The Town of Clayton
Clayton Planning Board Minutes
Monday August 27, 2018 @ 6:00 PM
Town Council Chambers

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

David DeYoung, Economic & Community Development Director
Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Damiere Powell, Planner
Chrissy Dunn, Clerk to the Board
Michael Grannis, Mayor Pro-Tem
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

Bob Ahlert

1 CALL TO ORDER

a) Marty Bizzell called the meeting to order at 6:07 p.m.

2 ROLL CALL

3 ADJUSTMENT OF THE AGENDA

a) 2018-62-SD Kyli Knolls Preliminary Plat has been removed from the agenda to be continued into the September 24, 2018 Planning Board Meeting.

Motion: Board Member Benson
Second: Board Member Brooks
Vote: Unanimous

4 APPROVAL OF MINUTES

a) July 23, 2018 Draft Minutes

ACTION: Motion to Approve Minutes
Motion: Board Member Powers
Second: Board Member Brooks
Vote: Unanimous

5 REPORTS AND COMMENTS

6 OLD BUSINESS

7 NEW BUSINESS

a) 2018-156-RZ Avalon Center Rezoning
NC PIN: 166800-84-0769
Tag: 05I04017
Location: 9257 US Hwy 70 Bus W, adjacent to Hardee Lane. It is the site of the former Ashley Furniture Store.

David DeYoung presented this project. The applicant is requesting to rezone 8.07 acres from Highway-Business (B-3) to Industrial Light (I-1). This property is currently occupied by an existing building which was the old Ashley Building, and currently is utilized for warehousing and indoor entertainment. The applicant is requesting the rezoning in order to market the property and attract future tenants to occupy the building that remains partially vacant at this time. This request is consistent with Comprehensive Plan 2040 and also consistent with surrounding land uses. Staff recommends approval to rezone the property from Highway-Business (B-3) to Industrial Light (I-1). There were no questions for staff.

The applicant was present to answer any questions. The applicant gave a brief description of what will they would like the use of the building to be. There is some parking issues that applicant will like to address and correct. Converting this property to Industrial Light (I-1) will help with the parking issues. The change of zoning will also allow landlord to lease building as light industrial users to permitted uses and get the building filled up with tenants. He explained that the current uses for this building are not useful and the building is sitting mostly vacant. There were no questions for the applicant.

<u>**ACTION:**</u> Recommended Approval 2018-156-RZ to Town Council

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

b) 2018-61-SUP Camel Street Townhomes Special Use
NC PIN: 166914-23-5178
Tag: 05E99012C
Location: 312 Camel Street

Board Member James Lipscomb requested to recuse himself from this project.

Samantha Wullenwaber presented this project. The applicant is requesting approval to develop the use of townhomes on a portion of the subject property, zoned Residential-8 (R-8). A Preliminary Plat application (2018-59-SD) is running concurrently with this Special Use Permit application. The proposed use is to develop 66 townhome units on 7.84 acres. The proposed impervious surface will be a maximum of 75% per lot. Proposed parking will be 2 spaces per unit with a total of 132 spaces. The location of the townhomes are at the corner of Camel Street and Mial and will have one access point off Camel Street. The remainder of the units will have on access point off of Camel Street. The townhomes will be supplied with Town of Clayton utilities, electric, water and sewer. Dumpsters will be provided within both the eastern and western portion of the development. The property is currently vacant and is heavily wooded. A portion of the development is located within the Watershed Protection Overlay. Cooper Elementary School is located on the North side of the property with mostly single family dwellings on the other side. There is also a parcel that splits the property, which is centered in the middle with frontage on Camel Street, dividing it into two developed areas. The property is designated as Downtown Residential and is within the Comprehensive Plan 2040 Future Land Use Map. The proposed development is consistent with the Unified Development Code (UDC) with approval of the Special Use Permit. Considerations from staff for approval is subject to the approval of the Special Use Permit, (2018-61-SUP). If approved staff recommends the following conditions be applied to this application

- Following board approvals, three copies of the final preliminary subdivision plan meeting the conditions of approval to be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.

