



November 18, 2019 7:00 PM
Town of Garner Planning Commission Minutes
Town Council Chambers
900 7th Avenue · Garner, North Carolina 27529

I. Call to Order

Ms. Barat called the regular meeting of the Town of Garner Planning Commission to order at 7:00 p.m. on Monday, November 18, 2019 in the Town Council chambers.

II. Roll Call

The Secretary conducted the roll call.

Members present: 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, and Ms. Elisabeth Webster, Planning Technician

III. Invocation

Mr. Fox gave the invocation.

IV. Minutes

Regular Meeting Minutes October 21, 2019 – Ms. Hogan made a motion to approve the minutes of the August 19, 2019 meeting as amended by Mr. Fox and Ms. Barat; seconded by Ms. Strindberg. The vote to approve was unanimous.

V. Old/New Business:

A. Nominations for UDO Rewrite Steering Committee

Ms. Barat opened the floor for nominations.

Jon Blasco was nominated by Ms. Hogan and seconded by Ms. Strindberg.

Vang Moua was nominated by Mr. Fox and seconded by Ms. Hogan

Dean Fox was nominated by Ms. Barat and seconded by Ms. Hogan

B. General Use Rezoning:

1. Z 19-05 E Garner Road- Crystal Buehler is requesting rezoning of 0.78 acres at the northeast corner of E Garner Rd. and Auburn-Knightdale Rd. The existing zoning is Single-Family Residential (R-20), and the requested zoning is Neighborhood Office (NO). The site can be further identified as Wake County PIN(s) **1730377432 and 1730376391.**

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding why a previous rezoning case was denied, uses would still be permitted such as family care home, group care home, intermediate care home, medical office, and other office, irrigation issues, whether the structures erected would be permanent or temporary, why no neighborhood meeting was held, and if permanent structures would have to come back to the Town for site plan approval.

Applicant/Commission Discussion: Crystal Buehler, the applicant for the project, spoke on behalf of the project. There were questions/discussion regarding what items would be sold, what was the relationship between the applicant and Elizabeth Ashley who was listed as the owner, if there were any plans for utility connection, and how many days a week would the market be open.

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 accept the staff statements regarding consistency with the *Garner Forward Comprehensive Plan*, being detailed in Section V of this report, as their own; and recommend approval of **Z-19-05** to Town Council.

Second: Mr. Fox

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

C. Planned Development Rezoning with Planned Development Master Plan:

1. PD-Z-19-01 Georgia’s Landing – Forsyth Investment Company, LLC is requesting planned development rezoning from Single-Family Residential-40 (R-40) to Planned Residential Development (PRD C-6) Conditional Use. A companion planned development master plan accompanies this planned development rezoning request.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding if there had been any discussion with the applicant about keeping the density consistent with the Land Use Plan, why was a PRD chosen instead of PUD for the project which would be more consistent with the Land Use Plan, had there been any discussion about proposed building materials, if all the conditions listed in the booklet were applicable zoning conditions, the lack of a specific zoning condition regarding minimum house size, if a Traffic Impact Analysis (TIA) was completed for the project, and the history of the general area.

Applicant/Commission Discussion: Mr. Randy Herman with The Banks Law Firm and Mr. Brad Hart with WithersRavenel, Inc. spoke on behalf of the project. There were no questions/discussion 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. There was additional discussion regarding the proposed zoning conditions as well as the unknowns of the proposed project such as setbacks and sewer easements, if some of the unknowns could be hashed out if the project was put on hold, and the proposed lot size.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Ms. Hogan – I move that the Planning Commission accept the 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 **PD-Z-19-01 Georgia’s Landing** to the Town Council.

Second: Ms. Strindberg

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

- **PD-MP-19-01 Georgia’s Landing** – Forsyth Investment Company, LLC is requesting a planned development master plan approval for a residential development containing 420 units. The site is located at 2505, 2605 Simpkins Rd, and 6104 Fayetteville Rd and can be further identified as Wake County PINs **0790-49-1371, 0709-49-7258, and 0709-05-83066.**

Staff/Commission Discussion: Ms. Stacy Harper presented the staff report. There were questions/discussion regarding if there was traffic study conducted, concerns about traffic generated by new development, what were the road improvements

recommended by the TIA, connections to all adjoining neighborhood street and their close proximity to one another, if traffic calming measures had been discussed, if the project was a single-phase project, if staff would be able put conditions on the project if it came back with a different phasing plan, what factors go into deciding how many additional unit are can be added, and the proposed maximum height of 45 feet.

Applicant/Commission Discussion: Mr. Randy Herman with The Banks Law Office, Brad Hart and Arnaldo Echevarria with WithersRavenel, Inc. and Mr. Gordon Poulson with Forsyth Investments spoke on behalf of the project. There were questions/discussion regarding the status of the sewer force main extension, building materials mentioned in the site-specific conditions, how much of the Phillips Farm Horse Pasture property will be built on, potential price points, anticipated time frames, had there been discussion with City of Raleigh regarding the proposed sewer force main and pump station, what thoughts went into traffic calming measures to discourage cut throughs, was any push back received at the neighborhood meeting, if the building materials had been chosen for the rear and sides of each unit, and if the developer was agreeable to increasing the proposed side setbacks.

