



**April 15, 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, April 15, 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: Mr. Jeff Triezenberg, Planning Director; David Bamford, Planning Service Manager; Mrs. Stacy Harper, Principal Planner and Ms. Elisabeth Webster, Planning Technician

**III. Invocation**

Mrs. Barat gave the invocation.

**IV. Minutes**

**Regular Meeting March 18, 2019** – Mr. Blasco made a motion to approve the minutes of the March 18, 2018 meeting as amended by Mr. Fox; seconded by Ms. Hogan. The vote was unanimous.

**V. Old/New Business:**

**A. Text Amendment**

**UDO 19-01 – Bar, Nightclub, Tavern Use in the CBD** – UDO text amendment submitted by the Downtown Manager’s Office on behalf of Mr. Josh Whitaker to add Bar, Nightclub, Tavern to the list of permitted uses in the Central Business District (CBD) under certain additional standards.

**Staff/Commission Discussion:** Mr. Triezenberg presented the staff report. There were questions/comments regarding if a brewery would be allowed under the proposed use, the different food sale requirements associated with bars versus restaurants, and if establishments wanting to open down town would be able to meet the required level of food production considering the space limitations.

**Applicant/Commission Discussion:** Josh Whitaker spoke on behalf of the text amendment. Mr. Whitaker gave some background information and spoke about his intentions of opening a sports bar that served a limited menu with items such as brisket, ribs, etc. There were questions/comments regarding if Mr. Whitaker planned to have live entertainment, if neighbors had voiced any concerns, if there would be any outdoor seating, available parking for the proposed location, if proposed improvements along Main Street would affect the proposed site, if the special use site plan would have to come back before Planning Commission, if there were any concerns about emissions from the smoke stacks, and what level of recourse would the Planning Commission have when the special use site plan comes before Commission if the text amendment is approved tonight.

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. Mr. Blasco voiced concern that by the text amendment requiring a kitchen and food production it could potentially exclude other legitimate businesses wanting to open in the CBD, such as a brewery.

<b>RESULT:</b>	<b>Recommended Approval to Town Council [UNANIMOUS]</b>
<b>Motion:</b>	Mrs. Barat – to find the proposed amendment consistent with the Garner Forward Comprehensive Plan in that it helps to further promote “downtown’s reputation as the destination for local flavor and flair in Garner” and recommend approval of <b>UDO 19-01</b> to Town Council.
<b>Seconded:</b>	<b>Ms. Hogan</b>
<b>VOTE:</b>	<b>Aye: Barat, Hogan, Blasco, Fox, Hunnicutt, Strindberg, and Moua</b>

## B. General Use Rezoning

- Z-19-01** – New Hope Life, LLC is requesting a general use rezoning from Residential-20 (R-20) to Residential- 15 (R-15). The site is located at 699 New Rand Rd. and can be further identified as Wake County PIN **1710-87-0971**.

**Staff/Commission Discussion:** Mr. Bamford presented the staff report. There was a question regarding if a denser zoning had been considered for the property to allow for more flexibility for future uses.

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.

<b>RESULT:</b>	<b>Recommended Approval to Town Council [UNANIMOUS]</b>
<b>Motion:</b>	Ms. Hogan – to recommend approval of <b>Z-19-01</b> , accepting staff’s statements regarding consistency with the Garner Forward Plan as their own, as detailed in Section IV of this report.
<b>Seconded:</b>	<b>Ms. Strindberg</b>
<b>VOTE:</b>	<b>Aye: Barat, Hogan, Blasco, Fox, Hunnicutt, Strindberg, and Moua</b>

- Z-19-02** – Bobbit Design Build, Inc. is requesting a general use rezoning from Wake Residential-30 (Wake R-30) to Residential-20 (R-20). The site is located at 9013 Fanny Brown Rd. and can be further identified as Wake County PIN **0699-33-6725**.

**Staff/Commission Discussion:** Mr. Bamford presented the staff report. There were questions/comments regarding if there was a zoning district that would allow for a church with out having to amend the Garner Forward Comprehensive Plan and what was silviculture.

**Applicant/Commission Discussion:** Blair Pittman, site engineer for Church of Life, spoke on behalf of the rezoning. Mr. Pittman spoke to why the general use rezoning came before the Commission prior to the site plan. There were questions/comments regarding if the project was moving too far ahead of the site plan, if an annexation petition had been submitted to the Town, and if the applicant would be opposed to another zoning that would not require an amendment to the Garner Forward Comprehensive Plan.

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. There was an additional question regarding if the annexation petition should be a condition of approval.

