



July 20, 2020 7:00 PM
Town of Garner Planning Commission Minutes
Council Meeting Room
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, July 20, 2020.

II. Roll Call

The Secretary conducted the roll call.

Members present: Vice Chair Barbara Barat, Jon Blasco, Vang Moua, Dean Fox and Vira Hogan

Staff in attendance: Mr. Jeff Triezenberg, Planning Direction; Mr. David Bamford, Planning Services Manager; Ms. Stacy Harper, Principal Planner; Ms. Alison Jones, Planner II; Ms. Gabbi Lontos-Lawlor, Transportation Planner and Ms. Elisabeth Webster, Planner I.

III. Invocation

Ms. Barat gave the invocation.

IV. Induction of New Members

Ms. Barat swore in Mr. Phillip Jefferson and Mr. Michael Voiland.

V. Election of Officers

Ms. Barat called for a motion for nominations for Chairman.

Mr. Fox nominated **Mr. Blasco**

Ms. Hogan seconded the nomination

Vote: unanimous

Ms. Barat called for a motion for nominations for Vice Chairman.

Ms. Hogan nominated **Mr. Moua**

Mr. Blasco seconded the nomination

Vote: unanimous

VI. Minutes

Regular Meeting Minutes June 15, 2020 – Ms. Hogan made a motion to approve the minutes of the June 15,2020 meeting, seconded by Mr. Jefferson. The vote to approve was unanimous.

V. Old/New Business:

A. Conditional Use Site Plan Request:

CUP-SP-20-02RG Communications – WithersRavenel is requesting conditional use approval for an office/warehouse space specially classified as “Light Industrial, Flex Space” use. The site is located at 3965 Junction Blvd. and can be further identified as Wake County PIN **1701-19-6155**.

Staff/Commission Discussion: Ms. Jones presented the staff report. There were questions/discussion regarding if staff was comfortable with the proximity of the building to Junction Blvd., why the setbacks for the proposed site were not consistent with the building setbacks of recently approved developments on the other corner of the intersection, if staff had asked the developer to utilize the existing joint access driveway serving the shopping center east of the proposed site, the location of the proposed driveway onto Garner Station Blvd. and its proximity to the intersection of Junction Blvd., if the proposed sidewalks along Garner Station Blvd. fit within the existing right of way, and if there had been any discussion about widening the planting strip to the standard five feet.

Applicant/Commission Discussion: The applicant was not present.

Mr. Blasco asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Blasco 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 staffs’ findings in Section V of this report, that **CUP-SP-20-02 RG Communications** is in conformity with adopted town plans and policies so long as the following conditions are met:

1. Prior issuance of building permit payment of Engineering Inspection Fees shall be paid to the Town of Garner.
2. Prior to issuance of a building permit, payment of Public Utilities Fees shall be paid to the City of Raleigh.
3. Prior to issuance of a building permit, a nitrogen offset payment is required.
4. Prior to issuance of a Certificate of Occupancy, the Stormwater Control Measures maintenance plan and associated Memorandum of

Agreement shall be approved and recorded with the Wake County Register of Deeds.

Second: Mr. Voiland

VOTE: Aye: Blasco, Jefferson, Voiland, Hogan, Fox and Moua

B. Conditional Use Rezoning & Conditional Subdivision Plan Request:

CUD-Z-20-02 Kennedy Ridge – Timmons Group is requesting to rezone 16.499 +/- acres from Single-Family Residential (R-40) to Multi-Family (MF-1 C227) Conditional Use. A conditional use subdivision plan accompanies this request.

****Mr. Blasco Recused himself from CUD-Z-20-02 & CUP-SB-20-02****

Staff/Commission Discussion: Staff informed the Commission that the developer and applicant were not present.

RESULT: Recommend to hold off on hearing cases CUD-Z-20-02 & CUP-SB-20-02 Kennedy Ridge until the August Meeting [UNANIMOUS]

Motion: Mr. Fox

Second: Ms. Hogan

VOTE: Aye: Jefferson, Voiland, Hogan, Fox and Moua

CUD-Z-20-05 2237 US 70 Industrial – Al. Neyer – Justin Parker is requesting to rezone 13.29 +/- acres from Light Industrial (I-1) to Service Business (SB C230) Conditional Use. A previously approved site plan accompanies this request.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding if the Commission would get involved in site plan approval over parking, the differences in the site plan as it relates to the rezoning case, concerns over the proposed industrial operations use, if it was possible to get additional landscaping, and concerns with gaps in the current landscaping.

Applicant/Commission Discussion: Justin Parker with Al. Neyer and Mike Cane with Capital Civil Engineering spoke on behalf of the project. There were questions/discussion regarding the intended use, and concerns with some of the proposed uses being adjacent to existing residential properties.

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

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Fox – 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 **CUD-Z-20-05 2237 US 70 Industrial** to Town Council

Second: Ms. Hogan

VOTE: Aye: Hogan, Jefferson, Voiland, Fox, Blasco and Moua

- **CUP-SP-20-05 2237 US 70 Industrial** – Al. Neyer – Justin Park received site plan approval for Light Industrial, Flex Space (warehouse/flex space) on March 11, 2019. The site is located at 2301 & 2337 US HWY 70 E. The site can be further identified as Wake County PIN(s) **1730-93-9155 & 1730-94-6013**.

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

Applicant/Commission Discussion: Justin Parker with Al. Neyer and Mike Cane with Capital Civil Engineering spoke on behalf of the project. There were questions/discussion regarding if the applicant would be agreeable to supplementing the landscaping between the residential properties and the proposed site.

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

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Fox – I move that the Planning Commission confirm staffs’ findings in Section VII of this report, that **CUP-SP-20-05 2337 US 70 Industrial** is in conformity with adopted town plans and policies.

