



Town of Clayton
Planning Board Minutes
Tuesday May 26, 2020 @ 6:00 PM

BOARD MEMBERS PRESENT:

Travis Avery
Brian Tiede
Stephen Powers
James Lipscomb
Bucky Coats
Andria Merritt
James Moore
Marty Bizzell

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Jeff Caines, Planner
Sharon Sharpe, Planner
Chrissy Freeman, Clerk to the Board
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

Frank Price

1 CALL TO ORDER

a)

Chair Andria Merritt called the meeting to order at 6:03 pm. Board Clerk Chrissy Freeman completed roll call. Planning Board Member Frank Price was absent from this meeting.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

a) February 24, 2020 Planning Board Draft Minutes

ACTION: Approve February 24, 2020 Planning Board Minutes

Each Board Member was called by name to record their vote.

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

4 PUBLIC HEARINGS

a) 2020-17-RZ Tract on Powhatan Road Rezoning
Tag # 05105004

Location: No site address +/- 1200 feet West of Mohican Trail

Anyone wishing to offer comments at this Public Hearing will need to contact the Board Clerk no later than 12:00 noon the day of the meeting to be provided with information regarding remote meeting participation. You may contact the Board Clerk via email @ cfreeman@townofclaytonnc.org or via phone at 919-553-5002.

Town Attorney Merrick Parrott went over the recent legislative on remote meetings in an emergency declaration that we are now that the Board takes no action on the public hearing and will require a 24 hour comment period.

Planner Jeff Caines presented this item. The applicant is requesting to rezone from Residential Estate (R-E) to Industrial-Light (I-1). The site is located on Powhatan Road approximately 1200 feet west of Mohican Trail and Powhatan Road and is currently vacant. The Light Industrial zoning district fosters the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. The intent of this zoning district is to have businesses that are relatively clean and operate in a quiet manner. The applicant does not have a specific intended use for this site, however staff finds that this re-zone will give the ability for the applicant to prepare the site to be sold on the open market. The Industrial-Light zoning district would allow this property to be developed with more compatible uses that already exist in the surrounding area.

This request is consistent with the Comprehensive Plan 2040 and staff recommends approval. There were no questions for staff.

The applicant David Orringer was present and available for questions. He gave a small presentation of what his plan is to proactively have growth within the community. He would like to have employment opportunities within the Town of Clayton. Looking at Industrial companies, it goes way back and have a great run of companies be a part of our town. He is hoping this property will be able to grow with either existing companies or something new. There are some concern at the neighborhood meeting and would like to address any issues. There were no questions for the applicant.

Board Clerk Chrissy Freeman read a public comment letter from Teresa Scott 3366 Powhatan Road. There was also a petition signed. Resident Mr. Larry Smith was present and made public comment on this project request. He mail a letter to all Planning Board members in March of 2020. Board Clerk read the letter to the Board. The adjacent properties are still all zoned R-E and also this property was up for rezoning back in 2014 and was denied by the Planning Board. Mr. Smith is opposed and feels this will not improve the neighborhood and be destructive to it.

ACTION: Hold Public Hearing & Then Place On Next Planning Board Agenda for Deliberation and Recommendation to the Town Council.

b) **2020-22-PDD Shoppes at Glen Laurel Planned Development Rezoning**

Tag # 0510416E

Location: Located off Glen Laurel Road South of existing Shoppes at Glen Laurel Mixed Use Development

Anyone wishing to offer comments at this Public Hearing will need to contact the Board Clerk no later than 12:00 noon the day of the meeting to be provided with information regarding remote meeting participation. You may contact the Board Clerk via email @ cfreeman@townofclaytonnc.org or via phone at 919-553-5002.

