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

BOARD MEMBERS PRESENT:
Andria Merritt
Stephen Powers
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 Dunn, Clerk to the Board

MEMBERS ABSENT:
James Lipscomb

1 CALL TO ORDER

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

2 ROLL CALL

a) Board Member James Lipscomb was not present.

3 ADJUSTMENT OF THE AGENDA

a) Removed item D, Creech Tract Special Use Permit and Item E, Creech Tract Preliminary Plat (Major Subdivision). These items are to be heard by Town Council as a Quasi-Judicial due to the new ordinance, explained by Town Attorney Merrick Parrott.

4 APPROVAL OF MINUTES

a) January 28, 2019 Planning Board Minutes approved as presented.

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

5 REPORTS AND COMMENTS

a) Planning Director Samantha Wullenwaber asked that when a Planning Board Member has a project in town, not to present their own project.

6 OLD BUSINESS

7 NEW BUSINESS

a) Faith City Church and Daycare Conditional Use Permit **(Quasi-Judicial)**
2018-222-CUP
PIN #: 165801-29-0494 & 165801-29-0365
TAG #: 05G02053S & 05G02034X
Location: 581 Guy Road

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

Haley Hogg presented this project. The applicant is requesting a Conditional Use Permit to operate the use of a church and daycare on the property within an existing building. The property itself only encompasses one tenant space and the other space is subdivided off as its own parcel. Both spaces share a common area that include the shared parking area. The church currently has existing offices located in the adjacent space. They are now looking to expand into the new space to operate a church and daycare. The space is 6,971 square feet and proposing 75 seats for the church and up to 29 children for daycare, plus 4 employees that will operate Monday - Friday from 7 a.m. to 6 p.m. The applicant is also proposing to develop a 2,175 square foot playground to the south of the property. There will be a fence located around the playground and will have access via an existing sidewalk. There will also be a handicap ramp and crosswalk and will provide ADA accessibility to the playground. Currently, there is not adequate parking for the use but the applicant submitted a shared parking agreement with the adjacent parcel to the east along with the Conditional Use Permit. This request is consistent with 2040 Comprehensive Plan and Surrounding Land Uses. Conditions are placed in staff report. There were no questions for staff.

Applicant Alsey Gilbert was present and available for questions. There were no questions for the applicant. Mr. Gary Davies, owner of Special Effects Flooring, building adjacent to the subject property spoke. He stated he does not have a problem with plans but would like the daycare to remain to 29 children. He has tractor trailers and work vans that come in and out during the day. He said the crosswalk must be monitored. Mr. Davies is in favor of the request and feels they can work out any details. Mr. Gilbert assured there will be no more than 29 children. Applicant David Foster, pastor of church was present and available for questions. There were no further questions for the applicants.

ACTION: Approve the request with the conditions as noted within the staff report.

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

b) State Employees Credit Union Major Site Plan
2018-249-SP
PIN #: 167800-19-8807
TAG #: 05I04003X
Location: corner of Glen Laurel Rd and Hwy 42 East

Haley Hogg presented this project. The applicant is requesting major site plan approval to develop a 10,000 square foot bank on the property. The property is zoned for Planned Development-Mixed Use. The proposed use is consistent with the parcel's designation within the master plan. The site will be located at the corner of Highway 42 East and Glen Laurel Road. The drive thru will be located to the east of the building and will have 6 lanes. An additional drive-up ATM is also proposed to the west within the parking lot which will include three queuing spaces. This request is consistent with the Comprehensive Plan 2040. Staff is recommending approval. Board Member Coats asked if the original plan was it right in and right out? Ms. Hogg stated yes, it was. There were no further questions for staff.

The Applicant Dillion Smith with Valentine Associates representing the credit union, was present. Board Member Price asked if this will be the second credit union in Clayton and keep the other branch open? The applicant stated as of right now the other credit union branch will stay open. There were no further questions for the applicant.

ACTION: Recommendation to approve the request.

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

c) Creech Tract Rezoning
2018-92-RZ
PIN #: 165907-69-2203 & 165907-78-1039
TAG #: 05G01012A & 05G01012S
Location: off Shotwell Road and Old US Hwy 70; south of Highgate Subdivision

Haley Hogg presented this project. The applicant is requesting to rezone 33.88 acres off Shotwell Road and Old US Hwy 70 right outside of the Highgate Subdivision from Planned Development-Mixed Use (PD-MU) to Residential-10 (R-10). The request is consistent with the Comprehensive Plan 2040 and Surrounding Land Use. Board Member Ahlert asked staff how many units per acre and does this have an associated master plan? Ms. Hogg stated it is under the original Highgate Master Plan PD-MU and would be 10 units per acre. Ms. Hogg also stated the subject properties were noted as future development with no specific uses designated. There may have had commercial use previously, but the applicant is requesting to rezone the properties to a standard residential zoning district. There were no further questions for staff.

