



**Town of Clayton
Planning Board Minutes
January 25, 2021 @ 6:00 P.M.
Town Council Chambers**

BOARD MEMBERS PRESENT:

Travis Avery
Brian Tiede
Marty Bizzell
Stephen Powers
James Moore
Lisa Begley
Andria Merritt
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Senior Planner
Jeff Caines, Planner
Chrissy Freeman, Clerk to the Board
Francis Rasberry, Town Attorney
Michael Grannis, Town Council

MEMBERS ABSENT:

James Lipscomb

1 CALL TO ORDER

a)

The meeting was called to order at 6:02 p.m.

Board Member James Lipscomb was absent from this meeting.

2 ADJUSTMENT OF THE AGENDA

a)

There was a request for one adjustment to the agenda. Item 7a to be heard before Item 6d.

3 ADMINISTRATION OF OATH(S)

a) Clerk to the Board Chrissy Freeman administered the Oath of Office to the following new members of the Planning Board:

- Lisa Begley
- Stephen Powers
- Marty Bizzell

4 ELECTION OF CHAIR & VICE-CHAIR

a)

Andria Merritt was nominated for Planning Board Chair and George "Bucky" Coats was nominated for Vice-Chair.

ACTION: Motion for Andria Merritt to serve as Planning Board Chair.

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

ACTION: Motion for George "Bucky" Coats to serve as Vice Chair of the Planning Board.

Motion: Board Member Bizzell
Second: Board Member Merritt
Vote: Unanimous

5 APPROVAL OF MINUTES

a)

Approval of December 15, 2020 Planning Board minutes.

ACTION: Approve December 15, 2020 draft meeting minutes.

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

6 PUBLIC HEARINGS

- a) 2020-95-CUP - Hurricane Fencing Conditional Use Permit (Quasi-Judicial)
Tag # 05I05020H
Location: 7740 US Hwy 70 Bus

Town Attorney Francis Rasberry explained the Quasi-Judicial process. Clerk to the Board Chrissy Freeman administered the oath of affirmation to those who wished to offer testimony.

Planner Jeff Caines presented this item. The applicant is requesting a Conditional Use Permit to establish a Contractors Office on the site. The site was established without going through the proper Town Planning & Zoning procedure. A Minor Site Plan has also been requested and is being reviewed under a separate application and review process. The applicant has also signed a Condition of Approval which is legally binding to require the site to meet current Town stormwater requirements if both applications are approved. Planning Board Member Bizzell just reiterated that this is an existing business and going through the proper procedure. Planning Director stated that this was an after-the-fact Conditional Use Permit since it was an existing business.

The applicant was present and available for questions. Curk Lane from Trueline Surveying explained the fencing company had been occupying this site for many years, approximately 10 years. Mr. Lane stated that they accept the conditions of approval. There were no questions for the applicant.

The Board read through the Findings of Facts.

ACTION: Approve with Condition as listed in the Staff Report 2020-95-CUP - Hurricane Fencing Conditional Use Permit

Motion: Board Member Coats
Second: Board Member Bizzell
Vote: Unanimous

- b) 2020-175-VAR - The Lofts at Wild District Variance (Quasi-Judicial)
Tag #05031012
Location: 110 West Front Street

The Town Attorney explained the Quasi-Judicial process. Board Clerk Chrissy Freeman administered the Oath of Affirmation to those wishing to offer testimony.

Planner Jeff Caines presented this item. The applicant is requesting a Variance to the required minimum lot size of 20,000 square feet to establish townhome or apartments within the B-1 zoning district. Staff has reviewed this parcel and has concluded that this was a legal lot of record prior to adoption of this zoning. This parcel is an incompatible legal lot of record for this type of development request. The applicant has a total of four applications submitted for review and approval in order to develop apartments on this site. Two applications are being heard tonight and two will be heard by Town Council. Board Member Stephen Powers went over the size of the lot in B-1 is 20,000 square feet. The development code states apartments should be built in no less than a 20,000 square foot lot. The rezone was because the B-1 in downtown area did not allow residential on first floor. Board Member Lisa Begley asked how many units would be developed. Jeff Caines stated eight one bedroom apartments would be developed. Board Member Stephen Powers asked about parking and it is in the railroad right a-way. He stated people would be going back and forth over Front Street and the railroad it may not be possible if the railroad decides to do something with that land because it is the railroads right of way. Jeff Caines stated that the Planning Director could take a closer look at parking and waives certain parking for downtown development. Planning Director Samantha Wullenwaber reminded the item being presented was just for a Variance and this is just to consider the lot size of 20,000 square feet. There is a rezoning item that will be heard at another time. Parking is not a consideration at this time. With the upcoming applications from this applicant, parking would be taken into consideration at the proper time. It was further stated that many meetings have been held with regard to that subject. Board Member Begley asked if we were to approve would this variance stay permanent. Ms. Wullenwaber stated yes. Board Member Bizzell asked if there is off street parking requirement and if it could be cleared up. Ms. Wullenwaber stated yes and the Planning Director has discretion for downtown parking. There was nothing further.

