



**Town of Clayton
Planning Board Minutes
Monday, November 26, 2018 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merritt
Ross Benson
Stephen Powers
James Lipscomb
Marty Bizzell
Bob Ahlert
Frank Price
Sarah Brooks
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Chrissy Dunn, Clerk to the Board
Michael Grannis, Mayor Pro-Tem
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

1 CALL TO ORDER

a)

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

2 ROLL CALL

3 ADJUSTMENT OF THE AGENDA

a)

No adjustments to the agenda.

4 APPROVAL OF MINUTES

a)

October 22, 2018 Minutes approved as presented.

Motion: Board Member Benson

Second: Board Member Coats

Vote: Unanimous

5 REPORTS AND COMMENTS

6 OLD BUSINESS

7 NEW BUSINESS

- a) 2018-196-SP Riverwood Tract B-3 Major Site Plan
NC PIN: 17600-96-6717
Tag: 16I02009F
Location: Corner of Charleston Drive and Sarazen Drive

Samantha Wullenwaber presented this project. The applicant is requesting to develop three 3-story mixed use buildings, which will feature commercial uses on the bottom floor and apartments on the second and third floors on the corner of Charleston Drive and Sarazen Drive. The property is located within Riverwood Athletic Club and is shown on the development's master plan designated for the use of multi-family. The proposed use of the property is upper-story residential, which is permitted within the Central-Business (B-1) zoning district. The applicant is proposing 24 apartment units as a part of this major site plan. The units will be each 1-bedroom units. A total of 7,008 square feet will be utilized for office/retail uses on the bottom floors among the three buildings. The buildings will front along Sarazen Drive, with parking located in the rear of the buildings. There will be an access point off Charleston Drive as well as at the intersection of Sarazen Drive and Cunningham Lane. The access points will lead directly into the parking area. The buildings will have a sidewalk along the front to connect pedestrians to the commercial portions. Residents will access the apartments in the rear of the buildings. The development will include 67 parking spaces to be located in the rear of the buildings with some located on street off Sarazen Drive. There will be 3 handicap spaces. This project is consistent with the Comprehensive Plan 2040 and surrounding land uses and all applicable requirements. The buildings will match the materials of the existing mixed-use buildings along Athletic Club Boulevard. There were some questions from the Board for Staff. Board Member Stephen Powers asked 4 bedroom units and which one is correct? Samantha Wullenwaber stated there is discrepancies in the site plan. Board Member Powers asked if the 2 bedroom units on the site plan for 24 units because it would change the required parking. Samantha Wullenwaber stated that zoning for B-1 parking requirements are different, and to ask the applicant. There were no further questions for staff.

Applicant Donnie Adams from Adams & Hodge Engineering was present. He stated there will be 24 units, all one bedroom. They are requesting approval for the three 3-story buildings with offices downstairs and residential upstairs. He stated how the plans do meet all requirements and all ADA parking requirements. There were some questions for applicant Board Member Brooks asked when the plan was originally done and if this was a part of the plans, this specific site. Applicant Reid Smith, One27 homes answered. He handed out a pamphlet for the board to look at. It showed a color picture of the map and sales center, labeled as Riverwood Village. The second document is the subdivision planning. He stated that this document has been public knowledge since the first phase was developed. The developer is finishing out his vision and concept.

There were comments from numerous residents of Riverwood. Many of the residents in the area spoke and stated their concerns that include traffic and

the stores are a constant problem. The area is so crowded that there have been accidents including where a child was hit by a car. The parking is a problem and there are no sidewalks. There is nowhere for the kids to go and the playgrounds are in constant disrepair. The school is at its capacity and there are currently four trailers for classrooms. Residents are asking for this project not to be approved. Residents encouraged the board to come out to see the subdivision and its current status. There are speed bumps in place do not work and people constantly speed through the neighborhood. Concern is that should these shops be put on Sarazen Drive, and someone gets hit, then what?

A resident of Mantle Drive spoke. He is against approval for this project. He feels the property values will decline. This is a custom home built area directly behind the proposed site. He stated that there is a house directly behind the site, the tenants were renting the home and were considering purchasing. But because of this pending project they decided to move. Directly next to that house, another house is for sale. They lost two bids because of this project. This is hurting residents financially. He stated whoever moves in the apartments as non-owners will have the same accessibility as the homeowners. The traffic is an issue and he agrees with the previous resident's remarks. In addition to that, his wife is a teacher at the Riverwood Middle School. The impact with the number of children is already at a capacity. He disagrees that it is not consistent with the current buildings that are there. Many of the store fronts have transient ownership. There is additional existing space across the street for added commercial use.

