



September 16, 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, September 16, 2019 in the Town Council chambers.

II. Roll Call

The Secretary conducted the roll call.

Members present: Jon 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 Services Manager and Ms. Elisabeth Webster, Planning Technician

III. Invocation

Mr. Hunnicutt gave the invocation.

IV. Minutes

Regular Meeting Minutes August 19, 2019 – Mr. Blasco made a motion to approve the minutes of the August 19, 2019 meeting as amended by Mr. Fox; seconded by Mr. Fox. The vote to approve was unanimous.

V. **Old/New Business:**

A. **Conditional Use Rezoning and Conditional Use Site Plan:**

1. CUD-Z-19-05 Thompson Business Park – 1529 Properties, LLC is requesting conditional use rezoning for 33.77 acres from Service Business (SB) and Single-Family Residential (R-20) to Service Business Conditional Use (SB C218) and Residential 9 Conditional Use (R-9 C218). A conditional use subdivision request accompanies this rezoning.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding car washes and vehicle towing and storage as allowable uses, the number of allowable uses, and why uses that are not allowed within 500 feet of residential are allowed uses.

Applicant/Commission Discussion: Ms. Pam Porter, with TMTLA, spoke on behalf of the project. Ms. Porter said that developer was agreeable to eliminating the uses that are not allowed within 500 of residential.

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. Blasco– 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 **CUD-Z-19-05 Thompson Business Park** to Town Council.

Second: Ms. Barat

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

- **CUP-SB-19-02 Thompson Business Park** – TMTLA Associates is requesting conditional use subdivision approval for an industrial subdivision. The site is located at 1530, 15032, 1518, & 1506 W. Garner Road and can be further identified as Wake County PIN(s) **1711-17-7822, 1711-27-1892, 1711-37-1783, & 1711-17-7351.**

Staff/Commission Discussion: Mr. Triezenberg presented the staff report. There were questions/discussion regarding the proposed buffers adjacent to the existing residential properties, a reference to White Oak Business Park adjoining Camelot subdivision, if a condition should be added so that the buffers will be addressed as a whole rather than as each lot is developed, if each lot will be required to have a conditional use permit, if staff was comfortable with stopping the public right of

way before the first Neuse River crossing and having a shared use off the cul-de-sac, the proposed bike lane, how the street lighting will play out with multiple developments, and the proposed setbacks.

Applicant/Commission Discussion: Ms. Pam Porter, with TMTLA, and Mr. Keith Roberts, with Timmons Group, spoke on behalf of the project. There were questions/discussion regarding if there was a way to monitor the businesses coming in so that they are of similar character to the surrounding residential properties, the buffers surrounding the residential properties, the proposed location and crossing of Quiet Refuge Lane and its proximity to the property line, flexibility of the developer to shift Quiet Refuge lane north if needed, continuity of the propose sidewalk along the east side of existing Quiet Refuge, summary of concerns/comments received from public meeting with surrounding property owners, and if the developer has reached out to any of the permitting agencies for the proposed crossing.

Mr. Ronnie Thompson, owner of the property, spoke in favor of the project. There were questions/discussion regarding if there were any ideas of who potential tenants could be.

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. Blasco – to confirm staff’s findings in Section VII of this report, that **CUP-SB-19-02 Thompson Business Park** is in conformity with adopted town plans and polices so long as the following conditions are met.

1. Prior to approval by the Town Council, a public greenway easement traversing the eastern portion of the site from north to south shall be provided.
2. Prior to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner.
3. Prior to construction drawing approval, a street lighting plan shall be approved by the Technical Review Committee.
4. 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;
 - b. the 25’ buffer shall be re-established along the northern property line.

Second: Ms. Barat

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



B. UDO Text Amendments:

- 1. UDO 19-02 Fee-In-Lieu of Roadway Improvements** – Text amendment submitted by the Planning Department and Town Attorney's office requesting an amendment to the Unified Development Ordinance (UDO) to update the conditions under which the Town may accept a fee-in-lieu of certain requirements, including the construction of street infrastructure and the dedication of land for the development of public parks.

Staff/Commission Discussion: Mr. Triezenberg presented the staff report. There were questions/discussion regarding who determines “general area,” what determines where the money is spent, what if a benefit area is designated for specific funds but then road improvements are needed for the immediate site, who sets the escalation factor of 10 years, will the Engineering Department be responsible for approving the amount, will there be a reimbursement clause, if a fee-in-lieu was the only option, how to address equality of future spending, how the interest of the money will be handled, if an audit would occur, need to clarify if funds would only be available for public projects, the section about trip generation to trigger fee-in-lieu, what version of the amendment was in front of them, does the Town have the right to require slope easements beyond the right-of-way, will the initial developer be required to design complete improvements, and if there will there be a separate legally enforceable document that will spell out where the fee-in-lieu will be required.

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 – finds the proposed amendment consistent with the Garner Forward Comprehensive Plan in that it helps to further the future establishment of a connectivity standard and clarifies and supports the Towns’ ability to “act quickly to procure land,” and recommends approval of **UDO-19-02** with consideration of points agreed to and outlined in the discussion.

Second: Mr. Blasco

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

2. **19-03 Bar, Nightclub, Tavern Use in CBD – Rand Mill Rd.** – Text amendment submitted by the Downtown Garner Association requesting an amendment to the UDO to amend the use table and specific use standards to allow bar, nightclub, tavern uses in the Central Business District subject to additional standards and an order from the Town Council granting a special use permit. This amendment would extend the previous amendment to CBD properties along Rand Mill Road.

Staff/Commission Discussion:, Mr. Triezenberg presented the staff report. There were no questions for Mr. Triezenberg.

Applicant/Commission Discussion: Ms. Marie Howe, with the Downtown Garner Association, spoke on behalf of the project. There were questions/discussion regarding if there was a need for more properties to be added, if the square footage requirements for the kitchen needs to be expanded, if this would impact any adjoining property owners that have not yet be notified of the change, parking issues along the side streets, if Garner Police Department had any input, and if there was anything in the UDO that would prohibit nearby property owners charging a fee and allowing parking on their property,

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Blasco – finds the proposed amendment consistent with the Garner Forward Comprehensive Plan in that it helps to further promote “downtowns reputation as the destination for local flavor and flare in Garner” and recommends approval of **UDO-19-03**.

Second: Ms. Barat

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

Reports

A. Planning Director

Mr. Triezenberg updated the Planning Commission on new staff members in the Planning Department, that the Garner Transit Study had been approved by Council, that **CUP-SP-19-22 200 Britt Valley, PD-MP-19-03 Oak Park West, and CUP-SP-19-15 Garner Depot** had all been approved by Town Council, that responses to the RFQ for the UDO rewrite were in review by staff, and at the October meeting staff will be asking for two commissioners to join the steering committee for the UDO rewrite process.

There were questions regarding George Rucker’s property being affected by bright light from surrounding light posts, if anyone had attended the active shooter training that was held, that there was one remaining session on 9-26, the black chain link fence along Timber Dr. causing site obstruction, the development going up across from

Camping World on E US HWY 70, and if that development would go before Planning Commission.

Planning Commission

No Report.

VI. Adjournment

Having no further matters to discuss, the meeting was adjourned at 9:08 PM.