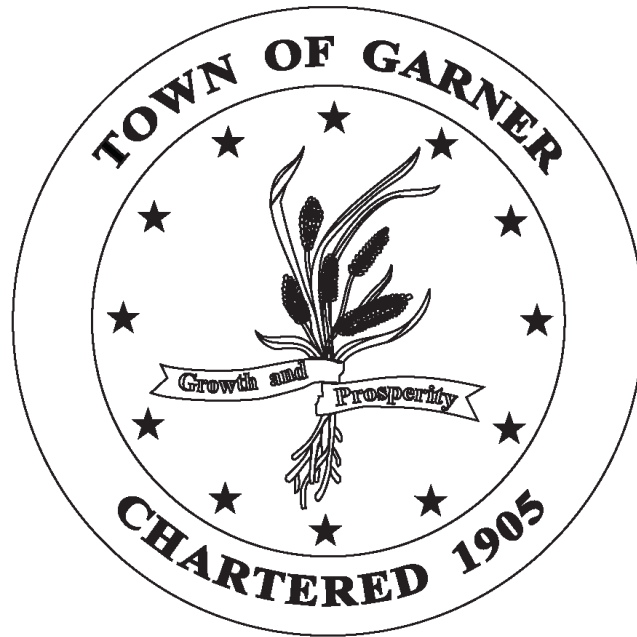


Town of Garner



Town Council Meeting
July 25, 2023

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Meeting Agenda
July 25, 2023**

The Council will meet in a Work Session at 6:00 p.m. in the Ronnie S. Williams Council Chambers located at 900 7th Avenue.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn
- B. ADOPTION OF AGENDA
- C. PRESENTATIONS
- D. DISCUSSION/REPORTS

- 1. Yeargan Park Phase 1 Picnic Shelter and Playground Page 3
Presenter: PRCR Staff and Design Team from the John R. McAdams Company

The design team from the John R. McAdams Company will present updated concepts and information for the large picnic shelter and playground areas of the Yeargan Park Phase 1 project.

Action: Consider approval of updated concepts for large picnic shelter and playground areas of Yeargan Park Phase 1.

- 2. Garner Forward Comprehensive Plan & Text Amendment # ZTA-23-02,
Garner Forward Implementation Page 5
Presenter: Jeff Triezenberg, Planning Director

Continued discussion and review of final edits to the 2023 Garner Forward Comprehensive Plan and of direction for first round of text amendments aimed at implementing said Plan. The updated draft plan can be found at: [Plan Adoption | Garner Forward](#)

Action: Receive as information for discussion and consider directive to set public hearing coinciding with plan adoption.

- E. MANAGER REPORTS
Pending Agenda Report
- F. COUNCIL REPORTS
- F. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 25, 2023 <input type="button" value="v"/>		
Subject: Yeargan Park Phase 1 Picnic Shelter and Playground		
Location on Agenda: Discussion/Reports		
Department: Parks, Recreation & Cultural Resources (PRCR)		
Contact: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources		
Presenter: PRCR Staff and Design Team from the John R. McAdams Company		
Brief Summary: The design team from the John R. McAdams Company will present updated concepts and information for the large picnic shelter and playground areas of the Yeargan Park Phase 1 project.		
Recommended Motion and/or Requested Action: Consider approval of updated concepts for large picnic shelter and playground areas of Yeargan Park Phase 1.		
Detailed Notes: Yeargan Park Phase 1 will feature 4 multi-use sports fields, 1 large picnic shelter with restrooms, a play area, and supporting parking and roadway infrastructure. The design team presented general concepts for the large picnic shelter and play area at the 03/28/23 work session. Based on Town Council feedback, the design team has further refined the concepts for Town Council approval.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

BOOGIE BOARD + SKY SHADE



01

ROLLING LAWN



02

CUSTOM HILL CLIMBER



03

Yeargan Park
1170583-01-04-08 • 07.07.2023

WE GO GROUND



04

SLIDE WINDER2 + RICKETY HILL CLIMBER



05

Yeargan Park
1170583-01-04-08 • 07.07.2023

BOULDERS



06

CLIMBING WALL



07

Yeargan Park
1170583-01-04-03 • 07.07.2023

TOWER WITH TURBO TWISTER



08

Yeargan Park
1170583-01-04-03 • 07.07.2023

3-ARCH WEEVOS (2-5) + NOOK (6-24 MONTHS)



