Town of Clayton
Clayton Planning Board Minutes
Monday, February 28, 2022 @ 6:00 PM
Town Council Chambers

BOARD MEMBERS PRESENT:
James Moore, Chair
Stephen Powers, Vice Chair
Jeffrey Spence
Lisa Begley
Ronald Williams
Kevin Lee
Ethan Bennett
Jodie Dupree

STAFF PRESENT:
Ben Howell, Planning Director
Aaron Prichard, Planner II
Kimberly Moffett, Town Clerk
Andria Archer, Council Member *(Liaison to the Board)*

MEMBERS ABSENT:
James Lipscomb

1 CALL TO ORDER

a) James Moore, Chair of the Board, called the meeting to order at 6:00 p.m.

Board Member Lipscomb was absent from the meeting.

2 ADJUSTMENT OF THE AGENDA

a) There were no adjustments to the agenda.

3 APPROVAL OF MINUTES

a) Draft Minutes
- January 24, 2022 DRAFT Minutes

ACTION: Adoption of Minutes

Motion: Board Member Powers
Second: Board Member Dupree
Vote: Unanimous

4 PUBLIC HEARINGS

5 NEW BUSINESS

a) 2021-165-RZ - Front / O'Neil Street Rezoning
Presenter: Bruce Venable, Planner I

Mr. Venable presented this item. He stated request is to rezone .129 acres to R-6. Staff stated the request is compatible. Staff recommends approval for the request.

Board Member Powers asked what was being proposed. He stated the location is currently vacant. No further questions of staff.

Mr. Dave DeYoung, applicant, was present and stated he was happy to answer any questions.

There were not any questions for the applicant.

Mr. Prichard, Planner II, reminded that a Consistency Statement needed to be included with recommendation from the board.

There were no public comments. This item was turned over to the board for their consideration.

Ms. Begley stated this is a good request.

ACTION: Recommendation to Town Council of Approval with Consistency Statement as presented by Staff

Motion: Board Member Begley
Second: Board Member Williams
Vote: Unanimous

b) 2022-4-RZ - ETMJR Property
Presenter: Aaron Prichard, Planner II

Mr. Prichard presented this item. He stated request is to rezone two parcels of 3.7 vacant acres. The parcels are currently split zoned, B-3 along front portion and rear portion is R-E. Request is to rezone entirely as B-3. It was stated the rezoning is compatible.

There were no questions for staff.

Mr. Alsey Gilbert, applicant, was present and stated he was happy to answer any questions regarding this request.

There were no questions for the applicant.

This item was turned over to the board for their discussion and decision.

ACTION: Recommendation of Approval along with Consistency Statement as provided by staff

Motion: Board Member Bennett
Second: Board Member Lee
Vote: Unanimous

c) 2021-90-CZM - Ramblewood Village

Presenter: Ben Howell, Planning Director

Mr. Howell presented this item. He provided details about this item as this is the first one of its type being heard.

This is located off US 70 business. He provided a copy of the overall site plan. The proposed use is residential and a right in and right out access onto70 as well as Ramblewood. Annexation of property will be required. Town will provide water and sewer and Duke Energy would provide electric.

This will consist of 95 single homes and 76 town homes.

Project will comply with stormwater ordinance. There will be 7.75 acres of open space, walking trail, off leash dog park, 6' privacy fence will be installed.

This project is subject to wastewater allocation policy and feel they will score a high enough score.

He discussed the master plan approval criteria and stated staff felt they have met all required criteria.

There was discussion on the Planning Board can modify conditions, however, applicant must agree.

Mr. Howell presented the recommended conditions of approval and are as follows:
1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.

2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved master plan.

3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.

4. All parcels subject to the rezoning and master plan shall be annexed into Town prior to any additional development approvals.

5. Uses in the Development will be limited to single-family detached residential homes and townhomes, and any allowed accessory uses within the Town of Clayton UDC for residential development.

6.The following standards will apply to the Development:
  a. Maximum Number of Units: 154 (96 Single-Family Homes, 58 Townhomes)
  b. Maximum Density: 7 dwelling units per acre

c. Minimum Lot Size, Single-Family Homes: 2,500 Square Feet
d. Minimum Lot Size, Townhomes: 1,275 Square Feet
e. Minimum Lot Width, Front, Side, Side Street and Rear Setbacks as specified in Master Plan.

