



Town of Clayton
Town Council Regular Meeting Minutes
Monday, March 17, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:

Mayor Jody McLeod
Mayor Pro Tem Michael Sims
Council Member Andria Archer
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Sam Johnson-Phillips, Deputy Town Clerk
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Greg Tart, Police Chief
David Ranes, Fire Chief
Robert McKie, Finance Director
Nathanael Shelton, Communication Director
Conrad Olmedo, Planning Director
Donald Perry, Engineering Director
Joe Stallings, Economic Development

Council Absent:

None

1. CALL TO ORDER

- a. Call to Order

Mayor McLeod called the meeting to order at 6:02 p.m.

- b. Pledge of Allegiance

Mayor McLeod led the Pledge of Allegiance.

- c. Invocation

Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

- a. Mr. Cappola adjusted the agenda to Add a Closed Session to discuss Economic Development in Accordance with NCGS 143-318.11(a)(4).

Approve or Adjust the Agenda

RESULT: CARRIED 5-0

MOVER:	Michael Sims
SECONDER:	Andria Archer
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

3. **CONSENT AGENDA**

- a. Minutes
 - March 3, 2025 - Regular Session
 - March 3, 2025 - Closed Session*Presenter: Sam Johnson-Phillips, Deputy Town Clerk*
- b. NCDOT Road Closure for Special Event
Presenter: Amy Shearin, Economic Development
- c. Reimbursement Resolution - Library Renovation Project
Presenter: Robert W. McKie, Jr., Finance Director

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

4. **ADMINISTRATIVE ITEMS**

- a. Clayton4U
 - Zoning Part 2*Presenter: Nathanael Shelton, Communication Director*

The second part of a two-part series regarding zoning was provided.

5. **INTRODUCTIONS AND SPECIAL PRESENTATIONS**

- a. World Water Day Proclamation
Presenter: Council Member Archer to Present to Water Resources

 Council Member Archer read the proclamation into record and presented it to the Water Resource Department.
- b. American Red Cross Light the Town Red Proclamation
Presenter: Council Member Williams to Present to American Red Cross

 Council Member Williams read the proclamation into the record and presented to the American Red Cross Representatives.

Ms. Janet Johnson the Executive Officer for The Greater Triangle Chapter of the American Red Cross, and Clayton resident expressed thanks for the support of their mission and also to the donors and volunteers.

6. PUBLIC HEARINGS

- a.
 - 2024-27-CZM Amelia Church Townhomes
(continued from the February 17, 2025 Meeting)

Presenter: Conrad Olmedo, Planning Director

Mr. Olmedo presented an overview of a Conditional Rezoning request to rezone the property from OFI to CZR. This request was reviewed by the Planning Board at their December 17, 2024, meeting, where they recommended approval. The matter was tabled by the Council at the February 17, 2025, Town Council Meeting.

The property is currently vacant, spanning approximately 19.85 acres with some forested areas. It is located between Amelia Church Road and Short Johnson Road, and its Tax ID number is 05G03008B.

Mr. Olmedo noted that on the Future Land Use Map, the current designation is Medium Density Residential (MDR). The project's proposed gross residential density is 8.72 units per acre, with plans for 173 single-family attached units. Based on staff recommendations, the Future Land Use Map would need to be amended to reflect a High Density Residential (HDR) classification.

Mr. Olmedo also informed the Council that the project had been properly noticed through the public noticing process, with letters sent to residents within 300 feet of the property.

It was stated that the Conditions of Approval were revised since they went to the Planning Board at their December meeting. Mr. Olmedo noted the first six conditions were somewhat a standard new template that the Town Staff has been using, and the Applicant has agreed to.

