



**Town of Clayton
Clayton Planning Board Minutes
Monday, July 25, 2022 at 6:00 PM
Town Council Chambers**

Board Members Present:

Stephen Powers
Andria Archer
Ethan Bennett
James Lipscomb
Kevin Lee
Lisa Begley
Jeffery Spence

Board Members Absent:

Ronald Williams
Jodie Dupree
James Moore

Staff Present:

Ben Howell-Planning Director
Aaron Prichard-Planner II
Bruce Venable-Planner I-Trainee
Love Ott-Land Development Specialist

1 CALL TO ORDER

- a) Vice Chair Powers calls the session to order at 6:05pm

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

- a) June 27, 2022 Minutes
Motion for Approval: Board Member Lipscomb
Second: Board Member Begley

RESULT: CARRIED Unanimous

- b) March 28, 2022 Minutes
Motion for Approval: Board Member Bennett
Second: Board Member Lee

RESULT: CARRIED Unanimous

4 PUBLIC HEARINGS

- a) 2022-69-RZ Jason & Vilamon Carroll Rezoning
Presenter: Aaron Prichard-Planner II

Rezone from Highway Business (B-3) to Central Business (B-1)
Existing Use: Vacant

Property Size: 0.077 acres

Staff stated that the applicant is proposing the rezoning because the existing zoning designation of the site is B-3, and the parcel does not meet the minimum lot size. The requested rezoning is consistent with the 2045 Comprehensive Growth Plan, which is downtown support.

The applicant has not presented a site plan; however, it is intended to be a commercial use.

Staff brought up concerns of spot zoning, because the surrounding property is not zoned B-1, and the proposed rezoning would create a small lot zoned B-1 that is surrounded by other zoning districts.

There is a parcel to the north of the property that has discussed with staff a desire to rezone to B-1, which would remove the spot zoning concern.

Regarding the current zoning district, the lot is currently non-conforming, as it is below the minimum lot size and minimum lot width.

Staff is not making a recommendation on the proposed rezoning because of the spot zoning concerns.

Planning Board member Lipscomb states that he supports this rezoning, because he believes it fits the B-1 zoning.

Motion for Approval: Board Member Lipscomb

Second: Board Member Bennett

RESULT: CARRIED Unanimous

- b) 2022-92-RZ Town Property Rezoning
Presenter: Bruce Venable-Planner I-Trainee

Staff reported that this was a request to rezone 63 Town Properties to Public Facilities with a variety of uses and noted that locations 18 and 53 have been removed from the rezoning application.

Staff finds that it is compatible and consistent with Growth Plan 2045.

Staff recommends approval.

Planning Board member Bennett asked why the two sites were removed.

Staff stated that the two sites have been identified for potential projects that may require rezoning.

Planning Board member Bennett then asked if all properties are owned by the town, and Planner I-Trainee Venable stated that they were.

Planning Board member Powers asked if he listed off everything that can be used within the zoning

Planner I-Trainee Venable stated that he did not list every use that the properties can use.

An adjacent property owner stated that he is concerned that the Town property proposed for rezoning near him may be used for a greenway, and he has concerns about this because of a natural habitat for wildlife and stated that he wants the Town of Clayton to preserve the nature that is left.

Planning Board member Powers asked if staff could give insight on what the properties will be used for.

Planner I-Trainee Venable showed the board an image from the Town's Draft Pedestrian Plan for the subject area that proposed a greenway.

Planning Board member Powers asked if there will public input with what will be done with the land.

Planner I-Trainee Venable stated that there will public input for the approval of construction, Director Howell confirmed. Resident stated that there are already bike paths and chosen trails on the website, Director Howell stated that there are no plans with the land as of right now.

Once there are plans for the town there will be an opportunity for public input.

The town cannot say what will go on the property at this time.

Planning Board member Bennett stated that this allows the land to conform with the law.

A resident stated concern that his property will be within the Town of Clayton and the natural wetlands. Planning Board member Powers stated that it is currently zoned, and all this is doing is changing the zoning to be more consistent with the Growth Plan 2045.

A representative for homeowners on Little Creek Church Rd. near the cemetery asked if the cemetery property will be affected. Staff responded that it is currently zoned for residential and is not affected.

Motion for Approval: Board Member Bennett

Second: Board Member Spence

RESULT: CARRIED Unanimous

- c) 2022-126-OA UDC Technical Amendments
Presenter: Aaron Prichard-Planner II

Staff noted that the three sections that are proposed to be amended are 155.301 (K), 155.705 (L), 155.716 (D).

The proposed amendments will make the code consistent with NC accessibility code, clarify requirements for applicants, and ensure the code remains consistent with current case law.

Planning Board member Powers wanted clarification on amendment 155.301.

Director Howell stated that the issue comes from the number of dwelling units that a potential mixed use may have without an elevator; the NC Accessibility Code requires an Accessible unit if the total number of residential units in a mixed-use building is over a certain number; in a building without an elevator, any Accessible units would be required to be placed on the first floor. Planning Board member Begley wanted clarification on 155.301, asking if existing developments will be grandfathered in. Director Howell stated that staff does not believe there will be any grandfathered developments.

Motion for Approval: Board Member Lipscomb

Second: Board Member Begley

RESULT: CARRIED Unanimous

5 NEW BUSINESS

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 PLANNING DIRECTOR UPDATE

Staff has signed contracts for both small area plans and expects more information will be posted in about a month.

Both plans are likely to end in March or April of 2023. Planning Board member Lipscomb asked if the Downtown Plan is an update. Director Howell stated that it is intended to be an Update but will feel like a new Plan. Planning Board member Lipscomb asked if they will be looking at code, and Director Howell stated yes, the goal is to have it complete before the UDO. Director Howell stated that the budget allows each planning board member to have a membership to the American Planning Association and the APA also has training for Planning Boards. Planning Board member Bennett asked for clarification on the areas that the two small area plans covered.

A resident recommends adding the Pledge of Allegiance to begin each meeting, the Board unanimously agrees to add the Pledge of Allegiance to the agenda.

8 ADJOURN

Motion to Adjourn by Bennett

Motion: Bennett

Second: Begley

Vote: Unanimous

Adjournment of meeting at 7:10pm