



Town of Clayton
Town Council Regular Meeting Minutes
Monday, December 16, 2024 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 Ruth Anderson
Council Member Gretchen Williams

Staff Present:

Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
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
Audrey Duchesne, Senior Planner
Sam Johnson-Phillips, Deputy Town Clerk

Council Absent:

Council Member Porter Casey

1. CALL TO ORDER

- a. Call to Order
Mayor McLeod called the meeting to order at 6:03 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 requested to table Item 8a. 2024-47-CZM Novo Nordisk Art Center until January 6, 2025, meeting, and add item 12a. to close session to discuss economic development in accordance with NC GS 143-318.11 (a)(4).

Approve or Adjust the Agenda

RESULT:	CARRIED 4-0
MOVER:	Andria Archer

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

3. **CONSENT AGENDA**

- a. Minutes
 - October 29, 2024 - Council Retreat
 - October 30, 2024 - Council Retreat
 - December 2, 2024 - Work Session
 - December 2, 2024 - Regular Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk
- b. Policy and Procedures for Appointments to Advisory Boards Update
Presenter: Heidi Holland, Town Clerk
- c. Update to Town Advisory Board By-Laws
 - Downtown Development Advisory Board
 - Fire Advisory Board
 - Library Advisory Board
 - Public Art Advisory Board
 - Parks and Recreation Advisory Board

Presenter: Heidi Holland, Town Clerk
- d. Grassroots Grant Award
Presenter: Martha Vandergriff, The Clayton Center and Shaun Mizell, Procurement Contracts and MWBE Manager
- e. Strategic Property Acquisitions
Presenter: Robert McKie, Finance Director
- f. Adoption of the Updated Manual of Specifications, Standards, and Design (MSSD)
Presenter: Donald M. Perry, Engineering Director
- g. Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2A
Presenter: Michael Worner, Engineering

Approve Consent Agenda as Presented

RESULT:	CARRIED 4-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Porter Casey

4. ADMINISTRATIVE ITEMS

a. Clayton4U

Presenter: Nathanael Shelton, Communication Director

Mr. Shelton reported there have been 15 episodes of Clayton4U, the final episode of 2024 entitled "Where Does Our Electric Come From" was presented to Council.

Mayor McLeod stated this has been a fantastic series.

b. Advisory Board Recommendations

Presenter: Heidi Holland, Town Clerk

Ms. Holland presented the Advisory Board Recommendations to Council. The individuals and their assigned boards are as follows:

Board of Adjustment

- Rich Maida: New Appointment: Alt. (In-Town)
- Karen Spicer: New Appointment: Alt. (ETJ)

DDA

- Valerie Mullins: New Appointment
- Stephanie Lanier: New Appointment
- Paul Audair: Re-Appointment
- Corina Knott: New Appointment
- David Colclough: New Appointment
- Jennifer Hamilton: New Appointment

Fire Advisory Board

- Jeffrey Stallings: Re-Appointment
- Stacey Turner: Re-Appointment
- Adam Gross: New Appointment
- Keith Herring: New Appointment

Library Advisory Board

- Meredith Sewell: New Appointment
- Amanda Gawthorpe: New Appointment
- Amber Revels-Stocks: Re-Appointment
- Katie Tompkins: Re-Appointment
- Victoria Privette: Re-Appointment
- Sarah Chera: New Appointment
- Miriam Herrell: New Appointment

Planning Board

- Ronald Williams: Re-Appointment (In-Town)
- Jason Carter: New Appointment (In-Town)

- Deborah Hooker: New Appointment (In-Town)
- Mark Hall: New Appointment (ETJ)
- Tom McKearney: New Appointment Alt. (In-Town)

Public Art

- Roy White: New Appointment
- Dane Martin: Re-Appointment
- Kelly Miller: New Appointment
- Joanne Thomas: Re-Appointment
- Adriana Ameigh: New Appointment
- Nancy Crowder: New Appointment
- Aaron Clinard: New Appointment
- Lisa Richmond: New Appointment

Recreation Advisory Board

- Corie Miller: New Appointment
- Charles Counts: New Appointment
- Mark Morgan: Re-Appointment
- Greg Forde: New Appointment
- Denise Husband: New Appointment

Approval of Recommendations for Appointment

RESULT:	CARRIED 4-0
MOVER:	Ruth Anderson
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Porter Casey

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

6. PUBLIC HEARINGS

- UDOTA 3-24 (Unified Development Ordinance Text Amendments)
Presenter: Conrad Olmedo, Planning Director
 Chad Meadows, CodeWright Planners

Mr. Olmedo provided an update to the UDOTA 3-24. It was reported this is the third and final one of the year.

