Raleigh, NC 27603
Current Tenant	1212 United Dr	Raleigh, NC 27603
Current Tenant	1105 Transport Dr	Raleigh, NC 27603
Current Tenant	1300 Farm Rd	Raleigh, NC 27603
Current Tenant	2105 Wellhouse Dr	Raleigh, NC 27603
Current Tenant		
	5205 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT B	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 109	Raleigh, NC 27603
Current Tenant	2011 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2205 Trackside Dr	Raleigh, NC 27603
Current Tenant	4833 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	2100 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	2007 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2008 Bedrock Dr	Raleigh, NC 27603
Current Tenant	129 Shoe Dr	Raleigh, NC 27603
Current Tenant	157 Shoe Dr	Raleigh, NC 27603
Current Tenant	1216 Transport Dr	Raleigh, NC 27603
Current Tenant	1335 Express Dr	Raleigh, NC 27603
Current Tenant	5221 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1201 Maxwell Dr GYM	Raleigh, NC 27603
Current Tenant	5019 Old Stage Rd	Raleigh, NC 27603
Current Tenant	985 Kitchen Dr	Raleigh, NC 27603
Current Tenant	1412 Transport Dr	Raleigh, NC 27603
Current Tenant	1406 Transport Dr	Raleigh, NC 27603
Current Tenant	2006 Bedrock Dr	Raleigh, NC 27603
Current Tenant	5300 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5132 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4901 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1215 United Dr	Raleigh, NC 27603
Current Tenant	5226 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5109 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2107 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT D	Raleigh, NC 27603
Current Tenant	5322 Fayetteville Rd STE 200	Raleigh, NC 27603
Current Tenant		
	4824 Fayetteville Rd APT A	Raleigh, NC 27603
Current Tenant	1313 Transport Dr	Raleigh, NC 27603
Current Tenant	2012 Bedrock Dr	Raleigh, NC 27603
Current Tenant	2209 Trackside Dr	Raleigh, NC 27603
Current Tenant	2204 Trackside Dr	Raleigh, NC 27603
Current Tenant	158 Shoe Dr	Raleigh, NC 27603

Current Tenant         1314 Farm Rd         Raleigh, NC 27603           Current Tenant         1337 Express Dr         Raleigh, NC 27603           Current Tenant         4835 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         4824 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         5100 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         5120 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         589 Kitchen Dr         Raleigh, NC 27603           Current Tenant         1333 Express Dr         Raleigh, NC 27603           Current Tenant         4826 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         4836 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         4336 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         4341 Express Dr         Raleigh, NC 27603           Current Tenant         1341 Express Dr         Raleigh, NC 27603           Current Tenant         1200 Express Dr         Raleigh, NC 27603           Current Tenant         1212 Express Dr         Raleigh, NC 27603           Current Tenant         1305 Transport Dr         Raleigh, NC 27603           Current Tenant         1349 Express Dr STE 101         Raleigh, NC 2	Current Terrent	E10E Covettoville Dd	Dalaigh NC 07600
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Current Tenant         5120 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         989 Kitchen Dr         Raleigh, NC 27603           Current Tenant         1333 Express Dr         Raleigh, NC 27603           Current Tenant         4826 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         4830 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         1416 Transport Dr         Raleigh, NC 27603           Current Tenant         5029 Old Stage Rd         Raleigh, NC 27603           Current Tenant         5113 Old Stage Rd         Raleigh, NC 27603           Current Tenant         1200 Express Dr         Raleigh, NC 27603           Current Tenant         1200 Express Dr         Raleigh, NC 27603           Current Tenant         1212 Express Dr         Raleigh, NC 27603           Current Tenant         1305 Transport Dr         Raleigh, NC 27603           Current Tenant         1322 Expetteville Rd STE 100         Raleigh, NC 27603           Current Tenant         1349 Express Dr STE 101         Raleigh, NC 27603           Current Tenant         14926 Fayetteville Rd         Raleigh, NC 27603           Current Tenant         203 Bedrock Dr         Raleigh, NC 27603           Current Tenant         203 Bedrock Dr         Raleigh	_		
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Current Tenant 14830 Fayetteville Rd Raleigh, NC 27603 Current Tenant 1416 Transport Dr Raleigh, NC 27603 Current Tenant 5029 Old Stage Rd Raleigh, NC 27603 Current Tenant 5029 Old Stage Rd Raleigh, NC 27603 Current Tenant 5113 Old Stage Rd Raleigh, NC 27603 Current Tenant 1200 Express Dr Raleigh, NC 27603 Current Tenant 1200 Express Dr Raleigh, NC 27603 Current Tenant 1212 Express Dr Raleigh, NC 27603 Current Tenant 1212 Express Dr Raleigh, NC 27603 Current Tenant 1305 Transport Dr Raleigh, NC 27603 Current Tenant 1305 Transport Dr Raleigh, NC 27603 Current Tenant 1349 Express Dr STE 101 Current Tenant 1349 Express Dr STE 101 Current Tenant 4926 Fayetteville Rd STE 100 Current Tenant 4926 Fayetteville Rd Raleigh, NC 27603 Current Tenant 5020 Vanessa Dr Raleigh, NC 27603 Current Tenant 5020 Vanessa Dr Raleigh, NC 27603 Current Tenant 1312 Farm Rd Raleigh, NC 27603 Current Tenant 1212 Farm Rd Raleigh, NC 27603 Current Tenant 125 Shoe Dr Raleigh, NC 27603 Current Tenant 145 Shoe Dr Raleigh, NC 27603 Current Tenant 145 Shoe Dr Raleigh, NC 27603 Current Tenant 149 Shoe Dr Raleigh, NC 27603 Current Tenant 149 Shoe Dr Raleigh, NC 27603 Current Tenant 140 Shoe Dr Raleigh, NC 27603 Current Tenant 1220 United Dr Raleigh, NC 27603 Current Tenant 5005 Old Stage Rd Raleigh, NC 27603 Current Tenant 5005 Old Stage Rd Raleigh, NC 27603 Current Tenant 1200 United Dr Raleigh, NC 27603 Current Tenant 5005 Old Stage Rd Raleigh, NC 27603 Current Tenant 5005 Old Stage Rd Raleigh, NC 27603 Current Tenant 1200 United Dr Raleigh, NC 27603 Current Tenant 5005 Old Stage Rd Raleigh, NC 27603 Current Tenant 5005 Old Stage Rd Raleigh, NC 27603 Current Tenant 5100 Old Stage Rd Raleigh, NC 27603 Current Tenant 5100 Old Stage Rd Raleigh, NC 27603 Current Tenant 5110 Ol	Current Tenant	1333 Express Dr	Raleigh, NC 27603
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Current Tenant 917 Grovemont Rd Raleigh, NC 27603	********************		
Current Tenant 1201 Maxwell Dr Raleigh, NC 27603			
Current Tenant 5130 Old Stage Rd Raleigh, NC 27603	Current Tenant	5130 Old Stage Rd	Raleigh, NC 27603

### **Neighborhood Meeting Notice Mailing List (Tenants)**

Current Tenant	1408 Transport Dr	Raleigh, NC 27603
Current Tenant	5106 Old Stage Rd	Raleigh, NC 27603
Current Tenant	2123 Wellhouse Dr	Raleigh, NC 27603
Current Tenant	5201 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5200 Old Stage Rd	Raleigh, NC 27603
Current Tenant	1309 Transport Dr	Raleigh, NC 27603
Current Tenant	1216 Farm Rd	Raleigh, NC 27603
Current Tenant	5209 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	5009 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	991 Kitchen Dr	Raleigh, NC 27603
Current Tenant	1400 Transport Dr	Raleigh, NC 27603
Current Tenant	885 Kitchen Dr	Raleigh, NC 27603
Current Tenant	5015 Old Stage Rd	Raleigh, NC 27603
Current Tenant	4824 Fayetteville Rd APT F	Raleigh, NC 27603
Current Tenant	885 Kitchen Dr STE B	Raleigh, NC 27603
Current Tenant	1349 Express Dr STE 111	Raleigh, NC 27603
Current Tenant	2200 Trackside Dr	Raleigh, NC 27603
Current Tenant	2202 Trackside Dr	Raleigh, NC 27603
Current Tenant	2203 Trackside Dr	Raleigh, NC 27603
Current Tenant	2018 Bedrock Dr	Raleigh, NC 27603
Current Tenant	154 Shoe Dr	Raleigh, NC 27603
Current Tenant	5311 1/2 Fayetteville Rd	Raleigh, NC 27603
Current Tenant	1325 Express Dr OFFIC	Raleigh, NC 27603

