



November 13, 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, November 13, 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, Jim Hunnicutt and Vang Moua

Members absent: Ruth Strindberg-Howe

Staff in attendance: Mr. Jeff Triezenberg, Planning Director; Mr. Tony Chalk, Town Engineer; Mr. David Bamford, Planning Services Manager; Mr. Het Patel, Senior Planner; Ms. Alison Jones, Planner II and Ms. Stacy Harper, Principal Planner.

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

III. Invocation

Mr. Jim Hunnicutt gave the invocation.

IV. Minutes

Regular Meeting October 8, 2018 – Mr. Hunnicutt made a motion to approve the minutes of October 8, 2018 as presented; seconded by Ms. Hogan. The vote was unanimous.

V. Old/New Business:

A. Subdivision Request:

SB-18-03 Creech Road Subdivision – Habitat for Humanity is requesting approval of a 97-lot subdivision plan for residential cluster use. The site is 49.94 acres, zoned R-9 and is located at 405 Gatewood Drive and can be further identified as Wake County PIN(s) 1712-92-6835 & 1712-92-7452.

Staff/Commission Discussion: Ms. Harper presented the staff report. There were questions from the Commission regarding subdivision signs as well as screening and maintenance of the storm-water pond facility. Additionally, plant variety around the ponds was also discussed. Questions were also asked regarding road improvements that are required along the site's frontage on Creech Road.

Applicant/Commission Discussion: Mr. Marty Bizzell, Engineer with Bass Nixon and Kennedy - 6310 Chapel Hill Road, Raleigh, NC - and Jim Middleton, Land Development Manager with Habitat for Humanity - 2420 North Raleigh Blvd, Raleigh, NC - spoke as the applicants for this development. Topics of discussion with the applicants included slopes and grading of the site, particularly regarding the significant floodplain areas in the rear of the site. Questions were also asked regarding build-out, timing, home size, and provision of sidewalks. Discussion about the lack of a mechanism for fee-in-lieu of roadway improvements, applicability of neighborhood meetings and the United States Postal Service kiosk approval process also took place.

Mr. Fox asked if there were any opponents or proponents wanting to speak on this project. Mr. Hicks - 101 Gatewood Drive - expressed concerns about general traffic, school bus traffic in the area, and a dangerous curve on Creech Road. He also requested a meeting with the applicant to which the applicant agreed.

Having no more discussion, Mr. Fox asked the Commission for a motion.

RESULT: Approval of SB-18-03 Creech Road Subdivision [UNANIMOUS]

Motion: Mr. Hunnicutt – to confirm staff’s findings in Section IV of this report that SB-18-03, Creech Road, is in conformity with adopted town plans and policies and stands approved so long as the following conditions of said approval are met:

1. Prior to recordation of the first final plat, an annexation petition shall be submitted to the Town of Garner Planning Department;
2. Prior to recordation of the first final plat, documentation establishing a Homeowner’s Association and Restrictive Covenants shall be submitted to the Town of Garner Planning Department;
3. Prior to recordation of the first final plat, final locations for greenway easements and/or the conversion of required sidewalks to side paths shall be identified and agreed to by Town of Garner staff;
4. Prior to the issuance of each building permit, a fee-in-lieu of parkland dedication shall be paid to the Town of Garner; and
5. Prior to the issuance of any Certificate of Occupancy, the developer shall be responsible for any road improvements as required by NCDOT and agreed to by the Town of Garner.
6. During construction drawing review, sidewalks will be added to both sides of all subdivision streets.

Second: Ms. Hogan

VOTE: Aye: Barat, Blasco, Fox, Hogan, Hunnicutt and Moua

B. General Use Rezoning Request:

Z-18-04 Maxwell Drive - Roy Tripp, Twinship Development Company and T.H. & L. Inc, is requesting approval to rezone approximately 2.77 acres from R-9 Single-Family Residential Conditional Use (R-9 C153) to R-40 Single-Family Residential (R-40). The site is located at 800 & 1000 Maxwell Drive and can be further identified as Wake County PIN(s) 1701-34-8706 (portion of) and 1701-34-4588 (portion of).

Staff/Commission Discussion: Mr. Patel presented the staff report, highlighting the limitations on the size of accessory buildings in single-family residential zoning districts to no more than 50% of the square footage of the principal building on the same lot; except in the R-40 Single-Family Residential district.

Mr. Patel noted staff's finding that the requested R-40 zoning district's density is less than what is recommended by the Comprehensive Plan's "medium density residential" and is therefore not consistent. However, staff also found that there are six (6) single-family residences in this area on both sides of Maxwell Drive, and all are on large lots; therefore, this area is currently operating at a "low-density residential" intensity. It was noted that there were no comments in opposition at the October 16 Town Council Public Hearing.

Commission members inquired about any proposed accessory buildings and whether or not rezoning to low density residential would create a future problem for re-development.

Applicant/Commission Discussion: Mr. Roy Tripp - 1000 Maxwell Drive – the property owner and applicant spoke on behalf of the request.

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

RESULT: Recommended Approval to Town Council [UNANIMOUS]

Motion: Mr. Hunnicutt - to accept the staff statements regarding the lack of consistency with the Garner Forward Comprehensive Plan, being detailed in Section IV of the report as the Commission's own; to recommend approval of Z-18-04 to the Town Council; and to simultaneously amend the Garner Forward Comprehensive Plan re-designating the site from medium-density residential to low-density residential.