- Johnston County will review and approve the proposed on-site storm water features. If these features are not deemed adequate, the project will be limited to 24% impervious surface coverage for the portion within the watershed protection overlay. The dimensional standards for this development are set via the Special Use Permit process including setbacks. The applicant does not provide additional parking to serve guests. Handicap spaces are only proposed at one building for the eastern portion the development and may not be easily accessible. The buildings along Camel Street are proposed to face internally rather than front along Camel Street. The architectural elevations only consist of vinyl siding. Additional materials may enhance the overall appearance of these buildings.

- The applicant will pay fee-in-lieu for recreation; no on-site recreation facilities/open space are proposed. Staff recommends approval with conditions.

The applicant, Stephen Sanderson was present for questions. He explained that each townhome will be a Single Family Attached Home and each homeowner will own the house and the land underneath. Mr. Sanderson explained that the proposed impervious areas that were mentioned previously was incorrect information. The lot sizes of the townhomes will differ because the end lots will have different widths than interior lots. On the smallest lot, the impervious surface will be a maximum of 80% and for entire site, the impervious surface will be less than 30%. With the Special Use Permit, the applicant or builder has no objections to the conditions listed. The Preliminary Plat has the same impervious conditions that staff recommends. The applicant stated that item #7 in staff condition needed clarification. Porches were not included in the previous plans and he wanted to specify lots 1-16 and lots 53-58 have the rear facing Camel Street, and one is a side facing on Camel Street that cannot change (lot 59). The frontage will be turned around to face Camel Street, except for the side. The next item, #8, Mr. Sanderson spoke with builder about the decorative features on the buildings. The builder has no problem with providing a decorative feature but he would like to do different decorative masonry features so the homeowner can select what they would like when building their home. Board Member Sarah Brooks had questions about the parking and if they would increase it? Mr. Sanderson stated that the handicap parking is ADA approved, however the parking spaces for each resident are maxed out. If there is room for additional parking they will find a way. Handicap parking will be moved to different parts of the site, but handicap parking can be no more than a 2% slope to the parking space. Board Member Frank Price asked if the parking area would be maintained by the HOA. Mr. Sanderson stated it will be maintained by the HOA as well as the rest of the property.

Resident Emily Beddingfield spoke of some concerns towards this project. She stated the parking is an issue on Camel Street and stated that most residents have two vehicles per household and the site plan should be modified to create more parking. Another concern with the parking is to have more space for emergency vehicles to get through. Ms. Beddingfield suggested a pause in the continuing of this project to get items of concern fixed. Ms. Penny Sicotto, owner of the property, stated she is more than willing to work with staff to make this a workable project.

Board Members suggested to send this project back to the Technical Review Committee, submit the revisions, return to the Planning Board within 90 days and remove this from upcoming Town Council Agenda.

ACTION: Recommendation for 2018-61-SUP Camel Street Townhomes Special Use Permit to be sent back to the Technical Review Committee.

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

c) 2018-59-SD Camel Street Townhomes Preliminary Plat
NC PIN: 166914-23-5178
Tag: 05E99012C
Location: 312 Camel Street

This project runs concurrent with 2018-61-SUP Camel Street Townhomes Special Use.

ACTION: Recommendation for 2018-59-SD Camel Street Townhomes Preliminary Plat to be sent back to the Technical Review Committee.

Motion: Board Member Benson
Second: Board Member Powers

Vote: Unanimous

d) 2018-133-RZ Tew Court Rezoning
NC PIN: 165909-16-2635
Tag: 05G02002Z
Location: The property is located off Tew Court with frontage along US Hwy 70 Bus.

Haley Hogg presented this project. The applicant is requesting to rezone 1.55 acres from Highway-Business Special Use (B-3 SUD) to Highway Business (B-3). This request is consistent with the Comprehensive Plan 2040, and also consistent with the Surrounding Land Uses. The applicant has addressed the approved criteria. Staff is recommending approval of the subject parcel from B-3 SUD to B-3. There were no questions for staff.

The applicant Alsey Gilbert was present for questions. He stated at the Neighborhood Meeting everyone was in agreement. There were no questions for applicant.

ACTION: Recommendation of Approval of 2018-133-RZ to Town Council.

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

e) 2018-125-SD Warrick Park Preliminary Plat - Major Modification
NC PIN: 175000-30-9566/175000-30-6174
Tag: 05G01016H/05G01020K
Location: North of Old US 70 Hwy W and east of Fieldstone Drive.

