



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

BOARD MEMBERS PRESENT

James Moore (Chair)
Steven Powers (Vice Chair)
Jeffery Spence
Lisa Begley
Ronald Williams
Kevin Lee
Ethan Bennett
James Lipscomb
Jodie Dupree

STAFF PRESENT:

Ben Howell – Planning Director
Aaron Prichard – Planner II
Bruce Venable – Planner I

Town Council Liaison:

Andria Archer

1 CALL TO ORDER

- a) Chair Moore calls the meeting to order at 6:00pm

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

- a) Approval of the Minutes.

ACTION: Approval of Minutes

Motion: Vice Chair Powers
Second: Board Member Lipscomb
Vote: Unanimous

4 PUBLIC HEARINGS

- a) 2021-132-RZ Grace Reform Church Rezoning

Chairperson Moore asked if any Board members wanted to recuse themselves from the hearing.

Board Member James Lipscomb recused himself from the public hearing due to his involvement with the rezoning.

Mr. Prichard presented to the Planning Board that the applicant from Grace Reform Church is requesting a rezoning from Residential-Estate (R-E) to Office-Institutional (O-I) for the following parcels 05G02026B, 05G02002, 05G02002S. The total size for these parcels is +/- 11.57 acres.

The property is located along Highway 70 Business in the Dogwood Forest neighborhood. The neighborhood and property is accessed by Fernwood Drive, which is the only access for the neighborhood. Fernwood Drive connects directly to US Highway 70 Business. Mr. Prichard noted that it is unlikely that NCDOT would approve a new driveway on US Highway 70 for the property.

Mr. Prichard noted that another factor that the Board must consider is the location of public utilities. The property is currently served by public water and septic systems, but the uses that could be allowed by the proposed rezoning could require connection to public sewer, which would require extension(s) of nearby public sewer infrastructure.

Considerations laid out by Mr. Prichard

- Approval of the rezoning would allow any permitted use within the O-I Zoning District to be constructed on the site. The Planning Board should consider all potential uses of the site when considering this rezoning.
- Rezoning applications are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.

Emily Beddingfield, representing the applicant, provided the Planning Board with a reading of the seven criteria for a rezoning, which are stated within the Unified Development Code, Section 155.704(J). She stated that the Applicant believes that this rezoning of O-I is consistent with the Town's recently adopted Comprehensive 2045 Growth Plan.

Ms. Beddingfield further stated that the applicant believes that since this project is aligned with the current 2045 masterplan and that their rezoning provides low-density development which will not drastically affect the limited infrastructure of the nearby area. This includes issues raised by staff such as water, sewer and nearby road capacity.

Ms. Beddingfield stated that the applicant has received confirmation that NCDOT would not require any road improvements for a low intensity use that the applicant is proposing and that would be allowed by the proposed rezoning.

Ms. Beddingfield addressed why the applicant is seeking a rezoning instead of a Special Use Permit. The applicant is not ready to build or even design the site at the moment, but was seeking a property that would allow a church to be built there one day. A special use permit was not ideal for this situation due to the required plans that would result in a large financial burden to the applicant at this time.

Ms. Beddingfield concluded that the proposed rezoning is the best action to take at this time.

Board Member Dupree asked where would the access be for the property?

Ms. Beddingfield replied that the access would be located off of Fernwood Drive.

Board Member Begley asked about any required improvements to US Highway 70 Business?

Ms. Beddingfield replied that the applicant's consultants stated that the low intensity didn't require any improvements at this time.

Board Member Powers asked if there is any option for extending cross access from behind the nearby Shotwell shopping center to this property?

Ms. Beddingfield replied that previous plans and development of the Shotwell shopping center didn't require that stub, and that it was not pursued due to high cost. She stated that there may be other options that could be explored.

Chairperson Moore opened the public comment session.

Ms. Whitney Hosey stated that she has been hired by residents of the Dogwood Forest neighborhood to represent them. She passed out documents to the Board that contain a petition from members of the neighborhood that are strongly opposed to the rezoning, relevant sections of the UDC, map of the property and additional letters from those attending the meeting.