09

Yeargan Park
1170583-01-04-02 • 07.07.2023

-03: Suggest removing at least one set of pod steppers to allow for child/caregiver in wheelchair to be able to engage with equipment
-09: is it possible to have a ramp on both sides of the playhouse?
Add communication board



NOTES
01 FINAL COLOR SELECTIONS TO BE DETERMINED, ALL IMAGES TO CONVEY DESIGN INTENT AND USE.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 25, 2023 <input type="button" value="v"/>		
Subject: Garner Forward Comprehensive Plan & Text Amendment # ZTA-23-02, Garner Forward Implementation		
Location on Agenda: Discussion/Reports		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Continued discussion and review of final edits to the 2023 Garner Forward Comprehensive Plan and of direction for first round of text amendments aimed at implementing said Plan. The updated draft plan can be found at: Plan Adoption Garner Forward. The updated draft plan can be found at: Plan Adoption Garner Forward		
Recommended Motion and/or Requested Action: Receive as information for discussion and consider directive to set public hearing coinciding with plan adoption.		
Detailed Notes: On July 10, the Planning Commission voted unanimously to recommend adoption of the 2023 Garner Forward Comprehensive Plan to the Town Council with a short list of final issues to be resolved prior to said adoption.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Memorandum

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: ***2023 Garner Forward Comprehensive Plan and Text Amendment # ZTA-23-02, Garner Forward Implementation***

DATE: July 25, 2023

I. BACKGROUND

This memo sets out proposals for a first round of text amendments to the UDO aimed at better implementing the goals and objectives of the 2023 Garner Forward Comprehensive Plan as being finalized as part of the Character and Land Use Elements (CLUE) update project.

Said project began in earnest in July of 2022, with the contracted consulting team committing to 172 +/- hours of face-to-face engagement with the community as well as producing a project website and online engagement tools for broader outreach. A Steering Committee made up of the entire Garner Town Council and Planning Commission memberships met five (5) times over the course of the project, and select members also participated (along with interested citizens and Town staff) in more focused discussions as part of three (3) strategic advisory groups. Those groups provided specific input and assistance related to public outreach, community character and future land use scenario planning.

A draft of the full plan was first released on February 27, 2023, as the consultant's draft. Since that time, additional feedback from citizens, officials and staff has resulted in a second version endorsed by the Planning Commission that may be found here -

<https://www.garnerforward.com/plan-adoption>. The Planning Commission's endorsement included a short list of final matters to be resolved prior to final adoption. The consulting team is engaged in addressing these matters and will publish a version 3 as soon as possible.

To aid in the review of Section II of this staff report, staff is attaching the previous work session staff report (with added notations) outlining the purpose of the proposed amendments.

II. PROPOSED UDO TEXT CHANGES

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2.7.2. Applicability Matrix

Notwithstanding other portions of this Article, the following table summarizes the minimum requirements that shall be met when there are changes of use or changes to existing nonconforming development and/or to nonconforming structures or uses. A “✓” indicates that compliance with all applicable standards of this UDO is required, unless noted otherwise.

Figure 2.7-A. Required Site Element Upfits

	DIMENSIONAL STANDARDS	BUILDING DESIGN STANDARDS	SIDEWALKS, STREET TREES, CURB & GUTTER	TREE PROTECTION & LANDSCAPING	BUFFERS & SCREENING	PARKING LOT LANDSCAPING	OUTDOOR LIGHTING
EXISTING DEVELOPMENT							
Change of use from residential to nonresidential or mixed use.		✓(d)	✓(d)	✓(d)	✓	✓(d)	✓
...

Notes:

- (a) For expanded/reconstructed portion only. For sidewalks, curb and gutter, this includes any areas of abutting right-of-way.
- (b) Exception: Maximum front setback should be met to the extent practical as determined by the Board of Adjustment (see 2.7.3.).
- (c) For expansions, reconstruction areas and all other walls facing public streets.
- (d) Not required for change of use meeting off-street parking requirements with a shared parking agreement or approved use of public parking.

