



June 13, 2022 7:00 PM
Town of Garner Planning Commission Minutes
Council Meeting Room
900 7th Avenue · Garner, North Carolina 27529

I. Call to Order

Mr. Blasco called the regular meeting of the Town of Garner Planning Commission to order at 7:00 p.m. on Monday, June 13, 2022.

II. Roll Call

The Secretary conducted the roll call for the meeting.

Members present: Jon Blasco, Chair; Phillip Jefferson, Vice Chair; Gina Avent; Ralph Carson; Vang Moua; Sherry Phillips; and Michael Voiland.

Staff in attendance: Mr. Jeff Triezenberg, Planning Director; Mr. David Bamford, Planning Services Manager; Ms. Terri Jones, Town Attorney; Ms. Leah Harrison, Assistant Town Engineer, and Mr. Brian Godfrey, Planning Technician.

III. Invocation

Ms. Avent gave the invocation.

IV. Minutes

Regular Meeting Minutes May 9, 2022 – Mr. Voiland made a motion to approve the presented minutes of the May 9th meeting. The motion was seconded by Mr. Jefferson. Ms. Avent proposed a friendly amendment to add language clarify her question for the case CZ-22-03, which was accepted. The vote to approve was unanimous.

V. Old/New Business:

A. Conditional Zoning Map Amendment Request:

CZ-22-01, Town-Wide Rezoning – Garner Forward UDO – Conditional zoning map amendment request submitted by the Garner Planning Department to rezone the entire approximate 39-square-mile jurisdiction (corporate limits and ETJ) of the Town of Garner from existing base and overlay zoning districts to the most closely corresponding proposed base and overlay zoning districts provided for in the draft Garner Forward Unified Development Ordinance. Existing conditional districts will be re-adopted / carried forward as part of this request.

Staff/Commission Discussion: Mr. Triezenberg presented the staff report.

Applicant/Commission Discussion: Mr. Triezenberg spoke on behalf of the project. Mr. Voiland asked about the existing Service Business (SB) zoning district being transformed into Heavy industrial zoning in some cases and asked for example properties.

Mr. Blasco asked if there were any proponents wanting to speak on the matter. Hearing none, Mr. Blasco asked if there were any opponents wants to speak on the matter. Hearing none, Mr. Blasco brought the matter back to the table for additional discussion/motion.

RESULT: Recommend to Town Council for Approval [UNANIMOUS]

Motion: Mr. Voiland – I move that the Planning Commission accept the Consistency Statement detailed in Section V of this report, as their own written recommendation regarding the consistency of the request with the Towns adopted land use plans, and I further move that the Planning Commission recommend approval of CZ-22-01 to the Town Council because it articulates and advances both the goals and benefits identified in the Garner Forward Plan.

Second: Ms. Phillips

**VOTE: Aye: Avent, Blasco, Carson, Jefferson, Moua, Phillips, Voiland
Nay:**

B. Zoning Text Amendment Request:

ZTA-22-01, Garner Forward Unified Development Ordinance – Text amendment request (ZTA-22-01) submitted by the Planning Department to replace the existing Town of Garner Unified Development Ordinance, last adopted in full on July 22, 2003 and amended from time to time with the recently drafted Town of Garner -"Garner Forward" Unified Development Ordinance with forthcoming edits in response to additional public comment during this associated public review period.

Staff/Commission Discussion: Mr. Triezenberg presented the staff report.

Applicant/Commission Discussion: Mr. Triezenberg spoke on behalf of the project. Mr. Carson, referencing the removal of the previously proposed owner residency requirement for Accessory Dwelling Units (ADUs), asked whether it would be possible for both a primary residence and an ADU to be rented. Mr. Carson asked how utility connections would work with ADUs in conjunction with primary residences. Mr. Carson observed that nonrelated renters in two separate units with a shared utility

connection could create conflicts. Mr. Blasco, following up on Mr. Carson, wondered whether an unpaid utility bill for the primary residence could cutoff services for a separately rented ADU. Mr. Jefferson asked whether the regulation should state that utilities “can be” separated. Mr. Moua stated that a key question for ADUs should be whether they are for investment purposes. Mr. Moua said he thought it would be good to have separate meters. Mr. Carson stated that perhaps regulatory language should be inserted that if both properties are rented, then they must have separate utilities. Mr. Blasco stated that he still felt that allowing ADUs would be advantageous, with opportunities to help with housing affordability, and aging population care. Mr. Blasco stated that with lot limitations for ADUs, the Town was unlikely to see an explosion of applications—but that if this did occur the Town could reassess ADU regulation. Mr. Moua stated that if ADUs serve as rental investments then there’s potential for a separate meter. Mr. Jefferson, referencing the County addressing of ADUs, noted that there are other considerations across jurisdictions.

Mr. Voiland asked about the rationale behind limiting parking lot sales to three times a year in the Town’s existing regulations. Mr. Carson voiced his approval of the revised three times per site regulation for parking lot sales. Mr. Blasco asked about seasonal sales like fireworks. Mr. Blasco asked about temporary sales right out of a vehicle. Ms. Avent asked how food truck sales were currently regulated. Mr. Blasco stated his agreement with striking section F for parking lot sales. Mr. Blasco asked about the rationale behind limiting temporary sales on vacant parcels. Mr. Jefferson asked whether a property owner, even on a vacant parcel, would have to agree to allow temporary sales.

