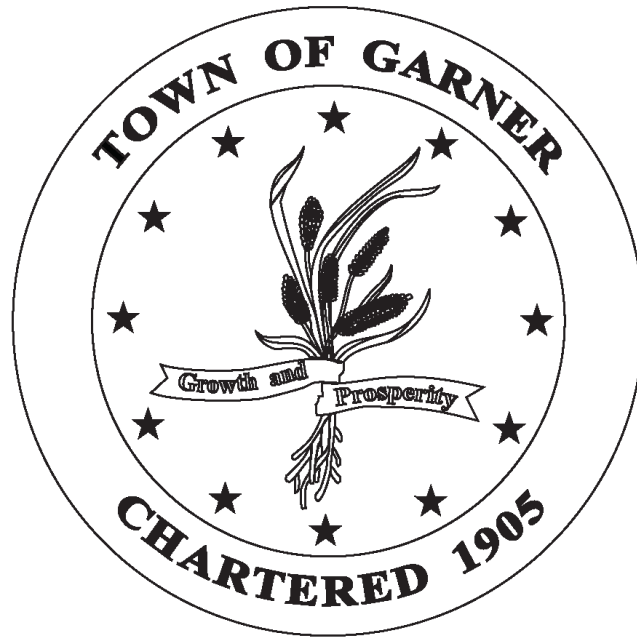


Town of Garner



Town Council Meeting June 27, 2023

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Meeting Agenda
June 27, 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. Text Amendment # ZTA-23-02, Garner Forward Implementation Page 2
Presenter: Jeff Triezenberg, Planning Director

Discussion of preliminary direction for first round of text amendments aimed at implementing the future 2023 Garner Forward Comprehensive Plan.

Action: Receive as information for discussion and consider directive to set public hearing coinciding with plan adoption
 - 2. Park at Garner Station Development Agreement Page 8
Presenter: Robert Shunk (Gander Development) and Matthew Carpenter (Parker Poe)

East Garner Holdings LLC and Gander Development LLC have proposed terms for a development agreement with the Town regarding public improvements and The Park at Garner Station master planned community CZ-PD-22-04. Staff is seeking Council direction on the developer's proposed terms prior to making a staff recommendation and negotiating a formal development agreement. Pursuant to Article 10 of Chapter 160D, the development agreement will be subject to a public hearing at a subsequent Town Council meeting in conjunction with the requested rezoning application.

Action: Provide feedback on the developer's proposed terms
- E. MANAGER REPORTS
Pending Agenda Report
- F. COUNCIL REPORTS
- G. CLOSED SESSION
Pursuant to N.C. General Statutes Section 143.318.11(a)(4) to discuss economic development.
- H. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 27, 2023		
Subject: 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: Discussion of preliminary direction for first round of text amendments aimed at implementing the future 2023 Garner Forward Comprehensive Plan.		
Recommended Motion and/or Requested Action: Receive as information for discussion and consider directive to set public hearing coinciding with plan adoption.		
Detailed Notes: See attached staff report.		
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:		

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.

- 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.
- 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...”
 - 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.
 - Section 5.9 – Establish Development Standards for the new district.
 - Section 6.1 – Establish list of permitted uses based on Initiative #4 and introduce new uses where current uses are too broad.
 - Sections 6.4. – 6.11. – Establish definitions and use standards for any new uses.
 - 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).
 - 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.
 - Section 9.3 – Add any parking standards for any new uses recommended for Section 6.1.
 - Section 12.3 – Add ITC permanent sign standards for non-residential signs, and fix errors and omissions in wall sign allowances.

- 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.
- 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.
- 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.
- 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.
 - 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.
 - 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 “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.
- 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’.

- 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.
- 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.