...

4.7.4. Special Use Permit

Special use permits, as defined in G.S. § 160D-102(30) and described in G.S. § 160D-705(c), are required for uses which in an unmitigated state may create negative impacts to neighboring properties or uses. This process allows each proposed use to be evaluated by its merits and conditions specific to each site.

A. Applicability

In addition to the other special uses listed in the use table in *Article 6. Use Regulations*, the following development types have significant city-wide impacts and require special use permits:

1. Any nonresidential or mixed-use development with an individual building(s) encompassing 100,000 or more square feet of gross floor area or more, except that this threshold shall be 250,000 square feet of gross floor or more for:

- a. development within the Activity Center (AC) zoning district; or
 - b. development on a tract already within the corporate limits of the Town of Garner at the time of site-specific development application.
2. Any residential development or subdivision involving 200 dwelling units or more.
- ...

5.14.2. Commercial Highway (CHO) Overlay District

....

F. Design Standards

1. Building Height

- a. The maximum building height for all buildings in the CHO is 70 feet, unless otherwise specified below.
- b. When a nonresidential use or mixed-use structure directly adjoins an existing residential use, the maximum building height is 24 feet unless an additional setback distance of one foot is provided for every additional foot of building height over 24 feet measured from the property line adjoining the existing residential use.
- c. These building height limitations do not apply to the property within the CHO located east of New Rand Road along U.S. 70.
- d. These building height limitations also do not apply to property within the CHO located west of McCormick Street along U.S. 70 or north of Purser Drive along U.S. 401, unless located within 300 feet of a single-family detached residential use.

...

5.14.3 Limited Access Highway (LHO) Overlay District

...

1. Design Standards

1. Lot Dimensions

All dimensional requirements, including minimum lot area and minimum lot width requirements, are established in the underlying zones, but may be enlarged based on the enhanced setback requirements herein.

2. Building Height

No building shall exceed ~~150~~ 200 feet above grade; other building height restrictions are governed by *Subsection 3. Building Setbacks*, below.

3. Building Setbacks

The required setback for yards not abutting the right-of-way shall be as set forth in the underlying zone. The minimum building setbacks measured from the ~~scenic corridor~~ limited access highway right-of-way, including access ramps and interchanges, shall be 65 feet, as follows:

- ~~a. For buildings up to 35 feet above grade, there shall be a minimum setback of 50 feet from the right of way.~~
- ~~b. For buildings extending up to 60 feet above grade, there shall be a minimum setback of 100 feet.~~
- ~~c. For buildings exceeding 60 feet above grade, there shall be an additional setback, measured beyond the initial 100-foot setback, consisting of two feet for each additional one foot in height up to the maximum height of 150 feet.~~

...

6.1.3. Uses not Listed

The Planning Director shall determine whether or not an unlisted use is part of an existing use category defined in or is substantially similar to an already defined use, using the criteria in *Section 6.2. Use Categories*.

(Table of Permitted Uses begins on next page)

TABLE OF PERMITTED USES (pages 6-2 through 6-7):

Add the following uses as "P" in the Activity Center (AC) district:

- *Hospital*
- *Ambulatory Health & Emergency Care Facility*
- *Banks or Financial Institution, with Drive-thru or Vehicular ATM*
- *Industrial, Manufacturing, or Production, Indoor Only*

Remove the following use from the "Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Uses Not Listed" specific use and add as a permitted ("P") separate and distinct specific use in the AC, LI and HI districts with a note referring users to subsection 6.9.5.O.:

- *Research and Development*

...

6.9.5. Specific Uses

...

O. Research and Development

1. Defined

An establishment primarily engaged in nanotechnology and biotechnology research and experimental development, or in conducting research and experimental

development in the physical, engineering, cognitive and life sciences, such as agriculture, electronics, ecology, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.

2. Use Standards
(None)

...

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.~~

...

8.2.1. Purpose

- A. ~~Residential~~ All development best promotes the public health, safety, and welfare if a portion of the land remains as common open space for purposes including recreational enjoyment, exercise and relaxation, community character, environmental conservation, and aesthetics.