Mr. Moua asked about the placement of manholes and other utilities in new streets, since their placement relative to cars’ tire paths can be damaging. Mr. Carson asked about dead-end streets and how the new regulations would handle temporary turn-arounds. Mr. Jefferson asked about the name change for the districts “I1” and “I2” to “LI” and “HI”.

Mr. Carson asked about 9.1.5 site grading. Mr. Carson registered his concerns that limiting site grading to 20 acres would be overly burdensome to development. Mr. Carson also voiced his concern that limiting site grading would not be feasible for the installation of infrastructure, particularly gravity-fed infrastructure such as sewer. Mr. Carson asked whether site grading limitations could be tailored on a case-by-case basis and perhaps aligned with erosion control plans. Mr. Carson felt that this proposed regulation could be damaging to Garner and inhibit development. Mr. Jefferson stated his opinion that site grading limitations are ultimately a design issue. Mr. Jefferson stated that he supported the limitations on site grading because it would promote careful design that preserved existing landscape. Mr. Jefferson noted that many Garner citizens were concerned about clearcutting sites and that this was ultimately for developers to design/engineer solutions. Mr. Carson stated that

clearcutting and topography issues were often addressed in erosion control plans, and that in most cases Developers will clear everything eventually anyway. Mr. Carson reiterated that limiting site grading acreage could be problematic, especially since many Garner development sites exceed 100 acres. Mr. Jefferson asked whether we were making this change to preserve the landscape or for the developer. Mr. Blasco stated he saw both sides of the debate. Mr. Carson offered an example of how site grading limitations could be problematic in a recently approved subdivision, particularly in light of a pumping station. Mr. Carson offered an example of a subdivision in Cary, and noted that blasting near recently built homes could be problematic, and that he felt erosion phasing would be a better solution. Mr. Blasco said he felt the intent of the new regulation would also be to prevent sites from being clearcut and then sitting dormant for months or years. Mr. Jefferson spoke about preserving the existing character of landscapes instead of completely levelling sites for slab-on-grade construction. Mr. Jefferson stated that limiting site clearing in relation to development would be something for a developer's designers and engineers to work out. Mr. Jefferson stated that this provision was also about preserving landscape for as long as possible, particularly in light of environmental impacts and wildlife displacement. Mr. Blasco asked how many developable parcels in Garner exceed 20 acres. Mr. Carson stated that in some cases of development, if one stops working on soil for a period of time it has to be restabilized. Mr. Carson said he felt grading should be regulated on a case-by-case basis. Mr. Moua asked whether a compromise solution would be to increase the acreage that can be cleared. Mr. Carson asked staff to look at what other jurisdictions were doing and to perhaps increase the 20 acres to align with other municipalities are doing. Mr. Jefferson said the Commission should think about what Garner residents want to see as opposed to what developers would like to see. Mr. Jefferson stated his agreement with Mr. Triezenberg and that if a problem really does arise with development then open up the regulation of clearing to a more-case-by-case approach.

Mr. Moua asked about reductions in parking requirements in the new UDO. Mr. Blasco asked about the material requirements on commercial buildings and the use of metal.

Mr. Blasco asked about landscaping regulations and delineating large evergreen trees. Mr. Blasco stated he would prefer another chart for large evergreens, perhaps with a minimum install height of 6 feet with a mature height of 35 feet. Mr. Blasco asked whether ornamental grasses fall under the shrubs category.

Ms. Harrison spoke about updated floodplain regulations.

Mr. Blasco asked whether HOAs could impose stricter sign requirements than the Town. Mr. Carson asked about political sign sizes. Mr. Carson asked whether there were changes to the flags section.

Mr. Blasco asked about the definition of ornamental grasses as a shrub. Mr. Blasco stated that a shrub is a woody plant whereas an ornamental grass is herbaceous. Mr. Carson asked for a copy of the new floodplain regulations.

Mr. Blasco commented the staff for their effort on the UDO Re-Write. Mr. Jefferson and others seconded Mr. Blasco.

Mr. Blasco asked if there were any proponents wanting to speak on the matter. Hearing none, Mr. Blasco asked if there were any opponents wants to speak on the matter. Hearing none, Mr. Blasco brought the matter back to the table for additional discussion/motion.

RESULT: Recommend to the Town Council for Approval [UNANIMOUS]

Motion: Ms. Avent I move that the Planning Commission accept the Consistency Statement detailed in Section V of this report, as their own written recommendation regarding the consistency of the request with the Town’s adopted land use plans, and I further move that the Planning Commission recommend approval of ZTA-22-01 to the Town Council because it is consistent with the Garner Forward Comprehensive Plan and that it directly addresses several plan recommendations, and over time the adoption of these regulations will encourage positive growth within the Town of Garner.

Second: Ms. Phillips

VOTE: Aye: Avent, Blasco, Carson, Jefferson, Moua, Phillips, Voiland
Nay:

VI. Reports

- A. **Planning Director** – Mr. Triezenberg thanked the Commission for their efforts on the UDO Re-Write. Mr. Triezenberg noted the Council’s approval of the recent rezoning cases on Timber Drive and Clifford Road. Mr. Triezenberg noted several projects in technical review. Mr. Triezenberg noted the survey out for the Garner Pedestrian Plan.

- B. **Planning Commission** – Mr. Blasco noted the election of officers at next month’s regular meeting.

VII. Adjournment

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Having no further matters to discuss, the meeting was adjourned at 8.55 PM.