The applicant, David DeYoung was present. He gave a presentation of the request. He went over the history of the site and proposed use, amenities, parking. There would be 4 apartments on the first floor and 4 on the second

floor. Each apartment would be approximately 1000 square feet each. The applicant anticipates that parking for the tenants will be using the lot adjacent directly to the right-a-way. The applicant also stated they will be building a 40 parking space parking lot across the street that residents will have a space designated to them and anticipate the lot will be a public lot. The applicant has addressed the Findings of Facts. Planning Board member Coats he believed the code only applies to Main Street for first floor apartments. Mr. DeYoung stated that it does apply to B-1 zoning which this site is zoned B-1. Board Member Coats asked if he could address "B" in the Finding of Facts and what is different about this lot than any other lot in Clayton to grant a Variance. Mr. DeYoung stated this is an in-fill lot. It is land locked and cannot be expanded without the acquisition of additional property. No matter what type of project was put on this property it will have hardships. There has been nothing done with this lot for six years. This project would put eight apartments with all Town utilities, pay park & rec fees, pay water & sewer system development fees, existing infrastructure in place with no needed extension of public infrastructure. The hardship is the lot can't be increased. He noted you would have to go all the way to the next block to make it a 20,000 sq. ft. lot. The property is landlocked. Planning Board Member Coats stated the Finding of Facts stated this may not be the basis for a variance. Mr. DeYoung stated this lot is bound to this size and will never be bigger than 6800 sq. ft. Mr. Coats stated he does not see that this would be a hardship. Mr. DeYoung stated about 50% of the lots in the neighborhood are smaller than 6000 sq. feet. There was no further questions for the applicant.

Planning Board Chair Andria Merritt stated that looking at downtown as a whole, this lot would be small for anything. Board Member Powers stated 20,000 sq. ft. restriction for apartments and townhomes, the town has the rule that the lot has to be a minimum of 20,000 square feet. There could be something else put there not needing a Variance. Mr. DeYoung added that they looked hard at this lot to find the best use for it. Parking and lot size will always be limited in the downtown area. They did have a neighborhood meeting and had no objections to this use. He feels they did their due diligence and came up with the best use of this land. Board Member Coats asked the attorney about the Finding of Fact #2. The Town Attorney Francis Rasberry stated the regulation of 20,000 sq. ft. is applicable in this zoning district. Board Member Coats stated he didn't feel the Variance was the solution to this, Town Council needs to change the rule of the lot size. There are a lot of uses that can be used for this.

Board Member Merritt stated she sees this as a downtown area, not like a development that has standards. Anything that someone wants to do this property, will need a variance. She stated this would be putting this to good use and a good plan to put residential in this spot. Board Member Bizzell seeing the site plan helps with the decision. The Red & White building had the same issue with parking. In this area, this is the character of downtown. Board Member Merritt stated that if we turn down this use, any other use, that Finding of Facts #2 will still apply. There were no further comments or questions from Board Members.

Craig Lee who owns the property across the street stated that there have been problems with parking and his concern stated that first parking available may be a hardship on a resident or customer. Mr. DeYoung stated any use that goes on this lot will generate a parking. They are trying to make more parking in the area.

Chair, Andria Merritt read the Findings of Facts.

Motion: Board Member Merritt
Second: Board Member Powers
Vote: Vote 6-2 Motion fails to carry as a super-majority vote required for approval.

- c) 2020-173-RZ - The Lofts at Wild District Rezoning
Tag #: 05031012
Location: 110 West Front Street

Request to table this item from the applicant

ACTION: 2020-173-RZ - The Lofts at Wild District Rezoning to be heard at a later date.

- d) 2021-07-OA - 160D Ordinance Amendment

Planning Director Samantha Wullenwaber stated that she has been working on the 160D Ordinance Amendment since last Spring. Consultant Chad Sary with Stewart Engineering was present and went over a presentation of the ordinance update. This is a mandatory update in the state of North Carolina.

There were no questions or comments.

ACTION: Approve 2021-07-OA 160D Ordinance Amendment recommendation to Town Council

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

7 NEW BUSINESS

- a) 2020-146-SP - Caterpillar Visitor Center Major Site Plan
Tag #: 05G03066N
Location: 954 NC-42 Hwy E.

Planner Jeff Caines presented this item. The applicant is requesting to expand the Caterpillar Visitor Center located off Hwy NC 42 East. The site currently has an area where construction equipment can be shown to potential clients for purchase. The site plan is to allow for a larger area to test the equipment and an area where equipment can be cleaned before it is placed back into

storage. The entire site is located in the Town's Watershed Overlay District and is subject to additional requirements which will be reviewed by the Town's Engineering Department. This request is consistent with the Comprehensive Plan 2040. Staff recommends approval.

The applicant Jay Smith was present and available for questions. Planning Board Member Bucky Coats asked if Area 2 Parking and Area 13 South End were existing. The applicant stated yes, they are both existing. There were no further questions for the applicant.

ACTION: Approve 2020-146-SP Caterpillar Visitor Center Major Site Plan

Motion: Board Member Coats

Second: Board Member Moore

Vote: Unanimous

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Vice Chair Coats stated he was not aware last meeting was Frank Price's last meeting and wanted to thank him for over 20 years of service, he did a great job and will be missed.

9 ADJOURN

a)

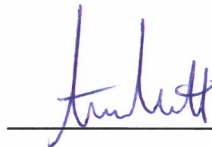
With there being nothing further, the meeting was adjourned at 8:23 p.m.

ACTION: Motion to Adjourn the Meeting

Motion: Board Member Coats

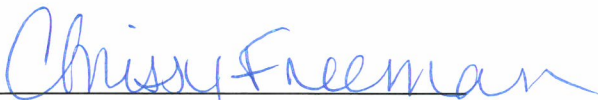
Second: Board Member Powers

Vote: Unanimous



Andria Merritt, Chair

ATTEST:



Chrissy Freeman, Clerk to the Board