

# **PARK AT GARNER STATION DEVELOPMENT AGREEMENT**

**March 19, 2024**

# Development Agreement – NCGS Chapter 160D, Article 10

## Process

- Proposed in conjunction with review and approval of the Park at Garner Station, CZ-PD-22-04
- Public Hearing Notice and Draft Agreement posted on Town website 11/9/2023
- Public Hearing on 11/21/2023

# Changes to Agreement

- Public hearing notice indicated that changes to the proposed development agreement may be made following the public hearing and prior to Town Council approval

# Changes to Agreement

- Addition of reference to other residential uses consistent with new housing mix
- Removal of dedication and other obligations associated with additional recreational land consistent with feedback from Town Council
- Removal of park land fee in lieu credits

# Changes to Agreement

- Addition of approval of Planning Director for after adopted regulations
- Authorizing Town Manager to conduct periodic reviews rather than Planning Director
- Changes to termination clause
- Removal of references to reimbursement options authorized under State law

# New Major Collector Street

- Connecting E. Garner Road and Creech Road
- Implements Garner Transportation Plan
- Alleviates some traffic congestion
- Includes 10-foot multi-use path and 5-foot sidewalk for enhanced pedestrian connections between Garner Rec Park, Creech Road tennis courts and elementary school, and proposed Yeargan Park

# LWCF Conversion of Use

- Garner Recreational Park received Land and Water Conservation Grant
- Construction of new major collector street will require a Conversion of Use Request approved by the National Park Service, or its designee NC Department of Natural and Cultural Resources
- If approved, additional park land must be acquired

# Major Provisions of the Development Agreement

- Transportation Improvements
  - Developer's Obligations
  - Town's Obligations
- Parks and Recreation
  - Developer's Obligations
  - Town's Obligations



# Developer's Transportation Obligations

1. Major collector street from East Garner Rd to Creech Rd across Garner Rec Park - subject to approval of Conversion of Use Request by the National Park Service
  - Developer pays for appraisals, surveys, environmental studies, stream and wetland delineations
  - Parties understand that approval of the conversion is not guaranteed

# Developer's Transportation Obligations

## 2. Intersection improvements at New Rand Rd and East Garner Rd

- Westbound left turn lane
- Eastbound right turn lane
- Traffic signal including pedestrian crossing signals

(Subject to NCDOT and NC Railroad authorization)

# Developer's Transportation Obligations

3. New driveway connection from Creech Road tennis court parking lot to new major collector road
4. New local street connection to future Yeargan Park  
(location to avoid/minimize impacts on existing Yeargan house and pecan grove)
5. Road widening along East Garner Road from development to East Garner/New Rand intersection, including multi-use path to existing sidewalk

# Developer's Transportation Obligations

6. Payment of fee in lieu for eastbound turn lane at East Garner/Jones Sausage intersection
7. Acquisition of off-site ROW, permanent drainage or utility easements, and temporary construction easements
8. Future agreement to maintain landscaping within ROW within development

# Town's Transportation Obligations

1. Provide easements or rights of entry over Garner Rec Park and Yeargan Park properties for surveying, environmental delineations, or other studies
2. Provide temporary construction easements needed for construction of new major collector street (term subject to approve by NPS)
3. Provide TCE over Yeargan Park for new local street

# Town's Transportation Obligations

4. Dedicate ROW over portions of Garner Rec Park for new major collector street
5. Dedicate ROW over portions of Yeargan Park for East Garner Rd improvements
6. If necessary, file condemnation actions for ROW and easements (costs to be paid by Developer)



# Developer's Parks & Rec Obligations

1. Construct multi-use path from Garner Rec Park to Yeargan Park
2. Pay all costs related to Conversion of Land Use including filing fees, environmental assessments, surveys, appraisals, site plans, plats, and recording fees
3. Extend public sanitary sewer easement and sewer line to northern property line of Yeargan Park

# Town's Parks & Rec Obligations

1. Within 45 days of approval of PUD, and after developer submits required surveys and studies, apply to NCDPR for Conversion of Land Use approval from the National Park Service



# Requested Action

In conjunction with approval of PUD,  
adopt Resolution (2024) 2571  
authorizing Interim Town Manager  
to execute the Development Agreement  
with East Garner Holdings LLC  
[with corrections as noted]