



**November 12, 7:00 PM**  
**Town of Garner Planning Commission Minutes**  
**Council Meeting Room**  
**900 7th Avenue · Garner, North Carolina 27529**

**I. Call to Order**

Mr. Jefferson called the meeting to order at 7:00 PM.

**II. Roll Call**

The Secretary conducted the roll call for the meeting.

Members Present: Phillip Jefferson, Chair; Ralph Carson, Vice-Chair; Mariah Bishop; Jihan Hodges; and Michael Voiland.

Staff in attendance: Mr. Joseph Linsky, Planner II; Mr. John Hodges, Assistant Town Manager; Mr. David Talbert, Assistant Town Engineer; Ms. Terri Jones, Town Attorney; Mr. Jeff Triezenberg, Planning Director; and Ms. Erin Joseph, Assistant Planning Director.

**III. Invocation**

Mr. Jefferson gave the invocation.

**IV. Adoption of Agenda**

Mr. Voiland made a motion to adopt the agenda. The motion was seconded by Ms. Hodges. The vote to adopt the agenda was unanimously approved.

**V. Minutes**

**Regular Meeting minutes October 14, 2024** – Mr. Carson made a motion to approve the presented minutes of the October 14th meeting. The motion was seconded by Ms. Hodges. The vote to approve the minutes was unanimous.

**VI. Old/New Business**

- A. **CZ-MP-23-06, Poole Drive Commercial and Fuel Sales:** Tier 2 conditional rezoning request submitted by Rakesh Kumar, to rezone 1.88 +/- acres from Neighborhood Mixed Use (NMX) to Commercial Mixed Use (CMX C312) Conditional and Neighborhood Mixed Use (NMX C312) Conditional for the development of a

convenience store with fuel sales and a commercial retail center. The site is located at 900 and 910 Poole Drive.

**Staff/Commission Discussion:** Ms. Joseph presented the Staff Report. Mr. Carson asked about the window sign limitations, and Ms. Joseph noted that the UDO does not regulate messaging of signage. Mr. Voiland asked about the single-family and wooded area to the south. Mr. Triezenberg noted the wooded lot has had some interest in the past, but no development proposals.

**Applicant/Commission Discussion:** Mr. Sam Nye stepped forward representing the owner of the property. He is an engineer who helped develop the site plan. He spoke about the existing conditions of the site, and what the plans are for the site. Mr. Rohit Shetty stepped forward to speak about the remediation efforts of the existing underground fuel storage tanks, which would be necessary for any changes to happen on the site. He spoke of the chemical and mechanical cleanup efforts in great detail.

Mr. Carson voiced concerns over site grading and the SCM wet pond possibly being contaminated. He questioned the remediation process, and why more soil could not be taken off site. Mr. Shetty explained that the state won't allow the entire site to be dug out, and that the master plan indicates the wet pond is on opposite end of site from contaminated soils.

Mr. Jefferson asked if the plumes could be shown on the site plan. Mr. Shetty said everything to the west of the existing pumps is clean. Mr. Carson asked if the rezoning could be tabled until after remediation occurs. Mr. Nye explained the best course of action would be to do remediation and construction together.

Mr. Voiland complimented the applicant for their thorough and complete neighborhood meeting notes, and how they answered concerns of neighbors. Ms. Bishop likes the proximity of convenience and retail to nearby housing. She voiced concerns about contamination of the property though, and asked how long the pumps have been closed. Mr. Shetty noted the previous owners discovered contamination in 2020 or 2021 and applied for a temporary closure of the tanks. Ms. Bishop asked if the sidewalk could be extended further down Poole Drive.

Mr. Nye presented a petition with 315 signatures of people who would like to see the fuel pumps remain and be expanded. Ms. Hodges asked a question about the safety of new tanks and pipes. Mr. Shetty answered that the new requirements are more strict than previous standards. Ms. Hodges complimented the applicant on providing access to fuel sales and retail services for the neighborhood and commuting traffic.

Mr. Jefferson had questions about the landscaping and buffer on the western edge of the site. He asked for the spaces planned to be designed with purpose, so people do not wander through the property. He praised the architecture

proposed. Mr. Jefferson asked about the lifespan of the existing tanks. Ms. Hodges asked if electronic gaming/gambling was allowed in the listed permitted uses. Mr. Triezenberg indicated that would be a separate listed use with an additional special use permit required.

Mr. Leigh West, a nearby resident, spoke in opposition to the rezoning. He cited an email from NCDEQ regarding contamination. He urged the Planning Commission to not recommend approval.

Mr. Carson had a question for Mr. Shetty relating to DEQ's review of the remediation work. Mr. Shetty confirmed the cleanup is required regardless of zoning status. Mr. Carson asked Mr. West if remediation would address his concerns. Mr. West stated that would suffice, but he is still opposed to fuel sales.

Mr. Jefferson noted that the sooner the site is cleaned up, the better. Mr. Carson voiced that while there are positives in upgrading the site, he still has concerns.

<b>Result:</b>	<b>Recommend Approval to Town Council (4 Ayes, 1 Nay)</b>
<b>Motion:</b>	<b>Mr. Voiland-</b> I move that the Planning Commission accept the Consistency Statement drafted herein as our own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommend approval of Case # CZ-MP-23-06 to the Town Council.
<b>Second:</b>	<b>Ms. Hodges</b>
<b>Vote:</b>	<b>Ayes: Bishop, Jefferson, Hodges, Voiland</b> <b>Nay: Carson</b>

## VII. Reports

- A. Planning Director** – Mr. Triezenberg gave updates related to recent Town Council events including annexations and rezonings. He recognized the recent addition of Randall Hogg as Planning Technician to the Department. He also mentioned recent interviews for open positions and hope to extend offers soon.

**B. Planning Commission**—Mr. Voiland asked questions about the KS Bank, Bojangles, and the VA Clinic. Ms. Hodges informed the Commission she would not be in attendance for December’s meeting. Mr. Carson gave an update from the Affordable Housing Taskforce. Ms. Bishop asked about updates to greenways and walkability in Garner. Mr. Hodges showed on the Town’s website where capital improvement projects are listed. Mr. Jefferson congratulated Mr. Hodges on his new ICMA certification. Mr. Carson thanked and recognized all veterans in honor of Veterans Day.

**VIII. Adjournment**

Having no further matters to discuss, the meeting was adjourned at 8:48 PM.