The applicant Jerry Dalton from Dalton Engineering was present and available for questions. He is requesting consistent with a project in the near future. He stated that right now they are looking at 5 units per acre. The applicant stated they would like to take this request to the next step. Board Member Merritt asked why R-10 if they are lowering the units to less than 10? The applicant stated that when they started out, they had more but based on what the client is looking for, and the open space, buffer etc., they are coming down from 256 to 187 units. There were no further questions for the applicant.

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

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

d) Barbour Tract Planned Development Rezoning
2018-231-PDD
PIN #: 166913-24-0652, 166913-24-0827, 166805-18-6162, 166914-34-7560, 166914-34-7451, 166914-34-7371, 166913-14-9727, 166914-24-8945, 166700-29-2835, 166914-34-2175
TAG #: 0599003F, 05005067B, 05005067H, 05H03189G, 05H03189F, 05H03189E, 05G02026Q, 05E99008H, 05E99008J, 05E99021V
Location: Off N. O'Neil Street, and Wilson St., Rosemary St, Mial St., and Oakdale Ave.; north of Cooper Academy

Damiere Powell presented this project. The applicant is requesting to rezone 33.71 acres of land from Single-Family Residential 8 (R-8) to Planned Development-Residential (PD-R). This application is running concurrently with the Barbour Tract Master Plan (2018-233-SD). If this Planned Development rezoning and the associated master plan are approved, the individual phases of the development would be allowed to proceed to platting and construction through staff-level review as each phase is developed. The proposed request will offer 199 units of SFD homes with varying designs, 12 Townhome units and a 126 unit apartment complex. This request is consistent with Comprehensive Plan 2040 and Surrounding Land Uses. Staff does recommend approval. Board Member Powers asked about the master plan, that there is not one right now; and this is just a rezoning request at this time? Mr. Powell stated that there is a master plan going before Town Council. Board Member Price stated there are several different tracts being rezoned, will they remain a separate tract or be recombined? Planning Director Samantha Wullenwaber stated more than likely there will not be a recombination unless the applicant decides to. There is an owner's consent for each parcel. Board Member Bizzell asked if the master plan under condition for approval? Ms. Wullenwaber stated it was submitted after the code changes, moving forward as the code of ordinance will not go forward like this. March 18th is a public hearing for masterplan. Board Member Moore asked do we have some kind of guideline for minimum requirements for recreation space? When you see those terms, there is a red flag for him, to fill the requirement. Ms. Wullenwaber stated there is certain criteria for the designated purpose. There is a buffer with this property, but there is a lot of open space.

The Applicant Reid Smith was present and available for questions. There were no questions for applicant.

Resident Jeff Burke spoke of concern of the property and the building. Another resident, Mr. McFadden president of the HOA of Mitchener Hills stated that his understanding of Johnston County Board of Education owns that parcel. The development shows it will be within 100 feet of Mitchener Hills. He is concerned over the number of units or apartments. These questions are more for the master plan and Town Council. Applicant, Mr. Smith stated he would be happy to meet with the concerned citizens and go over plans before this goes to Town Council. Ms. Wullenwaber stated the master plan is ready and going through the TRC process. It will go before Town Council but Planning Board only hears the rezoning. By law, any property line within 100 feet of the proposed project, a letter has to be mailed out.

Resident, Jeff Burke had a question of rezoning of personal property, Ms. Wullenwaber stated if he was interested the staff can meet with him and discuss the best options for his property. There were no further questions.

ACTION: Recommendation to approve the request.

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

e) House Bill 436- Discussion Only

Samantha Wullenwaber presented. This is a discussion only for a legal section that needs to be updated and some elimination of wording that is not correct and making sure the new ordinance applies to the General Statute. Board Member Ahlert stated that section C-2, does not make sense, and please review. Ms. Wullenwaber would like to make the board aware that this is just a draft that the board reviews and then goes to council for approval. Board Member Bizzell stated that the utility of 300 ft. vs. 500 ft., what is the reasoning? Ms. Wullenwaber will look in to that question. There were no further questions.

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

9 ADJOURN

a)

With there being nothing further the meeting was adjourned at 6:46 p.m.

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

Robert J. Ahlert, Chair

ATTEST:

Chrissy Dunn, Clerk to the Board