7.The following transportation improvements will be constructed and accepted by NCDOT (where necessary) prior to approval of the Final Plat:
a. Ramblewood Drive will receive an asphalt overlay from US Highway 70 west to the intersection with the proposed Street A.
b. A 100-foot-long right turn lane with appropriate taper will be constructed on Ramblewood Drive at the US 70 Intersection.
c. A 100-foot-long right-turn lane with a 200-foot-long lane taper will be provided at the intersection of the proposed Street A and US 70 West.
d. A 100-foot-long right-turn lane with a 200-foot-long lane taper will be provided at the intersection of Ramblewood Drive and US 70 West.

8. If, at the time of Site Plan approval, the development does not meet the minimum requirement of 1,245 square feet of Recreational Open Space per single-family lot, the developer will pay a fee-in-lieu for any shortage based on requirements in the Town of Clayton development code section 155.203(i)(2)(a) as set forth in the Town's Comprehensive List of Fees and Charges.

9.The development will include the following active amenity areas:
a. Swimming pool with restroom facilities and clubhouse
b. Mulched walking trail around the existing pond located on the site.
c. Fenced dog park

10. All Type C landscape buffers will provide an additional twelve (12) evergreen shrubs to be planted on the development side of the opaque wood fence for each 100-foot-long section of required perimeter buffer. Additionally, an opaque fence will be provided in all Type C landscape buffers with no option for an evergreen hedge.

11. Public sewer is proposed to be provided to the site by an extension of a gravity sewer main extended eastward along the r/w of US Hwy. 70 and connected to an existing gravity main which is located between parcels at 13049 US HWY 70 BUS (PIN: 164900-87-7344) and 12989 US HWY 70 BUS (PIN:164900-87-8294). The existing downstream gravity main and pump station will the analyzed for capacity and any additional improvements necessary to accommodate the proposed sewer flow will be mitigated by the developer by either making the required improvements to the existing gravity main/pump station or by contributing a fee to the Town of Clayton for required improvements.

12. Each unit will contain all sustainable/high efficiency appliances to be certified through the ecoSelect Program (as described in the ecoSelect Checklist Guide provided in the Master Plan Narrative). A Certification conducted by an independent third-party shall be submitted to the Planning Department prior to the Certificate of Occupancy for each home.

13. An informational statement will be provided on plats, in deeds and in covenants regarding farming operations surrounding the development and potential noxious sounds, smells and dust.

14. All Single-Family homes and Townhomes in the Development must comply with the Architectural Standards and Building Elevations provided in the Master Plan Narrative.

15. The Development shall meet and exceed the requirements of the Town of Clayton Soil Erosion and Sedimentation Control and Stormwater Ordinances in order to protect the water quality of the existing NC State University Research Farm Pond located immediately downstream from the project site. Additional erosion control measures including but not limited to additional silt fencing along the eastern portion of the project site and the use of flocculation material/devices to reduce turbidity levels in stormwater runoff from the site, will be provided. The Town of Clayton Engineering Department shall review and approve the soil erosion and sedimentation control plan and the Stormwater requirements for the Development prior to commencement of any land disturbing activity on project site.

Staff recommended approval subject to 15 conditions of approval.

Board Member Dupree asked about annexation. Mr. Howell stated it may be a satellite annexation. Board Member Powers asked about access. Mr. Howell stated it would be left turn from 70 onto Ramblewood Drive. Board Member Powers asked about sound buffer and Mr. Howell stated there would be buffer and a 6' privacy fence. Mr. Powers asked about capped schools. Mr. Howell stated all schools are capped. He further stated that municipalities are not allowed to take that into consideration when approving developments. Board Member Begley also stated she had concerns about the school situation but did not realize that could not be a basis for decision. Board Member Dupree questioned number of cars turning onto Ramblewood during evening hours. Mr. Howell stated TIA's are great information but they are based on a lot of assumptions. Board Member Moore asked about lot size and range. Mr. Howell stated he did not know but minimum lot size for single family residential would be 2500 sq. foot. Board Member Moore asked about setback to the road. Mr. Howell stated it would need to meet standards of 19' of length from structure and right of way. Board Member Moore shared his concerns about some current developments. Mr. Howell reminded this is a site plan and there are still numerous approvals before they could begin project. Board Member Moore shared his concerns about on the street parking that might occur. No further questions for staff.

Marty Bizzell, applicant, was present. He stated staff has been great to work with and provided great input. He introduced the project team. It was stated the total acreage is 22.12 acres. Current zoning is B-3 and R-E. proposed rezoning is CZ-R. Shared was an aerial photo of the proposed location. Also provided was colored rendering of the site with proposed project. He stated the units have a rear entry garage and units face in toward a courtyard. He shared details about the landscaping. Shared a slide of the proposed buffer and 6' privacy fence. Also shared information about amenity areas to include dog park, community pool and clubhouse, walking trail around existing pond. Shared a a typical block layout. Total guest parking is approximately 59 spaces. Shared a rendering of the proposed courtyard. Also provided a rendition of street view of townhomes. Spoke about two right turn lanes off of US 70 and improvements to Ramblewood Drive and turn lane from 70. Mr. Bizzell stated they were in agreement with all conditions. He addressed concern that was raised at neighborhood meetings with regard to protection of pond.