Planner Haley Hogg presented this item. The applicant is requesting to rezone 10.5 acres from Residential-Estate (R-E) to Planned Development Mixed Use (PD-MU). This site is located off Glen Laurel Road and the application is running concurrently with a preliminary plat (master plan) to add the land to the Shoppes at Glen Laurel Mixed Use Planned Development to the north. The master plan is still under review and is subject to change prior to proceeding to Town Council. This request is Consistent with the Comprehensive Plan 2040.

The applicant Mark Ashness and Kate Brown of C.E. Group were present and available for questions. Mr. Ashness went over a brief overview of the proposed project. There was no questions for the applicant.

There were no public comments received for this project.

ACTION: Hold Public Hearing & Then Place On Next Planning Board Agenda for Deliberation and Recommendation to the Town Council.

5 NEW BUSINESS

a) **2020-37-SD Health Park at Forty-two West Major Site Plan**

Tag # 05G03004R

Location: Located on both sides of Health park way and NC Hwy 42 West

Planner Jeff Caines presented this item. The applicant is requesting major site plan approval for the development of four separate buildings to be used as medical office space. This project was previously reviewed and approved as a medical office space (2016-36-SP) but since has expired. Currently there is one office building that is occupied on the site, but because the previous request has expired, a new site plan is required to be submitted in order to

continue development of the remaining four buildings. The proposed development is located with access off Health park Way with direct frontage along NC Hwy 42 West. This request is consistent with the Comprehensive Plan 2040 and meets all requirements of the Unified Development Code (UDC). Sidewalks are proposed along all public street frontages. There are two dumpster enclosures to serve the five buildings once the buildout is complete. The building design will be consistent on all sides and the four buildings proposed will match the existing building on-site. There were no questions for staff.

The applicant Chris Tingler was present and available for questions. He went over a brief overview of the site plan. A kidney dialysis center would be one of the tenants. The applicant feels this would be good for the community. There were no questions for the applicant.

ACTION: Approve 2020-37-SD Health Park at Forty-Two West Major Site Plan

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

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Bucky Coats commended Planning Director on meeting going well along with the Chair, Andria Merritt and rest of Planning staff.

7 ADJOURN

a)

With there being nothing further, the meeting was adjourned at 7:03 p.m.

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



Andria Merritt, Chair

ATTEST:



Chrissy Freeman, Clerk to the Board

March 6, 2020

Dear Clayton Planning Board/Town Council Members:

On March 4, 2020 my husband and I attended a Neighborhood Meeting at True Line Surveying regarding the rezoning request by Mr. David Orringer of a tract of land on Powhatan Road. The tract of land in question borders our property, where we live at 3366 Powhatan Road. At present this land is zoned RE, with the petitioner requesting it be rezoned to I1.

I respectfully ask the Town of Clayton to deny this request for rezoning this property. While I understand why Mr. Orringer has requested the change, I do not believe it is in the best interest of our neighborhood or the Clayton community at this time.

Powhatan Road is a semi-rural community; mostly residential or agricultural from Powhatan Church to Wilson's Mills, on the left side of the road. We would very much like to keep it as rural as possible. In addition, the bordering tract of land between the one in question and Powhatan Church is owned by Grifols and has not been rezoned. It is still zoned RE and has been established as "Corporate Lands for Learning-Wildlife Habitat Council", by Grifols.

In keeping with a spirit of farmland vs "pharmmland", we believe this particular tract of land should be kept as it is, at least where zoning is concerned. While it would financially benefit

Mr. Orringer for the zoning to be changed to I1, it would not benefit the community as a whole. I am sympathetic to his plight, however. Since my family owned this property in the past, I can relate to his wanting to sell it. However, rezoning to I1 could bring any number of businesses to our community and leave us virtually surrounded by industry. In addition, it would significantly decrease our property value.

Powhatan Road is not a major thoroughfare. It is a rural, two lane road. With the construction of the second Novo Nordisk plant, the road has taken quite a beating. Noise and light pollution is ongoing, 24 hours a day. If this tract of land were to be rezoned to I1, more industry would just compound the issues we already face and virtually surround us.

