

PLANNING COMMISSION MINUTES

The City of Raleigh Planning Commission Meeting held on May 27, 2025, at 9:00 A.M.

Planning Commission Members Present: Chair Miller, Ms. Bennett, Mr. Burnett, Ms. Cochran, Ms. Fox, Mr. O'Haver, Ms. Omokaiye, Mr. Otwell

Staff Members Present: Planning Supervisor Reckhow, Planner Erin Clinger, Assistant Director Walter, City Attorney Bachl, Administrative Support Billmann.

AGENDA ITEM A: COMMITTEE REPORTS:

Committee Chair Otwell made the Commission aware that quorum was not made for the May 14th meeting, leaving items still on the agenda, noting that the next Planning Commission meeting is scheduled for June 10th, and the next Text Change meeting is scheduled for June 18th.

Commissioner Otwell moved to bring TC 225 and TC 1124 to the June 10th Planning Commission meeting to be heard in full. Commissioner Bennett seconded the motion. Miller (Aye), Bennett (Aye), Burnett (Aye), Cochran (Aye), Fox (Aye) O'Haver (Aye) Omokaiye (Aye). Otwell (Aye). The motion was unanimous. The vote was 8-0.

AGENDA ITEM B: PUBLIC COMMENT

There were no public comments.

AGENDA ITEM (C): OLD BUSINESS

Planner Reckhow stated that the applicant has submitted unsigned conditions and updated the language for item Z7022 at Lake Anne Drive and Glenwood Avenue, adjusting the previously provided conditions, addressing concerns regarding enforceability and clarity. The signed conditions were not submitted in time to be heard at this meeting and now has been deferred to the March 25th meeting. She advised the committee that they have the option to act on last version or request an extension to review.

Ms. Isabelle Maddox of Nichols & Crampton, 3700 Ave. said that the changes are minimal with clean-up and clarification. She proposed that the Planning Commission vote on the item today and pledged that before a public hearing date is set, they will officially submit the revised conditions so that Council sees the changes.

Josh Hanson, attorney at Hansen, Howland, Wilkey, representing the Lake Anne HOA stated that there was litigation around this issue in 2007, 2008, and 2009, and that they have taken the time to work through conditions to the neighborhood's satisfaction. He asked that if there are any additional conditions or comments from the Commission, that they be considered the floor, particularly with the environmental issues, as they were meticulously crafted because of the slope of the site, and the health of the lake.

There were no public comments opposition.

Commissioner Fox asked if the revisions address the issues, Planner Reckhow answered that it did but there are still some comments remain.

Commissioner Otwell noted that some of the conditions were hard to enforce, and asked if that puts the City in danger of litigation? Assistant Director Walter answered that the remedy would be a complaint brought to staff.

Commissioner Bennett inquired as to why the conditions aren't removed if they are hard to enforce.

Ms. Maddox answered that the conditions have been modified, and that there are two occupied stories above a street and Staff requested language stating two containing dwelling units so they have added detail to the conditions to satisfy both staff and the HOA, noting that if there were to be default in these conditions, it would be apparent early in the project, which would be enforceable by the City.

Commissioner Bennett asked if there are stormwater concerns that need to be addressed. Staff stated that there were several concerns with stormwater, one being that there will be a third party involved in erosion control which will require additional staff involvement which will take additional staff time in coordinating.

Chair Miller noted concerns that there was some ambiguity in the building height which has been resolved and clarified, leaving the issue with enforcement. She noted the applicant, and the neighborhood want conditions that could result in staff enforcement issues. She stated conditions have mostly been resolved and that she is inclined to act today and ask council to delay scheduling a public hearing until signatures have been received.

Commissioner Omokaiye asked what the feedback from the community has been on this project. Mr. Hansen answered that initially the community was not in support, and that there was litigation, however the community is now supportive, and the third party will work with the community and remove the City involvement.

Commissioner Bennett stated she always supportive of conditions that considers neighborhood and enforceability concerns. She noted that if the Commission recommends approval of this, they will need to make sure that we do it for the next HOA for consistency and equitability, and not be selective. Chair Miller agreed. The Commission continued discussions about enforceability of the conditions and third-party involvement.