There have been 65 changes that have been organized into 11 groups.

- Resource Conservation Area (§6.11)
- Open Space (set-aside amount features)

- Trees (tree protection, street trees)
- Use Standards (principal, secondary, temporary)
- Recycling Container Standards (§4.5.5.BB)
- ROW-Related (C&G, driveways, alternative access)
- Parking (measurement, driveway parking)
- Signs (nonconforming, min. clearance, illumination)
- Various Standards (stormwater, lot size in RMF, etc)
- Procedures (test amendment, zoning compliance permit, TIA)
- Agriculture Exemptions (§1.1.3.B)

Mr. Olmedo provided an update on the Resource Conservation Area, noting that the applicant had requested an amendment. This amendment would allow steep slopes to be allocated a ratio where for every square foot of impact, three square feet of resource conservation area would be designated.

Open Space Set Aside

It was reported that every district has a minimum percentage requirement regarding Open Space Set Aside. This amendment modification would align districts and would provide internal consistency with the required percentages of the total site to be dedicated towards open space.

Tree Protection

There have been significant modifications to the Tree Protection section of the UDO. It was stated this was a consolidation of parts of the UDO and rectified areas with credits. Mr. Olmedo stated there were technical clarifications to provide internal consistency.

Use Standards (Principal)

There was a review and update of the manufacturing uses (light, heavy). There is a new "medium" manufacturing use. It was stated any tower over 80' in height (even concealed) would be treated as a major tower.

Use Standards (Secondary)

Mr. Olmedo shared clarifications made in the UDO regarding when it would be required to have a zoning compliance permit for the secondary uses in town. It was stated home occupation permits would be required but the Town would not require a zoning compliance permit for a playground or flagpole. Another change mentioned was home occupations level two would be conditional rezoning instead of a special use permit, as it was in the previous code.

Use Standards (Temporary)

Clarification has been made regarding construction trailers being used as offices on construction sites. It was stated there is now a process for those types of requests. It was stated, clarification has been made to temporarily allow wireless facilities in all zoning districts, the duration increased to six months with four allowable renewals.

Refuse/Recycling Containers

Mr. Olmedo mentioned, he and his team established the necessary standards for conducting site plan reviews.

Right-of-Way Related

A technical update was provided regarding curbs, gutters, and driveways. The Planning Board provided comments regarding driveways, the number of driveways and future text amendments.

Parking Related

Mr. Olmedo provided clarification of measurement and stated permits for driveway parking for townhouse development with rear-loaded driveways (otherwise limited to 6 units).

Signage

There was an update on nonconforming signs for consistency with SL2024-45. There was mention of reducing the height of a projecting sign from nine feet to eight feet above a sidewalk.

Various Standards

Mr. Olmedo mentioned a technical clarification regarding lot size in RMF for duplexes, triplexes, and quadplexes. He also clarified the distinction between "cessation" and "abandonment" in nonconformities according to state statutes. Regarding stormwater, he stated that provision must be made for access to an easement to the SCM from an adjacent street or travel way. Additionally, he noted that a passing inspection is required before the issuance of the Certificate of Occupancy (CO).

Procedures

It was communicated to Council, a resident or property owner within the Town can submit a text amendment request. There has been a modification to the Transportation Impact Analysis in which Mr. Olmedo would provide clarification later in the presentation.

Agricultural Exemptions

Mr. Olmedo stated there were clarifications made to define Bona Fide Farm Purposes and the required documentation.

Mr. Olmedo presented a list of the Planning Board comments from the work session, all of which have been noted. He mentioned that these will be addressed in the next round of text amendments, scheduled for winter or early spring of next year.

- Refuse Containers
 - Definition and Placement

- Temporary Construction Offices
 - Timing for removal
- Citizen-Initiated Text Amendments
 - Property Owner in Town/ETJ
 - Process Type
- Easements to Storm Control Measures (SCMs)
- Traffic Impact Analysis
 - Expiration
- UDOTA Effective Date
- Curb and Gutter for Private Streets
- Resource Conservation Areas (RCA)
 - Not being counted for Open Space Set Aside
- Bona Fide Farms

Mr. Olmedo reviewed the staff updates from November 19, 2024, Planning Board meeting, which were presented at the December 2, 2024, Work Session. The language regarding traffic assessments has been revised to use "shall." Previously, projects that did not trigger 100 vehicular AM/PM peak trips or 1,000 trips in a day were exempt from a traffic impact analysis, with an option for a traffic assessment. It was stated that it is now a requirement for the Engineering Director to mandate a traffic assessment for projects that do not trigger a traffic impact analysis.