- B. The regulations in this Section seek to benefit the general public – which includes, but is not limited to, residents, workers and visitors – by:

1. Preserving open vistas;
2. Providing relief from an urban landscape;
3. Preserving environmentally sensitive lands vulnerable to encroaching development;
4. Preserving wildlife habitats;
5. Preserving historically or archaeologically significant areas; and
6. Providing areas for active and passive recreation.

8.2.2. Applicability

- A. For purposes of this Section, “open space” refers to an area or areas that meets all of the following requirements:
1. Is not encumbered with any substantial structure, save those structures necessary for the purposes identified herein;
 2. is not exclusively devoted to use as a roadway, parking area, or sidewalk;
 3. is not part of any privately owned lot that is used or intended for use for residential purposes, except as noted in subsection 8.2.2.C.;
 4. If private, is legally and practicably accessible to the residents of the subdivision and/or development it is designed to serve; and
 5. If publicly dedicated, is legally and practicably accessible to the general public.
- B. Narrow strips of common area that separate lots within a development from other lots, streets, or adjoining tracts shall generally not be regarded as open space, unless these areas meet one of the following requirements:
1. Are at least 50 feet in width and are capable of functioning as a substantial visual buffer meeting or exceeding the requirements of a Type A buffer as described in *Article 10. Lighting and Landscaping*.
 2. Are configured and improved in ways conducive to actual use for passive recreational purposes (e.g., walking, jogging, gathering, pet exercise) by the residents of the development.
- C. The following areas shall be regarded as open space where such areas satisfy the criteria in this Section:
1. Utility easements greater than 50 feet in width and located outside of street rights-of-way;
 2. Cemeteries located on a tract prior to its development;
 3. Areas used for the growing of crops and under the control of a homeowners association; and
 4. Golf courses as private open space.
 5. Indoor recreational amenities (see subsection 8.2.3.C.).
- D. The term “primary conservation areas” shall mean any of the following:
1. Areas shown as greenways on the adopted Garner Open Space and Greenways Plan or other applicable policies or plans; or
 2. ~~Neuse River buffers; or~~
 3. ~~Areas containing slopes greater than 25 percent.~~

- E. The term “secondary conservation areas” shall mean any of the following:
1. Lakes and ponds;
 2. Wetlands as defined pursuant to Section 404 of the Clean Water Act;
 3. Areas containing slopes greater than 15 percent but not more than 25 percent;
 4. Other areas containing unique vistas or unusual natural features (such as major rock formations); or
 5. Other unique areas of documented environmental, historical, or archaeological significance.
- F. Except as otherwise provided herein, every proposed residential land use or development with residential uses shall be developed so that at least 10 percent of the total area of the development remains permanently as open space, and every development composed exclusively of non-residential uses shall be developed so that at least 5 percent of the total area of the development remains permanently as passive open space. To emphasize consistency with the open and public character of certain portions of the town, wherever a proposed development boundary is within ¼ mile of a parcel boundary containing public park land or a Town operations facility, the required percentage of open space shall be increased by 50 percent.
1. Smaller developments may need less open space. Therefore, developments of less than one acre shall be exempt from the open space provisions of this Section.
 2. For purposes of this Section, the term “development” refers to the entire project developed on a single tract or multiple, contiguous tracts under common ownership or control, regardless of whether the development is phased or subdivided.
- G. If a tract where a residential land use or residentially zoned development is proposed and contains any areas defined above as primary or secondary conservation areas, then such areas shall be designated as passive open space, subject to subsection 8.2.3.B. and the following:
1. in no case shall the developer be required to set aside more than the minimum required percentage of passive open space specified herein;
 2. if the tract contains primary or secondary conservation areas, then the specific areas to be set aside as passive open space shall be determined by the permit issuing

authority, with priority given to primary conservation areas over secondary conservation areas; and

3. if the total of primary and secondary conservation areas on a development tract is less than the minimum required percentage of passive open space specified, then the choice of additional passive open space areas to be set aside to satisfy this minimum percentage shall remain with the developer, provided the location is acceptable to the permit-issuing authority ~~as meeting the goal of establishing a discernible center for the development in the form of a common green or public square.~~

- H. Notwithstanding the other provisions of this Section, where a developer agrees to dedicate land to the Town that is intended to be used by the Town for open space purposes such dedication shall be credited to the developer in satisfaction of the open space requirements.

