



August 19, 2019 7:00 PM
Town of Garner Planning Commission Minutes
Town Council Chambers
900 7th Avenue · Garner, North Carolina 27529

I. Call to Order

Mr. Hunnicutt called the regular meeting of the Town of Garner Planning Commission to order at 7:00 p.m. on Monday, August 19, 2019, in the Town Council chambers.

II. Roll Call

The Secretary conducted the roll call.

Members present: John Blasco, Barbara Barat, Vice-Chairman; Jim Hunnicutt, Chairman; Dean Fox and Vang Moua

Staff in attendance: Mr. Jeff Triezenberg, AICP, GISP, Planning Director; Mr. David Bamford, AICP, Planning Service Manager; Ms. Stacy Harper, AICP; Ms. Alison Jones, Planner II; and Ms. Elisabeth Webster, Planning Technician

III. Invocation

Mr. Hunnicutt gave the invocation.

IV. Minutes

Regular Meeting July 15, 2019 – Ms. Barat made a motion to approve the minutes of the July 15, 2019 meeting as amended by Mr. Blasco; seconded by Mr. Blasco. The vote to approve was unanimous.

V. Old/New Business:

A. Master Sign Plan:

- 1. MSP-19-01 4203 Fayetteville Rd.** – Capital Signs Solution requested master sign plan approval for a shopping center located at 4203 Fayetteville Rd. The site can be further identified as Wake County PIN **1701-37-3901**.

Staff/Commission Discussion: Ms. Jones presented the staff report. There were no questions.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion. After the motion and the second, Mr. Fox asked for clarification regarding two signs for tenant # 2.

RESULT:	Recommended Approval [UNANIMOUS]
Motion:	Mr. Blasco – to recommend approval of MSP-19-01 , accepting staff’s statements regarding consistency with the Town of Garner Unified Development Ordinance.
Second:	Ms. Barat
VOTE:	Aye: Barat, Blasco, Hunnicutt, Fox and Moua

B. Conditional Use Rezoning and Conditional Use Site Plan:

- 1. CUD-Z-19-07 200 Britt Valley Rd.** – Neal Scott Ragan requested a conditional use rezoning for 5.5 acres from Single-Family Residential (R-20) to Single-Family Residential (R-40 C200) Conditional Use. A conditional use site plan accompanied this rezoning request.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were no questions regarding the zoning portion.

Applicant/Commission Discussion: Neal Scott Ragan, owner of site, spoke on behalf of the project and explained his future plans to build an accessory structure on the property. There were no questions regarding the zoning portion.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Fox – to accept staff’s 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-19-07 200 Britt Valley** to Town Council.

Second: Mr. Blasco

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

- **CUP-SP-19-22 200 Britt Valley Rd** - Neal Scott Ragan requested a conditional use site plan approval for a single-family home as well as an accessory building. The 5.5-acre site is located at 200 Britt Valley Rd. and can be further identified as Wake County PIN **1618-08-5863**.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding if the neighbors’ concerns had been met, clarification on calculation of total square footage of accessory structure(s), and if there would be any need for annexation.

Applicant/Commission Discussion: Neal Scott Ragan, owner of site, spoke on behalf of the project. There were questions/discussion regarding why cemeteries were left as a permissible use in the zoning conditions, if the proposed accessory structure was the only anticipated structure, and if there were any plans for commercial use.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion.

RESULT: Found the Site Plan in Conformity with Town Plans and Policies [UNAMIOUS]

Motion: Mr. Fox – to confirm staff’s findings in Section VII of this report, that **CUP-SP-19-22 200 Britt Valley** is in conformity with adopted town plans and polices.

Second: Mr. Blasco

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

- 2. CUD-Z-19-08 Garner Depot** - The Town of Garner requested a conditional use rezoning for 1.24 acres from Single-Family Residential (R-12) to Central Business District (CBD C201) Conditional Use. A conditional use site plan accompanied this request.