Regarding the Resource Conservation Area, it was noted that the discretion of the Planning Director is removed when state or federal permits are issued for stream buffers and jurisdictional wetlands that permit development.

Mr. Olmedo clarified that applicants would have 30 days to provide any missing application materials. Applications with deficiencies will have 6 months to submit resubmittals, aligning this timeline with permit requirements. He stated that the 6-month timeline is consistent with state statutes.

Also proposed was to designate the Planning Director as the Town staff member responsible for staff reviews/actions, staff reports/recommendations, and the distribution of applications/staff reports.

Mr. Olmedo mentioned that staff were available to answer any questions. Mayor McLeod opened the floor for public comments, and with no one wishing to speak, closed the public comment period. Mayor McLeod then asked the Council if there were any questions or comments. Hearing none, he moved to entertain the motion.

Approve, Table or Deny Ordinance #2024-12-02 with Statement of Consistency and Reasonableness

RESULT:	CARRIED 4-0
MOVER:	Andria Archer

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

7. QUASI-JUDICIAL HEARING

- a. 2023-197-SUP NSC Holdings LLC
(Continued from the November 4, 2024 Meeting)
 Presenter: Audrey Duchesne, Senior Planner

Ms. Duchesne stated this SUP was initiated in 2023. It was reported this is an application for a Special Use Permit to build a new 9,750 square foot metal building with associated site improvements to allow the warehouse (6,750 square feet), related office uses (3,000 square feet) and limited outdoor storage (+/- 1,650 square feet) on property. The property size is approximately 1.44 acres, the location of this property is on State Ave near Guy Rd and NC HWY 42 W. It was stated the lot is vacant.

The request is for two uses, one of the requests is for a warehouse. The warehouse use falls under B-3, in the nonresidential, zoning district and would require a Special Use approval. The outdoor storage also falls under the exact same zoning and would require a Special Use approval. The request for office use is already permitted in the B3 district.

Ms. Duchesne presented an associated site plan that was reviewed with the TRC. The first approval was October 1st, and the last approval was December 10, 2024, because outdoor storage was added to the request. It was stated, Town Council would only decide on the Special Use Permit. The TRC has already reviewed the site plan, everything was in compliance with the UDC.

The consistency is with the comprehensive growth plan 2045, the future land use map indicates high density residential. Because of this, it is not consistent with the future land use map, as it encourages residential uses and some commercial uses that support residential areas, such as grocery stores. However, the neighboring uses are commercial and institutional.

It was reported the North, South and East of the studied lot is a CRM which was B3 before on the UDC. West of the lot is an office institution which is a religious institution. The other reported existing uses are commercial: pest control, automotive repair, and flooring business. Every abutting lots are also under a high density residential as future land use.

The following considerations were mentioned for this Special Use Permit:

- Town Council shall make final decisions regarding the Special Use Permits
- Special Use Permits shall address specific Findings of Fact. The burden of proof is on the applicant. These findings must be met for a Special Use Permit to be approved.
- Town Council shall consider the recommendations(s) in this staff report, and may approve the SUP with the proposed conditions, add or remove conditions (with the agreement of the applicant), deny the application upon finding that one or more of the Findings of Fact are not met, or may send the application back to the Technical Review Committee for additional consideration.

Ms. Duchesne communicated the Findings of Fact:

- That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
- That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.
- That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

Ms. Duchesne conveyed the Staff recommendations to Council. If approved, staff recommend the conditions to be approved and be placed on the application. The recommended conditions are as follows:

- The development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Site Plan (2023-197-SP) as approved by Town staff.
- Any conditions imposed as part of the Site Plan (2023-197-SP) approval shall remain in effect.

It was communicated to Council, the applicant was present for any questions. Mayor McLeod asked if Council had questions. With no questions, the floor was given to the applicant. All parties were sworn in and signed the oath sheet.

