



October 10, 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, October 10, 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; Sherry Phillips; Vang Moua; Michael Voiland

Staff in attendance: Mr. Jeff Triezenberg, Planning Director; Ms. Leah Harrison, Assistant Town Engineer; Mr. Reginald Buie, Senior Planner-Land Use and Zoning; and Mr. Brian Godfrey, GIS Specialist.

III. Invocation

Mr. Carson gave the invocation.

IV. Minutes

Regular Meeting minutes September 12, 2022 – Mr. Voiland made a motion to approve the presented minutes of the September 12th meeting. The motion was seconded by Ms. Avent. The vote to approve was unanimous.

V. Old/New Business

A. Conditional Zoning Map Amendment Request:

CZ-MP-22-11, Spring Drive Townhomes – Tier 2 conditional rezoning (CZ-MP-22-11) submitted by Charlie Townsend, PE, with VHB to rezone 11.13 +/- acres from **Office & Institutional (OI C92) Conditional** to **Multifamily Residential (MF-1 C267) Conditional** for the development of a townhome community not exceeding 4.5 dwelling units per acre. The site is located between Timber Drive and Spring Drive, south of Garner High School, and may be further identified as Wake County PINs # 1701725623 and a portion of 1701635217.

Zoning conditions are proposed that restrict the range of MF-1 permissible uses to only townhomes. Architectural and other conditions are also proposed.

Tier 2 requests are those where an illustrative master plan is included with the written conditions. The master plan is not intended to have the detail of a full site plan. However, it will show a layout of how streets, parking, buffers, stormwater, utilities, amenities, and lots or buildings will relate to each other as well as the surrounding properties. If the rezoning is approved, the applicant must submit a full site plan in keeping with the master plan to staff (and Town Council in the event a SUP is triggered) for review and approval.

Effective July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Neighborhood Mixed Use (NMX C92) Conditional to Multifamily A (MF-A C267) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (7/1/2022) governing the former Multifamily (MF-1) zoning district.

Staff/Commission Discussion: Mr. Triezenberg presented the staff report Mr. Blasco expressed concern about the location of the dog park, stating that it may be seen as a town facility rather than a community facility. He noted concerns about HOA maintenance and suggested preserved woodland would also meet the open space requirements. Mr. Jefferson suggested the dog park may be a positive asset for the larger community but questioned the location of the dog park as it was presented. Mr. Blasco inquired about Town Council's recent recommendation to send this project to planning commission and their reaction to the proposed changes to the masterplan since the last time it was presented to Council.

Mr. Carson inquired about proposing an 8-foot fence as a condition, and whether the increase fence height would need to be approved by the Board of Adjustments. Mr. Blasco suggested that moving the water heater out of the garage and increasing the size of the garages is a good practice generally in townhome design.

Ms. Leah Harrison, Assistant Town Engineer spoke to the proposed traffic calming measures and measures that may be feasible on site. Mr. Carson noted the recent success of speedbumps in residential neighborhoods

Applicant/Commission discussion: Mr. Charles Townsend, of VBH, spoke on behalf of the project. Mr. Voiland asked in what condition would the high school athletic field access would be left. He also inquired about the pedestrian circulation from one side of the property to the other. Mr. Voiland asked about the location of the proposed dog park and the pedestrian access to the amenity. Ms. Avent inquired about visitor parking on the site, and whether there were sufficient parking spaces provided. Mr. Jefferson inquired about the traffic calming measures on site. Ms. Avent asked for confirmation that driveways were long enough that cars would not overhang the sidewalk.

Result:	Recommend to Town Council for Approval [UNANIMOUS]
Motion:	Mr. Voiland- I move that the Planning Commission accept the Consistency Statement detailed in Section VI of this report, as their own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommend approval of CZ-MP-22-11 to the Town Council because of the reasons cited by staff, especially the lower density and lower intensity level of the development, with the added amendment that the commission wishes to encourage the maximization of traffic calming based on what is allowable per fire an engineering standards.
Second:	Ms. Avent
Vote:	Aye: Avent, Blasco, Carson, Jefferson, Moua, Phillips, Voiland Nay:

Mr. Jefferson stated his appreciation for architectural details, for both visual appeal and surface cooling considerations. Mr. Blasco noted that he would have preferred to see this lot wooded or developed as single family residential but appreciated the developer and town's efforts to produce a desirable outcome for the neighbors.

B. Conditional Zoning Map Amendment Request:

CZ-MP-22-03, The Everstead at White Oak – Tier 2 conditional rezoning request (CZ-MP-22-03) submitted by David Phillips, LCD Acquisitions, LLC, to rezone 45.38 +/- acres from Single-Family Residential (R-40) to master planned Multifamily (MF-2 C260) Conditional for the development of a residential community. The site is located at 0 Timber Drive E. and may be further identified as Wake County PIN # 1720820256.