8.2.3. Private Open Space Structure

Provided private open space shall meet the following requirements for passive and active space:

- A. Required tree preservation and/or conservation buffers area may account for up to 30 percent of a development's required open space and shall be considered passive open space.
- B. Passive Open Space
For proposed residential land uses or development with residential uses, up to 75 percent of the required open space shall be provided for passive recreation purposes such as walking, jogging, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands, or water resources may also be counted towards passive recreation provided there is access for the public to these resources.
- C. Active Space
For proposed residential land uses or development with residential uses, at least 25 percent of the required open space shall be provided as improved park space. Improved park space must be centrally-located so as to establish either a vista (i.e. street terminus) within the development or to establish a discernible center for the development or phase of a development, be primarily grassed and properly maintained, and contain the minimum amenities described below. Additionally, one-third of the required active space must be completely designed for active recreation purposes such as

playgrounds, tennis courts, ball fields, volleyball courts, etc. Constructed private multi-use paths (paved and 8 feet wide) which could reasonably connect to a planned public greenway shown in an adopted plan, while passive in nature, shall be credited as active recreational open space for an area equivalent to a 20-foot corridor along the path. Indoor recreational facilities, including but not limited to indoor pools and fitness centers, as well as permitted rooftop amenities may also count towards active space requirements.

D. Supplemental active space requirements include:

1. Public Seating

Provide seating areas appropriate to the intended use of the space (e.g., park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal spaces). Seating must be provided at a minimum rate of one seating area per 10,000 square feet.

2. Tree Requirement

A minimum of one tree (two-inch caliper minimum) or one preserved existing canopy tree a minimum of 12 inches DBH for every 2,500 square feet of required park space.

3. Trash Receptacles

Garbage receptacles and recycling receptacles shall be required for each park space at a minimum rate of one per 20,000 square feet of space. Receptacles shall use a metal, decorative design and shall be placed in close proximity to gathering spaces. Park spaces less than 10,000 square feet, where no more than two public seating areas are provided, are exempt from this requirement.

4. Bicycle Parking

At least two bicycle parking spaces shall be required for every one-quarter acre of park space (minimum 0.25 acre).

5. Paved Walkways

All park spaces shall incorporate hard-surface (non-gravel), 6-foot-wide walkways into the overall design so that they are accessible from adjacent sidewalks, streets, and parkings areas.

8.2.4. Private Ownership and Maintenance

- A. Private recreational facilities or open space shall remain under the ownership and control of the developer, their successor, or a homeowners' association or similar organization.

- B. Recreational facilities and open space shall be available to all residents, workers or visitors of the development. The responsible party shall establish reasonable rules and regulations to govern the use of facilities and open space by the residents. There shall be no separate fees or optional fees for use, other than homeowners' association or similar organization membership fees.
- C. In residential developments, persons not residing in the development may be allowed access to the facilities and open space on a limited basis, as long as this practice does not render the facility or open space a principal use. Access fees may be instituted.
- D. Maintenance of the facilities and open space shall be the owner's responsibility.
- E. Homeowners' associations or similar legal entities responsible for the maintenance and control of common areas shall be established as follows:
 - 1. The association or similar legal entity shall be established prior to the sale or occupancy of any lot or building in the development.
 - 2. The association or similar legal entity shall have the authority to compel residents to contribute funds to cover their shares of costs associated with the maintenance and upkeep.
 - 3. The association shall establish a capital fund for the maintenance and upkeep of common areas and devise a funding method to spread maintenance and upkeep costs to the residents over a number of years.

...

9.2.5. Material Requirements

- A. No metal lap siding or vinyl siding on nonresidential buildings shall be permitted.
- B. At least 50 percent of the primary building materials shall consist of brick, stone, or decorative/scored concrete masonry units.
- C. Buildings shall be limited to a maximum of three types of materials and colors. This excludes decorative and functional elements such as fastenings and trim. No more than 10 percent of the structure's exterior materials may be metal. Metal fastenings and trim shall not count toward this standard.
- D. All primary structures on a single non-residentially zoned parcel, or within a subdivision (one and two-family structures excluded) shall feature one primary building material that is common between all structures. For purposes of this section, a primary building material shall cover at least 15 percent of the structure's exterior on facades facing a public right-of-way, internal private drive, or parking drive aisle.