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.
3. The project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

4. The associated Concept Plan and Conditions of Approval for this project shall allow for any changes in Town Development regulations, either through text or the official Zoning Map, that are considered as up zoning, downzoning, or establishment of any nonconformity.
5. The project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.
6. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.
7. Single-family attached dwelling unit shall comply with the following standards as applicable:
 - a) No individual single family attached dwelling buildings will have more than seven units in a single row and will be front loaded. (Mr. Olmedo stated this was a clarification where eight units were indicated on the Conditions of Approval and that was subsequently revised).
 - b) Each single-family attached dwelling shall have at least one-party wall shared fully or partially within another single-family attached dwelling.
 - c) A single family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.
 - d) All units will be two stories (minimum)/three stories (maximum) with attached garages.
 - e) Attached garages can be a one or two car garage.
 - f) No detached garages shall be used (Mr. Olmedo stated this was a clarification made).
 - g) In no instance shall a single family attached dwelling with off-street parking located between the front of the building and the street it faces be located no closer than twenty feet from the edge of a right-of-way, vehicle travel way, or pedestrian access.
 - h) No single-family attached dwellings will be served by off-street parking located to the side or rear, the edge of the building shall be no closer than 20 feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.
 - i) Principal buildings shall be setback from parking lots, private streets, and driveways on common land by at least ten feet, as measured from back of curb or edge of pavement (if no curb is proposed).
 - j) All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.
 - k) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners'

association established in accordance with UDO Section 6.8, Owners' Associations.

- l) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.
 - m) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
 - n) A Type B perimeter buffer configured in accordance with Section 6.6.12, Perimeter Buffers, shall be installed along all lot lines shared with a residential district that has a lower maximum residential density. (See Condition 11 for modifications)
8. Perimeter buffers shall be provided along with the adjoining property owners.
- a) A minimum 10-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN 1658-01-05-5423.
 - a) A minimum 20-foot Type B Perimeter Buffer along the properties identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy trees shall be provided at a minimum rate of two per 100 linear feet (LF), Understory Trees shall be provided at a minimum of four per 100 linear feet (LF), and 15 shrubs provided per 100 linear feet (LF).
 - b) Type B is a 20-foot Type B Buffer, and it would be provided along the Eastern property line with PIN 1658-01-15-3257. The undisturbed and wooded areas would be maintained within the natural areas of the stream in lieu of a buffer.
 - c) A minimum 20-foot Type B buffer shall be provided along the Eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of two per 100 linear feet (LF), Understory Trees shall be provided at a minimum of four per 100 linear feet (LF), and 15 shrubs provided per 100 linear feet (LF).
 - d) A minimum 20-foot Type B Buffer shall be provided along the Southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of two per 100 linear feet (LF), Understory Trees shall be provided at a minimum of four per 100 linear feet (LF), and 15 shrubs provided per 100 linear feet (LF).
 - e) Perimeter buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.
9. Parking requirements were the next subject of discussion.

- a) Two parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen feet wide.
- b) Townhome parking requirements shall be provided with a two-car driveway for each unit and at least a single car garage.
- c) The owner of the private parking lot will always maintain private ownership.
- d) Guest parking spaces should be provided in combination with the private amenity parking for a total of 44 spaces.
 - i. Required minimum: $173 \text{ units} \times 0.25 = 43.25$ (rounded up to 44 spaces)
 - ii. Provided 44 spaces
- e) Amenity area parking spaces shall be provided with 44 parking spaces, shared with guest parking.
 - i. Required: 19 spaces
 - ii. Provided: 44 spaces

10. Open Space Set-Aside shall consist of both active and passive areas per the following:

- a) Passive Open Space Set-Aside
 - i. 2.47 acres of open space is required (12.5%).
 - ii. A minimum of 3.54 acres shall be provided (18%)
- b) 50% of Passive Open Space shall be active or gathering spaces (UDO Section 6.7.1)
 - i. Required 1.24 acres
 - ii. Provided 1.77 acres (minimum)
- c) Active Open Space Set-Aside shall include, but are not limited to, a dog park, pocket park, seating areas, benches, and walking trails.
- d) Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
- e) Stormwater pond with the following elements: fountains in the two stormwater ponds, dog waste stations, and pedestrian access. Slopes at the pond shall be gentle slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.
- f) Minimum of five benches, five waste receptacles and five pet waste receptacles are provided throughout the site.

