



March 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 7:04 p.m. on Monday, March 13, 2023.

II. Adoption of Agenda

Mr. Blasco made a motion to move CZ-MP-22-07 ahead of item C. The motion was seconded by Ms. Avent. The motion passed unanimously.

Mr. Blasco made a motion to adopt the agenda with the change to the order. The motion was seconded by Mr. Voiland. The motion passed unanimously.

III. Roll Call

The Secretary conducted the roll call for the meeting.

Members present: Jon Blasco, 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. Leah Harrison, Town Engineer, Ms. Jaclyn Stannard, Stormwater Administrator, Ms. Sarah Van Every, Development Services Manager, Ms. Burnette Brown, Planning Technician and Ms. Ashley Harris, Planner I

IV. Invocation/Moment of Reflection

Mr. Voiland led a moment of reflection.

V. Minutes

Regular Meeting Minutes February 13, 2023 – Mr. Carson made a motion to approve the presented minutes of the February 13th 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.

The Applicant, formerly requesting a continuance of case CZ-PD-22-02 to the March 13th meeting, has requested to be removed from the Planning Commission Agenda.

RESULT: Remove Case from Agenda Meeting [UNANIMOUS]
Motion: Mr. Blasco- I move that we table this item from the agenda until a future time
Second: Mr. Voiland
VOTE: Aye: Jon Blasco, Gina Avent; Ralph Carson; Vang Moua; Sherry Phillips; Michael Voiland
Nay:

- B. CZ-MP-22-06, Ackerman Road – Tier 2 conditional rezoning request (CZ-MP-22-06)** submitted by Construction Masters LLC to rezone approximately 7.57+/- acres from Single-Family Residential (R-40) to Single-Family Residential Conditional (R-9 C255) and Multifamily Residential Conditional (MF-1 C255) not to exceed 9 single-family detached dwelling units and 24 fee-simple townhouses. The site is located at and adjacent to 1932 Ackerman Road and may be further identified as Wake County PINs # 1629381473 and 1629380782

The Applicant, formerly requesting a continuance of case CZ-MP-22-06 to the March 13th meeting, has requested a continuance to the April 10th regular meeting.

RESULT: Remove Case from Agenda Meeting [UNANIMOUS]
Motion: Mr. Blasco- I move that we table the case until the April 10th regular meeting
Second: Mr. Carson
VOTE: Aye: Jon Blasco, Gina Avent; Ralph Carson; Vang Moua; Sherry Phillips; Michael Voiland
Nay:

- C. CZ-MP-22-08, Gatsby Station: Tier 2 conditional rezoning request (CZ-MP-22-08)** submitted by Brendie Vega, WithersRavenel, to rezone 60.925 +/- acres from Wake County Residential 30 (R-30) to Multifamily (MF-1 C264) Conditional for the

development of a residential community. The site is located on the eastside of Rock Quarry Road and may be identified as Wake County PIN # 1740058673 and a portion of PIN # 1740165280. Zoning conditions are proposed that restrict the permissible uses to Residential Cluster and Townhomes and to provide architectural commitments for the residential structures that address appearance and the quality of materials and construction.

Mr. Blasco made a motion nominate Ms. Avent as Chair Pro tem. Mr. Carson seconded the motion. The vote to approve was unanimous.

Mr. Blasco made a motion to excuse himself from this case due to conflict of interest. Mr. Carson seconded the motion. The vote to approve was unanimous.

Staff/Commission Discussion: Ms. Harris presented the Staff Report. Mr. Carson asked about the number of lots proposed and why it changed from the original proposal. Staff explained that lot counts shifted from the time of the neighborhood meeting to the current proposal through the internal review process (TRC). Mr. Carson asked about the road improvements planned for the rest of Rock Quarry Road. Mr. Moua asked how the density of this proposal compares to the density of the adjacent Edge of Auburn development. Ms. Jones reminded the commission that any statement regarding consistency can only reflect currently adopted plans.

Applicant/Commission Discussion: Mr. Hart of WithersRavenel spoke on behalf of the applicant. Mr. Carson made the comment that he appreciated the abundance of green space included in the plan and inquired about how the SCMs would be accessed for maintenance. He also asked if the TIA included traffic counts from the future Edge of Auburn development and if the pavement length of the proposed turn lanes would be sufficient. He inquired if any speed tables or traffic calming measures could be incorporated into the road that would connect to the stub provided by Edge of Auburn. Mr. Voiland asked about the neighborhood meeting, inquiring if the applicant anticipated any blasting happening on site. He also asked about the stormwater management strategies for the proposed SCM, which is adjacent to the existing pond and buffered stream. He also asked where the existing wetlands are located. Mr. Moua asked if the one mail kiosk would service both the single-family lots and townhomes. Mr. Carson commented that he appreciated the additional diagrams and graphics provided by the applicant.

