



February 12, 2024, 7:00 PM
Town of Garner Planning Commission Minutes
Council Meeting Room
900 7th Avenue · Garner, North Carolina 27529

I. Call to Order

After technical difficulties delay the start of the meeting, Mr. Blasco called the regular meeting of the Town of Garner Planning Commission to order at 7:05 p.m. on Monday February 12, 2024.

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; Jihan Hodges; Sherry Phillips; and Michael Voiland

Staff in attendance: Ms. Alison Jones, Development Review Manager; Ms. Ashley Harris, Planner II; Mr. Thomas Waltersdorf, Planning Technician; Mr. John Hodges, Assistant Town Manager; Mr. David Talbert, Assistant Town Engineer; and Ms. Terri Jones, Town Attorney. Mr. Jeff Triezenberg, Planning Director; and Ms. Leah Harrison, Town Engineer, both attended remotely.

Mr. Buddy Gupton; Mayor, and Mr. Demian Dellinger; Town Councilmember were also in attendance.

III. Invocation

Ms. Hodges gave the invocation.

IV. Adoption of Agenda

Mr. Carson made a motion to adopt the agenda. The motion was seconded by Mr. Voiland. The vote to adopt the agenda was unanimously approved.

V. Minutes

Regular Meeting minutes January 8, 2024 – Mr. Voiland made a motion to approve the presented minutes of the January 8th meeting. The motion was seconded by Mr. Jefferson. The vote to approve was unanimous.

VI. Old/New Business

- A. **CZ-MP-22-14, Vintage Garner Apartments-** Tier 2 conditional rezoning request (CZ-MP-22-14) submitted by Thomas H. Johnson, Jr. (Williams Mullen) to rezone approximately 43.26 +/- acres from Light Industrial (LI) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C274) Conditional for a mixed-use development of a maximum of 654 multi-family units and 40,000 square feet of commercial space. The site is located on the west side of US Highway 401 (Fayetteville Road) between Farm Road and Transport Drive and may further be identified as Wake County PIN(s) 1701046088 and 0791932831.

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

Staff/Commission Discussion: Ms. Harris presented the Staff Report. Mr. Voiland asked about consistencies and what was meant by the “*somewhat consistent*” language. Ms. Harris stated that the project was consistent with the 2018 Garner Transportation Plan, consistent with the Parks and Recreation Master Plan, and somewhat consistent with the 2018 Garner Forward Plan (citing 401 Crossing as another example of a *somewhat consistent* project). Mr. Blasco asked about residential being permitted in CMX zoning, and Ms. Harris stated it was allowed by right. Mr. Jefferson asked about tree preservation calculations.

Applicant/Commission Discussion: Mr. Tom Johnson, Attorney with Williams Mullen, stepped forward to speak on behalf of the applicant. Mr. Blasco began by asking about the use table and if the applicant would strike fuel sales from the convenience store category. This was the first of many times Mr. Johnson was asked to strike fuel sales from the use table by Mr. Carson and Mr. Jefferson. He was adamant that it needed to remain as an option, despite it not being the goal. Ms. Hodges questioned noise pollution and how noise from Wake County Speedway would be counteracted. Mr. Voiland questioned how all the stormwater can be contained with just one SCM.

Mr. Carson stated that he liked what was presented regarding the green spaces, layout, and passive traffic calming. However, he has concerns over the superstreet format of US 401. A traffic engineer from Kimley Horn stated that NCDOT’s plans for US 401 call for superstreet, and a full-signal intersection is not allowable at the site. He explained Farm Rd. will be right-in, right-out as well as the entrance on 401 from the site. Mr. Jefferson asked if future public transit would be considered with a bus stop. Mr. Blasco suggested asking for a transit easement.

Mr. Jefferson asked about the green spaces and whether there would be green space/landscaping on the commercial portion. He also asked about the price point of the units. The developer stated the apartments would be market rate, but they want to be part of what Garner is creating in the community. Mr. Blasco asked staff about stubs to properties to the south. Ms. Harris mentioned that staff only asked for one. She mentioned that building height limitations prevent higher density, which was asked about by Mr. Blasco. Mr. Blasco asked that the trails around the SCM be designed to be natural and meandering.