Mr. Worth Mills from Long Leaf Law Partners was present on behalf of the property owner and the applicant. He also introduced the following: Mr. Dwight Row and Mr. Brad Hawk from LKN Mechanical Incorporated. Mr. Marty Bizzell, Lead Engineer from BNK Engineering. Mr. Nick Kirkland from Kirkland Appraisal, it was stated he performed the appraisal analysis. Mr. Nate Bouquin, Traffic Engineer with McAdam's, performed the Trip Generation Study

Mr. Mills communicated to Council, the property owner and the applicant propose to build an office and warehouse building with limited outdoor storage at 129 State Avenue. The warehouse and storage uses are Special Uses under the Old Highway Business Zoning District therefore the request tonight. It was stated, five conditions of approval were offered, Council may approve any number of conditions of approval. The five conditions of Special Use Permit approval are as follows:

- The Development shall be constructed in substantial conformance with the Special Use Permit as approved by the Clayton Town Council and associated Site Plan (2023-197-SP) as approved by Town staff.
- Any conditions imposed as part of the Site Plan (2023-197-SP) approval shall remain in effect.
- Following Town Council approval, an electronic copy of the associated site plan and Conditions of Approval shall be submitted to the Planning Department for final approval.
- The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) 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 Special Use Permit. The Development reserves the right to seek any administrative or quasi-judicial available under the UDC.
- The Development will utilize LED lighting and external glare shields for all site lighting in order to reduce light leakage at the property lines.

Mr. Mills mentioned that the site is "nearly entirely forested" and is bordered by commercial properties. A Google Maps image was shared, highlighting Eagle Self Storage directly across State Avenue, along with other businesses and commercial properties that create a triangular area formed by Guy Road, State Avenue, and Highway 42. A Google Street View image was shown to Council, which showed the property frontage completely forested.

It was reported this site plan and request were filed under the Town of Clayton's previous development code, and previous zoning map. Mr. Mills presented a slide of the previous zoning map. He stated the green star denotes 129 State Avenue. He continued to state that almost all of the properties abutting it were zoned Highway Business, with the XRC Church zoned as Office Institutional. The properties zoned for Highway Business has been rezoned to Corridor Commercial, which is similar to this property.

Mr. Mills stated the limited outdoor storage and warehouse use are Special Use Permits and office use is permitted by right.

Mr. Bizzell, a Licensed Professional Engineer with Bass, Nixon, and Kennedy for 23 years, stated that they prepared the following documents: site plan, utility

plan, vehicle tracking plan, grading and drainage plan, landscape plan, and the site lighting plan, which was presented this evening.

Mr. Bizzell stated the site is located behind Rainbow Lanes. It was stated the site plan is straightforward. They have provided 23 parking spaces as per the requirement of the UDO. Mr. Bizzell communicated to Council, the approximate 1600 square foot outdoor storage has been indicated on the site plan in the rear with outdoor seating in the back. It was stated the outdoor storage back area would be screened in with an 8-foot opaque wooden fence, with the appropriate landscaping that has been noted on the landscape plan.

It was mentioned along with the required parking spaces, they have provided two loading docks on the side. One of the loading docks would be at grade and the other would be a four-foot loading dock. The vehicle tracking plan shows that being accessible with a 50ft truck, which could get both in and out of the site fairly easily.

Highlights were provided on the Grading and Drainage Plan. It was stated that according to the preliminary drainage layout, everything would be piped and directed to the rear of the site in a wet pond. This is a stormwater control measure, which would meet the nitrogen and PE continuation requirements which were stated in the UDO.

Mr. Bizzell stated the landscaping plan has a mixture of vehicular surface planning for the parking lots, yard plantings and a Class C buffer. He reported they are taking credit for the 8-foot opaque fence.

It was communicated there was a preliminary lighting plan, and there is a request to use LED lighting throughout.

It was reported, they have provided a building elevation. The building was reported to be metal in the staff report. Mr. Bizzell provided a correction, it was stated the building is ephas. The elevation on the side will be at grade, with a loading area as well as a 4 foot loading dock. Mr. Bizzell presented renderings of what the building would look like upon completion.

Mr. Mills expounded on the first of four specific Special Use Permit Standards.