Board Member James Lipscomb requested to recuse himself from this project.

Samantha Wullenwaber presented this project. The applicant is requesting a waiver from sidewalk construction and fee-in-lieu as required within the original approval (2016-163-SD). The original approval the applicant received waivers from the Town's requirements to build curb, gutter but no waiver for the sidewalk on one side and fee-in-lieu for the other side. The applicant met with the Planning Department to discuss the sidewalk that was put in. The sidewalk is located on the other side of the ditch section and the connection to the sidewalk has no ramps due to that ditch section. This has created a safety issue. The sidewalk has been removed by the builder.

Staff supported the waiver request from sidewalk however, staff does not support request from fee-in-lieu and recommended that fee-in-lieu still be required. If approved the original conditions of approval were recommended to be applied. The fee-in-lieu suggested to be paid prior to the final Certificate of Occupancy is issued, was a newly added condition. Board Member Frank Price asked if the Town would take over maintenance of the streets. The streets are Town of Clayton streets, therefore yes, the Town would maintain the streets.

The applicant, James Lipscomb was present. He asked for pay-in-lieu for only one side of the street for sidewalks as the original condition. There were no questions for the applicant.

Board Member Stephen Powers had a question for staff about the fee-in-lieu. He asked what is the reason the applicant is being charged for both sides of the sidewalk when initially with original approval, there was going to be only one side charged fee-in-lieu and one side sidewalk. Planning Director Samantha Wullenwaber replied that staff recommends fee-in-lieu for both sides, but this choice is at the discretion of the Planning Board recommendation and ultimately, Town Council.

ACTION: Motion to allow waivers from both sidewalks and fee-in-lieu.

Motion: Board Member Brooks
Second: Board Member Price
Vote: 2-4

ACTION: Motion to move forward to Town Council with conditions as recommended by staff.

Motion: Board Member Coats
Second: Board Member Benson
Vote: 4-2

f) 2018-167-OA Dumpster's (service areas) Ordinance Amendment

Samantha Wullenwaber presented this project. The request is to require non-conforming service areas to come into compliance with the screening requirements of the Unified Development Code for all dumpsters (service areas) within our jurisdiction. The request is to have a three year amortization period and be completed by October 1st, 2021. This would require all service areas with dumpsters to be fully enclosed by opaque walls, gates, and /or fences at least eight feet in height, constructed of the same materials as the primary building on site. Also, the service areas would be required to meet specific location and landscaping requirements. Staff is recommending approval of the ordinance amendment.

Board Member James Lipscomb went over the costly expense of the request to build dumpsters. He stated he would be costly for some businesses to meet town standards. He suggested to take into consideration a different method. Samantha Wullenwaber stated that we needed to be consistent throughout the entire town. Board Member Stephen Powers asked if we could approach the Town Council with help with the expenses for the residents and business owners. Board Member James Lipscomb suggested to waive permit fees if the dumpster owner got this process completed in a quicker amount of time and to make a standardized building plan. Board Member Marty Bizzell stated there are a lot of requirements in this ordinance and many properties could not meet the request. He would like staff to look at it and come back with some different ideas due to this will affect a lot of the citizens.

Town Council Member and resident Bobby Bunn showed some pictures of a dumpster that was taken this morning with debris all around it. He stated this is a safety issue. He would like to take some considerations and make some recommendations towards the enclosures for the dumpsters.

Town Council Member Michael Grannis stated he would like staff to bring back some recommendations and that this can be a hardship on businesses, and is something that needs to be addressed. He feels the Town can't put the entire burden on residents.

Board Member James Lipscomb asked about getting roll out carts instead of dumpsters. Samantha explained that only some dumpsters are maintained by All Star and most Multi-Family units have dumpsters. She would need to speak to Director of Customer Service for this recommendation. Samantha suggested she could get prices together and share the permit fees at the next meeting.

ACTION: Recommendation of Approval 2018-167-OA to be continued for further staff review.

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

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

9 ADJOURN

a) With there being nothing further the meeting was adjourned at 8:13 p.m.

ACTION: Motion to Adjourn

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

Robert L Ahlert

Bob Ahlert, Chair

ATTEST:

Chrissy Dunn

Chrissy Dunn, Clerk to the Board