



March 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

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

II. Roll Call

The Secretary conducted the roll call.

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

Staff in attendance: David Bamford, Planning Service Manager; Mr. Het Patel, Senior Planner; Mrs. Stacy Harper, Principal Planner and Ms. Elisabeth Webster, Planning Technician

III. Invocation

Mr. Hunnicutt gave the invocation.

IV. Minutes

Regular Meeting December 11, 2018 – Mr. Hunnicutt made a motion to approve the minutes of the February 18, 2018 meeting as amended by Mr. Fox; seconded by Ms. Hogan. The vote was unanimous.

V. Old/New Business:

A. General Use Rezoning

Z-18-06, Jordan Road & Benson Road – Harold & Sue Godwin are requesting general rezoning from Commercial Retail (CR) to Neighborhood Office (NO). The site is located at the intersection of Jordan Road and Benson Road and can be further identified as Wake County PIN **1618-38-8558**.

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

Applicant/Commission Discussion: Mr. Tim Godwin, owner of the property, came forward to speak to the Commission regarding the matter. Mr. Godwin stated that the land had been in his family for years and that he intends to build one, possibly two single family homes on the land.

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

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| RESULT: | Recommended Approval to Town Council [UNANIMOUS] |
| Motion: | Mr. Hunnicutt – to recommend approval of Z-18-06 , accepting staff’s statements regarding consistency with the Garner Forward Plan as their own, as detailed in Section IV of this report. |
| Seconded: | Ms. Barat |
| VOTE: | Aye: Barat, Hogan, Blasco, Fox, Hunnicutt, Strindberg, and Moua |

B. Conditional Use Rezoning with Conditional Use Site Plan/Subdivision Request:

CUD-Z-18-14 (C-213), Lager Lane – Tupelo Honey Land Development, LLC is requesting conditional use rezoning from Single-Family Residential (R-40) to Single-Family Residential Conditional Use (R-9 C213). A companion conditional use subdivision plan accompanies this conditional use rezoning request.

Staff/Commission Discussion: Mr. Patel presented the staff report. There were questions/discussion on the potential traffic impacts, number of lots planned, and why all uses were allowable.

Applicant/Commission Discussion: Mr. Keith Roberts with Timmons Group, 5410 Trinity Rd, Suite 102, Raleigh, NC 27607, spoke on behalf of the applicant. There were questions/discussion on pairing down some of the potential uses currently listed.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this matter. Residents of Vandora Pines expressed concerns about lack of conditions on the zoning, lack of public notification, impacts on traffic, water quality, wildlife, lot drainage, as well as impacts on the Vandora Pines neighborhood. There were questions/discussion regarding potential benefit of requiring the developer to hold a neighborhood meeting, the need to limit the proposed uses, and lot premiums paid by current Vandora Springs residents.

There was additional discussion regarding whether a neighborhood meeting should be required prior to the public hearing as well as the need to limit conditional uses prior to the public hearing.

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| RESULT: | Recommended Approval to Town Council [UNANIMOUS] |
| Motion: | Mr. Hunnicutt – to recommend approval of CUD-Z-18-14(C-213) , accepting staff’s statement regarding consistency with the Garner Forward Plan as their own, as detailed in Section IV of this report. |

Seconded: Ms. Strindberg

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

Recused: Blasco and Hogan

- **CUP-SB-18-10, Lager Lane** - Tupelo Honey Land Development, LLC is requesting conditional use subdivision plan approval for a 20-lot single family detached residential development. The 8-acre site is located at 200 Lager Lane and can be further identified as Wake County PIN **1700-44-1907**.

Staff/Commission Discussion: Mrs. Harper presented the staff report. There were questions/discussion regarding the notification that will be mailed out prior to the public hearing, safety of the intersection of Lager Lane and Vandora Springs Road, future connections of Lager Lane, maneuverability of emergency vehicles on Lager Lane, the jurisdiction of a stream which appeared to be located on site via Wake County iMAPS, the Max Residential Density, and reducing the range of proposed uses.