...

9.3.5. Off-Street Parking Requirement

...

TABLE OF PARKING REQUIREMENTS	
USE	MINIMUM NUMBER OF VEHICLE SPACES
...	
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY	
...	
<u>Research and Development</u>	<u>1.0 spaces per 1,000 square feet of gross floor area</u>
...	

...

10.6.7. Design Requirements

A. Perimeter Buffer Widths and Types

- The following tables provide requirements for perimeter buffers between zoning districts. Identify the zoning districts for the proposed use and adjacent property. The required perimeter buffer width in feet and type are listed at the intersection of the respective row and column.
- For single-family residential, duplex, and townhome subdivisions of 12 lots or fewer, the maximum buffer required is 15 feet wide.
- For lots in nonresidential or mixed-use zoning districts less than 2 acres in size, the required buffer width shall be half of the width specified herein.

11.5.4. Tree Canopy Preservation Requirements

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D. Tree Canopy Preservation Requirements

...

- 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.

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

...

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 AND MIXED-USE DISTRICTS (NMX, CMX, TBD, AC, LI, HI)	Freestanding (single tenant lot): 100 square feet maximum total all freestanding and wall signs	60 square feet	1 per street frontage, 2 maximum	12 feet
	Wall (single tenant building)	<u>15 percent of wall area in total</u>	<u>3 per street frontage</u>	n/a
	Projecting signs	10 square feet	1 per street frontage, 2 maximum	2

...

Throughout the UDO – correction of any errors in cross-references, citations, etc. in sections of the original adopted UDO brought about by the amendments within this case.

III. PLAN CONSISTENCY

Following a public hearing and 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:

- 2023 Garner Forward Comprehensive Plan

IV. REASONABLENESS

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

V. RECOMMENDATION

Staff invites comments on Version 2 of the draft Plan and UDO text amendments proposed herein and invites suggestions for any others that may be readily incorporated into this proposed first round of amendments aimed at implementing the goals and objectives of the 2023 Garner Forward Comprehensive Plan.

Staff also would ask for support in setting public hearing to coincide with finalization of the Cost of Services Study and the final vote on the 2023 Garner Forward Comprehensive Plan – tentatively on track for August 22, 2023.

ATTACHMENT – REVIEW AID

Design. Connect. Sustain.



Planning Department Memorandum

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *Text Amendment # ZTA-23-02, Garner Forward Implementation*

DATE: June 27, 2023

I. BACKGROUND

This memo sets out proposals for a first round of text amendments to the UDO aimed at better implementing the goals and objectives of the 2023 Garner Forward Comprehensive Plan as being finalized as part of the Character and Land Use Elements (CLUE) update project.

Said project began in earnest in July of 2022, with the contracted consulting team committing to 172 +/- hours of face-to-face engagement with the community as well as producing a project website and online engagement tools for broader outreach. A Steering Committee made up of the entire Garner Town Council and Planning Commission memberships met five (5) times over the course of the project, and select members also participated (along with interested citizens and Town staff) in more focused discussions as part of three (3) strategic advisory groups. Those groups provided specific input and assistance related to public outreach, community character and future land use scenario planning.

A draft of the full plan was first released on February 27, 2023, as the consultant's draft. Since that time, additional feedback from citizens, officials and staff has resulted in the public hearing draft being presented tonight and found here - <https://www.garnerforward.com/plan-adoption>. Potential adoption is tentatively on track for August 8, 2023.

