



October 21, 2019 7:00 PM
Town of Garner Planning Commission Minutes
Town Council Chambers
900 7th Avenue · Garner, North Carolina 27529

I. Call to Order

Mrs. Barat called the regular meeting of the Town of Garner Planning Commission to order at 7:00 p.m. on Monday, October 21, 2019 in the Town Council chambers.

II. Roll Call

The Secretary conducted the roll call.

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

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

III. Invocation

Mrs. Barat gave the invocation.

IV. Minutes

Regular Meeting Minutes September 16, 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/Special Use Site Plan Request:

1. CUP-SP-19-16 R&S Mechanical- Spaulding & Norris, PA is requesting special use spite plan approval for an industrial flex space. The site is located at 0 Garner Station Blvd. and can be further identified as Wake County PIN 1701-18-2781.

Staff/Commission Discussion: Mrs. Long presented the staff report. There were questions/discussion regarding if final approval from the fire department was needed before the commission takes actions, site specific conditions mentioned in the presentation that were not included in the packet, the reduction of the rear buffer, if staff was aware of buffer discrepancies between the site plan and the staff report, and what does CORPUD stand for.

Applicant/Commission Discussion: Patricia Chenery, with Philips Architects spoke on behalf of the project. There were questions/discussion regarding the placement of SCM, future tenants, driveway access, the placement of trailer and storage yard, the proposed fencing being chain linked, if there was any consideration for making the proposed fencing more opaque, about the additional grading on the western portion of the property, where the propose swell would drain to, if the client would be willing to lose a few parking spots to widen the proposed parking islands, if there had been any coordination with Lennox Place in regard to preserving current landscaping, why no sight lines were shown on the plans, that the plans show two different owners for the property providing access for parking, about extending existing sewer line the length of the property, about the screening for the dumpster, what the roll up doors are intended for, and anticipated noise associated with truck deliveries.

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

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Ms. Hogan – move that the Planning Commission confirm staff’s findings in Section V that **CUP-SP-19-16, R&S Mechanical**, is in conformity with adopted town plans and policies and recommend approval to Town Council so long as the following conditions are met:

1. A recorded cross-access parking agreement
2. CORPUD approved permits and payment of CORPUD fees
3. Proof of the following must be provided to the Town of Garner prior to issuance of Certificate of Occupancy:

Recordation with Wake County Register of Deeds of O&M and Memorandum of Agreement for the SCM.

SCM certification and as-built drawings

Second: Mr. Fox

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

2. SUP-SP-19-15 Shady's – Jeremy Hitch is requesting special use site plan approval for a restaurant/bar. The site is located at 106 E. Main St. and can be further identified as Wake County PIN(s) 1711-72-2303 & 1711-72-1384.

Staff/Commission Discussion: Ms. Jones presented the staff report. There were questions/discussion regarding proposed signage, if there was any ADA parking in close proximity to the proposed project, what the requirements were for ADA parking, who was tracking all the use changes and associated parking needs of the downtown area, the fact that proposed project looks more like a restaurant than a private club, if the parking requirements are different for a restaurant versus private club, had some one from staff looked at the proposed project alongside the Kimberly Horn plan for Downtown, if there would be on dining table on the sidewalks out front, what does “fence where feasible” entail, had any outdoor entertainment been proposed, the lack of a neighborhood meeting, what kind of fencing is being proposed, and what the intended real use was in terms of private club or being open to the general public.

Applicant/Commission Discussion: Josh Whitaker, owner of the site spoke on behalf of the project. There were questions/discussion regarding being a private club versus open to the general public, the fencing limitations due to an existing easement, that no outdoor seating of any kind was being proposed, the ABC private club laws, if they intend to limit membership, what the plans were for the façade of the building, if there had been any discussion with Downtown Association regarding potential parking problems, what the occupancy of building was, and proposed hours of operation.

Ms. Barat asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Ms. Barat 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: Ms. Strindberg – to confirm staff’s findings in Section V of this report, that **SUP-SP-19-15, Shady** is in conformity with adopted town plans and polices so long as the following conditions are met:

1. Prior to certificate of occupancy, the existing lots must be recombined into a single lot of record

2. A 6-foot tall fence shall be installed along the rear property line where feasible as an alternative method of compliance for satisfying the perimeter buffer screening requirement

Second: Ms. Hogan

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

Mr. Blasco recused himself

3. CUP-SP-19-20 Briarhaven Property – Briarhaven Properties, LLC is requesting a conditional use site plan approval for grading purposes only. The site is located at 100 Bricksteel Ln. and can be further identified as Wake County PIN 1730-30-7514.

Staff/Commission Discussion: Ms. Harper presented the staff report. There were questions/discussion regarding when the original public meeting was held, why the project was coming before the Commission at such an early stage, the reduction in the perimeter buffer, what mechanism was in place for additional screening, had there been outreach to the permitting agencies regarding the environmental features located on the property, how the proposed project meets the Garner Forward Plan with no sidewalks, concerns with grading and the filling in of existing wetlands, that there was no legend on the site plan, and potential settling issues with filling in the existing wetlands.