Public comment: One citizen offered comment about the project, urging that the quality and character of the development be consistent with what the developer has offered at similar projects around the Triangle.

RESULT: Adopt the Rules of Procedure [UNANIMOUS]

Motion: Mr. Voiland- I move that the Planning Commission accept the Consistency Statement detailed in Section IV 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-22-08 to the Town Council

Second: Mr. Carson

**VOTE: Aye: Gina Avent; Ralph Carson; Vang Moua; Sherry Phillips; Michael Voiland
Nay: none**

Mr. Blasco resumed his role as chair.

- D. 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: Mr. Blasco and Mr. Carson asked about rule number 6. Ms. Jones expressed that any official position of the commission would need to be voted on by the commission. Mr. Carson asked if specific recommendations could be added as a note to meeting summaries and minutes. Mr. Voiland agreed he did not want to amend motions for every suggestion. The commission agreed that suggestions be highlighted in meeting notes and staff reports rather than as a condition of the motion. Mr. Blasco asked about rule 10. He suggested that there be written notice of any special meeting. The commission agreed to adopt the agenda after the invocation. Mr. Blasco agreed that members of the public should submit a written request to the planning department if they wish to add an item to the agenda. Mr. Triezenberg commented that this would allow staff time to provide any necessary materials to inform the discussion. Mr. Blasco highlighted rule number 32. Ms. Jones noted that a series of emails or text chats in rapid succession between members of the commission could be considered a meeting.

RESULT: Accept the consistency statement and refer to council for final recommendation [UNANIMOUS]

Motion: Mr. Voiland- I move that the Planning Commission adopt the Rules of Procedure with the added comments discussed at this meeting.

Second: Mr. Carson

VOTE: Aye: Gina Avent; Ralph Carson; Vang Moua; Sherry Phillips; Michael Voiland
Nay: none

- E. Zoning Text Amendment ZTA-23-01:** New Stormwater Requirements for Nitrogen Control- Zoning text amendment (ZTA-23-01) submitted by the Garner Engineering Department to amend Section 11.2, Stormwater Program for Nitrogen Control and Article 7, Enforcement, of the Town's Unified Development Ordinance (UDO) to bring the Town's UDO into compliance with updated rules promulgated by the North Carolina Department of Environmental Quality and the Environmental Management Commission.

Staff/Commission Discussion: Ms. Stannard presented the staff report. Mr. Carson asked what is considered the source of nitrogen loading in projects. Ms. Stannard explained that vehicles and pavement are the biggest contributors to nitrogen in urban storm water run-off. Mr. Carson asked about the enforcement procedures and the requirement for additional stormwater control measures if a commercial development wanted to expand their development. He also asked about the enforcement and penalties, suggesting that ten days is not enough time to receive the letter and address the issue. Ms. Stannard explained that there is first a 90-day period to correct the issue, then a two-week period after that before the notice of violation is sent. He also expressed that he does not agree that everyday an issue continues should be considered a separate offence.

Mr. Carson made the following suggestion: the 10-day notice of violation be extended to 30 days and item C be struck from the amendment.

Ms. Jones expressed that the enforcement language reflects what is written in the nuisance ordinance. Ms. Standard explained that there has only been one instance in her tenure with the town where an enforcement issue has been escalated to the point where the Town Attorney had to be engaged. Mr. Blasco expressed that if the 10-day notice were the first notice he would agree with Mr. Carson's suggestions, however given the two previous notice procedures prior to the notice of violation there is ample notice. Ms. Avent agreed that there is a period is four months from the first time the property owner is made aware of the issue.

Mr. Blasco asked if there was any evaluation of the BUA chart shown in the amendment, as the numbers appeared to be low for the R4 and R8 district.

RESULT: Accept the consistency statement and refer to council for final recommendation [5 ayes, 1 no]

Motion: Mr. Voiland- I move that the Planning Commission accept the Consistency Statement detailed in Section IV 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 ZTA-23-01 to the Town Council.

Second: Ms. Avent

VOTE: Aye: Jon Blasco, Gina Avent; Vang Moua; Sherry Phillips; Michael Voiland

Nay: Ralph Carson

VI. Reports

- A. **Planning Director** – Mr. Triezenberg updated the commission the noticing text amendment that was adopted by Town Council. He also noted the CLUE plan is currently open for public comment. He answered a previous commission question regarding Rock Quarry Road.
- B. **Planning Commission** – Mr. Blasco asked if any public comments have been incorporated into the version of the clue document the commission received. Mr. Carson asked about the widening of Jones Sausage Road. He also asked for new members of staff to reintroduce themselves to the commission. Mr. Blasco asked about any developer agreements to widen NC 50 from New Bethel Church Road to Timber Drive.

VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 9:00pm.