Commissioner Otwell moved to recommend adoption of the proposed consistency statement dated May 27, 2025, and recommend approval of the zoning amendment with the recommendation that council schedule the hearing after submission of currently unsigned conditions. Commissioner O'Haver seconded the motion. Miller (Aye), Bennett (Nay), Burnett (Nay), Cochran (Nay), Fox (Aye) O'Haver (Aye) Omokaiye (Aye). Otwell (Aye).

The motion was not unanimous and passed 5-3 with Commissioners Bennett and Burnett opposed.

Commissioner Bennett stated that she is not comfortable with conditions that the staff and attorney have stated they have concerns about, wants to treat all applicants the same, and feels that an exception is being made that has not been made for other applicants.

Commissioner Burnett agreed, adding that the addition of a third party puts the City and Commission in an awkward situation.

AGENDA ITEM (D): NEW BUSINESS

AGENDA ITEM (D) 1: TCZ-52-24: 9308 Tryon Rd

Planner Erin Clinger presented the rezoning on behalf of the City, explaining the request to rezone 43.83 acres from R-4 and R-10 with special residential parking overlay to RX-4-CU with SRPOD.

Toby Coleman, Attorney with Smith Anderson spoke on behalf of the applicant, Dominion. He explained that 22 acres of the property is planned for 370 units of affordable housing and an additional 22 acres is planned for sale. He stated the Site Plan has been shared with the neighbors and that there have been three neighborhood meetings., also noting Department of Transportation involvement. He shared concerns from residents on Crestline about traffic density on fairway drive and the need for that road to be

resurfaced, as well as desire for a traffic light. He noted the Traffic Engineer study stated that is warranted. Residents also voiced concerns about apartment operations and valuation impacts.

Ryan Sumner with Dominion noted that Dominion has specialized in affordable housing for over 50 years and manages their own communities. He stated that Dominions goal is to own operate and maintain. and presented photos of Dominions across the country.

There were no public comments in support.

PUBLIC COMMENT IN OPPOSITION:

Resident Gene Cobb requested a buffer condition on the western border line and cross access agreements.

John Gilepsie, resident of Fairway Drive, expressed concerns with shareholders, community representation, locations that the City allows affordable housing, limited transit and walkability, lack of sidewalks, traffic safety for students, and capacity of local schools.

Chair Miller asked at what stage in the construction of the apartments would the need for a traffic signal be triggered. Nathan Rombert, traffic engineer explained that at this time both peak hour and 4-hour are already meet the criteria for a traffic signal and with this development, the 8 hour will also be met. He stated that he believed that DOT and City would be accepting of it being improved prior to the first units being occupied.

Commissioner Fox asked if tree conservation would be required for this project. Chris Bostwick with Kimley Horne explained that there is a stream feature running through the middle of the site and the trees will satisfy a portion of that requirement and that buffering will be added.

Commissioner Omokaiye noted Trion Road access issues. Mr. Coleman stated that NC Dot has begun to recognize the need, and they believe they will get a right in and right out on Trion Road. Chair Miller noted that the community is asking for a buffer and cross access agreement. Mr. Coleman said that they will look at buffer and explained the frontages and cross-access requirements, noting that even if cross access isn't required, they intend on including it.

Commissioner O'Haver asked for information on Bruce Circle, which is unpaved. Mr. Coleman showed the Commission an area that will be paved, and areas that would be improved, stating the southern portion would not be improved.

Chair Miller made a motion to defer the case until the June 10, 2025, Planning Commission Meeting. Commissioner Burnett seconded the motion. Miller (Aye), Bennett (Aye), Burnett (Aye), Cochran (Aye), Fox (Aye) O'Haver (Aye) Omokaiye (Aye.) Otwell (Aye). The motion was unanimous. The vote was 8-0.

AGENDA ITEM (E): OTHER BUSINESS

There were no other items to discuss.

AGENDA ITEM (E) 1: REPORT FROM THE CHAIR

Chair Miller announced that there will be two new commissioners beginning in June.

AGENDA ITEM (E) 3: REPORT FROM PLANNING DEPARTMENT

Assistant Director Walter stated that Mark Shelburne will start at the next meeting and that the second meeting in June there will be election of officers for the following fiscal year.

AGENDA ITEM (F): ADJOURNMENT

The meeting was adjourned at approximately 10:37 AM

Respectfully,

Transcribed by: Christine Billmann