Zoning conditions are proposed that restrict the range of MF-1 permissible uses to 6 of 21. Architectural and other conditions are also proposed.

Tier 2 requests are those where an illustrative master plan is included with the written conditions. The master plan is not intended to have the detail of a full site plan. However, it will show a layout of how streets, parking, buffers, stormwater, utilities, amenities, and lots or buildings will relate to each other as well as the surrounding properties. If the rezoning is approved, the applicant must submit a full site plan in keeping with the master plan to staff (and Town Council in the event a SUP is triggered) for review and approval.

Effective July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Rural Agricultural (RA) to

Multifamily A (MF-A C260) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (3/4/2022) governing the former Multifamily (MF-2) zoning district.

Staff/Commission Discussion: Mr. Blasco recused himself from CZ-MP-22-03. Mr. Buie presented the zoning portion of the staff report. Mr. Triezenberg presented the master plan portion of the staff report. Mr. Jefferson inquired about the future alignment of Timber Drive, which was verified to have been decided on through DOT, CAMPO, and Town staff, with the intention that Timber Drive will intersect with White Oak Road in the future. Mr. Jefferson and Mr. Moua expressed the importance of pedestrian access to all site amenities through sidewalks and/or pedestrian paths.

Applicant/Commission discussion: Mr. David Phillips of Landmark Properties spoke on behalf of the project. Mr. Carson inquired as to why building overhangs were not extended to 12 inches. The applicant was agreeable to the extension of building overhangs. Mr. Carson asked about maintenance access to the SCMs due to the proposed retaining walls and existing electrical easement. The applicant stated the Duke Energy has agreed to allow maintenance access through the easement. Mr. Carson also asked about the utility plan.

Ms. Avent asked about the maintenance of the landscaping throughout the development and about the rental rates for these units. She also asked about pool access and safety measures in place concerning the pool. Mr. Moua inquired if Duke Energy provided a list of allowable activities within the electrical easement. Mr. Jefferson asked about the reasoning behind using artificial turf in the backyards of the units.

Result:	Recommend to Town Council for Approval [UNANIMOUS]
Motion:	Mr. Carson- I move that the Planning Commission accept the Consistency Statement detailed in Section VI of this report, as their own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommend approval of CZ-MP-22-03 to the Town Council with following conditions, 12" overhands on buildings, pedestrian crossing locations acceptable to various oversight jurisdictions as designed, and to become consistent with the transportation plan by including one transportation stop easement on the eastern side of Timber Drive East, as agreeable by the various jurisdictions.
Second:	Mr. Voiland
Vote:	Aye: Avent, Carson, Jefferson, Moua, Phillips, Voiland Nay:

Mr. Blasco Resumed Chair.

C. Conditional Zoning Map Amendment Request:

CZ-22-04, US 70 East Industrial – Tier 1 conditional rezoning request (CZ-22-04) submitted by Justin Parker with Al Neyer, LLC, to conditionally rezone 32.75 +/- acres from **Single-Family Residential (R-40)** to **Heavy Industrial (I-2 C257) Conditional**. The site is located on the north side of US Highway 70 East and adjacent to the eastern margin of the future NC 540 corridor and may be further identified as a portion of Wake County PIN# 1730842632.

This is a Tier 1 conditional district rezoning request which means there is no site plan or specific development proposal at this time. Conditions are proposed to limit the range of permissible uses down to 17 from a list of 60 uses allowed in the Heavy Industrial (I-2) district.

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Rural Agricultural (RA) to Heavy Industrial (HI) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO which was in effect at the time of application governing the Heavy Industrial (I-2) zoning district.

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

Applicant/Commission Discussion: Mr. Wyatt Bone and Mr. Al Neyer, spoke on behalf of the project.

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 Town's adopted land use plans and recommend approval of CZ-22-04 to the Town Council because...of reasons noted in the materials and by staff
Second:	Mr. Carson
Vote:	Aye: Avent, Blasco, Carson, Jefferson, Moua, Phillips, Voiland Nay:

VI. Reports

A. Planning Director – Mr. Triezenberg updated the commission on recent projects approved by Town Council. He also spoke to the ongoing Comprehensive Land Use Elements (CLUE) Project including the Steering Committee and subcommittees for planning and scenarios. He also encouraged the commission to share the ongoing public input opportunities available through garnerforward.com with their personal networks and various residents of the Town.

VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 9:02 PM.