Applicant/Commission Discussion: Mr. Keith Roberts with Timmons Group, 5410 Trinity Rd, Suite 102, Raleigh, NC 27607, spoke on behalf of the application. There were questions/discussion regarding the proposed future use of the pond currently located on site, and the desire to stay consistent with surrounding zonings.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this matter. Wayne Baker with Tupelo Honey Land Development, LLC, 65 Glen Rd., Suite 122, Garner, spoke regarding the type, design, and price range of homes he intends to build. There were questions/discussion regarding the time line of the project, if the developer was agreeable to speak to homeowners, and why a neighborhood meeting was not held prior to project coming before Planning Commission.

RESULT: Finding of Subdivision Plan Conformity to Town Plans and Policies [UNANIMOUS]

Motion: Mr. Hunnicutt – to confirm staff’s findings that **CUP-SB-18-10** is in conformity with adopted town plans and policies so long as the conditions specified in Section VI of this report are met:

1. Prior to recordation of the first final plat, documents establishing a Homeowner’s Association and restrictive covenants shall be submitted to the Garner Planning Director for a courtesy review;
2. Prior to recordation of the first final plat, an annexation petition shall be submitted to the Garner Planning Department;
3. Prior to the issuance of the first building permit, the Stormwater Program Administrator shall be in receipt of proof of payment for

the required nitrogen offset payment to an approved mitigation bank; and

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.

Second: Ms. Barat

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

Recused: Blasco and Hogan

*Mr. Hunnicutt asked to excuse himself from the remainder of the meeting. *

C. Conditional Use Rezoning with Conditional Use Site Plan/Subdivision Request:

CUD-Z-18-13 (C-212), Sheetz at New Rand - LRC Development, LLC is requesting conditional use rezoning from Single-Family Residential (R-9) and Community Retail (CR) to Community Retail Conditional Use (CR C212). A companion conditional use site plan accompanies this conditional use rezoning request.

Staff/Commission Discussion: Mr. Patel presented the staff report. There were questions/discussion regarding if the houses currently located on site were occupied and if this request was the same request that had previously been before the Commission as an amendment to the Garner Forward Plan.

Applicant/Commission Discussion: Ms. Isabel Maddox, spoke on behalf of the applicant. Ms. Maddox emphasized staff's finding that the proposed rezoning was consistent with the Garner Forward Comprehensive Plan. Ms. Maddox also noted concerns brought up at the neighborhood meeting such as noise, light, and traffic. There were questions/discussion regarding location selection, adjacent properties, required buffers between uses, number of uses included in conditional use list, and other potential development options for the site if the rezoning passed and the site plan did not.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this matter. Mr. Ben Linthicum, owner of the site, spoke in support of the project. Mr. Linthicum stated that the proposed zoning fit with current surrounding zonings such as the ABC store and that the proposed project would provide a transition from US 70 to existing residential neighborhood located along New Rand Rd. Residents of New Rand Rd. expressed concerns about safety, additional traffic on New Rand Rd., fate of adjacent properties, type and size of required buffers, privacy of abutting properties, potential environmental issues, and potential effects on property value.

RESULT: Recommended Approval to Town Council [4-2]

Motion: Mr. Blasco – to recommend approval of **CUD-Z-18-13(C-212)**, accepting staffs’ statements regarding consistency with the Garner Forward Plan as their own, as detailed in Section IV of this report.