She stated that there is a big concern over traffic and overall safety from the increase of traffic along Fernwood Drive if this rezoning were to be approved. Counsel Hosey then asked that the Board allow others present to simply stand and be counted that they are opposed to the rezoning instead of taking of the Board's time with individual remarks.

The following other residents of Dogwood Forest in attendance spoke:

1. Troy Dehaven
2. Dr. Nick Ferez
3. Jamie Wilburn
4. Cynthia Powel
5. Lisa Rabig
6. Bill Brewer
7. Sherley Bolt

They voiced concerns ranging from traffic, safety, flooding, property values and the mental and emotional wellbeing of the residents of the Dogwood Forest neighborhood.

Board Discussion and Comment:

Board Members discussed the issue of state-controlled roads and how potential development could address ingress and egress issues. The board members acknowledge that the O-I is a concern as the residents have stated that anything could be built there after the rezoning has been approved, regardless of the well-meaning intentions of the applicant.

ACTION: Planning Board recommends denial of the 2021-132-RZ Grace Reform Church Rezoning application.

Motion: Vice Chair Powers
Second: Council Member Williams
Vote: Unanimous

b) 2021-153-CZM Grifols West Campus Conditional Zoning with Master Plan

Planner II Prichard presented the staff report for 2021-153-CZM Grifols West Campus Conditional Zoning with Master Plan. He stated that Grifols, the applicant, is requesting to change the zoning from Industrial-Heavy (I-2) to Conditional Zoning-Industrial. The project includes 373.04 acres, and is located near Cutter Lab Access Road, fronting along the NC Railroad.

Mr. Prichard stated that the applicant has stated the proposed use is production and warehousing, and has submitted a masterplan showing the following Project Details:

- 360,000 sq ft of gross floor area for Phases 1 and 2.
- Up to 10,000,000 sq ft of gross floor area for entire west campus.
- 100' wide development buffer along northeast perimeter abutting single family residential

Mr. Prichard continued, stating that public water is available, and wastewater will be treated on-site before being released to the public sewer system. The proposed development will also be required to have a wastewater allocation approved by Town Council.

Mr. Prichard reviewed the staff report and the criteria for Conditional Zoning Districts. He also discussed considerations for the board, including that the proposed Conditional Zoning District would run with the land and would not expire. He reviewed the proposed conditions that were listed in the staff report, and concluded by stating that staff recommends approval of the proposed Conditional Zoning.

Chairperson Moore opened the public comment session.

The following residents, who live in neighborhoods adjoining the proposed development, spoke:

Nathan Braswell
Rosemary Foneni

They shared share concerns about the effects that construction will have on the nearby neighborhoods and wildlife.

Mr. Dan Kathy, McGill Associates representing the applicant, spoke, reassuring nearby neighbors that the 100'ft buffer will guarantee that development will not add any hardship to the nearby residents.

ACTION: The Planning Board recommends approval of the 2021-153-CZM Grifols West Campus Conditional Zoning District.

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

5 PLANNING DIRECTOR REPORT

- a) Director Ben Howell provided the Board the following updates:

The Department is still working to fill the vacant Land Development Specialist position.

Codify Clayton: The update to the Town of Clayton Unified Development Code has started, and a steering committee consisting of the planning board along with a few key members from the board of adjustment has been formed. These meetings will take place during regular planning board meetings, with the first meeting occurring on May 23rd. At this meeting the UDC consultant will go over key elements of the Code Update and the purpose and role of the steering committee.

Downtown Master Plan Update: The Planning Department has interviewed 4 different firms for the Downtown Master Plan Update, and will be selecting a firm to work on the project in the next two weeks. The Department is also beginning to review submitted Statements of Qualifications for the Future I-42/NC 42 Small Area Plan.

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 ADJOURN

- a) Meeting was adjourned at 7:49pm

Chair

ATTEST:

Clerk to the Board