<b>RESULT:</b>	<b>Recommended Approval to Town Council [UNANIMOUS]</b>
<b>Motion:</b>	Ms. Hogan – to recommend approval of <b>Z-19-2</b> , accepting staff’s statements regarding consistency with the Garner Forward Plan as their own, as detailed in Section IV of this report.
<b>Seconded:</b>	<b>Mr. Blasco</b>
<b>VOTE:</b>	<b>Aye: Barat, Hogan, Blasco, Fox, Hunnicutt, Strindberg, and Moua</b>

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

Mr. Blasco recused himself from the following case.

- CUD-Z-19-01 Pine Ridge Apartment** – Evergreen Construction Company is requesting conditional use rezoning from Community Retail (CR) to Multi-

Family 2 (MF-2). A companion conditional use site plan accompanies this conditional use rezoning request.

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

**Applicant/Commission Discussion:** Mr. Rick Baker with Timmons Group, 5410 Trinity Rd, Suite 102, Raleigh, NC 27607, spoke on behalf of the applicant. There were no questions/discussion regarding the conditional use rezoning portion.

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.

<b>RESULT:</b>	<b>Recommended Approval to Town Council [UNANIMOUS]</b>
<b>Motion:</b>	Ms. Hogan – to recommend approval of <b>CUD-Z-19-01 (MF-2 C-214)</b> , accepting staff’s statement regarding consistency with the Garner Forward Plan as their own, as detailed in Section IV of this report, along with a simultaneous amendment to the Garner-Forward Comprehensive Plan re-designating the site from “High-Density Residential” to “Multi-Family Residential”.
<b>Seconded:</b>	<b>Ms. Strindberg</b>
<b>VOTE:</b>	<b>Aye: Barat, Fox, Hunnicutt, Strindberg, Hogan and Moua</b>

- **CUP-SP-19-01 Pine Ridge Apartments** – Evergreen Construction Company is requesting a conditional use site plan approval for an apartment complex. The site is located at 4525 Fayetteville Road and can be further identified as Wake County PIN **1701-26-9118**.

**Staff/Commission Discussion:** Mrs. Harper presented the staff report. There were questions/discussion regarding the density of the neighboring apartment complex, if the town had discussed the possibility of extending sidewalk along Small Pine Drive to US-401, and traffic concerns at Small Pine Drive and US-401.

**Applicant/Commission Discussion:** Mr. Rick Baker with Timmons Group, 5410 Trinity Rd, Suite 102, Raleigh, NC 27607, spoke on behalf of the application. There were questions/discussion regarding why elevators were not included, had there been any outreach to surrounding property owners, was there intention to retain the heavy landscaping currently located on site, the safety of the proposed driveway alignment located on the southern parcel, if fences would be required around retaining walls, if there was a direct connection from the north side to the south side of the

property, if any type of traffic calming measures had been considered, what the average square footage of each proposed unit would be , and the what were the proposed heights of buildings.

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.

<b>RESULT:</b>	<b>Finding the Site Plan in Conformity with Town Plans and Policies [UNANIMOUS]</b>
<b>Motion:</b>	Ms. Hogan – to confirm staff’s findings, that <b>CUP-SP-19-01</b> is in conformity with adopted town plans and policies so long as the conditions specified in Section VII of this report are met:  <ol style="list-style-type: none"><li>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</li><li>2. Prior to the issuance of each building permit, a fee in lieu of park land dedication shall be paid to the Town of Garner.</li></ol>
<b>Second:</b>	<b>Ms. Strindberg</b>
<b>VOTE:</b>	<b>Aye: Barat, Fox, Strindberg, Hunnicutt, Hogan, and Moua</b>

## VI. Reports

### A. Planning Director

Mr. Triezenberg updated the Planning Commission on items that had been approved/denied by Town Council since the last Planning Commission Meeting. Approvals included the Neighborhood Meeting Text Amendment, K&W Utilities, and Lager Lane Subdivision. The Sheetz project had been denied. There was discussion regarding future text amendments that may come before the Commission, such as a fee-in-lieu for road improvements as well as the Rules of Procedure document.

### B. Planning Commission

There was discussion on the criteria for public hearings for the various types of projects that come before the Commission, why the minutes for the Planning Commission meetings had not been posted online since October of 2018, if staff can update the website to include the minutes, if there were any updates on the UDO rewrite, and the reason for the increase in number of general use rezoning cases that have come before the Commission.

## VII. Adjournment

Having no further matters to discuss, the meeting was adjourned at 9:54 PM.