### SUMMARY REPORT FOR 2<sup>nd</sup> NEIGHBORHOOD MEETING: Proposed Rezoning of 5100 Fayetteville Road (Wake County PIN: 1701046088)

The applicant conducted a neighborhood meeting on the proposed rezoning consistent with the requirements of Garner UDO Section 4.4.6. The meeting was held on <u>April 12, 2023</u>, at the <u>Avery Street Recreation Center (Multipurpose Room A)</u>, 125 Avery Street, Garner, NC 27529.

Owners and tenants of properties within 1,000 feet of the proposed rezoning were notified of the meeting by first-class mail using a mailing list provided to the applicant by Garner Planning Department staff. A copy of the meeting notice and mailing list, mailed notices returned, and the meeting attendance roster is attached to this report. There were two (2) attendees other than the applicant team present at the meeting.

Garner's regulations also require submittal of a special use permit application for development with 100 or more multifamily residential units, and for a neighborhood meeting to be held on special use permit requests. This meeting served as the required second neighborhood meeting on the proposed rezoning and as the required neighborhood meeting for the associated special use permit to be submitted.

Below is a summary of the meeting including questions/comments from attendees and responses provided by the applicant team.

The meeting began at 6:00 PM.

Tyler Morris, representing the applicant, introduced members of the applicant team present at the meeting and explained the proposed request to rezone the property located at 5100 Fayetteville Road from Light Industrial to Commercial Mixed Use Conditional district with an associated master plan. He explained this is the applicant's second neighborhood meeting on the proposed rezoning, and the Town requires applicants to hold this meeting after submitting a rezoning application and prior to a public hearing on the request. He also explained the Town's ordinance requires a special use permit application for developments that propose 100 or more multifamily units, and this meeting serves as both the required second meeting for rezoning and the meeting required prior to submitting the special use permit request.

Mr. Morris explained that Town staff completed their first review of the proposed rezoning master plan and recently provided comments on the proposal to the applicant. He showed a copy of the master plan to attendees, explaining commercial uses will be on eastern portion of parcel closest to Fayetteville Road and multi-family residential use is located to the rear or west of the commercial area. He showed the locations of amenity areas for residents of the multi-family use, vehicle access, parking areas and buffers. Mr. Morris explained revisions to the plan that was shown at the first meeting in response to staff review comments recently received by the applicant.

Attendees did not express any concerns/issues with the proposed zoning, and asked questions and provided comments about the following:

Plan/design for serving the development with public sewer?
 Applicant team explained situation with regard to sewer design is similar to that described at the first meeting. They noted options/routes for utilities are still being discussed with Town staff and other agencies, and explained the complexities involved with providing public sewer to this site based on the location of existing sewer, topography and existing road and other utility infrastructure in the vicinity.

### SUMMARY REPORT FOR 2<sup>nd</sup> NEIGHBORHOOD MEETING: Proposed Rezoning of 5100 Fayetteville Road (Wake County PIN: 1701046088)

Is there a design yet for the multi-family buildings?
 Mr. Morris explained they do not yet have detailed designs, and provided a general overview of certain proposed design aspects including building height, number of stories,

Mr. Morris encouraged meeting attendees to reach out to the applicant any time during the rezoning process with additional questions. With no further questions or comments from the neighbors in attendance, the meeting concluded at 6:30pm.

and units accessed via internal corridors.

# Neighborhood Meeting Attendance Roster Wednesday, April 12, 2023 6:00 PM

Avery Street Recreation Center, 125 Avery Street, Garner, NC

Proposed Rezoning and Proposed Special Use Permit – property at 5100 Fayetteville Rd, Garner, NC (PIN: 1701046088)

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Name	Address	Email / Phone
306 GREEN	4926 Foundtewille Rd	6126-43/8/18/18/18/19/19/19/19/19/19/19/19/19/19/19/19/19/
Tyler Morks	436 Harrington St #120	tmuts (2) Cody Con
Deorge M. Shows	3805 Vasta Dr.	
0		
APPLICANT TEAM		
Tyler Morris (Capitol Commercial, LLC)		
Jason Stegall (Capitol Commercial, LLC)		
Jeff Nicholson (Capitol Commercial, LLC)		
David Lasley (Piedmont Land Design, LLP)	(919) 845-7600	8522-204 Six Forks Road Raleigh, NC 27615
Ken Thompson (JDavis Architects)	(919) 835-1500	510 S. Wilmington Street Raleigh, NC 27601
Wayne Nicholas - Senior Land Planner (Williams Mullen)	(919) 981-4084	301 Fayetteville Street, Suite 1700 Raleigh, NC 27601

REZONING SUBMITTAL



# Town of Garner Town Council Meeting Agenda Form

Meeting Date: Decemb	ber 19, 2023	
Subject: Zoning Text Am	nendment # ZTA-23-04, Ted	chnical Corrections
Location on Agenda:	Public Hearings	
Department: Planning		
Contact: Jeff Triezenber	g, AICP, GISP; Planning Dire	rector
Presenter: Jeff Triezenb	erg, AICP, GISP; Planning D	Director
Brief Summary:		
Text amendment (ZTA-2	3-04) submitted by staff to	o amend the Town of Garner Unified Development Ordinance
	cal errors and omissions in	the initial adoption of the Garner Forward version of the UDO on $$
July 5, 2023.		
Recommended Motion	n and/or Requested Acti	ion:
	•	Commission for plan consistency review and recommendation.
Detailed Notes:		
	ont packago was discussed	d with the Town Council at their regular work session on Ostabor
		d with the Town Council at their regular work session on October e case for public hearing on December 19, 2023.
30, 2023. It was agreed a	t that time to calchaar the	cuse for public flearing on December 13, 2023.
Funding Source:		
Tunding Source.		
Cost:	One Time:	Annual: No Cost:
	and Recommendations:	
Wanager 5 comments	and necommendations.	
Attachments Yes:	No.	
	No: O	Comments
Agenda Form	initials:	Comments:
Reviewed by:		
Department Head:	JST	
Finance Director:		
Tillance Director.		
Town Attorney:		
Town Manager:	RD	
	ND	
Town Clerk:		



## **Planning Department Memorandum**

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

**FROM:** Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: Text Amendment # ZTA-23-04, Technical Corrections

DATE: December 19, 2023

### **I. REQUEST**

Text amendment submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct technical errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.

### **II. BACKGROUND**

Since the adoption of the Garner Forward version of the UDO, staff across departments have been tracking errors in the adopted document requiring fixes. Errors have resulted from typos, copying mistakes, moving sections of text multiple times during the drafting process, inadvertently creating contradictory language in different sections, and inadvertently changing the intent of the ordinance where none was intended, omissions, and other reasons. Staff is not under any misconception that the proposed fixes identified here are exhaustive; however, there are enough significant errors warranting a case of corrections to be considered at this time.

### **III. PROPOSED CHANGES**

### 3.3. PLANNING COMMISSION

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### 3.3.2. Membership and Terms

### A. Number

Per G.S. § 160D-301, the Planning Commission shall consist of seven members. The number of Planning Commission members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. ETJ area representatives shall have equal rights, privileges, and duties with the other members of the Planning Commission, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.