There were no questions for the applicant.

Mr. Leslie Hutt, 629 Ramblewood Drive was present He has lived at his location since 1968. He stated his concern relates to the density of the property. He stated a total of 171 homes would be on 15 acres. He stated there is a major railroad line in the rear of the property and there are times the vibrations from the trains can knock items off shelves. He stated it has affected the neighborhood as a neighbor moved 2 years ago based on rumor of this project. He further stated his concerns about children and the railroad. He stated this is a quality of life issue with the amount of density. He does not feel this is the best interest of current residents. He does not want to see Clayton turned into a small New York City. He thanked everyone for their time in listening to his concerns.

Ms. Ascuye stated she is not opposed but concerned about irrigation pond and want to ensure it will be protected. Betty Hunt, resident, shared her safety concerns about left turn from 70.

With nothing further, this item was turned over to board for their discussion and decision. Board Member Bennett stated he understood the concerns but felt it felt there are times that density is preferred to conserve open space. He stated this seems to be a quality project.

Board Member Moore stated 2500 square foot size equals less than 1/17th of an acre. He has concerns about this.

Board Member Powers stated most of resident construction that has come to the town have been starters and it was expressed that this shouldn't be the only construction that Clayton has. He just wanted to mention the high-density projects.

Board Member Dupree stated he has concerns about the town being filled with starter homes. He further stated that we are conditionally rezoning this project immediately.

Mr. Howell reminded board has options to include approval, approval with additional conditions, denial, or table item if additional information was needed.

Board Member Bennett asked if they could condition to reduce the number of proposed homes. Mr. Bizzell stated this project originally came in under 2040 plan and now going under 2045 plan. He stated that under 2040 plan they were medium density. They stated they would be willing to cap the project at 7 units per acre. Board Member Bennett felt that the total number of units is too much. Mr. Bizzell stated capping it at 7 acres per unit would drop by the count by 22.

Board Member Begley asked for clarification regarding medium density allowed in 2040 which was 7 and 2045 now defines it as 3-4. Board Member Begley asked to reduce to a total number of 5 units per acre.

Mr. Bizzell stated he was not prepared to drop to 5 at this point. He provided history regarding when application was originally submitted was under 2040 plan. He further stated that this area is changing quite a bit and providing infrastructure to assist with higher density. He stated the entire project was planned based on 7-7.9 units per acre. He reminded the 2045 growth plan is a guide not the rule.

Mr. Howell stated that the project did come in when the 2040 plan was in place and this project should be considered under the 2040 plan.

Board Member Williams shared his concern about the density, railroad and NC State pond.

Mr. Howell reminded this is a legislative decision and the board will provide a recommendation not a decision.

Board Member Powers asked when criteria for 2045 plan would be used. Mr. Howell stated that would be based upon date of project submittal. He further added this project took an extreme about of time to get to this point due to Planning staff turnover, etc.

Mr. Howell stated should requested condition be added he wanted to advise it would be a broader condition. He further stated that an updated master plan.

Mr. Bizzell stated they would agree to additional condition regarding erosion and sediment control to ensure pond is. Board Member Powers asked for clarification that this would proceed to town council

Board Member Moore shared his thoughts about the project and availability of second and third homes versus starter homes. He has concerns about the town not growing if we don't have other options.

ACTION: Recommendation of Approval with added condition that staff and applicant work to reduce density to 7 units per acre. ***Motion Failed.***

Motion Failed

Motion: Board Member Bennett
Second: Board Member Begley
Vote: 4 - 4 (Opposed Moore, Spencer, Dupree & Williams)
Approval: Lee, Powers, Bennett, Begley

<u>ACTION:</u> Approve with added condition to reduce to 7 and pollution control. ***Motion Passed***.

Motion: Board Member Bennett
Second: Board Member Williams
Vote: 6-2 Opposed (Spencer, Moore)

d) 2021-20-CZM - Country Lane - Conditional Zoning
Presenter: Ben Howell, Planning Director

Mr. Howell presented this item. He stated request is to rezone northeast of intersection Jasper Drive and Country Lane from Planned Development Residential Zoning District to Conditional Zoning Residential District CZ-R. This request would allow up to 299 units or a density of up to 2.6 units per acres. The property size is 114.81 acres.