Resident Chris Fuller spoke. She was told by her realtor that this site would be basketball courts. She stated this is a high traffic area. There are houses right behind this site, which she feels the project is an invasion of privacy. She also stated that this project is not consistent with what is there already.

Another resident who has been a resident for 15 years at Riverwood Athletic, asked if this site could be used for the children. He stated that this project is in the front of the subdivision. Tickets are already given for parking. He also stated that most of the current stores are empty and they are not being utilized. This project needs to be looked at for a different use.

Resident Margret Lee spoke. She built her home here 14 years ago. Currently, she is trying to sell her home along with another neighbor. She is very familiar with Riverwood as her husband was principal at one time at the school. The scores going into the middle school is going down. With that going down, market value is going down. When she comes home during the afternoon after school is out, children walk to the end of the village shops at the fountain. They don't pay attention and walked in front of traffic. There is no safe place for the kids to walk. There is also a daycare within feet of the proposed site. They take little ones on walks and parents use that area for drop off and pick up. Where is the prep for trees so other residents do not see dumpsters and the buildings? Ms. Lee is asking to please consider all the above.

Resident Chris Harper spoke. He talked about the low water pressure and has made a lot of phone calls in reference to this. He has experience as he was a former local government employee and worked in this field. He stated he understands both sides. Existing residents matter, they deal with the construction, and the schools are completely full. He said these are issues to everyone involved.

Another resident of Mantle Drive spoke and his concern is the safety for the community. There are key times when school starts and ends. The entrance is full with cars going in and out. In an event of an emergency access is limited. Cars are lined up by the schools as cars are travelling through to the streets. If there was an emergency, the response would be delayed. He realizes this is one issue and there are other issues in Riverwood but is there an opportunity to re-access this when the second entrance is built.

A resident of Mantle Drive, stated what he considers to be a risk to this project. He had part of the Riverwood budget, HOA finances. This is a public document. There is an outstanding loan, he said this a risk. That loan has to be paid back and the stake holders will likely be the ones paying that back. Special esthetics, special overlays have been put in place where is considered a risk. Clayton overlay had a special restriction on there, but it was eliminated. The view of the proposed area, a tapering effect shows on the slides. The buildings go from 3 stories to 2 stories. He said the tapering of the housing, it should be one level what to look at in the opportunity. You need to ask yourself if there is another referencing situation where a 3 story complex shares a property line with a custom housing. Is this going to be a first for Town of Clayton? People who have lived in this area wonder how high the barrier will be to block out this site. Was this taken into consideration? We do not have a say over the HOA. He would like a building restriction in place until the HOA is turned over to the residents. There needs to be a better communication system.

A Resident who stated he lives near Riverwood spoke. He moved here 30 plus years ago because Clayton was not consistent with Cary, Raleigh and Durham. People move here because it is a better community and the uniqueness. He stated that you don't want to be ridiculously consistent.

A resident who resides at 125 Nelson Street, stated that a 3-story building is not compatible with the residential area. If you wanted to approve something, it should be more of a residential scale. All the issues with traffic and schools, there would be more additional families and there needs to be an increase in the infrastructure.

Applicant Reid Smith spoke. He stated there is some confusion. This is not a subdivision approval, it is a site plan approval request. He will be available for any specific questions. Board Member Stephen Powers asked in comparing this to commercial behind the apartments that are currently there, there is a significant berm, is there going to be anything like that behind this site? The applicant stated he cannot be specific about the landscaping. The applicant stated it would be class c buffer, which code requires this. Board Member

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

Motion: Board Member Brooks

Second: Board Member Benson

Vote: 7-2/ Board Members Lipscomb and Bizzell Opposed

c) 2018-167-OA Dumpster Amortization

Haley Hogg presented this project. This request is to propose a dumpster amortization ordinance amendment in order to require non-conforming service areas to come into compliance with the screening requirements of 155.402(G) (2) of the UDC by January 1, 20124. Staff has extended the time period for the amortization from the previous review from 3 years to 5 years. This will be giving business owners plenty of time for the ordinance change. A formal Policy Guide will be available on the Town's website following board approvals. This guide will outline the process, code requirements and inspection requirements that would be needed. Staff recommends approval.