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### 3.4. BOARD OF ADJUSTMENT

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### 3.4.2. Membership and Terms

### A. Number

Per G.S. § 160D-302, the BOA shall consist of five regular members and three alternate members. The number of both regular and alternate BOA members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. ETJ area representatives shall have equal rights, privileges, and duties with the other members of the BOA, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.

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### 4.3. REVIEW AUTHORITY TABLE

The Review Authority Table displays decision types, the participants in the review process, and their respective roles.

Figure 4.3-A: Review Authority Table

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PROCESS	TYPE	REVIEW	FINAL ACTION	APPEAL PROCESS	PUBLIC NOTICE LEVEL (SEE SECTION 4.4.6.)	SECTION
<del>4</del> 4.5. SPE	CIFIC REVIEV	<i>V PROCEDURES</i>	AND DEVELO	PMENT APPRO	OVALS - SUBDI	VISIONS
<del>4</del> 4.6. SPEC	IFIC REVIEW	PROCEDURES A	AND DEVELOR	_	VALS – MAP A	ND TEXT
Text Amendment	Leg	Planning Director/ Planning Commission	Town Council	Superior Court	A <del>, B, C</del>	4.6.3.
<del>4</del> 4.7. S	PECIFIC REV	IEW PROCEDUF	RES AND DEVE	LOPMENT AP	PROVALS - PER	RMITS
44.9. SPECI	FIC REVIEW	PROCEDURES A	AND DEVELOP	MENT APPRO	VALS - MISCEL	LANEOUS
				·		
44.10. SPEC	FIC REVIEW	PROCEDURES A	AND DEVELOR	PMENT APPRO	VALS - ENVIRC	ONMENTAL

### 4.4. COMMON REVIEW PROCEDURES

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### 4.4.6. Public Notice Requirements

### A. Published

The Planning Director shall place an advertisement on the Town's official webpage once a week for two successive weeks. The first notice shall be published no less than 10 days and no more than 25 days prior to the hearing. The contents of the published notice shall include:

- The general location (including a map for mailed notices)(n/a for text amendments);
- 2. The parcel number and/or street address (n/a for text amendments);
- 3. A description or summary of the action requested;
- 4. Current and proposed zoning districts (rezonings only);
- 5. The time and location of the anticipated public hearing;

- 6. Phone number and email of the appropriate applicant's contact Identity of the applicant;
- 7. Phone number and email of the appropriate Town contact;
- 8. A statement that interested parties may appear at the hearing; and
- 9. A statement that substantial changes to the proposed action may occur following the hearing.

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### C. Mailed

1. Mailed notice shall include the applicable contents in the published notice along with a map and shall be provided to all property owners and occupants of properties abutting or within 800 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.

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### 5.6. RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

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5.6.8. Townhome and Multifamily Standards for Lots/Structures with More than Four Dwelling Units per Structure or Others Not Described Elsewhere

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Figure 5.6-K: Dimensional Standards for Townhomes and Multifamily Residential Structures Not Regulated Elsewhere

DIMENSIONAL STANDARDS FOR TOWN			TIAL STRUCTURES
NOT RE	GULATED ELSEWH	ERE	
	MF-A, NMX	CMX, TBD	MF-B
Minimum Lot Size, for the first five dwelling units (Square Feet)	24,000	24,000	24,000
Minimum Lot Width, per structure (Feet)	60	60	60
Minimum Front Setback (Feet)	10	10	10
Minimum Rear Setback; from rear lot line / alley (Feet)	20/10	20/10	20/10
Minimum Side (Interior) Setback (Feet)	10	10	6
Minimum Side (Corner) Setback (Feet)	10	10	6
Maximum Height (Feet)	35	45	60
Maximum Fross Density (Dwelling Units per Acre)	20	30	50

### 6.1. USE TABLES

••

D - DI	- DAAIT	רבה מי	/ DICLI	r. crr /				TTED USE			- CDEC	141 116	ר חבח	NAIT
P = P.	KIVIII	ובט פו			DISTRIC		MDAKL	S LISTED NON	NRESIDE		ID MIXI			IVIII
SPECIFIC USE	RA	R2	R4	R8	RMH	MF-	MF- B	NMX	CMX	TBD	AC	LI	н	NOTES
					RE:	SIDENT	AL USE	CATEGO	RY					
Single-Family Detached	Р	Р	Р	Р		S								
Townhouse (>4 dwelling units per structure)						Р	Р	S	Р	S				
 INDUST	RIAL, N	I /IANUI	I FACTUR	RING, V	VAREHO	USING,	WASTE	SERVICE	I S, AND T	RANSPO	RTATIC	ON US	E CATI	EGORY
Outdoor Storage (>10 feet above grade)													Р	6.9.5.E.
 Warehouse and Freight Movement												S	S P	6.9.5.J.
 Sanitary Landfill, Junk or Salvage Yard													S	6.9.5. <del>N</del> M.
				AGRIC	ULTURA	L AD M	SCELLA	NEOUS U	ISE CATE	GORY				
•••														
Greenhouse, Nursery (commercial), outdoor operations	SP								Р				Р	6.11.4.C.
Bona Fide Farms	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	6.11.4.D.
	•			•				CATEGOR			•			
Fences and Walls	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	6.12.2.A.
Towers, Antennas, and Satellite Dishes	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	6.12.2.B.
Accessory Solar Energy Systems	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	6.12.2.C.
Administrative Office, Artistic Studio, Hobby / Recreational Activities, Renting of Rooms, Daycare	Р	Р	Р	Р	Р	Р	Р							6.12.3.A.
Accessory Dwelling Units	Р	Р	Р											6.12.3.B.1.
Backyard Hens	Р	Р	Р	Р										6.12.3.B.2.
Automatic One-Bay (Non-Wand Car Wash Facility								Р	Р	Р	Р	Р	Р	6.12.4.A.1.
Automatic Car Wasy Facility										Р		Р	Р	6.12.4.A.2.
Recycling Collection Point								Р	Р	Р	Р	Р	Р	6.12.4.A.3.

Other Accessory Uses and Structures												Includes Lists of Prohibited Uses, and Development and Design Standards; 6.12.
	+	<b>ACCESS</b>	<del>ORY,</del> TI	EMPORA	RY, AN	D HOM	E OCCUPA	ATION U	SE CATE	GORY		
Accessory Uses and Structures												<del>6.12.</del>

6.6. RECREATIONAL AND ENTERTAINMENT USE CATEGORY

•••

6.6.4. Specific Uses

...

- E. Indoor Athletic or Entertainment Facility
  - 1. Defined

Amusement activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, theaters, escape rooms, video game arcades, laser tag, indoor paint ball, skating rink, and activities of a similar nature. A business enterprise, as a principal use or as an accessory use where persons utilize more than six electronic machines, including, but not limited to: computers and gaming terminals; to conduct games including, but not limited to: sweepstakes, lotteries games and/or games of chance; and where cash, merchandise or items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to: internet sweepstakes, video sweepstakes or cybercafes. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina or arcade games of skill.

...

# 6.9. INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY

...

### 6.9.5. Specific Uses

•••

### M. Recycling Collection Point

(Note: Move entire existing subsection 6.9.5.M. to become a new subsection 6.12.4.A.3.)

NM. Sanitary Landfill, Junk Yard, Salvage Yard

...

### 6.11. AGRICULTURAL AND MISCELLANEOUS USE CATEGORY

...

### 6.11.4. Specific Uses

- A. Other Agricultural Uses Not Listed
  - 1. Defined

N.C. bona-fide farms, aAgri-tourism, community garden, and agricultural uses other than those listed below.

- 2. Use Standards
  - a. Structures for keeping and raising of livestock and poultry shall be separated from residentially-zoned property by 300 feet, except those in locations exempted by G.S. § 160D-903.
- B. Agriculture or Silviculture
  - 1. Defined

Activities that primarily involve raising, producing, or keeping plants or animals, forest management, tree farms, and timber areas. Also include direct sales of such products at wholesale. Also, see definition of "bona fide farm purposes", Article 13. For bona fide farms, see Section 6.11.4.D.