11. The project shall be exempt from section 6.6.12F of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.

12. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:

- i. Right of Way Dedication and additional widening.
- ii. Road improvements on Amelia Church Road and Short Johnston Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

13. The developer will provide a downstream sewer capacity study, including existing allocated paper flows, to determine if the existing pump station is adequate. If not, the developer will be responsible for providing improvements to existing facilities and any required utility easements at their cost.

14. The proposed public wastewater collection system will gravity sewer along Short Johnson Road to the pump station at Walnut Creek or a new pump station, as required. Final configuration will be confirmed during the construction plan review.

15. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including facade materials.

16. All buildings will include a minimum brick masonry coverage of 25 % on all building's facades.

17. The following Architectural Standards shall be met:

- a) Units will be two-stories (minimum)/ three-stories (maximum) with a variety of elevations. Units of the same story-height elevation shall not be side-by-side.
- b) Townhome units shall be limited to a maximum of seven units per block.
- c) All units shall have a combination of two or more of the following materials on the front facade:
 - i. Stone
 - ii. Brick
 - iii. Lap siding
 - iv. Fiber cement siding
 - v. Shakes or board and batten
- d) Vinyl siding will not be used on front, side, or rear facades except for trims such as soffits, fascia, and corner boards.
- e) A minimum of 70 % of all residential units shall have a cover front porch or stoop.
- f) Architectural style shingles shall be used.
- g) All garage doors shall have windows.

- h) All front doors shall have windows.
- i) Rear concrete pads will be provided on all units. Patios may replace the concrete pad when added as non-option for the homeowner, subject to building permit review.
- j) To accommodate larger garage spaces and facade features, garage doors may constitute more than 50 % of the width of the proposed townhomes.
- k) All garage doors shall be setback by a minimum of 25 feet from the edge of sidewalk or a minimum of 20 feet from the right-of-way.

18. All buildings/units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each building:

- a) High Efficiency Windows
- b) High Efficiency Appliances and HVAC Units
- c) High Efficiency Roofing Materials

19. Cross-Access easements will be provided for the following properties:

- a) Amelia Station LLC, PIN 1658-01-05-5423
- b) N/F Francis Parrish, PIN 1658-03-24-3257
- c) Hockaday, Erwin, PIN 1658-03-04-4437

20. The applicant will construct cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

21. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by the Homeowners Association.

22. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

23. All internal utilities shall be located underground. Existing overhead utilities will be coordinated with Duke Energy to determine the feasibility of being placed underground.

Mr. Olmedo presented a Concept Plan Map, highlighting the main access points to the site via Amelia Church Rd and Short Johnson Rd. He pointed out that the plan includes seven units per building block, with some blocks featuring four units. Additionally, Mr. Olmedo identified the stormwater management area, which would also serve as an activity space. He further discussed the private parking lot, the proposed additional parking, the location of the dumpsters, and

the overall layout, including access points to both Amelia Church Rd and Short Johnson Rd.

Mr. Olmedo also showed an illustration of the TIA Road Improvement Recommendations for Amelia Church Rd and Short Johnson Rd, which included a proposed ten-foot right-of-way dedication.

Highlights of the Planning Board and Staff Recommendations were presented:

- **Driveway Width:** The driveways for each unit must have a minimum width of 18 feet. This ensures two parking spaces outside of the garage (Condition 9a)
- **Private Parking Lot:** The owner must always maintain private ownership of the parking lot. This is reflected in Condition 9c. The revised concept plan shows the private street as a private parking lot.
- **Parking Spaces:** Each townhome must provide two parking spaces outside the garage and at least one single-car garage (Condition 9b).
- **Driveway Width Adjustment:** The applicant has proposed 18-foot-wide driveways instead of the recommended 20 feet. This adjustment helps avoid a fully paved asphalt driveway and ensures the inclusion of vegetation to comply with minimum open space set-aside requirements. Each unit will have a two-car driveway and a one-car garage, as updated in Condition 9a.
- **Mass Grading:** The project deviates from Section 6.6.12 F of the UDO regarding mass grading. Condition 11 exempts the project from the requirement to double the width and plant vegetation in the perimeter buffer.
- **Additional Parking:** The project would include additional parking as feasible. Condition 9a mandates two parking spaces outside the garage for each unit. Conditions 9d and 93 ensure 44 parking spaces are provided.