Board Member Price asked will this cover fully enclose the dumpsters and it doesn't address the location of dumpsters. Haley Hogg stated they would have to come into compliance with the space. Business owners would have to come in with a site plan, unless it was an existing dumpster. Board Member Lipscomb asked what happens if someone cannot come into compliance with this? Samantha Wullenwaber stated they would have to do a Variance Request. The dumpster enclosures must match the main structure of the building. She stated that five years is a plenty of time to come into compliance. It will take a few months to build a website, but the policy will be posted. This ordinance request was prior to Samantha Wullenwaber's arrival to the Town. Board Member Lipscomb stated this is going to be a very expensive project. He also stated there should be alternative plan for some that can't afford to do this. What are the options for business owners who are in the railroad right away? They can't build a permanent structure. Samantha stated a variance request would be required. Board Member Lipscomb has concerns of how this will be complied. Most places will not lose a parking space, as parking can be reduced up to 10 percent. Board Member Merritt stated she likes the added timeframe. Board Member Bizzell stated he would like to see more of a consistent plan for a proposal. Putting enclosures, some lots are covered by easements. This needs some more work before it is approved and to bring back next month with a written policy. Board Member Lipscomb ask if you have an existing wooden enclosure, would it have to be brought up to date in five years. Samantha stated the enclosure will need to match the primary structure. All new businesses are building dumpster enclosures to match primary structures. Board Member Merritt stated she is fine with the way the policy is written.

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

Motion: Board Member Merritt

Second: Board Member Brooks

Vote: 7-2/ Board Members Lipscomb and Price Opposed

Benson asked is there any re-zoning change from the original plan. The applicant stated no. They are not asking for rezoning. This is consistent with B-1 zoning. There were no further questions.

Board Member Lipscomb asked the town attorney to explain the process for approval. The Town Attorney stated approval would be based on if the site plan met all requirements and code. This would include parking and landscaping requirements. Board Member Price stated he understands the concern from the residents, but this has been in the works and makes a motion to approve. Board Member Coats seconded the motion. Board Member Brooks stated it seems as things evolve there may be changes to be looked at. Right now this is a big deal for the residents. She is concerned because they do not have sidewalks that was discussed years ago. She also understands the concerns with the children, and that the green spaces are getting fewer and fewer and does not support this project.

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

Motion: Board Member Price
Second: Board Member Coats
Vote: 8-1 / Board Member Brooks Opposed

b) 2018-76-OA Private Streets

Samantha Wullenwaber presented this project. The request is to create private street standards for the rural ETJ. This request came to us in May and there was a sub-committee created. It has been reviewed and now back before the Board for a decision. Samantha stated this is a common practice. The amendment allows two types of private streets within the R-E zoning district; Class "A" and Class "B". Class "A" private streets will serve a maximum of six to ten single-family residential lots and would consist of asphalt and then anything over would be NCDOT standards. Class "B" private streets will serve a maximum of five single-family residential lots and the streets may be constructed of alternative materials as approved by the Town Engineer. Private streets are not normally allowed within a municipality. The Town is trying to compromise. Board Member Lipscomb asked to explain about existing streets. The existing streets will not have to be upgraded until the lots are sub-divided, something that triggers the ordinance. Samantha Wullenwaber stated there would be no point to have private roads. There can still be changes made to this ordinance, but needs to be put forward, this only applies for the R-E zoning district. Board Member Lipscomb thinks there should be alternative plan.

Resident Alsey Gilbert asked about the general statute and if three lots are normally exempt, is this something someone is going to challenge in a few months from now? Samantha stated that this is the design standard for Private Streets. If you see there is a path off a rural road, how would EMS find the house? This will help EMS personnel.

d) 2019 Planning Board Calendar Pending Adoption

ACTION: Motion to approve the request.

Motion: Board Member Coats

Second: Board Member Price

Vote: Unanimous

8 **INFORMAL DISCUSSION AND PUBLIC COMMENT**

a)

A resident had comment about a new subdivision going in and did not receive any notices about this. General Statue states anything within 100 feet should get a notice. Per Planning Director Samantha Wullenwaber, there have been no notices sent out at this time, the neighborhood meeting currently scheduled for December 18th and notices will be put out.

9 **ADJOURN**

a)

With there being nothing further the meeting was adjourned at 7:37 p.m.

Motion: Board Member Bizzell

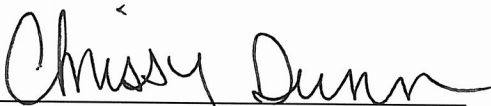
Second: Board Member Brooks

Vote: Unanimous



Robert J. Ahlert, Chair

ATTEST:



Chrissy Dunn, Clerk to the Board