Planning Board shall make a recommendation to Town Council. Recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If Planning Board fails to make a recommendation to Town Council, Town Council may process request without a recommendation

Staff recommends approval with 24 conditions. These conditions are listed in the staff report. This request is Consistent with adopted plans and policies of the Town

There were no questions for staff.

Applicant, Brandy Vega Planner with Withers Ravenel was present. She offered her thanks to the staff for assisting. She provided history about the project and stated the site does have a subdivision, wastewater capacity was approved in 2006. Annexation approved in 2007 Has since expired. First came in 2020 and asked to wait until 2021 and adoption of 160D. single family residents, greenway easement, and greenway will be constructed for fee in lieu will be paid. spoke about proposed improvements. together mutually agreed with staff regarding conditions.

Board Member Dupree asked about TIA and criteria for traffic light already being met so applicant would not be responsible. Asked if town has any pull with getting this installed by NCDOT. Mr. Howell stated unfortunately, no and many times it needs to come down to a safety issue. Board Member Dupree stated he felt this would be a very difficult left turn. No additional questions.

Sam Saline, Horsemans Ridge - resident. States he has lived there 24-25 years. He stated this plan looks much better than previous plans. He shared his concern about damn flood - he was a victim and 4.5 acres totally flooded. His concern is runoff from impervious surface. He spoke about riparian buffer. He spoke about protected species and historical and cultural concerns. He stated there are several Indian burial grounds. He stated he felt the central line needs to be relocated.

David Cawthorn, resident of Horsemans Ridge spoke. He stated he shared the concerns of Mr. Saline. He also shared his concerns about wildlife.

Mr. Saline re-addressed the board and stated he has photographed and has an archive. He also spoke about water quality and loss of mussels, etc. over the years.

Joseph Brown, of Horsemans Ridge, stated he has many of the same concerns about flooding. He wondered if anyone from the town had walked the area and saw the erosion. He also shared his concerns about school over-crowding. He stated he has photos of flooding from just a normal summer rain. He does not know how a greenway will be able to be constructed.

Mr. Eric Jannis, of Horsemans Ridge, had concerns about how density is calculated. He stated the topography is not well illustrated on the provided slides. Feels this will have a down stream effect on the people in the Horseman's Ridge.

Mr. Cawthorn spoke once again about the history of the site.

Betsy Clark, stated she has seen flooding over the years and would love to see this as a preserve. She stated she has concerns about wildlife to include coyotes and deer,

Mr. Saline spoke again and shared additional information about the Indian burial grounds. He stated he would be happy to put a package of information together.

Mr. Torres, of Country Lane, stated he has concerns about traffic. He also has concerns about the schools.

Board Member Moore asked about the dam and Mr. Howell stated he was not familiar. Board Member Begley asked if studies were completed to ensure the land is buildable. engineer with Withers Ravenel. He stated the plan has gone through refinement. He stated a total of 4 stormwater controls will be included as part of the project.

Board Member Moore asked if there was a dam on the property. It was stated there was pond at the location.

Mr. Saline once again stepped up to speak and stated the Indian burial grounds are above and this has not been taken into consideration for construction of road.

This item was turned over to the board for discussion and decision.

Board Member Begley stated she appreciated all the comments, however the project met criteria. Board Member Powers stated this board only recommends, the final decision goes to town council.

Board Member Lee asked applicant about Indian burial ground. Applicant stated they would re-visit the site. She stated this is the first they are hearing of this and certainly will do some additional investigation.

Board Member Bennett stated he would like to see a member of the tribe to certify these artifacts. Mr. Saline stated he would be happy to provide additional information.

Board Member Williams stated he understood concerns with floods and preservation of nature. He stated he believed the developer would do everything to take care of the area.

Applicant spoke about Historic Preservation Office report.

ACTION: Recommendation of Approval with conditions as recommended by staff

Motion: Board Member Dupree
Second: Board Member Powers
Vote: Unanimous

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 STAFF REPORTS

a) Planning Director Report
Presenter: Ben Howell, Planning Director

Mr. Howell stated the process of UDC update contract is being finalized. More details would be provided in March.

8 ADJOURN

a) Adjourn the Meeting

Meeting adjourned at 8:46 p.m.

ACTION: Motion to Adjourn

Motion: Board Member Bennett
Second: Board Member Williams
Vote: Unanimous

Duly adopted this the 25th day of April, 2022.

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Board Chair

ATTEST:

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Clerk to the Board