•••

### D. Bona Fide Farms

### 1. Defined

A use located in the Town's ETJ as defined in and meeting the requirements of G.S. 160D-903. See definition of "bona fide farm purposes", *Article 13*.

### 2. Use Standards

- a. Bona fide farm purposes are exempt from Town zoning regulations.
- b. Bona fide farm purposes are subject to floodplain regulations in *Article* 11.
- c. Accessory buildings are subject to building code and UDO regulations except for greenhouses and therapeutic equine facilities.

### 6.12. ACCESSORY USES AND STRUCTURES

...

### **6.12.2. General**

A. Fences and Walls

Fences and walls are permitted in any yard or along the edge of any yard and to such heights as follows, provided the vision necessary for safe vehicular and pedestrian movement on driveways and streets – inclusive of required sight triangles – is not impeded:

1. All Residential, CMX districts

Open and solid fences to four feet in front and corner side yards; solid fences to six feet in side and rear yards; open fences to any structurally-sound height in side and rear yards; solid rear and side yard fences to eight feet as a variance if granted by the Board of Adjustment.

...

### 6.12.3. In Residential Districts

...

- B. Restricted Uses Accessory Dwelling Units (ADUs)
  - 1. Districts Accessory Dwelling Units (ADUs)

Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:

a. In the RA district, one ADU is allowed per a lot; Districts

Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:

- i. In the RA district, one ADU is allowed per lot;
- ii. In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard; and

- iii. In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.
- In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard; and Specific Use and Design Standards
  - i. ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;
  - ii. ADUs shall have permanent access to utilities;
  - iii. ADUs must be on a permanent foundation;
  - iv. Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;
  - v. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;
  - vi. Two off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;
  - vii. The ADU must be accessible from an existing driveway;
  - viii. An ADU may not be sold separately from its principal dwelling unit;
  - ix. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name.
- c. In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.
- 2. Specific Use and Design Standards Backyard Hens

Backyard hens are allowed as an accessory to residential uses in the RA, R2, R4 and R8 zoning districts subject to the requirements of Section 3-6 of the Town Code of Ordinances.

- a. ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;
- b. ADUs shall have permanent access to utilities;
- c. ADUs must be on a permanent foundation;
- d. Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;

- e. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;
- f. Two additional off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling:
- g. The ADU must be accessible from an existing driveway;
- h. An ADU may not be sold separately from its principal dwelling unit;
- i. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name; and

...

### 8.2. OPEN SPACE AND RECREATIONAL FACILITIES

...

### 8.2.6. Dedication or Fee-in-Lieu

The procedure for determining if a subdivider developer of residential dwelling units is to dedicate park land or pay a fee-in-lieu of dedication shall be as follows:

A. Subdivider Developer of Residential Dwelling Units

With the subdivision plan submittal of a site-specific vesting plan, the subdivider developer shall indicate whether the subdivider developer desires to dedicate park land or pay a fee-in-lieu. If proposing to dedicate park land, the subdivider developer shall indicate all areas proposed for dedication on the subdivision site-specific vesting plan.

•••

### 8.3. STREETS

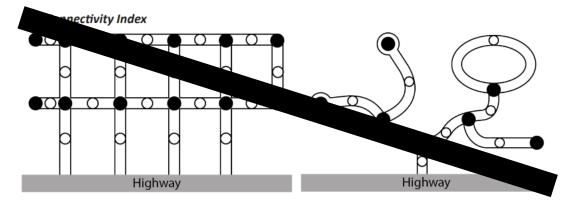
...

### 8.3.3. Layout and Coordination

•••

- B. Connectivity Index
  - 1. A connectivity index shall be used to determine the street layout adequacy. The connectivity index shall be calculated as the ratio of street links to street nodes.

- 2. For purposes of this Section, the following definitions shall apply:
  - a. Links are defined as road sections between intersections or road sections from an intersection to a, street stub-outs, and or cul-de-sac heads.
  - b. Nodes are defined as intersections and cul-de-sac heads.





The graphic above illustrates a high-connectivity grid (left) with a connectivity index of approximately 1.6 and a low-connectivity curvilinear layout (right) of approximately 1.1. A perfect grid network has a connectivity index of 2.0.

### 8.4 UTILITIES

...

### 8.4.14. As-built Drawings Required

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B. If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built drawings furnished by the developer of all other utilities.

### ARTICLE 9. SITE AND BUILDING DESIGN AND PARKING

### 9.1. PURPOSE SITE DESIGN STANDARDS

If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-bu Site Design Standards

### **9.1.1. Purpose**

...

### 9.3. PARKING AND LOADING REQUIREMENTS

...

### 9.3.7. Vehicle Accommodation Areas (VAA)

- A. Design of VAAs shall meet the following standards:
  - 1. Vehicles shall exit the VAA without backing into a public street. This provision shall not apply to driveways serving a single dwelling unit or areas accessed from a minor local street.
  - 2. Vehicles shall not overhang property lines, obstruct public rights-of-way or sidewalks, conflict with vegetation, or damage any structure.
  - 3. VAAs shall not pose a danger to pedestrians or other motorists.
  - 4. VAAs may not interfere with parking areas.
  - **54**. Dead-end parking areas are prohibited unless a turnaround space is striped, signed and provided.

••

G. Head in or angled parking spaces shall be separated from walkways by at least four feet.

HG. Where head-in, angled, or parallel parking spaces abut a sidewalk or pedestrian way an minimum additional two feet of clearance from the parking shall be provided.

### 10.7. VEHICULAR SURFACE AREAS

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### 10.7.2. Landscaping Islands

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### E. Median Islands

- 1. Median islands shall have a minimum of eight feet inside the curb.
- 2. Median islands shall be sited between every six four single parking rows and continuously along primary internal and external access drives.
- 3. Median intervals may be expanded in order preserve existing trees of greater than six inches diameter at breast height

...

### 10.10. SCREENING OF OBJECTIONABLE VIEWS

•••

### **10.10.6.** Screening of Industrial or Utility Properties

A. Fencing, walls, hedges, landscaping, berms, natural areas, or any combination thereof shall be provided to obscure uses or any portion of a use with potential external impacts.

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- 2. No buffering or screening is required in side or rear yards between parcels zoned industrial.
- 32. The minimum vegetative buffer between an industrial subdivision and vacant adjacent lots shall be at least 15 feet wide. If the perimeter buffer table in *Section 10.6.* requires a buffer width greater than 15 feet, the minimum width shall meet or exceed the standard in the table.

### 11.3. TREE CONSERVATION, PRESERVATION, AND PROTECTION

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### 11.3.4. Tree Canopy Preservation Requirements

•••

D. Tree Canopy Preservation Requirements

•••

3. For development within the TBD district:
Where permitted, street trees within adjacent rights-of-way and within 15 feet of the property line may be counted towards the fulfilment of this requirement.

PRESERVED TREE COVER AREA	REPLACEMENT TREE COVER	MINIMUM TOTAL TREE COVER
	AREA	AREA
5.5%	Plus 0% equals	5.5%
4%	Plus 2% equals	6%
2.5%	Plus 4% equals	6.5%
1%	Plus 6% equals	7%
0%	Plus 7.5% equals	7.5%

...