Staff/Commission Discussion: Mr. Triezenberg presented the staff report and explained the Town’s plans for a museum, including a train depot and caboose display. There were no questions regarding the rezoning portion.

Applicant/Commission Discussion: Mr. John Hodges, Assistant Town Manager, spoke on behalf of the application. There were no questions regarding the rezoning portion.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Seeing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion. Ms. Barat asked if the sale of the property owned by the Lion’s Club needed to be a condition of approval.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Ms. Barat – to accept staff statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommend approval of **CUD-Z-19-08 Garner Depot**, along with a simultaneous amendment to the Garner Forward Land Use Map re-designating the site from “High-Density Residential” to “Town Center”

Second: Mr. Blasco

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

- **CUP-SP-19-15 Garner Depot** – The Town of Garner requested conditional use site plan approval for a museum. The 1.24-acre site is located at 106 Pearl Street and can be further identified as Wake County PIN(s) **1711-52-8860, 1711-52-8993 & 1711-52-7855.**

Staff/Commission Discussion: Mr. Triezenberg presented the staff report. There were questions/discussion regarding proximity to previously approved projects, anticipated timing for Phase II, reasons for delaying the recombination, had there been any discussion of extending the sidewalk along Pearl Street independent of the complete street, had other locations been considered, if the future phases will come before the Commission, how the parcel owned by the Lion’s Club would be handled, why the landscaping and storm water requirements were not triggered, if the Town had plans to replace/move the residential use that was designated by the Downtown Garner Plan for the proposed parcels.

Applicant/Commission Discussion: Mr. John Hodges, Assistant Town Manager, spoke on behalf of the application. There were no questions.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Seeing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion. After the motion and the second, Mr. fox asked if the proposed conditions needed to be included in the motion

or if referencing the section was sufficient. Mr. Blasco expressed concern about the fact that all required improvements were left for Phase II. Mr. Fox asked staff if a private developer would get approval for a plan lacking similar landscaping and street improvement requirements.

RESULT: Found the Site Plan in Conformity with Town Plans and Policies [UNANIMOUS]

Motion: Ms. Barat – to confirm staff’s findings in Section VII of this report, that **CUP-SP-19-15**, is in conformity with applicable adopted town plans and policies so long as the following conditions are met.

1. A landscape plan for the entire 1.24-acre site must be submitted with the site plan application for the next phase of development;
2. Prior to the issuance of a certificate of occupancy for any building or structure not part of this first phase of development, Pearl Street shall be widened and improved to its ultimate cross-section;
3. Prior to the issuance of a building permit for any building or structure not part of this first phase of development, a recombination plat shall be recorded.

Second: Mr. Fox

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

C. Planned Development Rezoning and Maser Plan:

1. **PD-Z-19-04 Raynor Road Subdivision** – Clayton Properties Group, Inc requested a planned development rezoning for 99-acres from Single-Family Residential (R-20) to Planned Residential Development (PRD C-9) Conditional Use. A planned development master plan accompanied this rezoning request.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding a discrepancy in the number of conditions on the staff report and if any projects had been approved recently with comparable reductions / deviations.

Applicant/Commission Discussion: Mr. Bradley Hart, with Withers & Ravenel, spoke on behalf of the project. There were no questions regarding the zoning portion.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion. After the motion and the second, there was additional discussion regarding the proposed density, traffic concerns, affordability, the amount of exemptions requested, and compatibility with nearby developments.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Blaso – to accept staff’s statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommend approval of **PD-Z-19-04 Raynor Road Subdivision** to Town Council.

Second: Mrs. Barat

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

- **PD-MP-19-04 Raynor Road Subdivision** – Clayton Properties Group, Inc requested a planned development master plan approval for a subdivision containing 333 units (105 single-family and 288 townhomes). The 99-acre site is located at 5901 Raynor Rd and can be further identified as Wake County PIN **1639-58-3019**.