Second: Ms. Hogan

VOTE: Aye: Blasco, Jefferson, Voiland, Fox, Hogan, and Moua

C. Planned Development Rezoning with Planned Development Master Plan:

PD-Z-19-05 Edge of Auburn – Joseph Conlan is requesting to rezone 298.5 +/- acres from Wake County Single-Family Residential-30 (R-30) to Planned Residential

Development (PRD C10) 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 the re-alignment of Old Buncombe Rd., whose Storm Water Administrator would be handing the project, why there were no minimum lot size requirements in any of the zoning conditions, why there was no masonry requirements in any of the zoning conditions, why only one window was require per house side, if it was possible to reduce or eliminate “Product A,” concerns with keeping the different textures of the facades of the homes, and what would happen to the conditions if another developer purchased the project after it had been approved.

Applicant/Commission Discussion: Collier Marsh with Parker, Poe, Adams & Bernstein, Tim Legend with Lennar Homes, Ryan Akers with Mc Adams Engineering, and Earl Lewellyn with Kimley-Horn spoke on behalf of the project. There were no questions/discussion regarding the rezoning for the applicant.

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

After the motion and the second there was additional discussion with the one window per side zoning condition and to leave the riparian buffer areas to the bare minimum an opportunity for views.

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-19-05 Edge of Auburn** to Town Council .

Second: Mr. Voiland

VOTE: Aye: Hogan, Jefferson, Voiland, Fox, Blasco and Moua

- **PD-MP-19-05 Edge of Auburn** – Joseph Conlan is requesting planned development approval for a development containing approximately 202 townhouses and 696 single-family detached residences. The site is located at the southeast corner of Rock Quarry Rd. and Old Baucom Rd. and can be further identified as Wake County PIN(s) **1740-28-4951, 1740-17-4496, 1740-47-0086, 1740-27-8010.**

Staff/Commission Discussion: Ms. Griffin presented the staff report. There were questions/discussion regarding the whether there had been any discussion with NC DOT regarding improvements to the intersection at Rock Quarry Rd., and East

Garner Rd., existing traffic congestion in the area, was there any idea what the traffic from the future I-540 would do the intersection of Old Buncombe Rd., if staff had any concerns with the amount of riparian buffers located on site, concerns with potential run off from the proposed site, if staff had any concerns over the depth of proposed storm water devices, and where the mail kiosk would be located.

Applicant/Commission Discussion: Collier Marsh with Parker, Poe, Adams & Bernstein, Tim Legend with Lennar Homes, Ryan Akers with Mc Adams Engineering, and Earl Lewellyn with Kimley-Horn spoke on behalf of the project. There were questions/discussion regarding if the proposed 8 storm water ponds included the natural pond already located on site, why the proposed site plans did not show the standing water that was seen on aerial images of the proposed site, would any additional mitigation measures be required near the dog park to prevent nutrient enrichment to the surrounding environmental features, concerns about proposed alterations to the natural drainage of the site, the length of the proposed driveways of the rear loaded homes, the location of proposed access points to future and existing green-way trails, would the proposed green-way trails be compacted gravel or paved, who would maintain the proposed trails, was there thought into to providing the townhouses with access to the green-way trails as a way to get to the main neighborhood park, concerns about how useful some of the smaller open spaces would actually be, why specific road improvements that were suggested in the TIA and by NC DOT Congestion Management were not shown in the plans, what was the developer doing to match their road improvements up with the proposed re-alignment of Old Buncombe Rd., the need for the developer to dedicate some type of easement on both sides of the proposed road to account future road improvements by NC DOT, was the developer going to re-align the intersection of Rock Quarry Rd., and Garner Rd., concerns with on street parking on the proposed collector streets, concerns about having four driveways leading into one parking lot, concerns with proposed grading in the 25-foot undisturbed buffer, was the developer planning on installing a median along Rock Quarry Rd., why the plans showed a side walk where the booklet mentions a multi-use path along Rock Quarry Rd., if anyone from the neighborhood meeting expressed concerns about the traffic coming from the proposed development onto Stoney Creek Rd., concerns about the proximity of the street connection between the townhouses and single-family homes to Rock Quarry Rd., and had the developer addressed potential traffic cutting through the adjacent development to get to East Garner Rd.

Mr. Blasco asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Blasco 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 staffs’ findings in Section VII of this report, that **PD-MP-19-05 Edge of Auburn** is in conformity with adopted town plans and policies so long as the following conditions are met:

1. 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. 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. The Main Amenity shall begin construction upon receiving the Certificate of Occupancy on the model homes in Phase 1 and shall be completed within 18 months;
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; 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;
5. Prior to the recording of the final plat for each phase, amenities in the preceding phase shall be complete; and prior to the issuance of the first certificate of occupancy in the final phase, amenities in said final phase shall be complete;
6. 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
7. The developer shall be responsible for all roadway improvements required by NCDOT.

Second: **Mr. Jefferson**

VOTE: **Aye: Blasco, Fox, Voiland, Jefferson Hogan, and Moua**

VII. Reports

A. Planning Director

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Mr. Triezenberg thanked the Commission for coming out. Mr. Triezenberg updated the Commission on plans and annexations approved by Council since their last meeting, the upcoming UDO steering committee meetings, and the joint Planning Commission and Town Council Meeting at the August Town Council Work Session to discuss the UDO rewrite including the 160D updates.

Ms. Lontos-Lawlor updated the Commission on the Garner-Transit Study.

B. Planning Commission

Mr. Fox asked if anyone would be willing to take his place on the UDO Steering Committee.

VIII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 10:01 PM.