Mr. Olmedo stated that if the Concept Plan is approved, the associated Conditions of Approval would be tied to the land in accordance with North Carolina General Statutes Chapter 160D. The Planning Board recommended approval, citing consistency with the 2045 Comprehensive Growth Plan and the proposed rezoning request outlined in motion number two of the provided Consistency Statements sheet. He also noted that staff recommended approval of motion number two, as it aligns with the 2045 Comprehensive Growth Plan.

Mr. Olmedo stated that he would be available to answer any questions, and that the applicant was also present.

Mayor McLeod asked if there were questions for Staff.

Council Member Casey thanked Mr. Olmedo for the presentation and requested clarification on Condition number 11 and the concept of mass grading. He explained that when he heard mass grading, he understood it to involve clearing

the land of trees and other vegetation. Council Member Casey then referred to the site plan, noting that it appeared little existing vegetation would remain, except around certain buffers and perimeters. He expressed concern that mass grading would be necessary because much of the site would be cleared and asked how this would be determined or factored into the process.

Mr. Olmedo explained that the UDO provides subjective guidance regarding mass grading, but there is no specific, quantified threshold for what qualifies as a mass grading project. He agreed that Staff had considered this to be a mass grading project, which would require the applicant to increase the buffer width and the number of plantings. He noted that by the time this had been presented to the applicant, the project had already gone through the Technical Review Committee process. Mr. Olmedo emphasized the need for caution in applying such requirements to all infill lots in town, acknowledging the existing vegetation. He stated that he was comfortable with exercising some discretion and considering adjustments to the UDO requirements as necessary.

Council Member Casey expressed his concerns regarding mass grading and the lack of consideration on extending the buffer to 20 feet or longer. It was mentioned that the condition stated, if it wasn't mass graded, based on the UDO there would have to be a larger buffer. Council Member Casey stated he is aware of the farmland in that area and the buffer would help support the surrounding neighbors.

Mr. Olmedo responded, adjacent to the existing apartments to the North, there would be a 10-foot Type A landscape buffer and then it becomes a 20' Type B buffer to the East and South. The 10-foot Type A buffer would be proposed to the existing apartments to the North.

Council Member Casey inquired, if it was considered a mass grading site, what would be the buffer required based on the UDO?

Mr. Olmedo responded, a single-family attached would require a Class C, which would be a 60-foot-wide buffer.

Council Member Casey stated it would have to double the buffer.

Mr. Olmedo responded, you would double from 30-foot to a 60-foot-wide buffer. That could potentially impact the overall number of units, the placement of the units and the design of the project internally.

Council Member Casey stated he had no further questions.

Mayor McLeod asked if there were any more questions for Staff.

Council Member Williams referenced the Planning Board's recommendation for a minimum driveway width of 18 feet and asked for clarification on the width.

Mr. Olmedo responded that the 18-foot width is generally intended to accommodate two vehicles parked side by side. He explained that a typical parking stall is 9 feet wide, so two stalls placed next to each other would provide enough space for two vehicles.

Mayor McLeod then asked if there were any other questions. With no further questions for Staff, Mayor McLeod opened the public hearing and reminded the applicant and speakers to state their names for the record.

Mr. Spencer Terry, Senior Project Manager with Bowler Engineering, represented Mr. Mark Maynard and Tribute Companies, the applicants for the project. Mr. Terry thanked Mr. Olmedo for the presentation and expressed appreciation to Mayor Pro Tem Sims and Council Member Anderson for meeting with them a couple of weeks ago.

Mr. Terry explained that the project currently has a Special Use Permit application for 196 units, which would be a quad-style apartment complex proposed in 2021 and 2022. The rezoning request aims to reduce the density from 196 to a maximum of 173 units and shift from a quad-style apartment layout to a more traditional design. He noted that, through collaboration with staff and the developer, this redesign would maximize space, enhance walkability, and create a more enjoyable environment for residents, particularly those interested in townhome living with backyards.

He assured the Council that the feedback from both the Council and the Planning Board had been considered. Mr. Terry offered to answer any questions and discuss any ideas the Council or community might have regarding the design of the development.