No one from the public spoke for or against the project.

Result:	Recommend to Town Council for Approval [7 ayes, 0 nay]
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-22-14 to the Town Council while full consistency with the Town's long-range plan may be difficult to affirm, the project's location and two areas of likely significant change and readily available water and sewage tie-ins, make what is proposed is a reasonable request.
Second:	Mr. Carson
Vote:	Aye: Avent, Blasco, Carson, Jefferson, Hodges, Phillips, Voiland Nay: none

Mr. Jefferson stated that although it was not fully in line with the new comprehensive plan, things have been thought through in a reasonable manner. He reminded the developer to think about transit, bus stops, trees and green spaces. He stated that trees and green space help reduce the urban heat island effect.

After the vote, a brief recess began at 8:28 PM, and the meeting resumed at 8:38 PM.

- B. CZ-PD-22-04, The Park at Garner Station - Tier 2 Planned Development Conditional Rezoning request submitted by McAdams to rezone 96.73 +/- acres from Multifamily 1 (MF-1), Single Family Residential (R-40), and Single Family Residential (R-12) to Planned Unit Development (PD C16) Conditional for a mixed-use development consisting of a maximum of 350 Townhomes, 600 Apartments, and 35,000 square feet of commercial space. The site is located along the north side of E Garner Road between Creech Road and White Oak Ridge Drive and may be further identified as Wake County PIN(s) 1711833114, 1711827887, 1711923791, 1711925082, 1711933576, 1711838749, 1711833775, and a portion of 1711945676.**

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 Multifamily A (MF-A), Residential (R-4), and Rural Agricultural (RA) to Commercial Mixed Use (CMX C281) 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 (June 2022) governing the Planned Unit Development (PUD) district.

Staff/Commission Discussion: Ms. Harris presented the staff report. She stated that the plan was inconsistent with the 2018 Garner Forward Plan, consistent with the 2018 Transportation Plan, and consistent with the Parks and Recreation Master Plan. She also stated that the PRCR Advisory Committee said it was consistent. Mr. Blasco questioned what is and what is not allowed by right as the properties are currently zoned. Mr. Triezenberg said that the property was zoned MFA for many years. Ms. Jones stated that a density above 200 units would require a Special Use Permit.

Applicant/Commission Discussion: Mr. Collier Marsh, attorney with Parker Poe, spoke on behalf of the applicant. He was eager to show that the project will give back to the Town by providing a mixed-use element. He showed the old plan and presented the new plan with changes. Mr. Blasco asked if there is still land dedication despite baseball fields being eliminated on the newest plan. Mr. Carson appreciated the reduced unit count, and open space changes, however he questioned the TIA statistics provided. Mr. Carson also asked about signalization at the main entrance on E. Garner Road. Mr. Voiland asked about only 3 SCMs being shown and questioned if that was correct. Ms. Hodges appreciated the overall consideration of concerns, but stated to consider aging in place in the design of the townhomes. Ms. Hodges wanted to make sure the quality of the amenities are sustainable and maintained with an HOA.

Mr. Jefferson appreciated the North-South connectivity of the site but questioned the East-West connectivity. Mr. Blasco urged that it was important to not get too caught up in details at this point. He mentioned that he likes the townhouse products but would prefer to see variety in housing types such as small-lot single-family homes. Ms. Avent thanked the applicant for consideration of affordable housing commitment.

Public Comments: Mr. Ross Whitfield stepped forward to speak. He stated he was the first full-time parks and recreation director for the Town. He spoke of the importance of Garner Recreation Park and how the grant creating the park stated the land was to remain a park in perpetuity. He said that he has concerns about the connector road cutting access through the Garner Recreation Park. Mr. Whitfield questioned how we can embrace the Garner Forward Plan without looking at history. He said he would hate to see Garner's first park be "destroyed."

