



February 13, 2023 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, February 13, 2023.

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, Ms. Terri Jones, Town Attorney, Ms. Sarah Van Every, Development Services Manager, Ms. Burnette Brown, Planning Technician and Ms. Ashley Harris, Planner I

III. Invocation/Moment of Reflection

Mr. Voiland led a moment of reflection.

IV. Minutes

Regular Meeting Minutes January 9, 2023 – Mr. Carson made a motion to approve the presented minutes of the January 9th meeting. The motion was seconded by Mr. Voiland. The vote to approve was unanimous.

V. Old/New Business:

A. Conditional Zoning Map Amendment Request:

CZ-PD-22-02, Copper Ridge: Planned Development conditional rezoning request (CZ-PD-22-02) submitted by KB Home Carolinas to rezone 55.77 +/- acres from Single-Family Residential (R-40) to Planned Residential Development (PRD C14) for development of a subdivision of single-family detached dwelling units at a density of no more than 2.5 units per acre or more than 139 units. The request offers architectural conditions along with a master development plan. The site is located on the north side of Ten Ten Road and south of Eagle Ridge Subdivision and may be further identified as Wake County PIN(s) 699758451, 699659341, 699752306, 699755508, and 699656341.

Zoning conditions are proposed that restrict the range of permissible uses and to provide architectural commitments for the residential structures that address appearance and the quality of materials and construction.

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 rezoned from Rural Agriculture (RA) to Residential 4 (R4 C271) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the former UDO which was in effect at the time of application (2/1/2022) governing the Planned Residential Development (PRD) district.

The applicant has requested the matter be tabled until the regular March planning commission meeting to further investigate items discussed in the public hearing held on January 17, 2023.

RESULT: Table Case Until March 13th Meeting [UNANIMOUS]

Motion: Mr. Blasco – I move that the planning commission table CZ-MP-22-06 until the March 13th regular meeting to allow the applicant time to address neighbor concerns.

Second: Mr. Carson

VOTE: Aye: Jon Blasco, Phillip Jefferson, Gina Avent; Ralph Carson; Vang Moua; Sherry Phillips; Michael Voiland
Nay:

B. Rules of Procedure:

Article 3.3 of the *Garner Unified Development Ordinance* (adopted July 5, 2022) describes the powers and duties of the Planning Commission, including setting the rules of procedure each year.

Staff/Commission Discussion: Ms. Jones presented the proposed updates to the Rules of Procedure. Mr. Blasco pointed out that the previous version of the rules did not capture the change to the meeting date from the third Monday of the month to the second Monday of the month. The commission discussed whether to move the start time of the meetings to match Town Council's new start time. The commission decided to keep the start time of Planning Commission meetings at 7:00pm. Mr. Carson asked about rule 4 and rule 31, and if there was a difference between the terms "open to the public", "public meeting", and "public hearing". He also asked about the reason for rule 7, pertaining to broadcasting and recording meetings.

Mr. Voiland asked about conflicts of interest and recusal. Ms. Jones discussed using the term excusal rather than recusal and the procedures in place for the commission to excuse a member they feel cannot be impartial.

Mr. Blasco and Mr. Carson inquired about the time allotted to opponents and proponents of a project during commission meetings. Mr. Carson, Mr. Jefferson, and Mr. Blasco discussed how best to allow all interested parties sufficient time to speak. Mr. Voiland noted that opponents of a project may have the perception that they are allotted less time than those in favor of a project. Mr. Carson offered that a rebuttal period may allow opponents and proponents to respond to points made during public comment. Mr. Blasco emphasized that the best approach would be to remain as flexible as possible given the circumstances of each case. The commission agreed to ten minutes each for applicants, opponents, and proponents (in that order).

Mr. Blasco asked if staff could share the responsibility for restating a motion prior to a vote. He also asked how to best address the virtual participation of a commission member. He expressed that the Chair and Vice Chair should attend meetings in person in order to preside over the meetings. Mr. Jefferson asked about the procedure for a situation where both the Chair and Vice Chair are unable to attend a meeting. Ms. Avent clarified that if both the Chair and Vice Chair were absent or virtual that the Chair Pro Tem would preside over the meeting.

The commission agreed to give as much notice as practical if they are unable to attend a meeting or will need to attend virtually. Mr. Blasco asked how virtual participation relates to absences. Mr. Carson advocated that virtual participation should be allowed for more than three consecutive meetings if needed on a case-by-case basis. Mr. Jefferson suggested that if the commission did not vote to approve a member's virtual participation that they would be considered absent. He also asked if virtual meetings were allowable outside of a state of emergency. Ms. Avent asked what would happen if Town Hall was inaccessible at the time of a scheduled meeting.

Mr. Blasco reminded the commission that any gathering of four or more commissioners constitutes an open meeting where the public is allowed to observe. Mr. Carson asked if commissioners met outside of planning commission by happenstance if it still constituted a public meeting. Ms. Jones explained that by state law any gathering of four commissioners, planned or unplanned, is considered a meeting. Mr. Voiland asked about canceled meetings and what qualifies as "no business."

VI. Reports

- A. **Planning Director** – Mr. Triezenberg updated the commission on the CLUE project and the public engagement workshop on February 22nd. He also informed the commission of the public engagement meeting for the Draft Pedestrian Plan on March 9th. He informed the commission of the upcoming Council retreat. He also gave an update on the Burnette Farms and 5907 Fayetteville Road projects, which were approved for a rezoning on January 17th. Ms. Harris and Mr. Triezenberg updated the commission on the recent approval of the Golden Trace project. Mr. Triezenberg introduced the

department's new Planning Technician, Ms. Burnette Brown. He also gave an update on the vacant Transportation Planner position.

- B. Planning Commission** – Mr. Blasco asked about upcoming March meeting agenda. MS. Phillips asked about the Pedestrian Plan meeting. Mr. Carson asked for an update on the notification radius text amendment.

VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 8:15pm.

DRAFT