### 12.3. PERMANENT SIGN QUANTITY AND DIMENSIONAL STANDARDS

### 12.3.1. General Standards

ZONING DISTRICT	SIGN TYPE	MAXIMUM TOTAL SIGN AREA PER LOT	MAX NUMBER	MAX HEIGHT
RESIDENTIAL DISTRICTS (RA, R2, R4, R8, MF- A, MF-B, RMH)	Freestanding: Permitted Home Occupations and Overnight Accommodation Uses	4 square feet	1	4 feet
	Freestanding: Non-Residential and Non-Overnight Accommodation Uses	32 square feet	1	5 feet
	Wall: Non-Residential Uses	24 square feet	1	5 feet
	Residential Subdivision Signs	See 12.3.4.D.		
NON-RESIDENTIAL	Freestanding <del>: 100 square feet</del> <del>maximum total all</del> <del>freestanding and wall signs</del>	60 square feet	1 per street frontage, 2 maximum	12 feet
AND MIXED-USE DISTRICTS (NMX, CMX, TBD, AC, LI, HI)	Wall	10 percent of wall area	1 per street frontage, 3 maximum	n/a
	Projecting- <del>signs</del>	10 square feet	1 per street frontage, 2 maximum	2

### **13.2.** DEFINED TERMS

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### 13.2.22. V

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**Vehicular Surface Area.** The paved or non-paved area intended for vehicular circulation or storage that is paved with permanent pavement. Square footage calculations shall include the total of all vehicular surface areas located in the street, side, and rear yards. This section definition does not apply to single-family residential use or parking structures. Any vehicular surface area, or portions thereof, built after the adoption of this Section, where area is expanded by 25 percent or more, shall be landscaped as required.

...

### 13.2.25. Y

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**Yard, side.** The portion of a lot bounded by side lot line(s) and the side line of a principal building or structure (or use in the absence of a principal building or structure), extending the full length of the building, structure, or use and not including any front or rear yard. Where the side lot line is a street right-of-way, that yard may also be more specifically referred to as a corner side yard.

### IV. DISCUSSION

**Work Session Summary:** Staff introduce the text amendment to the Town Council at their work session on October 30, 2023. Please refer to the Town Council Work Session for 10/30/23 video (<a href="https://www.youtube.com/watch?v=Jz">https://www.youtube.com/watch?v=Jz</a> CaTrAr4w) at the Town of Garner's YouTube page (<a href="https://www.youtube.com/@TownofGarner/streams">https://www.youtube.com/@TownofGarner/streams</a>). The staff presentation begins at the 1:40:20 minute mark of the video, and discussion took place throughout.

Questions and comments from the Town Council related to the rezoning revolved around:

- Questioning the inclusion of single-family detached in multifamily zoning districts in relation to the new comprehensive plan recommendations going forward,
- Clarifying the location and quantity of Heavy Industrial zoning around the jurisdiction,
- Clarifying definitions of bona fide farm vs. farm-related tax deferment,
- Questioning the role of counties in determining the status of farms,
- Commenting on a specific inclusion of the word "residential" that was not necessary,

- Questioning how AirBnB's are handled by the UDO and the existence of any related licensing rules,
- Commenting on referencing the street stub completion policy,
- Clarifying the changes to the Vehicular Surface Area definition,
- Clarifying what is included in Vehicular Accommodation Areas,
- Clarifying the impact of proposed chanted to landscape islands.

### **V. PLAN CONSISTENCY**

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

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

2018 Garner Forward Comprehensive Plan

### **VI. REASONABLENESS**

For zoning text amendments, § 160D-605. Governing board statement does not require the Council to make a statement on reasonableness; only a statement on plan consistency is required.

### VII. RECOMMENDATION

Staff recommends that once the Town Council has heard comments, concerns and questions from the general public that zoning text amendment request ZTA-23-04 be referred to the Planning Commission for their review and recommendation regarding plan consistency.

# Town of Garner Town Council Meeting Agenda Form

Meeting Date: Decemb	per 19, 2023	▼	
Subject: Mutual Aid Agr	eements for Tornado Respon	se	
Location on Agenda:	Old/New Business	▼	
Department: Legal and			
Contact: Terri Jones, To	•		
Presenter: Terri Jones,	Town Attorney		
impacted the Town on D		o the Town to address debris cleanup from the tornado that or, with the concurrence of Town Council, may enter into a agement and aid.	
Recommended Motion	n and/or Requested Action	:	
Ratify the Mayor's execut	tion of one or more mutual ai	d agreements	
from the December 10th may develop mutual aid a with State emergency ma	tornado. Pursuant to NCGS 1 agreements with other political anagement programs and plar stance, the Mayor will be requ	offered assistance to the Town to address debris cleanup .66A-19.72, political subdivisions such as the Town of Garner al subdivisions provided those agreements are consistent as. In the event the Town's Department of Public Works uested to execute mutual aid agreements as required by	
Funding Source: TBD			
Cost: TBD	One Time:   A	nnual: No Cost:	
Manager's Comments and Recommendations:  The approval of mutual aid agreements with other local governments to provide qualified staff and equipment will expedite the clean-up and help to return the affected neighborhoods back to normal.			
Attachments Yes:	) No: ()		
Agenda Form	Initials:	Comments:	
Reviewed by:			
Department Head:			
Finance Director:			
Town Attorney:	TJ		
Town Manager:	RD		
Town Clerk:			

# MUTUAL AID AGREEMENT FOR STORM CLEANUP BETWEEN THE TOWNS OF APEX AND GARNER

This Mutual Aid Agreement ("Agreement") is entered into as of December 13, 2023, by and between the Town of Garner, a North Carolina municipality and the Town of Apex, a North Carolina municipality, collectively referred to as the "Participating Municipalities."

### **RECITALS:**

**WHEREAS**, the Participating Municipalities recognize the potential for severe storms and natural disasters that may result in damage to public infrastructure, private property, and public safety within their respective jurisdictions;

WHEREAS, the Participating Municipalities desire to establish a mutual aid agreement pursuant to NCGS §166A-19.72 to facilitate the sharing of resources and assistance in the event of a storm or natural disaster, with a primary focus on efficient and effective cleanup efforts;

**NOW, THEREFORE,** in consideration of the mutual covenants contained herein and other good and valuable consideration, the Participating Municipalities agree as follows:

### ARTICLE 1: PURPOSE

The purpose of this Agreement is to provide a framework for cooperation and mutual assistance among the Participating Municipalities in the aftermath of a storm or natural disaster, specifically for the cleanup of debris, restoration of public infrastructure, and support for affected residents.

### **ARTICLE 2: DEFINITIONS**

- 2.1 "Emergency" shall mean an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.
- 2.2 "Resources" shall include personnel, equipment, supplies, and other assets that may be made available by a Participating Municipality to assist another.

### **ARTICLE 3: MUTUAL AID**

### 3.1 Activation of Mutual Aid:

In the event of an emergency, the affected Participating Municipality may request assistance from other Participating Municipalities through their designated emergency management contacts.

### 3.2 Provision of Resources:

The Participating Municipalities agree to make available, to the extent possible, resources necessary for storm cleanup and recovery, in accordance with the requests made by the affected municipality.

### ARTICLE 4: RESPONSIBILITIES

### 4.1 Requesting Municipality:

The requesting municipality shall provide clear and timely information regarding the type and scope of assistance needed, and shall coordinate the deployment and utilization of resources received.

### 4.2 Assisting Municipality:

The assisting municipality shall make every effort to provide the requested resources promptly and efficiently, taking into consideration the needs and priorities of the requesting municipality.

### **ARTICLE 5: REIMBURSEMENT**

The Participating Municipalities agree to negotiate in good faith any necessary reimbursement for expenses incurred during mutual aid activities, recognizing the financial constraints that may be faced by assisting municipalities.

### **ARTICLE 6: TERMINATION**

This Agreement may be terminated by any Participating Municipality upon written notice to the other Participating Municipalities. Termination shall be effective immediately upon receipt of such notice.

### **ARTICLE 7: GOVERNING LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

IN WITNESS WHEREOF, the duly authorized representatives of the Participating Municipalities have executed this Agreement as of the Effective Date.