Regarding the issue of mass grading, Mr. Terry explained that doubling the buffer sizes would have a significant impact on the project, especially on the north and south sides, potentially limiting the available space. He stated they were open to working through construction sequencing and that, although the UDO does not define mass grading acreage, there are methods they could employ during construction to stabilize different areas. Mr. Terry emphasized their willingness to work within the engineering and TRC limits to find a solution that would be agreeable to all parties.

Mr. Terry then addressed parking considerations, noting that 9 feet would be the typical width for parking spaces. He explained that they planned to offer a mix of unit sizes, including 20-, 22-, and 24-foot wide units. Larger units would have two-car garages, while smaller units would have one-car garages. He requested flexibility to mix the unit sizes. During discussions with the Planning Board, it was noted that a one-car garage doesn't count as a parking stall, which led to the decision to add two parking stalls outside each building. Mr. Terry confirmed that every unit would have space for two cars in front of the garage, with an

additional 44 guest parking stalls. He assured the Council that the mix of parking options would provide ample parking for residents and guests.

Mayor Pro Tem Sims clarified that some units would have a two-car garage and parking for two cars in the driveway.

Mr. Terry responded in the affirmative and stated the single car garage would also have two car spaces outside of the units.

Mayor Pro Tem Sims confirmed that parking would not be allowed on the street.

Mr. Terry responded in the affirmative.

Mayor Pro Tem inquired about the number of parking spaces available on the property.

Mr. Terry stated there would be 44 additional spaces.

Mayor McLeod questioned how many units?

Mr. Terry responded, a maximum of 173 units.

Council Member Archer expressed appreciation for the presentation and for the edits that were made to the conditions based on the Planning Board meeting and for their responsiveness, in particularly to the driveway width. Council Member Archer stated the 18 feet in front of a home with a single car garage, that would be an excess concrete pad that's not directly in front of the garage?

Mr. Terry stated that was correct.

Council Member Archer stated that if this project met the criteria of the code for this type of density, it would be ideal for a rear-loaded design based on the density. She asked Mr. Terry if this option had been considered or if he had any input on the matter.

Mr. Terry responded that they had considered a rear-loaded design and had an additional exhibit that wasn't presented tonight due to timing. The exhibit included a rear-loaded design for the south side of the main drive aisle, with an alleyway running from west to east. This would result in 32 rear-loaded units along that street. He also mentioned that traffic calming measures had been discussed for the main access road, and they were willing to collaborate with staff on implementing various calming strategies. Mr. Terry explained that they had explored options such as speed tables, creating constriction points along the road, incorporating high visibility raised sidewalks, and establishing a three-way stop at the private parking area.

Council Member Archer clarified that the three-way stop would centrally be located at the parking lot.

Mr. Terry responded in the affirmative.

Council Member Archer asked would the intent of these units be owner occupied?

Mr. Terry responded in the affirmative and stated the current Special Use Permit is for 196 rentable products, these would be homeowner.

Council Member Casey stated he appreciated those being alley loaded, and he noticed towards the bottom there were some alleys loaded and some front loaded, he asked was there a reason why they weren't made alley loaded so they could abut to the other alley?

Mr. Terry responded that units 161 to 173, which front on Amelia Church Rd, could be rearloaded. He also mentioned that 128 to 143 lots were being considered forrear-loading, and they were open to that suggestion. He explained thatthey aimed to create a good mix with the builder. For the rear-loaded units, there would be a 25-foot setback from the sidewalk or a 20-foot setback from the right-of-way.

Council Member Casey asked Mr. Terry to elaborate on the site plan that was presented. He stated that he didn't see the Amenity Center and it didn't appear to have the equivalent amenities as the previous site plan.

Mr. Terry listed the available amenities and mentioned that they could add more crossings to ensure the walkable paths are clearly visible. He explained that the clubhouse and swimming pool were not included in the plans due to homeowner expenses and insurance concerns, as they wanted to keep individual costs reasonable for the market.

Council Member Casey asked would they consider this a mass graded site?

Mr. Terry responded that he would consider this mass grading if he looked at it from the perspective of how it's being developed in the field. Typically, mass grading refers to the amount of acreage being disturbed at once. However, if the construction is done in multiple phases, it would not be considered mass grading. He stated they were willing to work with the Engineering Department to develop an Erosion Control Plan and a Construction Sequence that would minimize disturbance to the land at any given time.

Council Member Casey asked if they would be open to reconsidering the buffer.

Mr. Terry responded they would be willing to look at the buffers and they may be flexible on the South side. He stated they would be willing to look at it, but they could not provide 60-foot buffers on all four sides of the property.

Council Member Casey thanked Mr. Terry.

Mayor Pro Tem Sims asked for elevation examples on the subdivisions that they have built previously.

Mr. Terry stated they have the elevations in the Master Plan, and he couldn't say they have built these particular elevations, but he has ideas that can be shown. Within the Master Concept Plan were examples of different elevations with single and double car garages. It was stated; they have not engaged an Architect for the product design.

Mayor Pro Tem Sims inquired if this would be generally close to what the applicant would do?

Mr. Terry replied, it would be something similar to this with the facades described within the Concept Plan and in congruence with the UDO.

Mayor Pro Tem Sims asked, "would this be considered the low, medium or high end of products that the applicant does"?

Mr. Terry responded he is unable to speak for the developer specifically but as the representative he would state in the middle. This product would be in the range of mid \$350,000 to \$400,000 per unit.

Mayor Pro Tem Sims thanked Mr. Terry.

Mayor McLeod asked if this would be a typical facade for this company.

Mr. Terry responded he was not able to answer that personally and that Tribute makes many different developments. This was an example provided by an Architect based on the facades and the number of garages discussed. Mr. Terry stated they could provide other examples if that should be desired.

Mayor McLeod expressed his belief that the appearance of the project is crucial, not only for the community but also for those financing it. He asked how they planned to make their product stand out from what is currently available in the market. Mayor McLeod then requested a discussion on the amenities. While he understood the costs associated with insurance and the inclusion of a clubhouse and pool, he questioned why they couldn't offer alternative amenities that wouldn't carry the same liability.

Mr. Terry responded they are leaving it open for that, and they are not pinning themselves down for anything, therefore that is why they would look at the

minimum amenities. It was stated they would offer 18% or more open space, the required was 12.5%.

Mayor McLeod began to discuss parking with Mr. Terry. Mayor McLeod stated with parking is not allowed on the street, how far would the guest parking be from the units located on the bottom right-hand section of the development?

Mr. Terry responded, the ability to park would be something they would concede to, and they could provide more parking stalls but at the expense of additional open space. Locations of possible additional parking stalls were discussed. It was communicated to Council that the UDO was followed, and they enhanced the number of required parking spaces. Mr. Terry stated they would provide a minimum of 386 parking stalls based on every unit having a two-car minimum, for 173 units. That wouldn't include any of the double car garages.

Council Member Anderson inquired about the rear loaded elevation property, how different it would look, the proposed amenity location and the additional buffer.

Council Member Archer addressed Condition 17 which spoke on the proposed Architectural Standards. It was suggested to add extra sentences in the Architectural Standards that would provide examples of how this would look with more variation.

Mr. Terry replied, without engaging the Architect or builder that would be difficult due to the fact they are unaware where the one car garages, the two-car garage, the 24-foot, or the 22-foot units would go. It was stated they must have flexibility for the builder to come in.

Council Member Archer responded, if they had some things they could propose or work with staff regarding the Architectural variation she would like that. It was stated she appreciated that they are single family homes and at that price point because for many people that would be the entry point into home ownership.

Mr. Terry thanked Council and stated he has noted the considerations, and they would work with staff and the developer to achieve as many as possible.

Mayor McLeod asked Council if they had more suggestions.

Council Member Casey asked if they had looked and seen what has been approved but not built yet? It was stated he was aware of similar-priced town homes that have been approved but are not under construction, that might sway the diversity discussion about a different type of building product.

Mr. Terry responded to Council Member Casey, asking if he was suggesting that a townhome had been approved with a different product that he preferred.

Council Member Casey responded there have been townhomes approved with a similar price point, it's not much of a differentiator between what has been approved, gone through the entitlement process but hasn't been constructed. It was stated eventually there could be saturation in the market of a product.

The discussion continued with the topic of market and market research.

Mr. Terry stated that they are focused on not overburdening the municipality's utilities but rather improving them. He explained that part of the process involves reducing the density and finding a mix of products that fit well with the area. He noted that this piece of property has been in development for several years, with the current layout being refined over the past year. Mr. Terry assured the Council that they would continue working closely with staff and reiterating their efforts. He emphasized, however, that there were limits to what they could do while still staying within the goals they aim to achieve.

Council Member Casey responded that he understood and appreciated some of the concessions made. However, he pointed out that many factors and variables still hadn't been fully addressed. He mentioned that he had requested a larger buffer due to the grading, the consideration of alley-loaded versus front-loaded units, and the amenities. He expressed concern about the uncertainty of these aspects. Council Member Casey thanked Mr. Terry for his time.

Mr. Terry asked if this could be tabled to adjust the conditions of approval and return later.

Council Member Archer shared her thoughts on mass grading and discussed the conditions. The first condition addressed the need to protect the required buildable space by preventing an increase in the width of the buffers. She asked if there was a way to enhance the buffers with additional plantings. Her second suggestion was to incorporate more formal language regarding the limitations Mr. Terry mentioned, particularly related to the amount of disturbed acreage and other erosion control measures. She recommended including language on how to minimize the impact of grading, which would strengthen that condition.

Mr. Terry stated they would take that into consideration.

Mayor Pro Tem Sims expressed that Council has a responsibility as to how Clayton would look in the future.

Mr. Terry stated he appreciates what Clayton has done and where they want to be in the future.

Mayor McLeod asked if there was anyone that wished to speak to please step forward and state their name for the record.

Mr. Scarpa, Town resident, mentioned that he made note of and agreed with some of the things said by Council. He also shared his thoughts about the presentation and discussion. Mr. Scarpa asked what would the burden be on the electric grid, would the electric be increased?

Mayor McLeod replied they would not be electric customers with the Town of Clayton, they would be Duke Energy.

Ms. Anis, Town resident, expressed appreciation that the runoff was addressed. She inquired how the 173 townhomes would affect the current sewage allocation with future developments surrounding the proposed area and what would the timeframe be?

Mayor McLeod responded that there is a plan to bring sewer service to the region, including the entire Copper District, the area across from the hospital, and the Corporate Road area. He mentioned that while there isn't a set timeframe yet, it is expected to happen in the near future.

No one else wished to speak, Mayor McLeod closed the Public Hearing and turned it over to Council for discussion.

Council Member Archer agreed with Mr. Scarpa regarding the buffers. She mentioned that she had been on the Steering Committee that helped shape the new UDO and was also on the Council when it was approved. Council Member Archer explained that this project is based on a previously approved plan, and what was presented tonight is, in many ways, an improvement. She clarified that when a motion is made regarding the Land Use Plan, it includes a statement on how it aligns with the Comprehensive Growth Plan. She emphasized that the Comprehensive Growth Plan serves as a guiding document and is carefully considered when making land use decisions. Council Member Archer also noted that when a proposal is said to be inconsistent with the plan, these inconsistencies are often planned for, as the document naturally evolves over time.

Council Member Archer asked for clarification on what verbiage to use to table an item.

Town Attorney Cauley suggested continuing it to a certain date, and the applicant may have input concerning the amount of time they would need to have the changes and additional considerations.

Council Member Archer thanked the Town Attorney and mentioned she had a follow-up question. She noted that several different topics had been discussed and asked whether the testimony from this evening would be sufficient to send staff and the applicant back, or if it would be necessary to itemize the various topics discussed tonight as part of the continuance.

Town Attorney Cauley responded that the discussion was clear, unless the applicant had any further questions. He stated that there was a clear message regarding the items to be reconsidered and believed that staff had understood that as well. He confirmed that it would be fine to continue.

