



August 17, 2020 7:00 PM
Town of Garner Planning Commission Minutes
Council Meeting Room
900 7th Avenue · Garner, North Carolina 27529

I. Call to Order

Mr. Blasco called the regular meeting of the Town of Garner Planning Commission to order at 7:05 p.m. on Monday, August 17, 2020.

II. Roll Call

The Secretary conducted the roll call.

Members present: Jon Blasco, Chairman; Vang Moua, Vice Chairman; Vira Hogan, Michael Voiland, and Phillip Jefferson

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

III. Invocation

Ms. Hogan gave the invocation.

IV. Minutes

Regular Meeting Minutes July 20, 2020 – Ms. Hogan made a motion to approve the minutes of the July 20, 2020 meeting as amended by Mr. Blasco, seconded by Mr. Voiland. The vote to approve was unanimous.

**** Mr. Blasco recused himself from all cases ****

V. Old/New Business:

A. Conditional Use Rezoning & Conditional Use Site 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.

Staff/Commission Discussion: Mr. Bamford presented the staff report. There were questions/discussion regarding the landscaping berm referenced in condition 11, the rear patio size referenced in condition 13,

Applicant/Commission Discussion: Jay Colvin, with Dan Ryan Builders spoke on behalf of the project. There were no questions regarding zoning for the applicant.

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

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

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 **CUD-Z-20-02 Kennedy Ridge** to Town Council

Second: Ms. Mr. Voiland

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

CUP-SB-20-02 Kennedy Ridge – Timmons Group is requesting conditional use approval for a subdivision for a 64-unit townhomes development. The site is located at 605 Creech Rd. and can be further identified as Wake County PIN(s) **1711-76-8003 & 1711-75-1835**.

Staff/Commission Discussion: Ms. Harper presented the staff report. There were questions/discussion regarding how the site will impact storm water to the west of the proposed site,

Applicant/Commission Discussion: Jay Colvin, with Dan Ryan Builders spoke on behalf of the project. There were questions/discussion regarding if there been a calculation done for exactly how much storm water will encroach into existing system, the location of the south most retention pond, if the one wet retention device was serving both quantity and quality function, who will maintain the retention devices, would the Town manage the additional storm-water impacts to the surrounding creek, the proposed control measure to ensure rising creeks do not impact properties along the western border, if the proposed development will tie into the existing sewer line, if the existing eight inch sewer line going to be able to meet the needs of the proposed development, if there were plans to develop the property north of the proposed site, was the development to the north included in the traffic study for this project, how many trips the proposed development will generate, how much traffic will the proposed project potentially impact Creed Rd., and the proposed existing tree cover.

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

Tim Holton, 211 Longview St. spoke in opposition of the project. Mr. Holton voiced his concern about the proposed development not being in line with the Garner Forward Plan.

Mr. Moua brought the matter back to the table for additional discussion/motion.

RESULT: Recommend Approval to Town Council

Motion: **Mr. Voiland** – I move that the Planning Commission confirm staffs' findings in Section V of this report, that **CUP-SB-20-02 Kennedy Ridge** 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 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; and
5. The developer shall be responsible for all roadway improvements required by NCDOT.

Second: **Ms. Hogan**

VOTE: **Aye: Voiland, Hogan, Moua**

Naye: Jefferson

B. Planned Development Rezoning with Planned Development Master Plan:

PD-Z-20-01 US 401 Assemblage – RST Development, LLC is requesting to rezone 277.46 +/- acres from Single-Family Residential (R-40) to Planned Residential

Development (PRD C11) 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 when previous traffic counts were performed, numbers used in the TIA, if the TIA present included all phases of the proposed project, how did Town staff end up at 60% deviation from current setbacks, why the HOA was not part of the zoning conditions, the number of conditions, discrepancies with the max density presented in the PRD request and the booklet,

Applicant/Commission Discussion: spoke on behalf of the project. There were no questions/discussion regarding the rezoning for the applicant.

Mr. Moua asked if there were any proponents or opponents wanting to speak on this matter. Hearing none, Mr. Moua 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 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-20-01 US 401 Assemblage** to Town Council .

Second: Mr. Voiland

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

- **PD- MP-20-01 US 401 Assemblage** – RST Development, LLC is requesting planned development approval for a development containing approximately 500 apartments, 455 townhouses and 285 single-family detached homes. The site is located northeast of the intersection of Fayetteville Road and Caddy Road, and can be further identified as Wake County PIN(s) **0790-30-1714, 0790-41-7331, 0790-40-3331, & 0790-51-8243.**

Staff/Commission Discussion: Ms. Griffin presented the staff report. There were questions/discussion regarding the connectivity of the proposed greenway trails, the storm water devices following the blue line stream, if the existing trees located in the buffers will remain untouched, setbacks along the railroad and the development, if the buffer along the railroad is adequate, the open space located southwest of the railroad, the 25-foot setback boarding the existing Eagle Ridge Subdivision, if Town staff had any concerns with amount of construction and construction trucks on existing roads, concerns about the Town having to maintain the proposed roads, proposed roads, proposed roads, proposed roads, if there were any intended rentals for the townhomes and apartments, and a discrepancy

between the number of retention ponds on the physical plans versus the slides and staff report.

Applicant/Commission Discussion: Keith Roberts with Timmons Group, Jeff Hochanadel with Timmons Group and Scott Copeland with RST Development spoke on behalf of the project. There were questions/discussion regarding the number of driveways presented in the TIA and what the recreation crossings will protect the existing streams and wetlands.

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

Mr. Bruce Whitman with the Brookwood neighborhood spoke against the project. Mr. Whitman expressed concerns regarding the additional traffic, that the Brookwood neighborhood does not want any stubs into their neighborhood, the timing of the proposed upgrades to US 401, and concerns with construction noise.

Ms. Laura Lauricella, 2101 Woodnell Dr. also spoke in opposition of the project. She voiced concerns about flooding and erosion to Brookwood, if it was possible to increase the buffer between the proposed project and the Brookwood neighborhood, concerns about traffic, and concerns about the proposed stub out into Brookwood.

Mr. Moua brought the matter back to the table for additional discussion/motion.

Mr. Moua invited the applicant to address the concerns of voiced by the opposition.

Beth Blackmon and Keith Roberts with Timmons Group spoke on behalf of the applicant. Ms. Blackmon addressed the buffer concerns, Mr. Roberts address the storm water concerns and traffic concerns.

RESULT: Recommend Approval to Town Council [UNANIMOUS]

Motion: Mr. Jefferson – I move that the Planning Commission confirm staffs' findings in Section VII of this report, that **PD-MP-20-01 US 401 Assemblage** is in conformity with adopted town plans and policies with the understanding that staff and the applicant will continue to have discussion with the residents of Brookwood neighborhood and 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 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
6. The developer shall be responsible for all roadway improvements required by NCDOT.
- Second: Ms. Hogan**
- VOTE: Aye: Voiland, Jefferson, Hogan, and Moua**

V. Reports

A. Planning Director

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 joint Planning Commission and Town Council Meeting at the August Town Council Work Session to discuss the UDO rewrite including the 160D updates.

B. Planning Commission

Mr. Blasco asked about the Town sidewalk standards. Mr. Blasco also voiced concerns about continuing to have in person meetings due to COVID-19. Mr. Moua also voiced concerns about having in person meeting. Mr. Blasco voiced concerns about the public input with virtual meetings. Mr. Moua asked staff the rules regarding calling fellow commission member to discuss the cases.

VI. Adjournment



Having no further matters to discuss, the meeting was adjourned at 10:31 PM.