TOWN OF APEX
Jacques K. Gilbert, Mayor
Attest:
TOWN OF GARNER
Buddy Gupton, Mayor
Attest:

# Town of Garner Town Council Meeting Agenda Form

Meeting Date: Decemb	per 19, 2023		
Subject: Jones Sausage Road Project Update			
Location on Agenda:	Old/New Business		
Department: Engineering	าg		
Contact: Leah Harrison,	Town Engineer		
Presenter: Jodi Miller, L	eah Harrison, Sara Warren		
Brief Summary:			
Explore re-scoping optio	n, funding opportunities, and f	fiscal impacts for the Jones Sausage Road project.	
Recommended Motion	n and/or Requested Action:		
	ct area and acceptance of FY24	1 LARD funding	
	et area and acceptance of F124	LAFF fulluling.	
Detailed Notes:			
		aff, has identified a re-scoped project area for Jones Sausage	
-	-	nd allow for acceptance of guaranteed FY24 LAPP funding.	
		ptions to proceed, and seek direction from Council to move	
Torward. See attached me	emo and presentation for more	e detail.	
Funding Source:			
Funding included in curre			
Cost: One Time: Annual: No Cost:			
	and Recommendations:	sat wanted in accord alone in the FV2F LADD analisation	
		ect ranked in second place in the FY25 LAPP application	
· -	process and was elegible to receive \$2.25 million. This amount is the remainder of the \$16.25 million FY25 LAPP funding available after the highest scoring project (Six Forks Rd) receives their requested \$14 million. This news		
further supports staff's recommendation to accept the FY24 funding being offered to the project.			
Attachments Yes:	) No: ()		
Agenda Form	Initials:	Comments:	
Reviewed by:			
Department Head:	111		
	LH		
Finance Director:			
Town Attorney:			
Town Manager:			
Town Manager:	RD		
Town Clerk:			
TOWIT CICIK.			



# **ENGINEERING**

### MEMORANDUM

DATE: December 19, 2023

TO: **Town Council** 

FROM: Leah Harrison, Engineering Director

**SUBJECT:** Jones Sausage Rd - North Project Update

### **BACKGROUND**

The Jones Sausage Rd – North project design has been underway since 2020. As the design progressed, there have been further investigations of septic and well properties which have led to additional discoveries and cost. Below is a timeline of the project's progression:

TASK	DATE
FEASIBILITY STUDY	January 2020
30% DESIGN	Spring 2022
1ST PUBLIC MEETING	July 7, 2022
SEPTIC EVALUATIONS AND GEOTECH	June 2023
65% DESIGN AND UPDATED ESTIMATE	September 2023
UPDATE PROVIDED TO COUNCIL	September 2023
EXPLORING VALUE ENGINEERING AND RESCOPING OPTIONS	October to November 2023

The findings from the septic evaluation and geotechnical exploration revealed a significant number of impacts to septic and well systems. The findings revealed 26 properties will have impacts to their septic and/or wells, 9 of the properties have a secondary site for their system to be relocated, 17 of the properties will require public utility connections. With the known impacts, the design team provided an updated engineer's estimate. The projected right-of-way cost doubled due to the risk of negotiations and agreeance to connecting to public utilities. These findings brought the total budget to \$24.7M, which is \$4.7M over the CIP FY24-28 project budget.

Around the same time the updated estimate was received, the Town was contacted by CAMPO regarding FY24 LAPP funding. There was a change in their funding allocation and CAMPO offered the Town \$7.68M of FY24 funding. This revenue was reviewed against the new project budget to determine if it was financially feasible. The chart below shows the project budgets and revenue. With the current scope and LAPP award, this approach has a \$2M deficit:



### **UPDATED PROJECT BUDGET (SEPT 23)**

	•
PROFESSIONAL SERVICES	\$ 1,604,667.00
CONSTRUCTION (ENGINEER'S ESTIMATE)	\$ 12,420,000.00
ROW/EASEMENTS	\$ 8,630,000.00
UTILITY RELOCATES (URA)	\$ 2,070,000.00
TOTAL	\$ 24,724,667.00
REVENUES	
2021 BONDS	\$ 15,011,763.00
FY24 LAPP FUNDS	\$ 7,680,000.00
TOTAL	\$ 22,691,763.00
OVER/UNDER	\$ (2,032,904.00)

Since all CIP funds are fully allocated, affording the project with the current scope and \$2M deficit would not be feasible. To determine an affordable approach, Town staff and the design team explored value engineering and rescoping opportunities. The most viable rescope area that sets up the lanes for future widening and avoids rework is to construct the intersection with all turn lanes and construct the additional north bound travel lane. See the provided graphic, JSR Rescoped Graphic, reflecting the new project area, street section and impacted properties. The rescope project accomplishes:

- Reduced Resident Impacts
  - Removing the south bound travel lane eliminates connecting 7 properties with septic impacts to water and sewer, eliminates connecting 4 properties to water, removes 1 well relocation and 1 septic system relocation.
- Maintaining Improvements at the Intersection
  - Improves the level of service (LOS) at the intersection, recent traffic studies reveal existing weekday AM overall LOS is C and the existing weekday PM overall LOS is E.
  - Set up the intersection for the south leg/rail separation improvement.
- Improve Pedestrian Connectivity
  - Fills in missing sidewalk between Amazon distribution center to East Garner Rd.
  - Provides curb ramps and pedestrian push buttons at all four corners of the intersection.
  - Provides a bus stop boarding pad at the SW corner of East Garner Rd and Jones Sausage Rd.
- Financially Feasible
  - Saves \$4.6M in right-of-way and construction cost, bringing this project in an affordable range.

As a result of the proposed rescoped project budget against the current CIP funding and FY24 LAPP award, the project budget is as follows:

	CIP 24-28 Budget	Current Project	Rescoped Project
	Subm is sion	Budget	Budget
Expenditures			
Professional Services	1,604,667	1,604,667	2,664,667
Construction	13,107,096	12,420,000	10,950,000
ROW & Utility Relocation	5,300,000	10,700,000	6,200,000
TOTAL	\$ 20,011,763	\$ 24,724,667	\$ 19,814,667
Revenues			
2021 Bonds	15,011,763	15,011,763	15,011,763
FY24 LAPP Funds	5,000,000	7,680,000	7,680,000
TOTAL	\$ 20,011,763	\$ 22,691,763	\$ 22,691,763
Difference	\$ -	\$ (2,032,904)	\$ 2,877,096

### FINANCIAL IMPLICATIONS

The rescoped project keeps Jones Sausage Road within the current project budget of \$20.0 million. Furthermore, due to the receipt of LAPP grant funds for FY24 of \$7.68 million, the project will have an additional \$2.88 million in project savings which supplants the use of 2021 Bond Funds. Due to the volatility of the market, staff recommends holding this funding in contingency for the project until substantial project completion.

However, given the timing of the receipt of funds and the advancement of the project, there may be cashflow challenges for the construction of the project. Construction is set to begin in July of 2026 but the final bond sale, which includes the funding for Jones Sausage Road construction, is not scheduled to be sold until spring of 2027. Staff will continue to monitor the progress of the project and work with Davenport on the modeling to allow for the progression of this project.

### STAFF RECOMMENDATION

Staff recommends approving the rescoped project area since it brings the cost in an affordable range. Staff recommends accepting FY24 LAPP funding of \$7.68M. That is a guaranteed funding source and eliminates the unknown of receiving future LAPP fundings. Town staff submitted a FY25 LAPP application while exploring rescoping opportunities and potential of acceptance of FY24 funds. On Dec 14, 2023 town staff was informed the project scored second and that award will be \$2.25M if FY24 funds are not accepted.

