



**December 11, 2018 7:00 PM**  
**Town of Garner Planning Commission Minutes**  
**Town Council Chambers**  
**900 7th Avenue · Garner, North Carolina 27529**

**I. Call to Order**

Mr. Fox called the regular meeting of the Town of Garner Planning Commission at 7:00 p.m. on Monday, December 11, 2018, in the Town Council chambers.

**II. Roll Call**

The Secretary conducted a roll call.

Members present: Jon Blasco, Vice-Chairperson; Barbara Barat; Dean Fox, Chairperson; Vira Hogan, Ruth Strindberg-Howe, and Vang Moua

Members absent: Jim Hunnicutt

Staff in attendance: Mr. Jeff Triezenberg, Planning Director; Mr. David Bamford, Planning Services Manager; Mr. Het Patel, Senior Planner; and Ms. Stacy Harper, Principal Planner.

Mr. Fox reviewed the conduct of the Planning Commission and procedures for the meeting.

**III. Invocation**

Ms. Barat gave the invocation.

**IV. Minutes**

**Regular Meeting November 13, 2018** – Mr. Blasco made a motion to approve the minutes of November 13, 2018 as presented; seconded by Ms. Hogan. The vote was unanimous.

**V. Old/New Business:**

**A. Conditional Use Rezoning with Conditional Use Site Plan/Subdivision Requests:**

**CUD-Z-18-09 (C-208), Minglewood Townhomes** – McKim & Creed is requesting conditional use rezoning from Community Retail (CR) and Office and Institutional (OI) to Multifamily Residential Conditional Use (MF-1 C208). A companion conditional use subdivision plan accompanies this conditional use rezoning request.

**Staff/Commission Discussion:** Mr. Patel presented the staff report. There were questions and discussion regarding the zoning conditions, the need for additional clarification of conditions #2 and #7 prior to Town Council, and concerning the process since townhomes are a permitted use in the Community Retail (CR) district.

**Applicant/Commission Discussion:** Mr. Bruce Hebert, Director of Land Acquisition with Royal Oaks Building Corp. - 1210 Trinity Rd #102, Cary, NC 27513, spoke on behalf of the application. There was discussion of buffers, engagement with community representatives from The Village at Aversboro, clarification of the previously identified zoning conditions and proposed density.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this project. Mr. Ellis Williams, The Village at Aversboro HOA Board Member – 201 Easy Wind Way, Garner, NC 27253, spoke in support of the application. There was additional discussion concerning positive engagement with the community.

<b>RESULT:</b>	<b>Recommended Approval to Town Council [UNANIMOUS]</b>
<b>Motion:</b>	Ms. Hogan – to accept the staff statements regarding zoning consistency (or lack there off) with the Garner Forward Comprehensive Plan, being detailed in Section IV of this report, as their own, and recommend approval of CUD-Z-18-09 to the Town Council, along with a simultaneous amendment to the Garner Forward Comprehensive Plan re-designating the site from “office center” to “high-density residential”. Mr. Blasco offered a friendly amendment to add a condition that the applicant will clarify the conditions as requested by staff prior to going to Council. Ms. Hogan accepted.
<b>Seconded:</b>	Ms. Barat
<b>VOTE:</b>	<b>Aye: Barat, Hogan, Blasco, Fox, Strindberg-Howe, and Moua</b>

- **CUP-SB-18-05, Minglewood Townhomes** – McKim & Creed is requesting approval of a 96-lot conditional use subdivision plan for townhouse residential use. The site is located at 2015 Aversboro Road and can be further identified as Wake County PIN# **1710-33-5846**.

**Staff/Commission Discussion:** Ms. Harper presented the staff report. There were questions regarding both vehicular and pedestrian connectivity to the adjoining shopping center as well as the option for a pedestrian refuge by the median of Minglewood Drive.

**Applicant/Commission Discussion:** Mr. Bruce Hebert, Director of Land Acquisition with Royal Oaks Building Corp. - 1210 Trinity Rd #102, Cary, NC 27513, spoke on behalf of the subdivision plan. There was discussion of the internal pedestrian network, the movement of the existing overhead power lines, proposed subdivision amenities, project phasing, construction traffic impacts to Minglewood Drive, required widening of Aversboro Road, and mail kiosk design.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this project. Mr. Ellis Williams, The Village at Aversboro HOA Board Member – 201 Easy Wind Way, Garner, NC 27253, spoke in support of the subdivision plan.

**RESULT: Finding of Subdivision Plan Conformity to Town Plans and Policies [UNANIMOUS]**

**Motion:** Mr. Blasco – to confirm staff’s findings in Section VI that CUP-SB-18-05, Minglewood Townhomes, is in conformity with adopted town plans and policies so long as the conditions specified in Section VI of this report are met:

1. Prior to recordation of the first final plat, documents establishing a Homeowner’s Association and restrictive covenants shall be submitted to the Garner Planning Director for review;
2. Prior to the issuance of each building permit, a fee in lieu of park land dedication shall be paid to the Town of Garner; and
3. The developer shall be responsible for all roadway improvements required by NCDOT.

