



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, April 26, 2021 @ 6:00 PM
Town Council Chambers

THE CLAYTON PLANNING BOARD MEETING WILL BE HELD IN-PERSON.

IF YOU WISH TO OFFER COMMENTS AND DO NOT WISH TO ATTEND IN PERSON, PLEASE FORWARD YOUR COMMENTS TO THE BOARD CLERK NO LATER THAN NOON THE DAY OF THE MEETING. PLEASE INCLUDE YOUR NAME AND ADDRESS. PUBLIC COMMENTS RECEIVED WILL BE INCLUDED AS PART OF THE RECORD.

EMAIL: CFREEMAN@TOWNOFCLAYTONNC.ORG

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

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.
- Entrance AND Exit will be main door on Second Street.
- Any member of the public attending will be asked to wait in the lobby until item they wish to address is ready for discussion.
- Lobby will be set to encourage social distancing.
 - Chairs will be at least 6' from each other.
- We will have TWO staff members attending the meeting(s) to ensure smooth transition with those attending the meeting. One person will serve as the LOBBY staff and the other will serve as the CHAMBER staff.
- The meeting will be shown on the monitor in the lobby. (YouTube)
- All council or board members will be socially distanced in the council chambers and wearing face masks.*
- Staff will be socially distanced and seated within the council chambers. Face masks will be worn.*
- 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

- March 22, 2021

[Clayton Planning Board - 22 Mar 2021 - Draft Minutes](#)

POTENTIAL ACTION:
Minutes

Approve / Deny March 22, 2021 Planning Board

4. PUBLIC HEARINGS

- a. 2020-173-RZ The Lofts at Wild District Rezoning
Tag # 05031012
Location: 110 W. Front Street
POTENTIAL ACTION: Application Withdrawn

5. NEW BUSINESS

6. TRAINING

- a. Key Issues
Presenter: Richard Hail
- Legal
 - Meetings/Public Hearings
- [Key Issues Training and Information Sheet](#)

7. INFORMAL DISCUSSION AND PUBLIC COMMENT

8. ADJOURN



**Town of Clayton
Planning Board Minutes
March 22, 2021 @ 6:00 p.m.
Council Chambers**

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

JD Solomon, Town Manager
Jeff Caines, Senior Planner
Ben Paynter, Planner
Chrissy Freeman, Clerk to the Board
Kelly Chase, Town Attorney
Michael Grannis, Town Council

MEMBERS ABSENT:

1 CALL TO ORDER

- a) Planning Board Chair Andria Merritt called the meeting to order at 6:00 p.m.
All members were present.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

- a) Draft Minutes
• February 22, 2021

ACTION: Adoption of February 22, 2021 Minutes

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

4 PUBLIC HEARINGS

- a) 2020-173-RZ The Lofts at Wild District Rezoning
Tag #: 05031012
Location: 110 W. Front Street

ACTION: Continue to the April 26, 2021 Planning Board Meeting

Motion: Board Member Coats

Second: Board Member Avery
Vote: Unanimous

5 NEW BUSINESS

- a) Planning Director Update
Presenter: JD Solomon, Town Manager

Town Manager JD Solomon presented updates to the Planning Department. The Town will be looking to hire a new Planning Director and could take up to six to eight weeks. A consulting firm will be coming in to review the comp plan, 160D.

James Lipscomb requested when the new Planning Director comes in, he would like to have more comprehensive training. Mr. Solomon stated yes we need to do training and he has previously talked to Samantha Wullenwaber about training. Board Member Bizzell asked about 160D, if you already have a project in, do you have a choice of which way to go. There is about a 6 month time frame or longer depending on the transition.

ACTION: None - Informational Only

- b) Comp Plan Update
Presenter: JD Solomon, Town Manager

Town Manager JD Solomon stated the Comp Plan update will be slowing it down a little, manage as a scope and do some workshops. This Comp Plan is important to be done right.

ACTION: None - Informational Only

- c) Board of Adjustment Selection Update
Presenter: Jeff Caines, Senior Planner

Senior Planner Jeff Caines went over the Board of Adjustment process. The interviews were held last week and went well. A brief overview is the BOA will consist of a five member panel, three from town limits, and two from ETJ. We will have one alternate. The BOA will hear the Quasi-Judicial hearings, Variance, Administrative Appeals and Conditional Zoning. The BOA meetings will be heard the last Wednesday of each month. There will be some projects that the Planning Board will hear that the applicant has chosen to stay on the old 160D code.

ACTION: None - Informational Only

- d) **Master Plan Integration**
Presenter: JD Solomon, Town Manager

Town Manager JD Solomon discussed the Comprehensive Plan and Bike/Ped Plan.

ACTION: None - Informational Only

- e) **Upcoming Projects**
Presenter: Jeff Caines, Senior Planner

Senior Planner Jeff Caines discussed upcoming projects including Country Lane which will be a Conditional Zoning to be reviewed by Planning Board for recommendation to Town Council.

ACTION: None - Informational Only

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 ADJOURN

Andria Merritt, Chair

ATTEST:

Chrissy Freeman, Clerk to the Board

Five Things (x2) That Planners Want You to Know

Key Legal Issues to Consider (and Avoid)

1. Due Process – conduct and advertising for public hearings; equal time and treatment for each side and speaker; proper advertising as required; allowing persons into hearing room/internet site equitably (e.g. during Covid).
2. Spot Zoning – creating a small zoned area within a larger, very different zoned area; for example, allowing industrial uses in a new location surrounded by residential; generally does **not** include small retail, different housing densities and public/civic uses serving that area or a larger area (public).
3. Contract Zoning – approval or denial of a zone change based on consideration of issues outside of “compatibility of land uses”; such as, donation of land or funds to a charitable or community/environmental organization. Need to minimize testimony on such outside issues.
4. Fair Housing – approval or denial of a zone change based on issues related to the cost or tenure of the proposed land use; for example, actions based on rental vs homeowner housing, the cost of proposed housing, the types of persons likely to occupy said housing. Can become a violation of federal laws on equal access for all persons to all housing.
5. Other – issues pertaining to other constitutional issues, such as First Amendment/free speech issues, such as sign and billboard limits, sexually oriented businesses, Fifth Amendment/takings issues from regulations, etc.

Key Issues on Conduct of Meetings/Public Hearings

1. Meeting Chair and Commissioners shall announce and follow meeting guidelines.
2. Encourage all comments be made to the Board (*vs other speakers*).
3. Comments made – Should observe established speaker time limits; can submit written comments; make comments primarily from personal observation and opinion (*vs others*’).
4. Observe rules of decorum - avoid cursing and arguing with others; actively discourage audience comments, except for answering questions. In that case, persons should come to the microphone, to make sure the comments are on the recorded record.
5. Make comments concise and relevant to the case and land use issues; give time for commissioner comments and questions; avoid repeats and multiple comments if possible; reference facts in staff reports to the extent feasible.

4-21-21 DH