



**Town of Clayton
Planning Board Minutes
March 25, 2019 @ 6:00 P.M.
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merritt
Stephen Powers
James Lipscomb
Marty Bizzell
Bob Ahlert
Frank Price
James Moore
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Damiere Powell, Planner
Chrissy Dunn, Clerk to the Board
Merrick Parrott, Town Attorney
Bob Satterfield, Councilman

MEMBERS ABSENT:

Ross Benson

1 CALL TO ORDER

- a) Bob Ahlert called the meeting to order at 6:00 p.m.

2 ROLL CALL

- a)
Board Member Ross Benson was absent from this meeting.

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

- a) Approval of February 25, 2019 Planning Board Minutes.

ACTION: February 25, 2019 Minutes approved as presented.

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

5 REPORTS AND COMMENTS

6 OLD BUSINESS

7 NEW BUSINESS

- a) 2019-28-VAR Mobile Home Replacement Variance (Quasi-Judicial)
NC PIN: 165807-77-0602
Tag #: 05H03196E
Location: 709 1/2 Lakeview Dr.

Town Attorney Merrick Parrot explained the Quasi-Judicial Process. Clerk to the Board Chrissy Dunn gave the affirmation.

Damiere Powell presented this Variance request. The applicant is requesting to replace an existing mobile home that was damaged in a fire. The new development is proposed on a nonconforming lot as the current lot size is only 14,810 square feet. The minimum lot area requirement for this property is 20,000 square feet. Most of the lots in this subdivision do not meet the minimum lot area requirement. Board Member Coats asked about the unit and is it the same size as the previous unit? Planning Director Samantha Wullenwaber stated that the mobile home is a little larger and is consistent with the neighboring mobile homes. Board Member Bizzell asked about the plot plan because it was a sketch, is there a survey? Ms. Wullenwaber stated staff is comfortable with the recommendation to replace the mobile home.

The applicant, Rodney Harrison was present and available for questions. He stated after the fire, back in September, the mobile home was destroyed. He and his family lived there for 25 years. He also stated the old unit was 60 x 28 and the new mobile home is slightly longer. No further questions for the applicant.

Board went over the findings of facts.

ACTION: Recommendation to approve the request with the conditions presented by staff.

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

- b) 2019-41-VAR Horne Memorial UMC Expansion Variance (Quasi-Judicial)
NC PIN: 166913-02-4512
Tag #: 05015059
Location: 121 E. Second St.

Clerk to the Board Chrissy Dunn gave the affirmation.

Damiere Powell presented this request. The variance request is for a reduction of the minimum setback distance to 7 feet. There is a Major Site Plan running concurrently with this request. There were no questions for staff.

The applicant, Don Curry, Curry Engineering was present and representing Horne Memorial Church. He gave a brief explanation of the project and expansion. The request will be consistent with the rest of the church along with architectural consistency. Board Member Merritt asked about the building percentage, and are they expecting to go to 55%. The applicant stated they are rounding up to allow some of the movement of the building. Board Member Bizzell asked about setbacks with the existing church and this would be about the same encroachment? The expansion is consistent with rest of the setbacks of the current building. Board Member Price asked if the existing structure on the back, is this where the expansion would go. There is a single family home there currently and will be demolished. Board Member Merritt asked what the current use of the existing home is. The applicant, stated it was purchased by the church and is used for meetings and storage. In the expansion, they would remove the house and expand into that area where the house is. There were no further questions for the applicant.

Resident Dorotea Torchiano lives directly behind the church. The church does need more room, but her concern is about the setback to the back of the property. The change from a smaller home that is on that land to a bigger building will take away sunlight from her home. She did attend the neighborhood meeting. She would like to see what can be done moving forward to make this a happy situation for all.

The applicant responded that they appreciate the comments, but do not feel the setbacks are not unreasonable or a negative impact on the adjacent properties. Board Member Bizzell asked is there a request for a variance for the 3 sides for the setback? What about the property across the street. The applicant stated it is a building expansion to the south towards Horne Street. The setback is going from 12' to 7' on Horne Street side. This is technically a rear setback request. The property across the street is not part of the variance request. The variance is limited to the larger tract. He stated the view for the front setback is going from 12 to 7 but makes a big difference when adding a classroom. There were no further questions for the applicant.

Ms. Torchiano stated that she understands and wants to be a good neighbor but wants to the board to hear her concerns. There were no further questions.

The Board read through the findings of facts.

ACTION: Recommendation to approve the request with the conditions presented by staff.

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

- c) 2018-242-CUP Game Day Marketing Conditional Use Permit (Quasi-Judicial)
NC PIN: 165806-48-1449 / 165806-48-2662
Tag #: 05G02048U / 05G02048T

Location: M.C.W. Subdivision, adjacent to State Avenue

Clerk to the Board, Chrissy Dunn gave the affirmation.

Damiere Powell presented this request. There is a major site plan running concurrently with this request. The applicant is requesting a Conditional Use Permit to construct a 4,400 square foot one story building which would be utilized for service, office and a warehouse. In order to run a warehouse in this zoning district, a Conditional Use Permit is required. There is an alternative parking plan put into place by the applicant. The requirement is 18 parking places but the applicant has provided 14 parking spaces. There is justification from the applicant as to why this will meet their parking needs. The applicant has addressed the findings of facts. The proposal is consistent with Surrounding Land Use and the Comprehensive Plan 2040. Staff recommends conditions with approval. There were no questions for staff.

The applicant, Jerry Dalton of Dalton Engineering was present and available for questions. Bob Satterfield asked the applicant and staff if the three sides will be consistent and if the rear is acceptable. Planning Director Samantha Wullenwaber stated that is something that can't be ordinance. No further questions for the applicant.

Board read the findings of facts.

ACTION: Recommendation to approve the request with the conditions as noted within the staff report.

Motion: Board Member
Second: Board Member
Vote: Unanimous

- d) 2018-243-SP Game Day Marketing Major Site Plan
NC PIN: 165806-48-1449 / 165806-48-2662
Tag #: 05G02048U / 05G02048T
Location: M.C.W. Subdivision adjacent to State Avenue

This request is running concurrently with Conditional Use Permit 2018-242-CUP

ACTION: Recommendation to approve the request as presented by staff.

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

- e) 2019-22-OA Subdivision Standards Ordinance Amendment

Planning Director Samantha Wullenwaber presented this project. This amendment seeks to amend the requirements outlined in the Subdivision Standards section of the Unified Development Code (UDC). The update primarily consists of the elimination of language referring to "Acreage" and

"Capacity" Fees as well as the inclusion of language that is consistent with HB 436 related to "Water and Sewer System Development Fees." An additional change will require any property within Town limits that develops within 300 linear feet of Town water and or sewer will be required to extend to the serviceability area and meet density and intensities proposed by the Future Land Use Map. These changes are in accordance with updates to Chapters 50 (General Utility Regulations), 51 (Water and Sewer System Extension Policy), and 52 (Sewer Use) of the Town's Code of Ordinances.

Board Member Merritt mentioned a typo, letter c under applicable and Item #1 letter missing. There were no further questions or comments for staff.

ACTION: Recommendation to approve the request to Town Council

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

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Planner Director Samantha Wullenwaber spoke of the Private Street Ordinance and provided an update. An increase lot threshold from 5 lots to 7 lots without being paved and at discretion of staff. This will not come before the Board again since it was approved.

9 ADJOURN

a)

With there being nothing further, the meeting was adjourned at 6:47 p.m.

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


Robert J. Ahlert, Chair

ATTEST:


Chrissy Dunn, Clerk to the Board