Applicant/Commission Discussion: Keith Roberts, with Timmons Group, spoke on behalf of the project. There were questions/discussion regarding the elevation changes of the site, the filling in of the wetlands, the potential need for the site to be regraded in the future, the need to leave larger buffers since future use is unknown, and if the proposed grading would impact future installation of sidewalks along the property.

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

RESULT: Recommend Approval to Town Council [4-1]

Motion: Ms. Hogan – I move to confirm staff’s finding in Section V of this report, that **CUP-SP-19-20 Briarhaven**, is in conformity with adopted town plans and policies and recommend approval to Town Council.

Second: Ms. Strindberg

VOTE: Aye: Strindberg, Barat, Fox, Hogan

Nay: Moua

B. Conditional Use Rezoning and Conditional Use Site Plan Request:

1. **CUD-Z-19-02 Centro Christiano Church-** Centro Christiano Jesus Rey, Inc. is requesting a conditional use rezoning from Single-Family Residential (R-12) to Neighborhood Office (NO C-215) Conditional Use. A companion conditional use site plan accompanies this conditional use rezoning request.

Staff/Commission Discussion:, Mr. Bamford presented the staff report. There were questions/discussion regarding concerns about changing the future land use map, if there were other alternatives considered instead of a rezoning, the ability of existing buildings to meet set back requirements, the potential for the property to be used as an office in the future, the reasons why the previous rezoning for the property was denied, and if the need for an office was the driving reason behind the rezoning,

Applicant/Commission Discussion: Brian Leonard, with BRL Engineering and Surveying spoke on behalf of the project. There were no questions for Mr. Leonard regarding zoning.

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

After the motion there was additional discussion regarding the need for a rezoning versus going before the Board of Adjustment.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Ms. Hogan – I move that the Planning Commission 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-19-02 Centro Christiano Church to Town Council, along with a simultaneous amendment to the Garner Forward Land Use Map re-designating the site from “Medium-Density Residential” to “Civic & Institutional”

Second: Mr. Blasco

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

- **CUP-SP-19-05 Centro Christiano Church** – Centro Christiano Jesus Rey, Inc. is requesting conditional use site plan approval for the parking lot addition at Centro Christiano Church. The 1.14-acre site is located at 600, 602, & 604 St. Mary’s St. and can be further identified as Wake County PIN(s) **1711-41-4397, 1711-41-4289, and 1711-41-4252.**

Staff/Commission Discussion: Ms. Jones presented the staff report. There were questions/discussion regarding the fact that there are no proposed sidewalks along Sunset, the proposed dead-end parking lot design, that the UDO calls for sidewalk on

one side and the latest Town roadway standard detail specifies sidewalks on both sides of local streets, if the Town was exacting too much from the developer in terms of putting sidewalks along St. Mary's St., the challenge of the existing transmission lines in regards to sidewalks, if the driveway off Sunset would be eliminated, concerns that the proposed planting schedule will not interfere with the transmission lines, and the additional set back proposed for the sidewalk along St. Mary's Street.

Applicant/Commission Discussion: Brian Leonard, with BRL Engineering and Surveying spoke on behalf of the project. There were questions/discussion regarding the parking lot design, the buffer between proposed sidewalks and existing utilities, how the existing driveways will be used, if reducing the proposed bay lengths and wheel stops was an option, if wheel stops could be moved to the edge of pavement, if there were plans to retain the driveway on Sunset, the attendance of neighborhood meeting, if any concerns were brought up at the neighborhood meeting, and what the long range plan for the site was.

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

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Ms. Hogan – I move that the Planning Commission confirm staff's findings in Section VII that CUP-SP-19-05, Centro Christiano Jesus Rey, is in conformity with 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
2. All 3 lots must be recombined prior to issuance of first building permit

Second: Mr. Fox

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

Reports

A. Planning Director

Mr. Triezenberg updated the Planning Commission on items that were approved by Council since the last Planning Commission meeting, including **UDO-19-03 Bar, Night Club, and Tavern Use** and **CUP-SB-19-02 Thompson Business Park**. Mr. Triezenberg also noted that the developer of **CUP-SB-19-01 Kennedy Ridge** was granted a waiver on the resubmittal time by Council, that Stewart Engineering had been selected for the UDO rewrite, that the Town was currently undergoing contract review, that nominations for the UDO Steering Committee would be on the November agenda.

Lastly, Mr. Triezenberg introduced the new Transportation Planner, Gaby Lontos-Lawlor.

There was discussion regarding if the motions have previously been on the presentation or just in the packet, if the commission could have hard copies of updated conditions, how other local municipalities were dealing with similar growing pains, if there was an update on the Publix Project, if there was any potential new tenant for the old Kroger, when Amazon and Abberly Solaire Apartments would be opening along with associated roadway improvements to Jones Sausage Road, and the chain link fencing along Timber Dr.

Planning Commission

No Report.

VI. Adjournment

Having no further matters to discuss, the meeting was adjourned at 9:15 PM.