



**Town of Clayton
Planning Board Minutes
Monday June 24, 2019 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Ross Benson
Steven Powers
James Lipscomb
Marty Bizzell
Bob Ahlert
Frank Price
James Moore
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Damiere Powell, Planner
Bob Satterfield, Council Member
Merrick Parrott, Town Attorney
Chrissy Freeman, Clerk to the Board

MEMBERS ABSENT:

Andria Merritt

1 CALL TO ORDER

a)

Bob Ahlert called the meeting to order at 6:00 P.M.

Board Member Andria Merritt was absent.

2 ADJUSTMENT OF THE AGENDA

a)

There were no adjustments to the agenda.

3 APPROVAL OF MINUTES

a) Approval of May 28, 2019 Planning Board Minutes

The minutes from the May 28, 2019 Planning Board meeting were approved.

Motion: Board Member Coats

Second: Board Member Bizzell

Vote: Unanimous

4 PUBLIC HEARINGS

5 NEW BUSINESS

a) 2019-118-RZ 412 W. Stallings Rezoning

NC PIN: 165916-94-9681
Tag # 05030011
Location: 412 W. Stallings Street

Board Member James Lipscomb recused himself from this project.

Planner Damiere Powell presented this project. The applicant is requesting to rezone the property from Residential-8 (R-8) to Residential-6 (R-6). The existing use is Single Family Residential and is primarily surrounded by other Single Family Residential uses. The request is consistent with the Comprehensive Plan 2040 and Surrounding Land Uses. The property is located in the Downtown Residential land use designation. The proposed rezoning is considered "spot zoning" which isolates a small tract with different zoning regulations than the surrounding uniformly zoned area.

The applicant Paul Parker with Hometown Realty was present. Mr. Parker handed out a copy of the plans of what is being proposed (Attached to end of minutes). At the neighborhood meeting there were some residents that spoke in concern of the parking. The applicant has addressed the concern and explained how the parking will be handled. There is a landscape plan and driveway plan provided to the residents. Parking would be off the side of the street. Board Member Bob Ahlert asked about the rezoning is due to the additional house? The applicant explained yes and the house will be removed and build up to date houses similar to the recently constructed houses on Stallings Street. There were no further questions for the applicant.

Resident James Baltzer, 218 W. Barnes Street stated his concern of the parcel that two doors down from the location that it was recently torn down and it was split into 3 parcels and stated what was proposed was built. The parking of the resident there, the vehicle sticks out into the sidewalk. He stated he would like the new house be pushed back so there is more parking as the previous house that was built does not have sufficient parking. He stated kids walk and ride bikes there and if the Board can take his comments into consideration. He asked to consider the setbacks for this new house. The applicant stated the driveway will be very long and will have parking for two cars around back and have enough room for 3-4 cars on the size going down the driveway. As far as the encroachment by the trucks, they follow the NC DOT rules. As far as the setbacks and moving the house back, they will meet the minimum setbacks that are set by the Planning Board. Once the house is sold, it is out of their control of how people try to park. Board Member Bob Ahlert stated this is a Rezoning request and not a Site Plan request. There were no further questions.

Board Member James Moore asked staff what is the purpose to have neighborhood zoned R-8, and have a house on a third of an acre to split to less than a fifth of an acre for two lots? With the lot size this house meets the R-8 zoning and he is looking for consistency in our zoning for staff approval. This is a conforming lot for the R-8 and having a hard time approving this request. He feels this is out of character for the neighborhood. Planning Director Samantha Wullenwaber stated this is something to consider and that staff

recommends approval because this request is more consistent with the R-6 zoning. The lot is 14, 000 square feet and would not meet the minimum requirements with R-8 zoning. Damiere Powell stated that this request is also consistent with the Comprehensive Plan 2040 and with the density downtown, staff would rather see two houses here instead of one. There were no further questions.

Board Member Bizzell stated there is a difference in the two plans of the houses on Stallings Street from the previous houses built and for the current request. The Comprehensive Plan encourages this in the downtown area. Bob Ahlert said if you look at the existing property, there is a house on the left side and open space to the right and with zoning R-8 would not be meet the standards.

ACTION: Recommendation to approve the request to Town Council.

In favor: Ross Benson, Stephen Powers, Marty Bizzell, Bob Ahlert, Frank Price, George "Bucky" Coats

Opposed: James Moore

Motion: Board Member Bizzell

Second: Board Member Price

Vote: Vote 7-1

- b) 2019-90-SP Hardee's at Spring Branch Major Site Plan
NC PIN: 164800-73-1926
Tag #: 05F02035F
Location: Lot 1 of Spring Branch Medical Park

Planner Haley Hogg presented this project. The applicant is requesting a major site plan approval for development of a 3200 square foot drive-thru restaurant. The property is zoned Planned Development Mixed-Use and is part of the Spring Branch Master Plan. On that approved master plan, this property was designated for restaurant use. The restaurant will be accessed through an existing private access drive to the north. There will be two driveways off this access drive, one will be the entrance and second will be the exit. There will be 42 parking spaces which exceeds the required spaces and will be a one way around the building. The proposed driveway widths and aisle widths do exceed the requirements of the UDC. The restaurant is proposing larger widths in these areas to accommodate future delivery trucks. Per the UDC, widths larger than the standard are permitted per Planning Director approval. No traffic study was required, however NCDOT may require a traffic signal light at NC Hwy 42 and Springbrook and being reviewed at this time.