II. PROPOSED CHANGES

- Throughout – correction of any errors/omissions in sections of the original adopted UDO that are subject to amendment within this case.
- Section 2.7.2. – In support of objective on page 118 “Encourage retrofit and adaptive reuse of existing residential structures for commercial uses in some portions of the planning area”, amend Figure 2.7-A. to only require upfits to Buffers & Screening and Outdoor Lighting for changes of use where the parcel has access to shared and/or public parking. *See 2.7.2. Applicability Matrix proposed edits in July 25 Staff Report.*

ATTACHMENT – REVIEW AID

- Section 10.6.7.A. – Add a subsection where small non-residential/mixed use lots are required to install ½ the otherwise required perimeter buffer width and quantities. 2 acres seems to be a critical lot size. Lots still need to meet canopy requirements – allows more of the landscaping to be mixed into the site to help create great commercial open spaces. Would also support challenges with residential to commercial adaptive reuse as most individual residential detached lots do not require buffers. *See 10.6.7. Design Requirements proposed edits in July 25 Staff Report.*
- Section 5.8. – In support of Initiative #4 – Regional Employment Activity Centers, introduce a new “Innovation & Technology Center (ITC)” zoning district within the Nonresidential and Mixed-Use District category. There is not a district currently that fully encompasses “small scale retail...residential units above office, retail or university uses...technology, creativity, and innovation; and may support a corporate headquarters, university, hospital, research and development campus, manufacturing center, or other centers of excellence...” *Re-direct. Made changes to AC zoning district. See 6.1.3. Uses not Listed proposed edits in July 25 Staff Report.*
 - Section 4.7.4. – As well as Initiative #4, also in support of objective on page 100 “Encourage infill development and redeveloping in existing developed areas” and objective on page 101 “Build a community attractive to today’s businesses and their employees”, establish tiered non-residential or mixed-use building size threshold triggering SUP review based on zoning district to incentivize infill, as well as the new ITC and existing AC districts – both of which do not exist on the zoning map today and should be applied only in conformance with the comprehensive plan’s general framework map (Regional Employment Activity Centers or Regional Transit Activity Centers) – at 250,000 square feet in ITC and AC as well as any site already within the Town’s corporate limits. *See 4.7.4. Special Use Permit proposed edits in July 25 Staff Report.*
 - Section 5.9 – Establish Development Standards for the new district. *n/a*
 - Section 6.1 – Establish list of permitted uses based on Initiative #4 and introduce new uses where current uses are too broad. *Re-direct. Made changes to AC zoning district. See 6.1.3. Uses not Listed proposed edits in July 25 Staff Report.*
 - Sections 6.4. – 6.11. – Establish definitions and use standards for any new uses. *Re-direct. Made changes to AC zoning district. See 6.9.5. Specific Uses proposed edits in July 25 Staff Report.*
 - Section 8.3. – Add ITC to parallel the LI District for connectivity and block length and fix error in connectivity index graphic to align with text (remove black dots at stubs and add black dots at new intersections with highway). *n/a*
 - Section 9.2. – Add ITC to building design guidelines with exemption for transparency for portions of a building housing industrial or manufacturing components or uses. *n/a*

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- Section 9.3 – Add any parking standards for any new uses recommended for Section 6.1. *See 6.9.5. Specific Uses proposed edits in July 25 Staff Report.*
- Section 12.3 – Add ITC permanent sign standards for non-residential signs, and fix errors and omissions in wall sign allowances. *See 12.3.1. General Standards proposed edits in July 25 Staff Report.*
- Section 5.14.2. – In support of Level 4-B on the Development Change and Intensity Map (pages 58-59), expand building height cap exemption in the CHO overlay district to include the corridor west of McCormick Street, north of Purser Drive – unless located within 300’ of single-family detached residential use – to allow for up to 10 stories of development. *See 5.14.2. Commercial Highway (CHO) Overlay District proposed edits in July 25 Staff Report.*
- Section 5.14.3. – In support of Level 4-C on the Development Change and Intensity Map (pages 58-59), raise maximum building height in the LHO to 200 feet above grade, to allow for up to 20 stories of development and establish consistent setback from the highway right-of-way at 65’ to allow for 50’ of vegetative preservation. *See 5.14.3. Limited Access Highway (LHO) Overlay District proposed edits in July 25 Staff Report.*
- Section 6.12.2.A. – In support of objective on page 107 “Neighborhoods in Garner should reflect the community’s values and preferences toward housing mix, building quality, and neighborhood amenities”, eliminate need for fence variance before the BOA as needed vision/visibility is already required by the UDO. Clarify that “provided the vision necessary for safe vehicular and pedestrian movement...” includes required sight triangles. *See 6.12.2. General proposed edits in July 25 Staff Report.*
- Section 8.2. – In support of objective on page 115 “Amend the town’s UDO to strengthen design standards for non-residential development”, differentiate between residential and non-residential open space requirements in subsections 8.2.1. through 8.2.4. Set open space dedication minimum for non-residential at 5% of project acreage and specify list of acceptable improvements based on Garner Forward Comprehensive Plan definitions of Greenways, Common Greens, Public Squares and Public Plazas. *See 8.2.1. Purpose, 8.2.2. Applicability, 8.2.3. Private Open Space Structure, and 8.2.4. Private Ownership and Maintenance proposed edits in July 25 Staff Report.*
 - Section 8.2.2. – Further, and in support of objective on page 88 “Emphasize the public realm as a unifying feature when contemplating new development and redevelopment projects”, increase the open space requirement by 50% for developments within ¼ mile of park land or Town operations facility, and clarify that only utility easements greater than 50 feet wide will count as open space – currently it is all utility easements. *See 8.2.2. Applicability proposed edits in July 25 Staff Report.*
 - Section 8.2.3. – Further, an in support of objective on page 107 “Neighborhoods in Garner should reflect the community’s values and preferences toward housing mix, building quality, and neighborhood amenities”, and objective on page 121