Staff/Commission Discussion: Ms. Stacy Harper presented the staff report. There were questions/discussion regarding the proposed open space being on the other side of future I-540, if a culvert/bridge was proposed for the portion of future I-540 that will cut through the site, and if the future I-540 construction plans would be contained with the proposed right-of-way.

Applicant/Commission Discussion: Mr. Bradly Hart, with Wither & Ravenel, spoke on behalf of the project. There were questions/discussion regarding the proposed greenway trail crossing the future I-540, the proximity of the proposed townhomes to the future I-540, if noise walls had been considered, the proposed 3-foot setbacks, the approach that would be used to deal with the large topographic changes, the proposed planting plan, the proposed 6-foot separation between buildings, if the actual site plan will go before the Commission, concerns over proposed setbacks, what would happen if NCDOT declares the open space east of the future I-540 unusable, and if the Town was ok taking over the alleys for services such as trash pickup.

Mr. Chris Simmering, with Mingo Homes, also spoke on behalf of the project. There were questions/comments regarding if the builder had completed any similar projects in the area, had a market survey been done prior to the site design, confirmation that people in the general triangle area desired the proposed product, the high price point, and how the developer planned to deal with the transition between the lower density portion to the higher density portion of the development.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter.

Mr. Michael Collins, 270 Pecan Harvest Dr., spoke in opposition of the project. He voiced his concerns regarding the project not keeping with the character of Garner and the high densities proposed for the project.

After such, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion. After the motion and the second there was additional discussion regarding the setbacks.

RESULT: Found the Site Plan in Conformity with Town Plans and Policies [UNANIMOUS]

Motion: Mr. Fox – to confirm staff’s findings in Section VII of the staff report, that **PD-MP-19-04**, is in conformity with applicable adopted town plans and policies so long as the following conditions are met.

1. Prior to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner;
2. Prior to preliminary plat application, the developer shall perform a signal warrant analysis for the intersection of White Oak Road and Raynor Road. If a signal is deemed warranted the developer shall be responsible for the design and installation of the signal. If a signal is not yet warranted, a Development Agreement for fee-in-lieu of the new signal – agreed upon as a result of the development’s TIA – shall be submitted by the developer, including payment, and accepted by the Town;
3. Prior to recordation of the first final plat:
 - a. a voluntary annexation petition for the for the entire project site shall be filed with the Garner Planning Department; and
 - b. documents establishing a Homeowner’s Association and restrictive covenants shall be submitted to the Garner Planning Director for review;
4. Following the recordation of the first final plat, the Neighborhood Recreation Amenity Area shall be completed within 18 months or prior to recordation of the second phase final plat, whichever comes first;
5. Prior to issuance of the first building permit:
 - a. all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department; and
 - b. the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank;
6. Prior to the recording of the final plat for each phase, mini-parks and trails in the preceding phase shall be complete; and prior to the issuance of the first certificate of occupancy in the final phase, mini-parks and trails in said final phase shall be complete;

7. Prior to the issuance of each building permit, any outstanding fee-in-lieu of park land dedication following dedication of the public greenway easements shall be paid to the Town of Garner; and
8. The developer shall be responsible for all roadway improvements required by NCDOT.

Second: Mr. Blasco

Amended: Mr. Blasco – asked to amend the motion to include that side setbacks for the single-family house be a minimum of 5-feet, 10-feet combined. Mr. Fox agreed.

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

*Mr. Blasco recused himself from **PD-Z-19-02** and **PD-MP-19-02***

2. **PD-Z-19-02 Bethel** – Meritage Homes requested a planned development rezoning from Single-Family Residential-20 (R-20) to Planned Residential Development (PRD C-7) Conditional Use. A companion planned development master plan accompanied this planned development rezoning request.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were no questions regarding the zoning portion.

Applicant/Commission Discussion: Mr. Keith Roberts and Ms. Beth Blackmon, with Timmons Group, spoke on behalf of the project. There were no questions regarding the zoning portion.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Hunnicutt brought the matter back to the table for additional discussion/motion.