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 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.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 27, 2023 <input type="button" value="v"/>		
Subject: Park at Garner Station Development Agreement		
Location on Agenda: Discussion/Reports		
Department: Administration		
Contact: Terri Jones, Town Attorney		
Presenter: Robert Shunk (Gander Development) and Matthew Carpenter (Parker Poe)		
Brief Summary: East Garner Holdings LLC and Gander Development LLC have proposed terms for a development agreement with the Town regarding public improvements and The Park at Garner Station master planned community CZ-PD-22-04. Staff is seeking Council direction on the developer's proposed terms prior to making a staff recommendation and negotiating a formal development agreement. Pursuant to Article 10 of Chapter 160D, the development agreement will be subject to a public hearing at a subsequent Town Council meeting in conjunction with the requested rezoning application.		
Recommended Motion and/or Requested Action: Provide feedback on the developer's proposed terms		
Detailed Notes: East Garner Holdings LLC owns 8 parcels between the Garner Recreation Park and Yeargan Park. Gander Development LLC has submitted plans to rezone the parcels for a mixed use master planned community with a maximum of 650 apartments, 345 townhomes, and 25,000 square feet of commercial space. The developer proposes to construct a new collector street from Creech Road across Garner Rec Park to Garner Road, and to extend the sewer line to Yeargan Park. Approval from the National Park Service for the new collector street is required due to restrictions of a previous Land and Water Conservation Fund grant for Garner Rec Park.		
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:		
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

Proposed Terms Between Town of Garner, Gander Development, LLC and East Garner Holdings, LLC
Regarding Public Improvements and The Park at Garner Station Project
Last Rev. June 16, 2023

Goal: To establish a summary of material terms for negotiating a development agreement between East Garner Holdings, LLC (“Owner”), Gander Development, LLC (“Developer”) and the Town of Garner (“Town”). The purpose of the development agreement will be to establish an agreement regarding the development of transportation and multi-use trail improvements associated with a master planned community referred to as The Park at Garner Station.

Background:

- Owner owns eight (8) parcels consisting of approximately 97 acres, as further described in Exhibit A (collectively the “Property”).
- Developer is the development company for the Owner.
- The Property is being considered for a rezoning for the purpose of developing a master planned community known as “The Park at Garner Station” (CZ-PD-22-04). The rezoning includes a Planned Unit Development document which sets forth development regulations and plans for the Property (the “PUD”). The Park at Garner Station is intended to be developed into a horizontally integrated mixed-use development.
- The Town owns several parcels adjacent to the Property including Garner Recreational Park, PIN 1711738251 (the “Garner Rec Park Property”) and the future Yeargan Park property, PINs 1721033394, 1721021090, and 1721027050 (the “Yeargan Park Property”).
- The Town is currently developing phase 1 of Yeargan Park.
- In connection with development of The Park at Garner Station, the Town requested Developer extend a major collector roadway from East Garner Road to Creech Road across the Garner Rec Park Property (the “Major Collector”) as set forth in the Vehicular and Pedestrian Circulation plan in the PUD. Because Garner Recreational Park received funding through Land & Conservation Fund grants, construction of the Major Collector will require approval from the National Park Service (the “National Parks Approval”). The approval is administered by the North Carolina State Parks Department.
- North of the planned Major Collector is the Creech Road Elementary School Park, PIN 1711844713, owned by Wake County (the “Wake County Parcel”).
- The Park at Garner Station will also include a Major Local Street on the Property with its eastern Right-of-way adjacent to the common lot line with the Yeargan Park Property, as set forth in the Vehicular and Pedestrian Circulation Plan in the PDD (the “Local Street”).
- The Park at Garner Station will also include a outfall interceptor sewer project that will connect sewer to the existing 18” pipe on PIN 1711992165 and that will extend sewer to the Northern Limits of Yeargan Park (the “Sewer Project”).

