



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, August 23, 2021 @ 6:00 PM
Town Council Chambers

IN PERSON TOWN COUNCIL / ADVISORY BOARD MEETING PROCEDURES

- **ALL persons attending must wear a mask.**
- We will be following proper social distancing at all times.
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Face Masks May Be Removed When Speaking.*

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

a. Draft Minutes

- July 26, 2021

[July 26, 2021 DRAFT Minutes](#)

POTENTIAL ACTION: Approval of Minutes

4. PUBLIC HEARINGS

5. NEW BUSINESS

- a. 2021-96-OA - Downtown Proposed Parking Ordinance Amendment
[Application - 2021-96-OA - Downtown Proposed Parking Ordinance Amendment](#)
[Proposed Text - 2021-96-OA - Downtown Proposed Parking Ordinance Amendment](#)
[Proposed Text Clean Copy - 2021-96-OA - Downtown Proposed Parking Ordinance Amendment](#)
[Staff Report - 2021-96-OA - Downtown Proposed Parking Ordinance Amendment](#)

POTENTIAL ACTION: Approve / Deny Proposed Downtown Parking Text Amendment Ordinance recommendation to Town Council

6. INFORMAL DISCUSSION AND PUBLIC COMMENT

7. ADJOURN



**Town of Clayton
Clayton Planning Board Minutes
Monday, July 26, 2021 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Archer, Board Chair
Stephen Powers
Lisa Begley
George "Bucky" Coats
James Moore
James Lipscomb

STAFF PRESENT:

Kimberly Moffett, Town Clerk
Michael Grannis, Council Member - Board Liaison
Dick Hails, Interim Planning Director
Jeff Caines, Senior Planner
Ben Paynter, Planner

MEMBERS ABSENT:

1 CALL TO ORDER

Board Chair Archer called the meeting to order at 6:02 p.m.

2 ADJUSTMENT OF THE AGENDA

- a) Amend the agenda to add two sets of minutes for approval.

3 APPROVAL OF MINUTES

- a) DRAFT Minutes
- April 26, 2021
 - June 28, 2021

ACTION: Adoption of Minutes

Motion: Board Member Coats

Second: Board Member Lipscomb

Vote: Unanimous

4 PUBLIC HEARINGS

5 NEW BUSINESS

- a) 2021-54-RZ Landmark Light Industrial Building Rezoning
Tag#: 05G02006G
Location: Shotwell Road/City Dump Road

Mr. Paynter presented this item. Request is to rezone from Planned Development Commercial (PD-C) to Light Industrial (I-1). The property is 24.81 acres and located at Shotwell Road and City Dump Road and is currently vacant. A concept site layout was provided. While on the Future Land Use Map adopted in the Comp. Plan, this property is

designated as Community Mixed Use and Light Industrial may be inconsistent but is keeping with the intent of the future land use as an area of mixed commerce and employment opportunities. Rezoning of this property would also result in a Future Land Use map amendment. This designation would encourage the redevelopment of under-utilized commercial development. Staff recommends approval of rezoning request.

There were no questions for staff.

Applicant, Dave Williams, was present. He stated no one showed up for neighborhood meeting so he personally reached out and shared details of the project. He stated current market of Light Industrial is underserved and this will meet a need.

There were no questions for the applicant.

There were no public comments. Item was turned over to board for their consideration.

Board Member Lipscomb stated he had no concerns and feels this would be a great use. Board Chair Archer added she also felt it was a great fit.

ACTION: Recommendation of Approval to Town Council

Motion: Board Member Lipscomb

Second: Board Member Moore

Vote: Unanimous

- b) 2021-71-RZ Johnston Preparatory High School Rezoning
Tag#: 05105036
Location: West side of Hwy 70 Bus; West of Gordon Road

Mr. Caines presented this item. Request is to rezone property from Residential Estate/ Highway Business (B-3) to Office & Institutional (O&I). The property is located on the west side of Highway 70 Business, west of Gordon Road. Total acreage is 38.46 with current use of existing farm. This requested zoning would be to allow for future development of a new high school. This future development will be filed under a separate application and reviewed individually.

While the proposed zone of O&I is not consistent with the Comp Plan, the properties to the west are smaller and have residential homes already constructed with a Rural Residential Future Land Use Map. Additionally the Highway Business designation allows for a more intensive use. Therefore by having an O&I zoning designation between the two Future Land Uses, a transitional zone is created. Staff recommends approval of the request.

Board Member Coats asked about acreage guidelines for high schools. Mr. Caines stated he was not knowledgeable about such guidelines. Board Member Moore asked about annexation. Mr. Caines stated a voluntary annexation application had been submitted and would be heard by Town Council. Board Member Moore asked about availability of services available. Mr. Caines stated tonight was strictly about the rezoning. He further

explained the process for services. Board Member Moore asked if DPI had approved charter school application.

There were no further questions for staff.

The applicant and their attorney were both present. Details and background regarding the project were shared. A slide showing facility layout was also shared. He stated the proposed campus would include two soccer practice fields.

There were no questions for the applicant.