RESULT: Recommend Denial to Town Council [3-1]

Motion: Mr. Fox – to accept staff’s statements regarding consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, but recommend denial of **PD-Z-19-02** due to lack of compatibility of the proposed district with present zoning and conforming uses on nearby property and with the character of the neighborhood.

Second: Ms. Barat

VOTE: Aye: Barat, Fox, Moua

Nay: Hunnicutt

- **PD-MP-19-02 Bethel** – Meritage Homes is requested a planned development master plan approval for a residential development containing 721 units (496 single family and 225 townhomes). The 170-acre site is located at the

intersection of New Bethel Church Rd. and Clifford Rd. and can be further identified as Wake County PINs **1629-43-0832** and **1629-00-3386**.

Staff/Commission Discussion: Ms. Harper presented the staff report. There were questions/discussion regarding the time frame for the proposed road improvements, how the various proposed typical sections would work together, why the updated typical sections had not come before the Commission, and what was being done to accommodate the additional vehicles from the proposed development and surrounding developments.

Applicant/Commission Discussion: Mr. Keith Roberts and Ms. Beth Blackmon, with Timmons Group, spoke on behalf of the project. Mr. Mike Owens, with Meritage Homes, also spoke on behalf of the project. There were questions/discussion regarding the proposed stub out to the existing Oak Park Subdivision, the proposed project and its location to the high school, and the anticipated additional traffic on New Bethel.

Mr. Hunnicutt asked if there were any proponents or opponents wanting to speak on this matter.

Mr. Michael Collins, 270 Pecan Harvest Dr, spoke in opposition of the project. He voiced his concern about traffic and the notification distance. Mr. Daniel McNichol, 262 Pecan Harvest, also spoke in opposition of the project. He voiced his concerned about the density and product.

Mr. Hunnicutt brought the matter back to the table for additional discussion/motion. Mr. Fox asked if Mr. Hunnicutt would accept a friendly amendment to add verbiage to clarify that the conformity of PD-MP-19-02 would be based upon rezoning proposed by PD-Z-19-02. Mr. Hunnicutt declined the requested amendment.

RESULT: Found the Site Plan in Conformity with Town Plans and Policies [3-1]

Motion: Mr. Hunnicutt – to confirm staff’s findings in Section VII of this report, that **PD-MP-19-02**, is in conformity with applicable adopted town plans and policies so long as the following conditions are met.

1. Prior to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner;
2. Prior to recordation of the first final plat:
 - a. a voluntary annexation petition for the for the entire project site shall be filed with the Garner Planning Department; and
 - b. documents establishing a Homeowner’s Association and restrictive covenants shall be submitted to the Garner Planning Director for review;
3. Prior to issuance of the first building permit:

- a. all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department; and
 - b. the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank;
4. Prior to the issuance of each building permit, any outstanding fee-in-lieu of park land dedication following dedication of the public greenway easements shall be paid to the Town of Garner;
 5. Prior to the issuance of the first building permit for a house or townhome on the southern tract, a Gazebo shall be constructed during Phase 1 on the northern parcel as a gathering space;
 6. Prior to recordation of the last final plat (Phase 4), the Neighborhood Recreation Amenity Area shall have received a building permit and be under construction; and
 7. The developer shall be responsible for all roadway improvements required by NCDOT.

Second: Ms. Barat

VOTE: Aye: Barat, Hunnicutt, Moua

Nay: Fox

VI. Reports

A. Planning Director

Mr. Triezenberg updated the Planning Commission on the status of the UDO rewrite and Council Actions. **Z-19-03 E. Garner Rd.** and **CUP-SB-19-01 Kennedy Ridge** were denied by Council. **CUP-SP-19-03 Tarheel Paper** and **SUP-SP-18-05 Holiday Inn** were approved by Council. Annexations **ANX-19-05** and **ANX-19-06** were also approved. There was discussion on the Rules of Procedure rewrite sub-committee.

B. Planning Commission

No Report.

VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 10:58 PM.