Please confirm the direction for staff on the following:

Proceeding with the rescoped project area
Acceptance of FY24 LAPP
Withdrawal of FY25 LAPP application

# Jones Sausage Road - North Project Update December 19, 2023

### **Current Project Scope**





**Jones Sausage Road Improvements** - widened to a four-lane, median divided facility with a 5-foot sidewalk on the east side, and a 10-foot multi-use path (MUP) on the west side from Amazon to Partlo St

**East Garner Road Intersection Improvements** – add additional turn lanes with storage, pedestrian curb ramps, push buttons at all four corners, bus stop boarding pad, and MUP along the North side



# **Project Progression**



Task	Date		
Feasibility Study	January 2020		
30% Design	Spring 2022		
1st Public Meeting	July 7, 2022		
Septic Evaluations and Geotech	June 2023		
65% Design and Estimate	September 2023		
Update Provided to Council	September 2023		
Exploring Value Engineering & Rescoping Options	October – December 2023		



# Challenges with Current Scope



- Findings from Septic Evaluations revealed significant impacts:
  - 11 properties have septic impacts and will need public sewer and water connections
  - 6 properties have well impacts and will need public water connections
  - 4 wells will need to be relocated
  - 2 septic systems will need to be relocated
- Right of Way (ROW) and Easement acquisition will see an increase in cost and risk due to the number of septic and well impacts
- With known impacts and additional ROW cost projected, this scope will be over budget by \$4.7M



# **Current Scope Fiscal Impact**



- Around the same time field discoveries and the cost associated with that came in, CAMPO reached out to Town staff regarding accepting FY24 LAPP funding of \$7.68M
- Town Staff reviewed the financial impacts of accepting this award against the updated project budget
- This approach leads to a \$2M deficit
- Town staff and the design team explored ways to value engineer and rescope the project

\$ 1,604,667.00
\$ 12,420,000.00
\$ 10,700,000.00
\$ 24,724,667.00
\$ 15,011,763.00
\$ 7,680,000.00
\$ 22,691,763.00
\$ (2,032,904.00)
\$ \$ \$ \$

# Proposed Project Rescope





 Road widening, curb and gutter, MUP eliminated from project scope

Jones Sausage Road Improvements – road widening for the north bound travel lane only, middle lane remains for turning. 5-foot sidewalk, curb and gutter will be added along the east side

East Garner Road Intersection Improvements – remains the same, avoids re-work for future phases

### Project Rescope Accomplishments



- Reduced Resident Impacts
  - Removing the south bound travel lane eliminates connecting 7 properties with septic impacts to water and sewer, eliminates connecting 4 properties to water, removes 1 well relocation and 1 septic system relocation
- Maintains Improvements to the Critical Need
  - Improves the Level of Service(LOS) at the Intersection, recent traffic studies reveal existing weekday AM overall LOS is C and the existing weekday PM overall LOS is E
  - Set up the intersection for the south leg/rail separation improvement
- Improves Pedestrian Connectivity
  - Fills in missing sidewalk between Amazon distribution center to East Garner Rd
  - Provides curb ramps and pedestrian push buttons at all four corners of the intersection
  - Provides a bus stop boarding pad at the SW corner of East Garner Rd and Jones Sausage Rd
- Financially Feasible
  - Saves \$4.6M in ROW and construction cost



# Rescope Project Budget



	CIP 24-	28 Budget Submission	Cı	urrent Project Budget	Re	escoped Project Budget
Professional Services	\$	1,604,667.00	\$	1,604,667.00	\$	2,664,667.00
Construction	\$	13,107,096.00	\$	12,420,000.00	\$	10,950,000.00
ROW & Utility Relocation	\$	5,300,000.00	\$	10,700,000.00	\$	6,200,000.00
TOTAL	\$	20,011,763.00	\$	24,724,667.00	\$	19,814,667.00
Revenues						
2021 Bonds	\$	15,011,763.00	\$	15,011,763.00	\$	15,011,763.00
FY24 LAPP Funds	\$	5,000,000.00	\$	7,680,000.00	\$	7,680,000.00
TOTAL	\$	20,011,763.00	\$	22,691,763.00	\$	22,691,763.00
Difference	\$	-	\$	(2,032,904.00)	\$	2,877,096.00



## Fiscal Impact



- FY24 LAPP funds offer \$2.88 million in additional funding than anticipated
  - Supplants planned 2021 bond funds by \$2.88 million
- Rescoped JSR results brings project within FY24-29 CIP budget
  - Staff recommends holding \$2.88 million in contingency
- Cashflow challenges
  - Final bond sale is tentatively scheduled for Spring 2027 (Q3 of FY27)
  - Construction on JSR may begin as early as July of 2026 (Q1 of FY27)
  - Staff will monitor spending as the project progresses



### Staff Recommendation



### Staff Recommends Approving the Rescope

- The rescoped project is feasible within FY24-29 CIP budget
- Staff recommends matching last year's budget submission and holding \$2.88 million in contingency

### Staff Recommends Accepting FY24 LAPP Funding

- Town was given the end of the year to decide on accepting FY24 Funds
- This is a guaranteed funding source, whereas future LAPP funding is unknown

### Staff Recommends Withdrawing FY25 LAPP Application

- Staff submitted a FY25 LAPP application as back up supplemental funding while exploring rescoping opportunities and potential of acceptance of FY24 funds
- The project scored second and could receive funding of \$2.25M

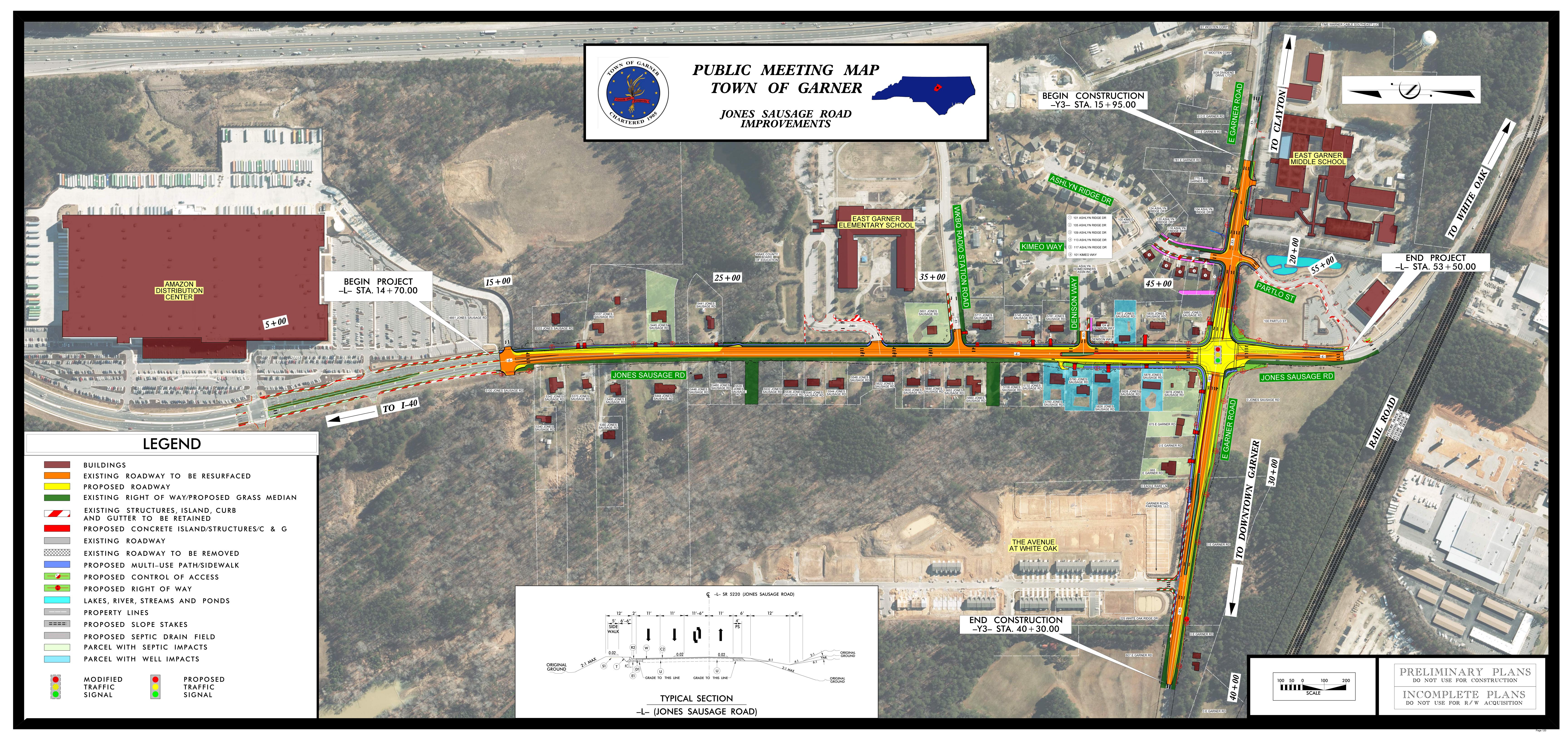






### **Next Steps**

- ✓ Direct staff on proceeding with the rescoped project area
- ✓ Direct staff on the acceptance of the FY24 LAPP funding of \$7,680,000
- ✓ Direct staff on the withdrawal from FY25 LAPP application