Ms. Tricia Privette was present. She stated she had two areas of concerns related to how this may affect her property, which is directly across from this property as well as any future possibility of development. Her second concern related to the proximity of school drive to her property.

The applicant, Bob Dunston responded to Ms. Privette's concerns. He stated the intersection would be signalized and there is a natural buffer area and also added they would be willing to add a fence along the driveway. He also added there would be no sidewalks. Mr. Dunston stated there were no acreage requirements that he was aware of. He also stated the official application would be submitted this week through the NC Board of Education and first series of interviews should be held in the next 3 months and approval takes place after that time frame.

Board Member Moore questioned the impervious surfaces.

Board Member Archer reminded we were getting into areas that had nothing to do with rezoning.

Board Member Lipscomb felt this was a wonderful use of the site.

Mr. Caines reminded the site plan would still go through the entire process of TRC, etc. He stated the final approval would go to Council via a Special Use Permit process.

Board Member Moore asked to see map showing adjoining property.

Chair Archer stated she liked the transitional use. She advised other items regarding value of properties and driveway should be addressed at a separate town council public hearing for the Special Use Permit.

ACTION: Recommendation of Approval to Town Council

Motion: Board Member Lipscomb

Second: Board Member Begley

Vote: 4-2 (Opposed - Board Members Moore & Powers)

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 ADJOURN

- a) With there being nothing further, the meeting was adjourned at 6:53 p.m.

ACTION: Motion to Adjourn

Motion: Board Member Lipscomb

Second: Board Member Powers

Vote: Unanimous

Duly adopted this the 23rd of August, 2021 while in regular session.

Andria Archer, Chair

ATTEST:

Chrissy Freeman, Clerk to the Board



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Downtown Proposed Parking Ordinance Amendment

Existing title of Code Section(s): Chapter 155, Article 4: Off-Street Parking and Loading

Code Section Number(s): 155.401(B)(8)

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton

Mailing Address: PO BOX 879, Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

Contact Person: Dick Hails, AICP

Email Address: dhails@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

The proposed ordinance amendment is to amend Article 4 of Chapter 155. The changes are subject to occur in section 155.401 Change is related to the Downtown Overlay District.

FOR OFFICE USE ONLY

Date Received: _____

Amount Paid: _____

File Number: 2021-96-OA

July 2018

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REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>Waived DH</u>	☐	X			
2. Review Fee and Advertisement Fee	☐	X			
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The proposed text amendment is consistent with the remainder of the chapter. It meets the intent of the code.
2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The text amendment updates the code to meet current best practice and standards.
3. Whether or not the proposed text amendment corrects an error in the chapter.
The text amendment does not correct an existing error but updates the article.
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The ordinance changes do comply with state and federal law.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Code of Ordinances as requested. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Print Name

Signature of Applicant

Date

July 2018

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UDC 155.401(B)(8)

~~In the Downtown Overlay District, the Planning Director may allow a new use to be established, or existing structure expansion even if off-street parking and loading requirements of this Section cannot be met for the new use, provided that as much off-street parking and loading as can reasonably be provided is provided, and no foreseeable traffic congestion problems will be created.~~

UDC 155.401(B)(8)

In the Downtown Overlay District, the off-street parking requirements for non-residential development shall be 50% of that specified in this Section.

UDC 155.401(B)(8)

In the Downtown Overlay District, the off-street parking requirements for non-residential development shall be 50% of that specified in this Section.



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
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*Planning Board
August 23, 2021*

STAFF REPORT

Application Number: 2021-96-OA
Project Name: Downtown Parking Standards
Ordinance Amendment

Applicant: Town of Clayton

Public Noticing:

- Newspaper ad published August 25, 2021 & September 1, 2021

REQUEST: Request to make amendments to the text of the Unified Development Code (UDC) §155.401(B)(8) to read: In the Downtown Overlay District, the off-street parking requirements for non-residential development shall be 50% of that specified in this Section. The proposed change is minor in scope.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155 and their general description are proposed for amendment:

- 401 – Off-Street Parking and Loading

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to amend the parking requirement in the Downtown Overlay District. On July 14, 2021 the Town Council held a Special Town Council Meeting to discuss Downtown Parking Concerns. Staff was directed to look at the parking section of the Unified Development Code and propose a text amendment to reduce the non-residential development parking requirement. The proposed text amendment has been submitted for a recommendation by the Planning Board with a final decision by the Town Council, scheduled at the September 7, 2021 meeting.

Approval Criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;

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Response: The proposed text amendment is consistent with the remainder of the chapter, It meets the intent of the code.

2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;

Response: The text amendment updates the code to meet current best practices and standards, as directed by the Town Council.

3. Whether or not the proposed text amendment corrects an error in the chapter;

Response: The text amendment does not correct an existing error but updates the article per the Council's direction.

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law;

Response: The ordinance changes do comply with state and federal law.

5. Any adopted plans of the Town

Response: The text amendment does not modify any adopted plan of the Town.

CONSIDERATIONS

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.

STAFF RECOMMENDATION:

Staff is recommending approval of changes to the downtown parking standards.

CONDITIONS:

Staff has no recommendation of Conditions.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy