



**Town Of Clayton
Planning Board Minutes
Monday, July 22, 2019 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Damier Powell, Planner
Merrick Parrot, Town Attorney
Chrissy Freeman, Clerk to the Board

MEMBERS ABSENT:

1 CALL TO ORDER

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

2 ADJUSTMENT OF THE AGENDA

- a)
There were no adjustments to the agenda.

3 APPROVAL OF MINUTES

- a)
Correction made under item (a) 2019-118-RZ 412 W. Stallings Rezoning. Board Member James Lipscomb asked to be recused from this project. Mr. Lipscomb was inadvertently added under the list of names under the motion as "In favor". Mr. Lipscomb was removed from that list.

ACTION: June 24, 2019 Planning Board Minutes approved with correction.

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

4 PUBLIC HEARINGS

- a) 2019-138-VAR 110 W. Front Street Variance **(Quasi-Judicial)**
NC PIN: 166913-03-5562
Tag #: 05031012
Location: 110 West Front Street

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

Planner Damiere Powell presented this item. The applicant is requesting a variance from the following code sections: 155.203 (K) (2) (a) Minimum Setbacks. The requirement is Central-Business (B-1) Zoning and District Minimum Setback requirements are side, 30 feet abutting residential and rear 30 feet, abutting residential. The variance request is from the side and rear setback requirements from abutting properties, which contain residential uses. This would allow the property to be developed with the standard 0-foot side and rear setback for the B-1 Zoning District.

Board Member Marty Bizzell asked staff if they know what the setbacks were in the past when the Red and White building was there. Planning Director Samantha Wullenwaber stated no, and that it was a small property, there was not much you could do with this property. Board Member Stephen Powers asked with the 0 clearance what is the distance from the lot line to the house on the east and north sides? Mr. Powell stated five to ten feet. There were no further questions for staff.

Applicant Tony Johnson was present. He stated they have addressed the Findings of Facts and would like to address some of the issues. When it was the Red and White building it took 100 % of that property right up to the property line. This is in the downtown overlay district and B-1 Zoning. Normally in that zoning, it would be allowed to be built to the property line. However, being surrounded on both sides by R-6 properties makes this a unique situation. The lot is 50 ft wide and if they were required to maintain the 30 ft set back it would reduce the lot from 100% to 30 % of the lot line. The B-1 zoning does allow a 0 setback. He is looking for the Town to allow them to have a build-able lot to this location. There were no questions for the applicant.

Board Member Price commented that the building that was there was years ago. After the Red and White closed it was condemned and was demolished. Any use would be better than the state it is in. Board Member Bizzell what he has seen and according the applicant it does appear that the original setback was 0. This applied to the first Finding of Facts.

The Board went through the remaining Findings of Facts.

ACTION: Approve 2019-138-VAR 110 W. Front Street Variance

Motion: Board Member Coats

Second: Board Member Lipscomb

Vote: Unanimous

- b) 2019-59-CUP New Trinity Missionary Baptist Church Conditional Use Permit
(Quasi-Judicial)
NC PIN: 165916-93-7641
Tag #: 05019025
Location: 115 Robertson Street

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

Planner Damiere Powell presented this item. This request is running concurrent with a Variance and Major Site Plan. The applicant is requesting a Conditional Use Permit for the demolition of the existing church and construction of a new church. The property has been split zoned, with a portion of the property which fronts Main Street zoned Central-Business (B-1) and the other portion zoned Neighborhood-Business (B-2). The (B-1) portion of the site is located within the Downtown Overlay District. The proposed church use shall only be located along the portion of the property that is zoned B-2. This request is running concurrently with Major Site Plan 2019-57-SP and Variance 2019-58-VAR. This request is also consistent with the UDC and Surrounding Land Uses. Staff recommends conditions that are listed within the staff report.

Applicant Michael Sims was present and available for questions. There were no questions for the applicant.

The Planning Board Members read through the Findings of Facts.

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

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

- c) 2019-58-VAR New Trinity Missionary Baptist Church Variance **(Quasi-Judicial)**
NC PIN: 165916-93-7641
Tag #: 05019025
Location: 115 Robertson Street

Planning Director Samantha Wullenwaber went over the process of why the Variance needs to be heard even though the Conditional Use was approved. Clerk to the Board Chrissy Freeman gave the affirmation.

Planner Damiere Powell presented this item. The applicant is requesting a variance from nonresidential building setback requirements outlined in 155.203 (K) (2) (a). The UDC sets dimensional standards for the setbacks of

nonresidential buildings in each zoning district. This request is for a reduction of the minimum rear setback distance from the abutting residential property to 14 feet. Mr. Powell stated that the applicant has addressed the Findings of Facts. Planning Board Member Andria Merritt asked about the current setback, 17 feet, was that correct? Mr. Powell stated he was not sure. Ms. Merritt was just questioning the difference and how much of a difference it would make at 14 feet. Ms. Wullenwaber stated it will be the location of the building. The setback will be in a different location of where the church is located now. Where the church is now will be the parking. Ms. Merritt stated that what is there is not conforming to the current setbacks. Mr. Powell added that there is existing landscaping that does screen from the residential property.

The applicant Michael Sims was present and available for questions. He stated a variance would be based on a need not a want. He stated that Clayton has grown and in the next ten years it will double. The growth of the church continually grows along with the Town. There were no questions for the applicant.

The Board went over the Findings of Facts.

ACTION: Approve the request with the conditions presented by staff.

Motion: Board Member Lipscomb

Second: Board Member Powers

Vote: Unanimous

5 NEW BUSINESS

- a) 2019-57-SP New Trinity Missionary Baptist Church Major Site Plan
NC PIN: 165916-93-7641
Tag #: 05019025
Location: 115 Robertson Street

Planner Damiere Powell presented this item. This request is running concurrently with a Conditional Use Permit 2019-59-CUP and Variance 2019-58-VAR. The applicant has proposed improvement to this Major Site Plan including sidewalks, landscaping and additional parking. There will be a shared parking agreement to meet their parking demand... There were no questions for staff.

The applicant Michael Sims was present and available for questions. Mr. Sims stated the parking will be used for local events for Clayton and they do not charge. This will provide more access to the events in Clayton.

There were no questions for the applicant.

ACTION: Approve the request with the conditions presented by staff.

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

b) 2019-89-SP Shoppes at Glen Laurel Major Site Plan

NC PIN: 167900-20-7014

Tag #: 05I04004

Location: Lot 6 of NC Hwy 42 Mixed Use Master Plan; located adjacent to Pine at Glen Laurel Apartments

Planner Haley Hogg presented this item. The applicant is request for a major site plan to develop a 6,451 square foot commercial building. The proposed use will include retail uses and a restaurant with outdoor seating. The property is located upon lot 6 of the NC Hwy 42 Mixed Use Master Plan Planned Development. The applicant is proposing two hammerhead parking lots to serve as off-street parking for the proposed uses. The two parking lots do meet UDC requirements. Additional parking is provided on-street along Briarcliff Drive in front of the building. They will be providing a 10 foot greenway along the frontage of the property on Briarcliff Drive, connecting from McKenzie Ridge Drive to the apartment complex to the east. The greenway will also connect to internal sidewalk around the building, including a sidewalk connecting to the proposed outdoor restaurant seating. This request is consistent with the Comprehensive Plan 2040. Staff recommends approval. There were no questions for staff.

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

ACTION: Approve 2019-89-SP Shoppes at Glen Laurel Major Site Plan

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

c) 2019-142-RZ Lots 8 & 9 Southern Regional Rezoning

NC PIN: 167800-03-3444 / 167800-03-5248

Tag #: 05I05001G / 05I05001H

Location: 8801 Us Hwy 70 Bus

Planner Damiere Powell presented this item. The request is to rezone from Highway Business (B-3) to Industrial-Light (I-1). The properties are currently vacant and age surrounded by properties with commercial, industrial, and vacant land uses. This request is consistent with the Comprehensive Plan 2040 and Surrounding Land Uses. The applicant has addressed Approval Criteria and staff recommends approval. There were no questions for staff.

Applicant Alsey Gilbert was present and available questions. There were no questions for the applicant.

ACTION: Approve recommendation to Town Council

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

- d) 2019-143-RZ Rose Street Commercial Development Rezoning
NC PIN: 166811-56-3724 / 166811-56-5964 / 166811-57-4090 / 166811-57-3084
Tag #: 05001024 / 05001048B / 05001049 / 05001050
Location: 9811 Us Hwy 70 Bus

Planner Damiere Powell presented this item. The request is to rezone the three abutting properties from Residential R-8 to Highway Business B-3. The properties are currently single-family residential and are generally surrounded by properties with single-family residential and commercial land uses. This request is consistent with the Comprehensive Plan 2040 and Surrounding Land Uses. The applicant has addressed Approval Criteria and staff recommends approval. There were no questions for staff.

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

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

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

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

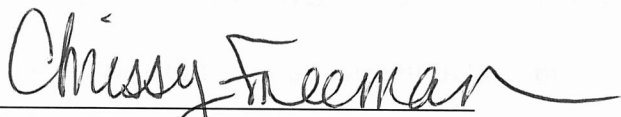
7 ADJOURN

- a) With there being nothing further, the meeting was adjourned at 6:56 p.m.

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


Robert J. Ahlert, Chair

ATTEST:


Chrissy Freeman, Clerk to the Board