Summary of Public Benefits:

Transportation

- Construction of the Major Collector and Local Street:
 - Increases connectivity between Creech Road, E. Garner Road and Yeargan Park.
 - Provides additional access to distribute traffic and alleviates a dead-end street condition for the build out of Yeargan Park

Proposed Terms Between Town of Garner, Gander Development, LLC and East Garner Holdings, LLC
Regarding Public Improvements and The Park at Garner Station Project
Last Rev. June 16, 2023

- Provides direct pedestrian and vehicular connection between Garner Recreational Park, Creech Road Elementary School Park, The Park at Garner Station and Yeargan Park.
- The Park at Garner Station's internal street network will provide multiple vehicular and pedestrian access points with Yeargan Park and allow for access between Yeargan Park and Creech Road without travel on E. Garner Road.
- The Park at Garner Station's off-site transportation improvements will advance the Town's Transportation Plan, help to alleviate existing congestion, and promote public safety.

Parks and Recreation

- The Park at Garner Station will construct two public Multi-use Paths creating pedestrian connectivity between Garner Recreational Park and Yeargan Park through the Property (the "Multi-Use Paths"). Conceptual locations of the Multi-Use Paths are set forth in the concept plan in the PUD. This will enable a future connection to Creech Road Elementary School.
- The Multi-Use Paths shall include construction of approximately 180 feet of path across the Garner Rec Park Property to connect the park's existing parking lot and the Park at Garner Station (the "Off Site Path Connection").
- Construction of the Major Collector will allow pedestrian and vehicular access from Creech Road to E. Garner Road and Yeargan Park.
- The second multi-use path will enhance and improve the pedestrian/greenway network between multiple public parks and existing public rights-of-way.

Proposed Terms of Agreement:

Developer Obligations:

- Design and construct the Major Collector, Multi-Use Path, and associated turn lane(s) over the Garner Rec Park Property to connect to Creech Road.
- Construct a new driveway connection from the existing tennis court parking lot on the Garner Rec Park Property to the Major Collector (the "Town Driveway").
- Provide professional consultation and support to aid the Town's application to the North Carolina Division of Parks and Recreation for the National Parks Approval. Developer shall pay fees associated with any environmental assessment report required for the National Parks Approval.
- Design and construct the Local Street. The eastern boundary of the Local Street right-of-way shall align with the Yeargan Park property line to facilitate future cross access connections.
- Prior to issuance of the 150th certificate of occupancy for apartment units, construct the Off Site Path Connection.

Town Obligations:

- Provide Developer and its consultants access to the Garner Rec Park Property and the Yeargan Park Property for surveying, environmental delineations, and any other tests or studies required for design and construction of the Major Collector, Local Street, Town Driveway, and Off Site Path Connection.

Proposed Terms Between Town of Garner, Gander Development, LLC and East Garner Holdings, LLC
Regarding Public Improvements and The Park at Garner Station Project
Last Rev. June 16, 2023

- Provide and record a Temporary Construction Easement over portions of the Garner Rec Park Property necessary to construct the Major Collector and, the Town Driveway, and Off Site Path Connection (the “Major Collector TCE”). The Major Collector TCE shall have a minimum term of 2.5 years. Final location, size, and term of the Major Collector TCE shall be determined at the Preliminary Subdivision stage.
- Provide and record a Temporary Construction Easement over portions of the Yeargan Park Property necessary to construct the Local Street (the “Local Street TCE”). The Local Street TCE shall have a minimum term of 2.5 years. Final location, size, and term of the Local Street TCE shall be determined at the Preliminary Subdivision stage.
- Support and assist Developer in obtaining from Wake County any temporary construction easements and/or Rights-of-Way over or from the Wake County Parcel needed for construction of the turn lanes on Creech Road to serve the Major Collector.
- Following construction completion, accept dedication of and maintenance responsibilities for the Multi-Use Paths.
- Within 45 days of approval of the PUD, apply to the North Carolina Division of Parks and Recreation for National Parks Approval. Work in good faith to timely obtain the National Parks Approval.
- Serve as the Applicant for the gravity sewer application to City of Raleigh/NCDEQ and for environmental permit applications related the Sewer Project. Developer will provide design work and permitting drafting support for the Sewer Project.
- Pay for a land appraisal and submittal fees if required in connection with the National Parks Approval.
- Provide credits against Town of Garner park land dedication and/or fee in lieu requirements commensurate with land dedication and/or improvements associated with the National Parks Approval, the Major Collector, or other improvements benefiting the Town.