Mr. Nolan Sanders stepped forward to speak. He spoke about the development along the Creech Road corridor and wanted to know how we kept adding development without adding lanes. He wanted to know if any plans were in place to address that growing problem.

Mr. Tim Holton stepped forward to speak. He said he believed that Garner was being disrespected and devalued. He spoke on how Garner rarely gets the “best work” of developers, but the Town still deserved nice things. Mr. Holton said he wished that that Garner would be able to ‘level up’ this side of Town with high quality architecture and materials.

The Commission returned to discussion of the proposal. The issue of recommending for approval despite inconsistencies came about.

After the public comment ended, Mr. Carson introduced a motion. While appreciating changes made to the plan, he moved that the Planning Commission deny the consistency statement brought forward because of inconsistencies with the 2018 Garner Forward Plan regarding densities and vehicular traffic concerns. He mentioned the lack of transportation infrastructure of Garner Road and Creech Road, and not preserving natural features of Garner Recreation Park, along with residential opposition. The motion was not seconded and died. Mr. Voiland then made a motion that the Planning Commission accept the consistency statement and recommend approval to Town Council. Mr. Blasco seconded the motion, however he asked for any final comments from members prior to voting.

Mr. Jefferson thanked the applicant for their work and changes made. Mr. Voiland mentioned that he fears even greater density may come if the applicant chooses to reapply under the new UDO if this proposal is denied. Mr. Blasco said that he sees this proposal as a Neighborhood Activity Center which was proposed under CLUE and appreciated the rear-load townhome product. He cautioned that the product shown in the proposal is not what was communicated in the presentation, and recommended changing that out prior to Town Council.

Mr. Voiland’s motion proceeded to a vote. The vote concluded with two ayes (Blasco and Voiland), three nays (Carson, Jefferson, and Phillips), and two abstentions (Avent and Hodges). Ms. Jones came forward to answer the question of abstaining from voting. She said as far as Council votes go, a non-vote would count as an “aye.” Ms. Jones suggested that a re-vote would be allowable if the commission agreed to another vote, and it would clarify the Commission’s stance for Town Council.

Mr. Blasco invited Mr. Marsh to speak one final time on behalf of the applicant. Mr. Blasco reminded the Commission that their vote is non-binding. Ms. Jones stated that even a negative outcome would not preclude the applicant from proceeding to Town Council. Mr. Triezenberg mentioned that state law does not require consistency to be in place for a recommendation to approve or to do an actual approval. Prior to the vote, Mr. Carson pointed out mismatches in the documents and data helped bring him to his decision to vote against the project. Mr. Marsh then disputed the accuracy of Mr. Carson’s statements.

The Commission then proceeded to a re-vote as detailed in the table below.

Result:	Recommend to Town Council for Approval [4 ayes, 3 nay]
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 plan and recommend approval of CZ-PD-22-04 to the Town Council whereas the proposed project is inconsistent with the Town's comprehensive land use plan on the basis of density of residential units per acre, current zoning regulations for Multi-family A, Residential R4, and Rural Agricultural would allow for even greater densities than what is proposed. Lastly, as a master plan project, it is consistent with the comprehensive land use plan's encouragement of such larger master plan projects.
Second:	Mr. Blasco
Vote:	Aye: Blasco, Jefferson, Hodges, Voiland Nay: Avent, Carson, Phillips

VII. Reports

- A. Planning Director** – Mr. Triezenberg updated the commission about recent Town Council decisions. He noted that Ackerman Road subdivision was approved, 401 Crossing was denied, and the ZTAs were approved. He also informed the commission that UNC School of Government was having a Planning Board workshop and encouraged attendance by the commission as well as staff. Mr. Triezenberg also informed the commission about the recent hiring of a new Assistant Planning Director, Ms. Erin Joseph, previously with the Town of Benson.
- B. Planning Commission-** Mr. Blasco mentioned that the City of Raleigh was planning a public input session on the Southern BRT corridor and encouraged participation.

VIII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 10:38 PM.