



**Town of Clayton
Planning Board Minutes
November 25, 2019 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merritt
Ross Benson
Stephen Powers
James Lipscomb
Bob Ahlert
Frank Price
James Moore
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Jeff Caines, Planner
Chrissy Freeman, Clerk to the Board
Merrick Parrot, Town Attorney
Bob Satterfield, Council Member

MEMBERS ABSENT:

Marty Bizzell

1 CALL TO ORDER

- a) The meeting was called to order at 5:59 p.m.

Planning Board Member Marty Bizzell was absent from the meeting.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

- a) Approval of October 28, 2019 Planning Board Minutes

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

4 PUBLIC HEARINGS

- a) 2019-161-CUP Clayton Storage Conditional Use Permit
NC PIN: 165915-62-2628 / 165915-62-4541
Tag #: 05E99018Y / 0525003B
Location: Off US Hwy 70 Bus

Town Attorney Merrick Parrott explained the Quasi- Judicial process. Clerk to the Board Chrissy Freeman gave the affirmation.

Planner Haley Hogg presented his item. This is a continuation of Clayton Storage Conditional Use Permit from last month's meeting and is also running concurrently with Major Site Plan 2019-162. The request to allow the use of Self-Storage facility and three more portable storage buildings that will total 3400 square feet and add 20 more units. The property is located off Highway 70 and is adjacent from Clayton Crossing and Meineke. The existing building is 12,038 square feet and 65 units. The new building will add 3400 square feet and total of 20 units. This property is located in a flood zone. The outdoor storage is subject to an associated special use permit (2019-183-SUP). The new building will match the existing buildings. The proposed use is consistent with the Comprehensive Plan 2040 and Surrounding Land Uses. If approved, there are recommended conditions from staff noted in the staff report. There were no questions for staff.

The applicant Gary Walston with BNK Engineering was present. He had information packets to give to the Planning board. The client hired a company to do a flood study. They held a meeting at the Clayton Center last Thursday night with the concerned neighbors to go over the additional information. He showed a slide that showed a much clearer picture of how the width access drive will be laid out. This will be 22 feet and will be paved. The grading will not be changed with the paving. The next slide showed the stormwater plan. They enlarged the area of the direction of the flow that runs through the parking lot. Robbie Bell from BNK and Cliff Minsley were also available for questions. Planning Board Member Andria Merritt asked if the neighbors have been provided this new information and did they have comments on this? There was some concern of where the water would go. Ms. Merritt also asked about the increase of flooding, and what were the neighbor's reactions to that? At the meeting, they summarized that the flooding would not increase in this area. Additional speakers needed to be sworn in and Clerk to the Board gave the affirmation to the two additional applicants/citizen. Developer Cliff Minsley stated he sat with some of the concerned property owners. He understands the point that is trying to made, this project will cause a run off but in a controlled manner. It will be collected and directed towards the storm device and provide the control of the flow. The flood report states the site is small and does have an impact, but at a minimal. They hired the flood representative to be present, but is not present at the time. Mr. Minsely was available to answer any questions from the Board and from the neighbors. There were no questions.

Benny Fussell, member of Clayton Crossings representing the neighbors was present. He met with the developer and engineers. They did not get to look at the flood report before today. They requested the pond to be enlarged, which looks like the applicant has done that on the drawings. Robbie Bell with BNK, stated one year 24 hour storm is compliant, meets town requirement. It is a wet pond and provides treatment for nitrogen and release of the water. Mr. Fussell continued and stated that if we do get a heavy rain it will still flood. The initial study that was presented last meeting stated the flow of water would double and the current study states minimal flooding. The issue is the flooding that comes from the north. The only other concern was the screening adjacent to the Clayton Crossing far right corner, property is up against a stormwater

and utility easement, and this leaves minimal space for a screen. There were no questions.

The Board read through the Findings of Facts.

ACTION: Approve the request with conditions as outlined in the staff report.

Motion: Board Member Lipscomb

Second: Board Member Price

Vote: Unanimous

- b) 2019-162-SP Clayton Storage Major Site Plan
NC PIN: 165915-62-2628 / 165915-62-4541
Tag #: 05E99018Y / 0525003B
Location: Off US Hwy 70 Bus

This request is running concurrently with 2019-161-CUP.

ACTION: Approve the request.

Motion: Board Member Coats

Second: Board Member Price

Vote: Unanimous

5 NEW BUSINESS

- a) 2019-104-SP Edwards Electronic System Ph. 2 Major Site Plan
NC PIN: 167700-49-5090
Tag #: 05I05019U
Location: Off Powhatan Rd.