Exhibit A

The Park at Garner Station Properties

Tract One

Wake County REID: 0009786
Wake County PIN: 1711925082
Approx. Acreage: 4.00

Tract Two

Wake County REID: 0182570
Wake County PIN: 1711923791
Approx. Acreage: 9.78

Tract Three

Wake County REID: 0009675
Wake County PIN: 1711827887
Approx. Acreage: 14.78

Tract Four

Wake County REID: 0009784
Wake County PIN: 1711833114
Approx. Acreage: 4.76

Tract Five

Wake County REID: 0192128
Wake County PIN: 1711833775
Approx. Acreage: 4.47

Tract Six

Wake County REID: 0106138
Wake County PIN: 1711838749
Approx. Acreage: 15.51

Tract Seven

Wake County REID: 0009705
Wake County PIN: 1711933576
Approx. Acreage: 18.59

Tract Eight

Wake County REID: 0497091
Wake County PIN: 1711944672
Approx. Acreage: 24.97

THE PARK AT GARNER STATION

PLANNED UNIT DEVELOPMENT



EAST GARNER ROAD
CZ-PD-22-04

Development Summary

- Maximum 25,000 SF Retail
- Maximum 345 Townhome Units
 - Max 3 stories
- Maximum 650 Apartments
 - 3-5 story buildings



Legend

- Rear Loaded Townhomes
- Front Loaded Townhomes
- Apartments
- Parking Structure
- Amenity /Club House
- Retail

PLACEMAKING

GARNER RECREATIONAL PARK

PASSIVE POCKET PARK

Size: ±1.25 acres

Program Options: Walking Trails; Native Canopy + Understory Tree Plantings; Wildflower Cutting Garden; Play Lawn; Seating Opportunities



INTERACTIVE POCKET PARK

Size: ±1.5 acres

Program Options: Walking Trails; Native Canopy+Understory Tree Plantings; Play Lawn; Seating Opportunities

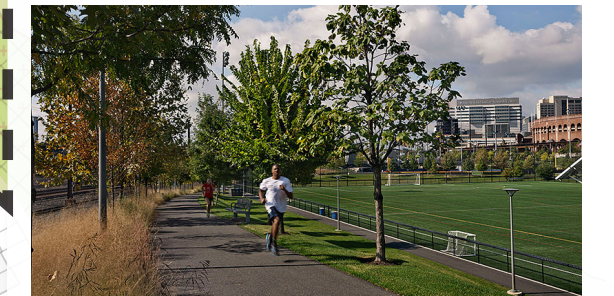


ACTIVE POCKET PARK

Size: ±0.9 acres

Program Options:

Dog Park; Native Tree Plantings; Walking Trails; Seating Options; Play Lawn; Shade Structure