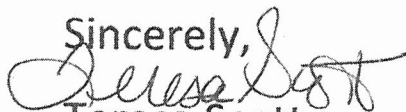
This area of Powhatan Road is rich with history, all the way back to the 1500's and Chief Powhatan, the father of Pocahontas, who camped in the area many times. Up to more recent times when it was farmed by my family and friends.

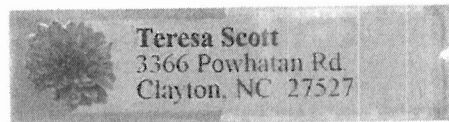
I believe it would be much more beneficial to Clayton to maintain this area RE and possibly expound on the history, the wildlife and ruralness of this area, instead of paving over it and making it another industrial park.

Further, maybe one of our healthcare neighbors (Novo or Grifols) would like to take it on and make it a nature park or greenway to benefit employees as well as the community. Another option would be a small sub-divided neighborhood. A park or neighborhood would help sustain the rich heritage of

the Powhatan Community instead of covering it with more pavement. Either way, rezoning to I1 should not be allowed.

Sincerely,


Teresa Scott



March 14, 2020

Mr. Robert Ahlert, Chairman
Clayton Planning Board
111 E Second Street
Clayton, NC 27520

Subject: Request to rezone Powhatan Road vacant parcel from R-E zoning to I1: Parcel 05105004

I attended the March 4, 2020 Neighborhood Meeting held by Mr. Curk Lane at True Line Surveying. At this meeting I expressed my and my wife's objections to this rezoning request. Also in attendance, along with others, were my next door neighbor and sister, Mrs. Teresa Scott and her husband Jesse. Mrs. Scott has sent a letter dated March 6, 2020 to the Planning Board setting forth several objections that she has to this proposed rezoning. My wife and I are in total agreement with Mrs. Scott's objections.

We had planned on attending the Planning Board's March 23, 2020 meeting to present our objections to this proposed rezoning in person. However, due to our age, health and the current situation with the Covid19 virus, we feel that we should not be attending any meetings at this time. Therefore, we are requesting that you take this letter under consideration in lieu of an oral presentation from us.

As stated previously we are opposing this rezoning to I1. Since Novo Nordisk has and are continuing to build across the road from our property there has been a tremendous increase in noise, dust, vibrations to our house and the traffic on Powhatan road is now really bad. When I cross the road to my mailbox I nearly always have to wait for numerous vehicles to pass by and at times it is really a dangerous situation. If this rezoning is approved, then my sister's and my residential properties would be $\frac{3}{4}$ surrounded by Industry. I believe this would have a severe negative impact on our residential property values. Also there is only one other large (about 15 acres) piece of property adjacent to this proposed rezoning parcel before reaching the neighborhood of Powhatan Glen, and if this rezoning is approved it is only a matter of time before I believe this other property would also be requested for rezoning. If that happens, my sister's and my residential properties will be completely surrounded (**360 degrees**) by Industry.

Also, the applicant has not stated any intended use for this property if it is rezoned. Could it be something in the I1 Zoning that may be offensive to neighbors? It is our understanding that if this rezoning request is approved, any use listed in I1 Zoning could be put on this property. There are many uses listed in the I1 Zoning that we would not want next door to our family and we feel other neighbors, like those in Powhatan Glen, would not want in this neighborhood either.

Again, we want to reiterate our opposition to this rezoning request and ask that the planning board recommend denial of this application to the Town Council. We also ask that this letter be included in the records pertaining to subject rezoning request.

Sincerely,



Larry G. Smith & Linda T. Smith
3352 Powhatan Road

CC: Planning Board Members (ETJ)

Mr. Frank Price

Mr. Marty Bizzell

✓ Mr. James Lipscomb

Ex-Officio Member

CC: Mr. Bob Satterfield – Council Member

CC: Mrs. Teresa Scott & Mr. Jesse Scott