Ms. Barat asked if there were any proponents or opponents wanting to speak on this matter. Sherri Phillips, the current property owner spoke in favor of the proposed project.

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

Motion: Ms. Hogan– to confirm staff’s findings in Section VII of this report, that **PD-MP-19-01 Georgia’s Landing**, is in conformity with adopted town plans and polices 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, a fee-in-lieu of park land dedication shall be paid to the Town of Garner;
5. Prior to recordation of the final plat including the 401 frontage, a fee-in-lieu of street and sidewalk construction shall be paid to the Town of Garner;
6. Prior to recordation of the final plat for the second phase or prior to the expiration of an 18-month period following recordation of the first final plat, whichever occurs first, the neighborhood recreation amenity area shall be completed; and
7. The developer shall be responsible for all roadway improvements required by NCDOT.

Second: Mr. Fox

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

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

1. CUP-SP-19-18 Advance Concrete – Advance Concrete is requesting a conditional use site plan approval for an office/warehouse space. The site is located at 4500 Waterfield Dr. and can be further identified as Wake County PIN **1720-84-3576**.

Staff/Commission Discussion: Ms. Jones presented the staff report. There were questions/discussion regarding if the developer had the option to reduce the buffers and if there would be handicap accessible parking.

Applicant/Commission Discussion: Julie Gavaghan and Sharon Scrogegin with Hager Smith Design, spoke on behalf of the project. There were questions/discussion regarding if the proposed project was going to be a production facility.

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. Strindberg– I move to confirm staff’s finding in Section V of this report, that **CUP-SP-19-18 Advance Concrete**, is in conformity with adopted town plans and policies and recommend approval to Town Council 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 issuance of the first building permit, all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department; and
3. Prior to issuance of the first building permit, an annexation petition must be submitted to the Planning Department.

Second: Mr. Fox

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

2. CUP-SP-19-19 White Oak NW Medical Office

Staff/Commission Discussion: Ms. Jones presented the staff report. There were questions/discussion regarding the 53 shared parking spots and lack of sidewalk along Eagle Winged Way.

Applicant/Commission Discussion: Josh Teague with RES Partners, Inc. spoke on behalf of the project. There were questions/discussion regarding if the developer had a cross assess agreement for the proposed site and who the end user of the site will be.

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. There was additional discussion regarding the clarification of the third condition.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Fox – I move that the Planning Commission confirm staffs' findings in Section V of this report, that CUP-SP-19-19 White Oak Northwest Medical Office 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 of Garner;
2. Prior to issuance of the first building permit, all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department
3. Prior to certificate of occupancy, a shared parking agreement and cross access between the medical office and adjacent proposed hotel shall be recorded.
4. Prior to certificate of occupancy, the cross asses agreement shall be recorded.

Second: Ms. Hogan

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

3. CUP-SP-19-26 Waterfield Ridge Apartments

Staff/Commission Discussion: Ms. Jones presented the staff report. There were questions/discussion regarding discrepancies in the number of parking spaces, where did the number of required parking spaces come from, and if fee-in-lieu for sidewalk will be collected.

Applicant/Commission Discussion: Mr. Graham Smith with Site Collaborative and Steve Simpson spoke on behalf of the project. There were questions/discussion regarding the proposed size of the apartments, potential price points, history of similar apartments nearby, road improvements recommend in the TIA, and if there was any thought put into transit near the site.

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 V, that **CUP-SP-19-26 Waterfield Ridge Apartments**, 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 of Garner;
2. Prior to issuance of the first building permit, all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department;
3. Prior to issuance of the first building permit, an annexation petition must be submitted to the Planning Department; and
4. Prior to issuance of each building permit, a fee-in-lieu of park land dedication must be paid to the Town of Garner.
5. Prior to issuance of the first building permit, a fee-in-lieu for the portion of sidewalk that is not being constructing as part of this project must be paid to the Town of Garner.

Second: Mr. Fox

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

Reports

A. Planning Director

Mr. Triezenberg updated the commission regarding the I-540 plans' for bike and pedestrian accommodations, that the UDO rewrite contract was executed by Council, recent approvals by Council including CUP-SP-19-05 Centro Christiano Church, SUP-SP-19-16 R&S Mechanical, SUP-SP-19-15 Shady's, and CUP-SP-19-20 Briarhaven Property, that the Amazon sponsored road widening along Jones Sausage will be starting, and an update on the fence along Timber Dr.

There was discussion regarding the swearing in of the new Town Council members, and the changes staff made to PD-MP-19-02 Bethel prior to its consideration at the 11/19/2019 Town Council Meeting.

Planning Commission

No Report.

VI. Adjournment

Having no further matters to discuss, the meeting was adjourned at 10:33 PM.