MICRO PARK

Size: ±0.1 acres

Program Options: Mail Kiosk; Parking; Native Canopy + Understory Tree Plantings

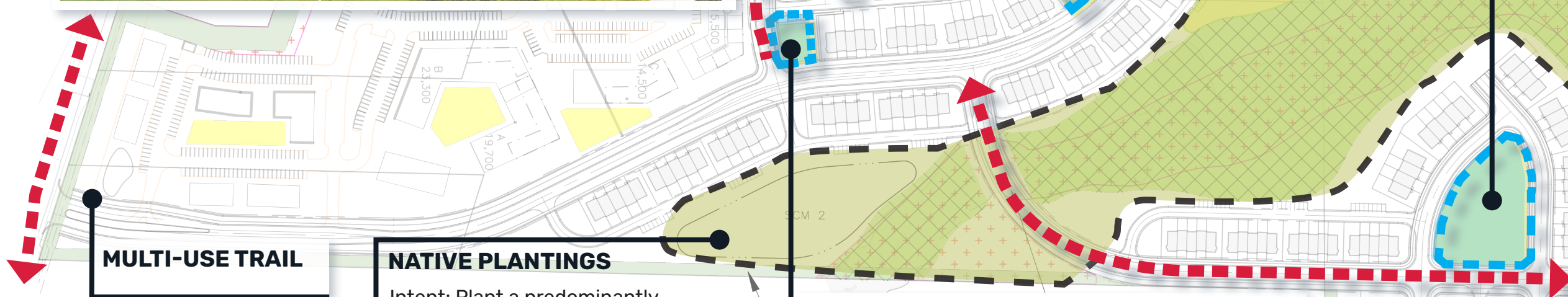


NATIVE PLANTINGS

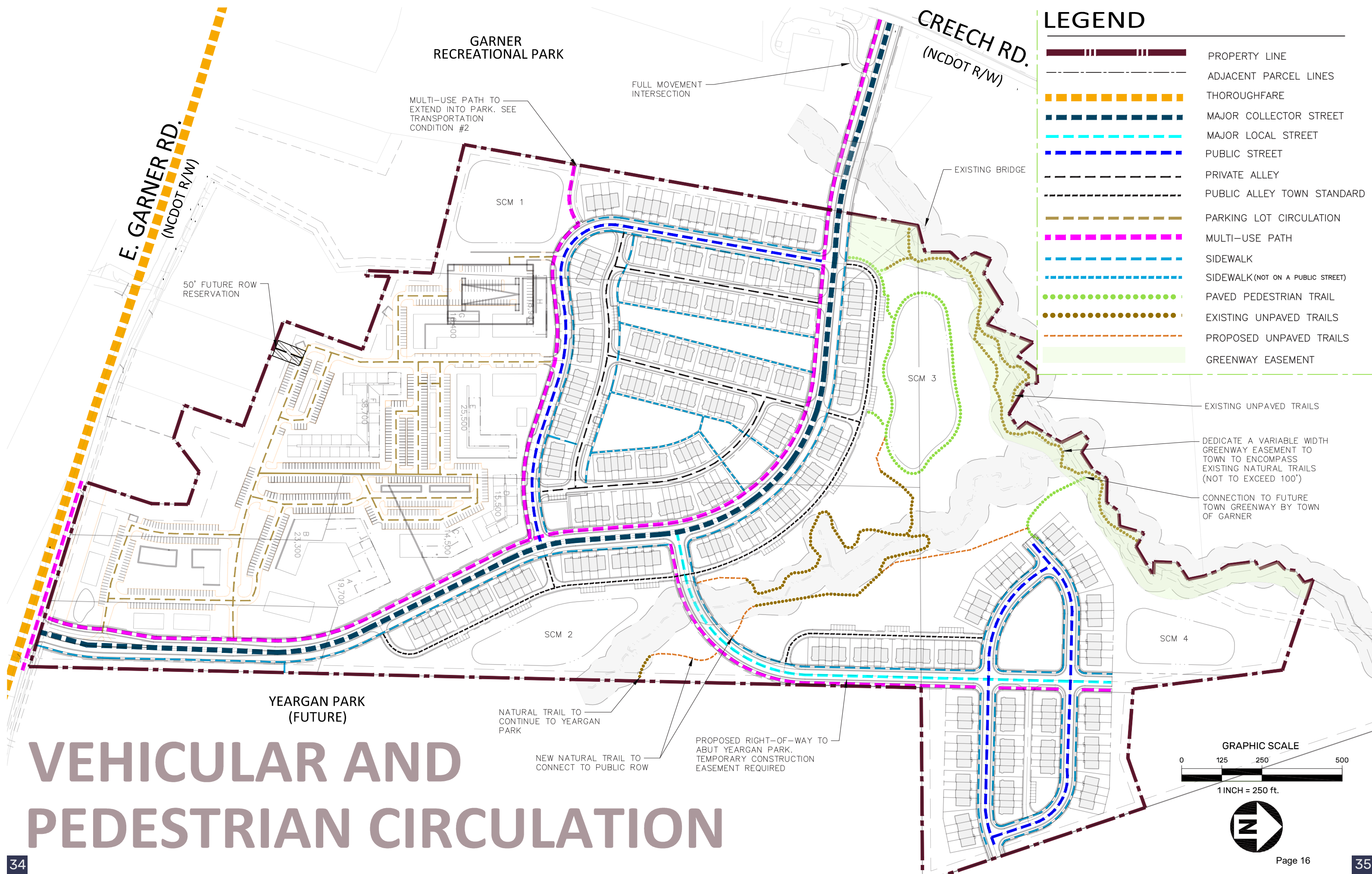
Intent: Plant a predominantly native and native adapted mix of shrubs, trees and groundcovers within this boundary