Second: Ms. Hogan

VOTE: Aye: Barat, Blasco, Fox, Hogan, Hunnicutt and Moua

C. Conditional Use Rezoning with Conditional Use Site Plan/Subdivision Requests:

CUD-Z-18-08 (C207), Buffalo Springs – Trilandco LLC is requesting conditional use rezoning from R-40 Single-Family Residential to MF-1 Multifamily Residential Conditional Use (MF-1 C207). A companion conditional use subdivision plan accompanies this conditional use rezoning request.

Ms. Hogan recused herself due to her ownership of property in a nearby subdivision. There was no objection.

Staff/Commission Discussion: Mr. Patel presented the staff report. There were questions and discussion regarding the number of trips per day generated by the proposed development, the typical cross-sections of NCDOT-maintained roads and the ability to accommodate all modes of transportation and the proximity of the roundabout at Vandor Springs Road.

Applicant/Commission Discussion: Mr. David York, attorney with Smith Moore Leatherwood LLP - 434 Fayetteville St, STE 2800, Raleigh, NC; Mr. Randall Miller, Engineer with Thompson & Associates – 1149 Executive Cir, Suite D, Cary, NC; and Ms. Rehab Hamad with Trilandco Properties – 4400 Triland Way, Cary, NC spoke on behalf of the application. The applicants provided clarification on the proposed zoning conditions and presented the findings of a traffic study by Ramey Kemp & Associates that they commissioned at their discretion. They also discussed the results of their neighborhood meeting, including amendments made to their proposed zoning conditions. There was discussion regarding the role of the Comprehensive Plan and the procedures for amending it. The Commission asked about lot sizes, the selection of the zoning district, price points for homes, the extra buffer being provided and the approval of street lighting.

Mr. Fox asked if there were any opponents wanting to speak on this project. Mr. Buddy Gupton, 153 Luxorwind Drive, Garner, NC and Mr. Larry Warren, 1802 Buffalo Road, Garner, NC represented dozens of citizens in the audience. They discussed why they felt the project was not in the best interest of the community and did not advance the goals and objectives of the Garner Forward Comprehensive Plan. Ms. Kathleen Abbey, 107 Lyme Court, Garner, NC asked questions regarding density calculations and transportation plans.

The applicants responded to some of the opponent's comments. There was further discussion of the goals and objectives of the Comprehensive Plan, methods of calculating density, wider buffers versus larger lots, lot sizes of other subdivisions in the area, cluster development design and home pricing.

RESULT:	Recommended Denial to Town Council [UNANIMOUS]
Motion:	Mr. Hunnicutt - to recommend denial of the rezoning based on a lack of compatibility of the proposed district with the present zoning, conforming uses on nearby property and the character of the neighborhood.
Seconded:	Ms. Barat
VOTE:	Aye: Barat, Blasco, Fox, Hunnicutt and Moua

Mr. Fox called for a 5-minute recess.

- CUP-SB-18-04, Buffalo Springs** – Trilandco LLC is requesting conditional use subdivision plan approval for a Residential Cluster use consisting of 81 lots. The site is 24.75 acres and located at 1800 Buffalo Road and can be further identified as Wake County PIN(s) 1700-65-1045, 1700-65-4039, 1700-64-3525 (portion of), 1700-64-3392 (portion of), and 1700-75-2389 (portion of).

Ms. Hogan left the meeting.

Staff/Commission Discussion: Ms. Harper presented the staff report. There were questions regarding connections to the South Garner Greenway and sidewalks on Buffalo Road, the number of access points into the subdivision, the location of stub outs, Neuse River Buffer rules and lighting.

Applicant/Commission Discussion: Mr. David York, attorney with Smith Moore Leatherwood LLP - 434 Fayetteville St, STE 2800, Raleigh, NC; Mr. Randall Miller, Engineer with Thompson & Associates – 1149 Executive Cir, Suite D, Cary, NC; and Ms. Rehab Hamad with Trilandco Properties – 4400 Triland Way, Cary, NC spoke on behalf of the application. There was discussion of sidewalks, and the functionality of open space.

Ms. Kathleen Abbey - 107 Lyme Court, Garner, NC and Mr. Charles Hendel – 305 Tiffany Circle, Garner, NC asked questions regarding possible stormwater runoff into the Tiffany Woods Subdivision, glare from new street lights, the overall quality of water in Buck Branch and the bridging and/or damming of Buck Branch. The applicants provided additional information related to lighting and stormwater requirements.

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

RESULT:	No Decision on Subdivision Plan Conformity under Requested Zoning
Motion:	Ms. Barat – to find the plan non-conforming as related to the current R-40 zoning.

Second:	Mr. Hunnicutt
VOTE:	Aye: Barat, Blasco, Fox, Hunnicutt and Moua

VI. Reports

A. Planning Director

Mr. Triezenberg clarified some procedural issues related to the previous case based on recent conversations with the Town Attorney, noting that the Commission failed to give a subdivision plan decision based on the requested zoning – which is the application before them – and therefore has waived the opportunity to do so should the cases move forward to the Town Council in spite of the recommendation for denial on the zoning portion. There was discussion of the need to more clearly separate the zoning consideration from the site/subdivision plan consideration as well as the increased importance of the zoning conditions being brought forth by the applicants.

Mr. Triezenberg noted his work with Mr. Moua and presented the first draft of the Commission's revised Rules of Procedure. Commission members were invited to ask questions and provide written comments in advance of the December meeting when a final draft will be presented for adoption.

Mr. Bamford noted the Department's efforts to hire a new employee to fill the Planning Technician vacated by Ms. Debby Creighton.

B. Planning Commission

No reports.

VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 10:50 PM.