## Town of Garner Town Council Meeting Agenda Form

Meeting Date: December 19, 2023					
Subject: Public Service Company of North Carolina Gas Franchise Ordinance					
Location on Agenda: Old/New Business					
Department: Legal and Engineering					
Contact: Terri Jones, To	wn Attorney				
Presenter: Terri Jones, 1	Town Attorney				
Brief Summary:					
	of North Carolina, operatin				
	r franchise so that it may c	ontinue to	operate and	maintain a gas utility sys	stem within the
Town limits.					
Recommended Motion	n and/or Requested Action	on:			
	to adopt Ordinance (2023		ting a gas fr	anchise	
	- to daopt orallance (2023	, 5250 61411			
Detailed Notes:	rman adopted an Ordinand	re on Januar	rv 18 199 <i>1</i>	granting a thirty year fra	nchise to Public
	n Carolina (PSC) to operate		-		
	on Energy, has requested t		_		
	been updated to reflect cu				
renewal, extension, or am	nendment of any franchise	may not be	finally adop	oted until it has been pass	sed at two
regular meetings of the To	own Council.				
Funding Source:					
N/A					
Cost:	One Time:	Annual:		No Cost:	$\odot$
Manager's Comments	and Recommendations:				
Attachments Yes: •	No: O				
Agenda Form	Initials:			Comments:	
Reviewed by:					
Department Head:	TJ				
Finance Director:					
Town Attorney:	TJ				
Town Manager:					
. S WII Widinger.	RD				
Town Clerk:					

### MUTUAL AID AGREEMENT FOR STORM CLEANUP BETWEEN THE TOWNS OF APEX AND GARNER

This Mutual Aid Agreement ("Agreement") is entered into as of December 13, 2023, by and between the Town of Garner, a North Carolina municipality and the Town of Apex, a North Carolina municipality, collectively referred to as the "Participating Municipalities."

#### **RECITALS:**

**WHEREAS**, the Participating Municipalities recognize the potential for severe storms and natural disasters that may result in damage to public infrastructure, private property, and public safety within their respective jurisdictions;

WHEREAS, the Participating Municipalities desire to establish a mutual aid agreement pursuant to NCGS §166A-19.72 to facilitate the sharing of resources and assistance in the event of a storm or natural disaster, with a primary focus on efficient and effective cleanup efforts;

**NOW, THEREFORE,** in consideration of the mutual covenants contained herein and other good and valuable consideration, the Participating Municipalities agree as follows:

#### ARTICLE 1: PURPOSE

The purpose of this Agreement is to provide a framework for cooperation and mutual assistance among the Participating Municipalities in the aftermath of a storm or natural disaster, specifically for the cleanup of debris, restoration of public infrastructure, and support for affected residents.

#### **ARTICLE 2: DEFINITIONS**

- 2.1 "Emergency" shall mean an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.
- 2.2 "Resources" shall include personnel, equipment, supplies, and other assets that may be made available by a Participating Municipality to assist another.

#### ARTICLE 3: MUTUAL AID

#### 3.1 Activation of Mutual Aid:

In the event of an emergency, the affected Participating Municipality may request assistance from other Participating Municipalities through their designated emergency management contacts.

#### 3.2 Provision of Resources:

The Participating Municipalities agree to make available, to the extent possible, resources necessary for storm cleanup and recovery, in accordance with the requests made by the affected municipality.

#### **ARTICLE 4: RESPONSIBILITIES**

#### 4.1 Requesting Municipality:

The requesting municipality shall provide clear and timely information regarding the type and scope of assistance needed, and shall coordinate the deployment and utilization of resources received.

4.2 Assisting Municipality:

The assisting municipality shall make every effort to provide the requested resources promptly and efficiently, taking into consideration the needs and priorities of the requesting municipality.

#### ARTICLE 5: REIMBURSEMENT

The Participating Municipalities agree to negotiate in good faith any necessary reimbursement for expenses incurred during mutual aid activities, recognizing the financial constraints that may be faced by assisting municipalities.

#### **ARTICLE 6: TERMINATION**

This Agreement may be terminated by any Participating Municipality upon written notice to the other Participating Municipalities. Termination shall be effective immediately upon receipt of such notice.

#### ARTICLE 7: GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.

IN WITNESS WHEREOF, the duly authorized representatives of the Participating Municipalities have executed this Agreement as of the Effective Date.

TOWN OF APEX	
Jacques K. Gilbert, Mayor  Attest:	APEX 1873 ZAYCAR
TOWN OF GARNER	
Buddy Gupton, Mayor	
Attest:	





# Talk of the TOWN

### **Council Requests & Updates**

December 19, 2023

This monthly report provides an update on Council requests, items submitted on the Garner Info app, and quarterly development statistics.

#### Brush Fire on New Bethel Church Road Update (Dellinger)

Fire Inspections staff confirmed that Garner Fire responded when a controlled burn at the Pulte development site extended into the brush surrounding the site. Fire Inspections staff is working with the County Forestry Ranger and Garner Fire to facilitate direct communications when issues occur. Staff is also evaluating whether changes should be made to the Town's open burn permit process which is currently optional. While the permit is optional, staff is also working with developers to provide additional information to help keep all parties informed of planned burns.

#### **GoRaleigh Seating at GPAC Bus Stop (Singleton)**

GoRaleigh staff has evaluated the ridership at the GPAC stop and determined that it now meets their criteria to add amenities including seating and a trash can. They are planning to install "semme-seat" - which provides two seats for waiting riders — and a trash can. Staff also discussed additional improvements, including a shelter, and possibly moving the stop to a nearby location. There is currently a two-year backlog for these type improvements if warrants are met. Given this wait time and immediate need, staff has requested that GoRaleigh move ahead with the seating and trash amenities that can be installed in the next few weeks.

#### **Affordable Housing Taskforce (All)**

Staff is in the process of researching affordable housing taskforce models used in other communities. Information collected by staff will be shared with Council during the February 2024 retreat for discussion and further guidance.

#### **Speed Calming on Main Street (Behringer)**

All striping and signage for the speed tables has been installed. Next step is to work with Public Works to start blocking off parking spaces and remove striping to allow for the installation of stop signs.



### **Garner Info Monthly Analytics**

#### November 13 – December 12, 2023 – 25 Total Requests

### **Request by Type**

Pothole/ Pavement Repair	5	20.0%
Street Sign Maintenance	4	16.0%
Junk Vehicle (Private Property)	2	8.0%
Streetlight Problem	2	8.0%
Neighborhood Speeding	2	8.0%
Garbage	1	4.0%
Anonymous Tip	1	4.0%
Misc Streets	1	4.0%
Pipe and Storm Drain Maintenance	1	4.0%
Recycling	1	4.0%
Grounds/ Trail Maintenance	1	4.0%
Graffiti	1	4.0%
Substandard Living Conditions	1	4.0%
Commercial Vehicles	1	4.0%
Sight Distance	1	4.0%