Second: Ms. Barat

VOTE: Aye: Barat, Fox, Blasco, and Moua
No: Hogan and Strindberg

- **CUP-SP-18-25, Sheetz at New Rand** - LRC Development, LLC is requesting conditional use site plan approval for a convenience store with fuel sales. The 2.2-acre site is located at 0, 203, 205, 207 and 209 New Rand Road and can be further identified as Wake County PIN(s) **1711-80-3521, 1711-80-3476, 1711-80-3403, 1711-80-4420, 1711-80-3255 and 1711-80-3341.**

Staff/Commission Discussion: Mrs. Harper presented the staff report. There were questions/discussion regarding improvements to be made to the typical section of US 70, potential for sidewalks, the proposed turn lane between existing ABC store and the proposed project, if traffic counts accounted for the future subdivision that is to be located further down New Rand Rd., proposed store hours, landscape requirements, lack of fencing around the bio retention area, connectivity with future side walk plans, potential turning restrictions along New Rand Rd., potential sight problems caused by elevation changes between the site and US 70, traffic conflicts caused by truck routes through the parking lot, and excess parking.

Applicant/Commission Discussion: Ms. Isabel Maddox spoke on behalf the applicant. She highlighted the site plan’s consistency with UDO requirements. Representatives for the applicant spoke about precautions taken by Sheetz to ensure environmental compliance, safety, site plan design, efforts taken to address noise concerns, and the results of the Traffic Impact Analysis (TIA) completed for the project. There were questions/discussion regarding number of potential jobs, changes made to the site plan based off the neighborhood meeting, efforts made to minimize light from the canopy, reason for the excess parking, the location of proposed light post, potential problems with the proposed full access left turn lane along New Rand, plans for eliminating music between 11 p.m. and 7 a.m., off-site trash pollution, the Town’s plan for New Rand/US 70 roadway improvements coordinating with Sheetz’s required improvements, and how the proposed project ties in to the Town’s current sidewalk projects.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this matter. Mr. Ben Linthicum, owner of the site, spoke in favor the site plan stating that location along US 70 was more suited for business than

residential. Residents of New Rand Rd. expressed concerns about increased traffic and street parking that occurs on New Rand during peak and holiday travel times.

RESULT: Finding of Site Plan in Conformity with Town Plans and Policies [4-2]

Motion: Mr. Blasco – to confirm staff’s findings that **CUP-SP-18-25** is in conformity with adopted town plans and policies so long as the conditions specified in Section VII of this report are met:

1. Prior to the issuance of the first building permit, the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank; and
2. The developer shall be responsible for all roadway improvements required by NCDOT.

Second: Mr. Fox

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

No: Hogan and Strindberg

D. Conditional Use Site Plan Request:

CUP-SP-18-24- KW Utilities – White Oak Associates is requesting conditional use site plan approval for other office and storage (including outdoor) uses. The site is located at 0 Bricksteel Lane and can be further identified by Wake County PIN **1730-50-3621**.

Staff/Commission Discussion: Mrs. Harper presented the staff report. There were no questions for staff.

Applicant/Commission Discussion: Mr. Chris Rurkowski with Tony Tate Landscape Architecture, PA, 5011 Southpark Dr., Suite 200, Durham, spoke on behalf of the applicant. Mr. Rurkowski gave a brief background on the site and briefly explained how the site was going to be developed.

Mr. Fox asked if there were any proponents or opponents wanting to speak on this matter. Seeing none, Mr. Fox brought the matter back to the table for a motion.

RESULT: Finding of Site Plan Conformity to Town Plans and Policies [UNANIMOUS]

Motion: Ms. Hogan – to confirm staff’s findings that **CUP-SP-18-24** is in conformity with adopted town plans and policies so long as the conditions specified in Section IV of this report are met:

1. Prior to the issuance of the first building permit, the Stormwater Program Administrator shall be in receipt of proof of payment for the required nitrogen offset payment to an approved mitigation bank.

Second: Ms. Strindberg

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

VI. Reports

A. Planning Director

No report.

B. Planning Commission

There was discussion on current efforts to fill vacant building, the status of Rand Village, the cut off for projects required to have neighborhood meetings, the status of various bridge replacement projects, the possibility of a turn only sign on White Oak near the shopping center, and if Byrd Scooters would be coming to Garner.

VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 11: 08PM.