MULTI-USE TRAIL



VEHICULAR AND PEDESTRIAN CIRCULATION



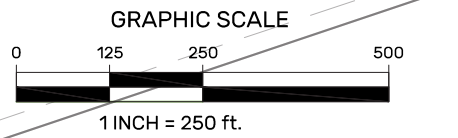
LEGEND

	PROPERTY LINE
	ADJACENT PARCEL LINES
	THOROUGHFARE
	MAJOR COLLECTOR STREET
	MAJOR LOCAL STREET
	PUBLIC STREET
	PRIVATE ALLEY
	PUBLIC ALLEY TOWN STANDARD
	PARKING LOT CIRCULATION
	MULTI-USE PATH
	SIDEWALK
	SIDEWALK (NOT ON A PUBLIC STREET)
	PAVED PEDESTRIAN TRAIL
	EXISTING UNPAVED TRAILS
	PROPOSED UNPAVED TRAILS
	GREENWAY EASEMENT

EXISTING UNPAVED TRAILS

DEDICATE A VARIABLE WIDTH GREENWAY EASEMENT TO TOWN TO ENCOMPASS EXISTING NATURAL TRAILS (NOT TO EXCEED 100')

CONNECTION TO FUTURE TOWN GREENWAY BY TOWN OF GARNER








WATER AND SEWER EXHIBIT

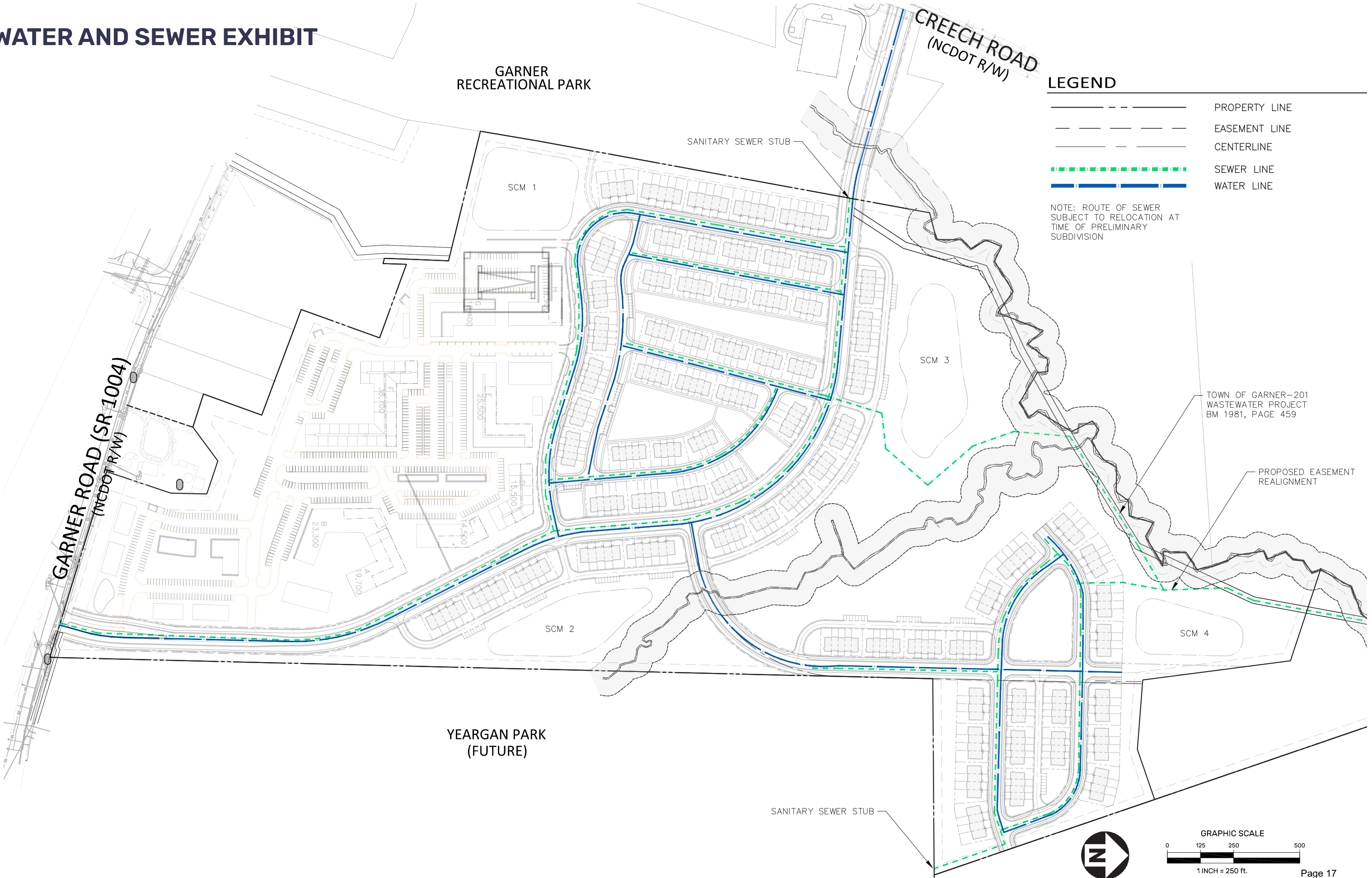
GARNER RECREATIONAL PARK

CREECH ROAD
(NCDOT R/W)

LEGEND

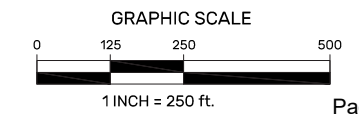
-  PROPERTY LINE
-  EASEMENT LINE
-  CENTERLINE
-  SEWER LINE
-  WATER LINE

NOTE: ROUTE OF SEWER SUBJECT TO RELOCATION AT TIME OF PRELIMINARY SUBDIVISION



TOWN OF GARNER-201
WASTEWATER PROJECT
BM 1981, PAGE 459

PROPOSED EASEMENT
REALIGNMENT



Reports



Town Manager's Office Memorandum

TO: Mayor and Town Council

FROM: Rodney Dickerson, Town Manager

DATE: June 27, 2023

SUBJECT: July 2023 Pending Agenda Items

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

Tuesday, July 18 – Regular Meeting

Presentations

Consent

None at this time

Public Hearings

1. Ped Plan Public Hearing
2. CZ-23-01, Jones Sausage Assemblage (Martin Branch/Tharrington)

Old/New Business

1. LMG Extension/Proposal

Reports

None at this time

Tuesday, July 25 – Work Session

Discussion/Reports

1. Yeargan Park Picnic Shelter and Playground Update
2. Garner Parks, Recreation & Cultural Resources Comprehensive Master Plan Update (PRCR)