**Second: Ms. Hogan**

**VOTE: Aye: Barat, Hogan, Blasco, Fox, Strindberg-Howe, and Moua**

#### **B. Conditional Use Rezoning with Conditional Use Site Plan/Subdivision Requests:**

**CUD-Z-18-11 (C-210), Rhora Subdivision** – Bass, Nixon and Kennedy, Inc. is requesting conditional use rezoning from Residential 40 (R-40) and Planned Residential District (PRD) to Residential 9 Conditional Use (R-9 C210). A companion conditional use subdivision plan accompanies this conditional use rezoning request.

**Staff/Commission Discussion:** Mr. Patel presented the staff report. There were questions and discussion regarding the need for clarification of conditions #8 and #10 prior to Town Council, clarification of the term “abutting properties”, the inclusion of day cares and religious institutions as permissible uses and project density.

**Applicant/Commission Discussion:** Mr. Marty Bizzell, PE; Principal Engineer & Vice President - Bass, Nixon and Kennedy, Inc. Consulting Engineers – 6310 Chapel Hill Road, Suite 250, Raleigh, NC 27607, spoke on behalf of the application. There was discussion of preserved specimen trees, clarification of conditions #8 and #10, clarification of the term “abutting properties”, choice of proposed zoning district, the abundance of open space, the displacement of existing mobile home residents and communications with them, and the inclusion of religious institutions as a permissible use.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this project. Hearing none, Mr. Fox asked the Commission for a motion.

<b>RESULT:</b>	<b>Recommended Approval to Town Council [UNANIMOUS]</b>
<b>Motion:</b>	Mr. Blasco – to accept the staff statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section IV of this report, as their own, and recommend approval of CUD-Z-18-11 to the Town Council with an amendment to strike religious institution as a permitted use in the conditions.
<b>Seconded:</b>	Ms. Hogan
<b>VOTE:</b>	<b>Aye: Barat, Hogan, Blasco, Fox, Strindberg-Howe, and Moua</b>

- **CUP-SB-18-08, Rhora Subdivision** – Bass, Nixon and Kennedy, Inc. is requesting approval of a 106-lot conditional use subdivision plan for single-family detached residential use. The site is located at the intersection of Bryan Road and Ackerman Rd and can be further identified as Wake County PIN#'s **1619-98-8721, 1619-99-5082, 1629-08-3891, 1629-08-6776, 1629-08-6877, and 1629-09-6033.**

**Staff/Commission Discussion:** Ms. Harper presented the staff report. There were questions regarding various road improvements, various sidewalk connections, proposed typical sections, traffic counts, as well as the public availability of TIAs.

**Applicant/Commission Discussion:** Mr. Marty Bizzell, PE; Principal Engineer & Vice President - Bass, Nixon and Kennedy, Inc. Consulting Engineers – 6310 Chapel Hill Road, Suite 250, Raleigh, NC 27607, spoke on behalf of the application. There were discussions about road improvements recommended in the TIA, the current floodplain study, and the proposed greenway easement and trail.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this project. Hearing none, Mr. Fox asked the Commission for a motion.

<b>RESULT:</b>	<b>Finding of Subdivision Plan Conformity to Town Plans and Policies [UNANIMOUS]</b>
<b>Motion:</b>	Ms. Barat – to confirm staff's findings in Section VII that CUP-SB-18-08, Rhora Subdivision, is in conformity with adopted town plans and policies, so long as the conditions also specified in Section VII of this report are met. Mr. Fox added a friendly amendment, to include a fourth condition, to require applicant to petition for annexation. Ms. Barat accepted. Conditions specified in Section VII of this report:  1. Prior to recordation of the first final plat, documents establishing a

Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for review;

2. Prior to the issuance of each building permit, a fee in lieu of park land dedication shall be paid to the Town of Garner; and
3. The developer shall be responsible for all roadway improvements required by NCDOT.
4. A petition for annexation must be filed prior to final plat approval.

**Second: Mr. Blasco**

**VOTE: Aye: Barat, Hogan, Fox, Strindberg-Howe, and Moua**

### **C. Commission Rules of Procedure**

Mr. Triezenberg noted that he was in the process of responding to commissioners' comments on the revised Rules of Procedure. Mr. Triezenberg asked the board to amend Article 5 Section 1 of the current Rules of Procedure, to change the meeting date of the Planning Commission to the third Monday of the month.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Fox made a motion to approve; seconded by Ms. Hogan. The vote was unanimous.

## **VI. Reports**

### **A. Planning Director**

Mr. Triezenberg noted that the general re-zoning of Maxwell Drive was approved by Town Council and that the department was very close to extending an offer to fill the vacant Planning Technician position. There were questions regarding posted alternate I-40 routes, the time table of the UDO rewrite, the neighborhood meeting amendment and required notification distance, obtaining a copy of thoroughfare traffic study report recently shared by Town staff with various community groups for PC and need to add/clarify street classifications and corresponding typical sections in Garner Transportation Plan, UDO or Town standards/details.

### **B. Planning Commission**

No reports.

## **VII. Adjournment**

Having no further matters to discuss, the meeting was adjourned at 9:18 PM.