Planner Haley Hogg presented this item. The applicant is requesting approval to develop a new 6,011 square foot warehouse/office building. The building will be Phase 2 of Edwards Electronic Systems which currently has an existing building on site. The property is zoned Industrial-Light (I-1) and the proposed site plan meets all requirements for setbacks and impervious surface coverage. The new building will share a parking lot with the existing building and will utilize an existing driveway off Powhatan Road for access. The property is currently in the Town's ETJ. The applicant will be applying for an annexation into Town Limits. This request is consistent with Comprehensive Plan 2040 and meets all requirements of the Unified Development Code. Staff recommends approval. There were no questions for staff.

The applicant Mike Edwards was present and available for questions. There were no questions for the applicant.

ACTION: Approve the request.

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

b) 2019-229-RZ JAK Holdings Rezoning

NC PIN: 165907-58-2949

Tag #: 05G01015A

Location: Northwestern corner of Shotwell Rd. / Old US Hwy 70 Intersection

Planner Haley Hogg presented this item. The applicant is requesting to rezone from Residential Estate (R-E) to Highway-Business (B-3). There is currently a single family residence on the site and is located at the northwestern corner of the intersection of Shotwell Road and Old US Hwy 70. Staff supports the rezoning due to the consistency of the surrounding parcels. The southern and southeastern corner parcels at the intersection are both already zoned commercial districts (B-2 and B-3). The request is consistent with the Comprehensive Plan 2040. Staff recommends approval. There were no questions for staff.

The applicant Andy Phillips was present and available for questions. He stated the company has had rapid growth and would like to stay in Clayton. They currently lease a space across the street. There were no questions for the applicant.

ACTION: Recommend approval to Town Council

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

c) 2019-40-PDD Buckhorn Branch Planned Development Rezoning

NC PIN: 166811-55-8386 / 166800-54-8289 / 166800-64-8874

Tag #: 05H03010 / 05H03197D / 05H03009

Location: Off US Hwy 70 Bus, Iris Street and Wildwood Drive

Planner Haley Hogg presented this item. The request to rezone from r-e to PD-R. The property size is 84.73 acres and is currently vacant. The master plan request 324 residential units including townhomes and single family dwellings. The site plan is still under review by town staff. This request is inconsistent with future land use map designation. Staff does support rezoning due to proximity to us hwy 70 bus. This is consistent with Comp Plan 2040. There were no questions for staff.

The applicant, Sam Weathers attorney was present. Ryan Fischer, engineer was present and available for questions. Bucky Coats asked if the project included Iris and Wildwood. The main entrance would be where wildwood is. The roads would be paved. There were no further questions.

Board Member Coats is not in favor to moving this to Town Council. He is concerned over the roads and entrance would not support the traffic. Moving this to a higher density, we already have overcrowded schools. This is not consistent with the Comprehensive Plan 2040. Haley Hogg stated that this would be medium density.

Motion: Board Member Lipscomb
Second: Board Member Merrit
Vote: Motion Passes Vote 7-1 (Opposed: Coats)

- d) 2019-230-RZ Grand Plaza Rezoning
NC PIN: 164900-97-1724
Tag #: 05G01201C
Location: 13025 US Hwy 70 Business

Planner Jeff Caines presented this item. The applicant is requesting to rezone from Special Use District (B-3-SUD) to Highway Business (B-3). The B-3 zoning district allows for opportunities for offices, service uses, and business retailing durable and convenience goods for the community as a whole. The applicant is requesting the removal of the SUD in order to accommodate a chiropractic clinic in the building. The proposed rezoning would not affect the status and land uses of the existing businesses. This request is consistent with the Comprehensive Plan 2040 and the Surrounding Land Uses. Staff recommends approval. There were no questions.

The applicant David Stowe was present and available for questions. Mr. Powers asked about the spaces and the zoning will change on the entire building. The answer was yes, that is correct. There were no further questions for the applicant.

ACTION: Recommendation to Town Council to approve the request.

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

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Planning Director Samantha Wullenwaber stated the RFQ went out last week for the Unified Development Code rewrite and due December 4th. The top three top firms will be interviewed on December 6th, for a panel process and negotiate a contract to begin in January.

James Lipscomb asked about the background of Buckhorn Branch and where they are in the process. He asked if the density is something Planning Board can look at before a developer submits materials for review. Mrs. Wullenwaber stated they will have to go through Town Council and this application has been in process for about eight months. A rezoning can be requested without stating what the applicant would like to do.

7 ADJOURN

a)

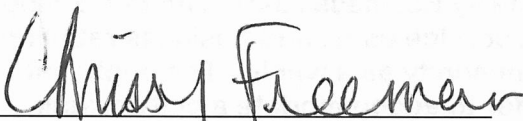
With there being nothing further the meeting was adjourned at 7:15 pm

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



Robert J. Alert, Chair

ATTEST:



Chrissy Freeman, Clerk to the Board