Council Member Casey agreed with Council Member Archer, noting that one of the challenges with this particular site is the density and some of the requested concessions. He mentioned that he was comfortable with continuing the discussion. He highlighted that the Comprehensive Growth Plan calls for medium density and given both the Council's requests and the applicant's proposal, it seems to be a reasonable fit. Council Member Casey also emphasized that the Comprehensive Growth Plan allows for flexibility, and that flexibility is fortunate.

Council Member Anderson agreed with Council Member Casey's remarks and expressed a desire for clarification on the concessions. She expressed her agreement with continuing the item.

Mr. Olmedo stated he spoke with the applicant, and they requested to return to the April 21, 2025, Town Council Meeting. That would allow time for discussion on the conditions and necessary revisions.

Council Member Archer made a motion to continue Public Hearing 2024-27-CZM to April 21, 2025.

Mayor McLeod stated there was a motion and a second to continue to April 21, 2025, and asked if there was further discussion. With no opposition, the motion was passed.

Close Public Hearing and Table to the April 21, 2025, Meeting For Action

Continued to April 21, 2025

RESULT:	CARRIED 5-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

7. **QUASI-JUDICIAL HEARING**
8. **OLD BUSINESS**
9. **NEW BUSINESS**
10. **STAFF REPORTS**

a. Town Manager

Mr. Cappola announced that on Tuesday, March 18, 2025, and Wednesday, March 19, 2025, the Water Resources team would conduct overnight work that would require a water shutdown along Main St. All businesses in the area had been notified, and the shutdown was expected to have minimal impact, as it would occur after hours. He clarified that this work was a follow-up to the Lead and Copper Rule findings.

b. Town Attorney

c. Town Clerk

d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

No one wished to speak.

b. Council Comments

Mayor McLeod mentioned that he had recently received numerous phone calls and emails regarding utility bills in the Town. He requested that staff investigate the utilities, particularly the electrical, to provide the Council with a clearer understanding. He noted that similar discussions had taken place in previous Councils and emphasized the importance of the Council being well-informed. He requested that concrete data be gathered so that it could be shared with constituents.

Mayor McLeod expressed a desire to know the total amount the Town of Clayton has collected in late fees and penalties over the past two years, as well as how those funds are used.

Mayor McLeod acknowledged that the Town of Clayton operates with a very small markup on the electricity it purchases, but he noted that customers are seeking a better understanding of why the costs are so high.

Mr. Cappola responded that they had received similar concerns and phone calls. He assured us that the requested data would be gathered and provided to the Council by the next meeting. He also mentioned that Mrs. Ann Game and her team had been working hard to explain the situation to customers. Regarding the January billing cycle, it was noted that approximately 21 days were below freezing, which led to higher power usage for heating homes.

12. CLOSED SESSION

a.

To Discuss Economic Development in Accordance with NCGS 143-318.11 (a)(4) and To Discuss a Legal Matter in Accordance with NCGS 143-318.11 (a)(3)

Motion To Go Into Closed Session

RESULT:	CARRIED 5-0
MOVER:	Ruth Anderson
SECONDER:	Porter Casey
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Motion To Return To Open Session

RESULT:	CARRIED 5-0
MOVER:	Ruth Anderson
SECONDER:	Porter Casey
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

13. ADJOURNMENT

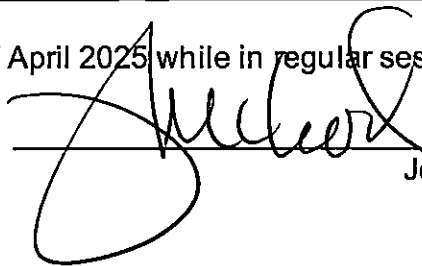
a. Adjourn

With nothing further, the meeting was adjourned at 7:52 p.m.

Motion To Adjourn

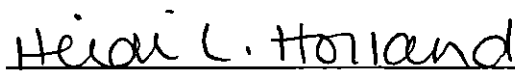
RESULT:	CARRIED 5-0
MOVER:	Porter Casey
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted by the Town Council this 7th day of April 2025 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Heidi L. Holland, MMC, NCCMC
Town Clerk