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

Board Member Frank Price commented that this will give an additional lunch and dinner places in the area of the hospital and medical buildings, this looks like this meets all requirements and recommended approval.

ACTION: Approve the request as presented by staff.

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

- c) 2019-91-SP GCF Donation Center and Store
NC PIN: 167800-29-7804
Tag #: 05I04004A
Location: Lot 7 - The Shoppes at Glen Laurel

Board Member Mary Bizzell recused himself from this project.

Planner Damiere Powell presented this project. The applicant is requesting site plan approval to develop an 11,920 square foot Goodwill Industries Store on lot 7 of the Glen Laurel Mixed Use subdivision. This project is associated with the originally approved NC 42 East Mixed Use Planned Development project. The applicant meets the 1 space per 200 square feet parking requirement and will have 51 parking spaces including 3 handicap parking spaces. The proposed use is consistent with and meets the requirements of the UDC and is also consistent with Surrounding Land Uses and Comprehensive Plan 2040. Staff recommends approval.

Board Member Steven Powers asked about the high density residential and isn't that labeled in the Glen Laurel. Mr. Powell explained the mixed use map, and that it is a combination of commercial and residential.

The applicant David Blevins with Bass, Nixon and Kennedy was present and available for questions. Board member Bucky Coats asked if tractor trailers would have a separate entrance for unloading and space for turning around. Applicant yes, there will be plenty of space. He stated they could come through front entrance and back in around the site, but there is room for two trucks which is typical for Goodwill facility. There were no further questions.

ACTION: Approve the request as presented by staff.

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

- d) 2019-106-OA Accessory Uses Ordinance Amendment

Planner Haley Hogg presented. This amendment seeks to modify the UDC to add accessory uses to the Use Table, and to modify and relocate accessory use definitions within 155.311. An accessory use is a use that occurs on the same property as the principal use, but is secondary in nature. The Town does not currently outline any accessory uses with the Use Table but instead lists

them in 155.308. This is a way to relocate some of the definitions and make easier to find. Two new accessory uses will be added. One request to be added is a day care facility. Currently it does not specify if they are permitted for other uses. For example if an office building would like to add a daycare for the company or a dance business wanted to add a day camp, these can be permitted. And the second would be Park, which is the primary use and a pocket park wanted to be added on, community gardens and playground can be added. Staff recommends approval.

Staff recommends approval. There were no questions for staff.

After the motions, James asked about outdoor dining. He wanted some information on that. Haley explained that there were no changes to the outdoor seating.

ACTION: Recommendation to the Town Council to approve the request.

Motion: Board Member Benson

Second: Board Member Price

Vote: Unanimous

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Planning Director Samantha Wullenwaber announced that as of July 1, Haley Hogg has been promoted from Planner I to Planner II and obtained her AICP certification.

Board Member Bucky Coats asked about the parking on Stallings and how the citizen brought up how sidewalks are blocked by cars both on Stallings and Whitaker Streets. This needs to be looked into. Mr. Coats stated that is not just one car, its multiple stacked cars blocking the sidewalk. Ms. Wullenwaber stated this is usually a police power but will still look into this. We have not had a Code Enforcement Officer but a new employee is starting July 8 and will look into having him talk to the residents. Mr. Moore said the truck was encroaching 2 1/2 feet on the sidewalk and an average car take the setback would have to be at least 16 feet from the sidewalk edge and this was a large truck, so he was wondering on the setback requirements should be? Ms. Wullenwaber said this is something to look into increasing the front setback in a code re-write. Ms. Wullenwaber said she will look into the other cars Mr. Coats mentioned blocking the sidewalk and ask police to go over there.

Mr. Moore, this was brought to his attention by looking at the Hardee's Site Plan, but he asked if we have any type of incentive for builders in reference to use pervious instead of impervious types of asphalt levels? Ms. Wullenwaber stated no, but this would be a good opportunity to create a type of lead incentive. Mr. Moore stated that with new asphalt the run off causes temporary flooding and he knows there are complaints about the flooding. He was just thinking of a way to look into this. There was nothing further.

7 ADJOURN

a)

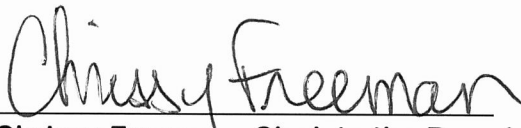
With there being nothing further, the meeting was adjourned at 6:41 p.m.

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



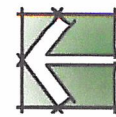
Robert J. Ahlert, Chair

ATTEST:



Chrissy Freeman, Clerk to the Board

**FOR REVIEW AND
COMMENT ONLY**



JUNE 24, 2019

PROPOSED LOT DIVISION-412 W. STALLINGS STREET

SCALE: 1" = 40'-0"