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“Establish a discernible structure for new neighborhoods in the town’s planning area”, add requirement for residential development to place a qualifying open space element – playground, common green or public square – in the center of the neighborhood. *See 8.2.2. Applicability, and 8.2.3. Private Open Space Structure proposed edits in July 25 Staff Report.*

- Section 9.2. – In support of objective on page 120 “Establish compatibility and transition standards that respect the spaces between existing and future development”, expand upon the transitional building height regulation expressed in 9.2.8.C. to extend to all buildings that do not house single-family detached or duplex uses and within 150’ of said single-family detached or duplex uses, and limit the height within that 150’ to an increase measured at a 2:1 ratio (30 degree angle above horizontal) above the predominant number of stories in the single-family detached or duplex uses. A story is equivalent to 12’. *Re-direct. Satisfied with existing language.*
- Section 9.2.5. – In support of objective on page 116 “Require multiple buildings on the same lot or parcel be architecturally unified”, add requirement for architectural unity within a commercial subdivision or within a parcel with multiple buildings. *See 9.2.5. Material Requirements proposed edits in July 25 Staff Report.*
- Section 11.3.4. – In support of object on page 134 “Implement a tree canopy preservation program for the planning area”, correct the omission of the tree canopy preservation requirements specifically for the TBD zoning district that were added to the previous UDO. *See 11.5.4. Tree Canopy Preservation Requirements proposed edits in July 25 Staff Report. Incorrect codification of subsection in original adopting document.*

III. PLAN CONSISTENCY

Following a public hearing and 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:

- 2023 Garner Forward Comprehensive Plan

IV. REASONABLENESS

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

V. RECOMMENDATION

Staff invites comments on the direction of the amendments proposed herein and invites suggestions for any others that may be readily incorporated into this proposed first round of amendments aimed at implementing the goals and objectives of the 2023 Garner Forward Comprehensive Plan.

Staff also would ask for support in setting public hearing to coincide with final vote on the 2023 Garner Forward Comprehensive Plan – tentatively on track for August 8, 2023.

Finally, staff would be happy to bring this back again at the July work session should the Council desire.

Reports



Town Manager's Office Memorandum

TO: Mayor and Town Council

FROM: Rodney Dickerson, Town Manager

DATE: August 25, 2023

SUBJECT: August 2023 Pending Agenda Items

The following items are currently planned for the August 2023 Council Meetings. These items are subject to change.

Tuesday, August 8 – Regular Meeting

Presentations

- WCPSS School Counselor of the Year

Consent

- Library Parking & Cross-Easement

Public Hearings

- Historic Landmark Designation – Garner Woman's Club

Old/New Business

Reports

Tuesday, August 22 – Regular Meeting

Presentations

Consent

Public Hearings

Old/New Business

- CLUE Adoption
- White Oak/Bryan Traffic Signal Agreements (Walters Buffalo Update)

Reports

Tuesday, August 29 – Work Session

Discussion/Reports