1. The application would not materially endanger the public health or safety if located where proposed and developed according to plans as submitted and approved.
 - Warehouse use is fully enclosed within the building
 - Outdoor storage is located within the property's interior, away from State Street and the sidewalk
 - Site plan provides space for service vehicles to turn around within the property, so that these vehicles can enter and exit the property in a forward motion

- 8' tall fence around the outdoor storage area to buffer the use from adjacent properties
- The use will not endanger vehicle or pedestrian traffic along State Avenue, nor will it interfere with adjoining properties' use or enjoyment

Mr. Bouquin, Lead Traffic Engineer with McAdams, Licensed Professional Engineer in North Carolina, South Carolina and Texas, Certified Professional Traffic Operations Engineer. He stated he was brought onboard to review the expected traffic operations for the proposed site. Mr. Bouquin stated a trip generation letter was prepared which reviewed the area roadway infrastructure and the anticipated trip generation for the 9,750 square foot proposed facility site. It was stated they utilized the IT Trip Generation Manual, more specifically the specialty trade contractor. The land use code was used to determine the proposed development is expected to generate approximately 96 daily trips, 16 weekdays AM Peak Hour trips which when broken down would be 12 entering and 4 exiting, and 19 weekday PM peak hour trips when broken down would be 6 entering and 13 exiting. It was stated, Town of Clayton requires a Traffic Impact Analysis if expected trips exceed 1,000 daily trips or 100 peak hour trips. NC DOT requires a Traffic Impact Analysis if a development exceeds 3,000 daily trips. As part of the review, they also considered the access and location of the proposed site. It was stated State Avenue is a local street providing connection between Guy Rd and NC 42. Mr. Bouquin stated State Avenue is not a heavily traveled roadway and is not expected to become one in the future. Based on the latest published information by the NC DOT, the R3410 project will widen NC 42 to a four-lane roadway. This will maintain full movement intersections for both NC 42 at State Avenue as well as Guy Road at NC 42. It was stated due to the proposed site access, available roadway infrastructure and minor trip generation expected by the proposed development, Mr. Bouquin stated the proposed use is expected to have a negligible impact on the adjacent roadway infrastructure and would not negatively impact the health and safety of the public from a traffic operations perspective.

Town Attorney Cauley reminded Mr. Bouquin, Mr. Bizzell and Mr. Mills to sign the sign in sheet. Mr. Bouquin, Mr. Bizzell and Mr. Mills signed the sheet.

Mr. Mills expanded on the second of four specific Special Use Permit Standards.

2. The application has met all required specifications and conforms to the standards and practices of sound land use planning and the Town code of ordinance and other applicable regulations.

- The site plan has been reviewed by Clayton's planning staff and has been approved by TRC on December 10, 2024.
- The applicant has addressed all of the staff's comments.
- Site plan complies with all relevant standards
- The applicant is not seeking any variances or other types of relief to any applicable standards or regulations.

3. The application will not substantially injure the value of adjoining property or abutting property and will not be detrimental to the use of development of adjacent properties or other neighborhood uses.

Mr. Kirkland approached and signed in and provided his credentials. Mr. Kirkland is a State Certified General Appraiser with Kirkland Appraisals. He is State Certified in North Carolina and seven other States. It was stated the proposed location has had an impact study completed to determine if there would be an impact on the adjoining property values. They looked at the most common types of externalities. It was determined there are not any specific hazardous materials planned for the site that would cause a negative impact to the neighbors. Mr. Kirkland stated there aren't any specific odors related to the proposed development as previously testified. It was reported, the noise would be consistent with other commercial uses in the area and similar to other allowable by right uses of that site. It was stated there are not any stigmas associated with the proposed development. Mr. Kirkland stated there will be a large fence and vegetative buffers per requirements to ameliorate any concerns of appearance. It was communicated to Council, there would be no basis for an impact to the adjoining properties. Mr. Kirkland stated that is largely due to the properties being mostly commercial to flex industrial in nature. It was reported, these uses are the least likely to absorb an impact, those types of uses are typically valued based on the rent they can command and the neighbor developing their property with a use like is proposed here would not impact the rent.

Mr. Kirkland provided a summary of the appraisal analysis:

- Measuring impacts on adjoining industrial properties is challenging.
- Least likely to experience negative impacts from adjoining uses.
- Unique industrial uses provide fewer data points for comparison
- Analysis considered similar locations with outdoor storage in proximity to other industrial uses and religious facilities.
- 3 instances within Clayton
- 1 instance within Cary
- Analysis also considered the various factors of externality that would explain how property use could impact an adjoining property and addressed the possibility of that being a factor at and around the subject property.

Mr. Kirkland provided examples of the three similar locations with outdoor storage in proximity to other uses. The first comparable one that was discussed was Eagle Storage, 900 NC 42 Highway in Clayton. This consists of two parcels to the South where there is an outdoor storage component to a self-storage facility. This is a very consistent use with this immediate area.

The second comparable unit is found on 111 North Tech Drive in Clayton. This is more focused on the outdoor storage, but it shows consistency with it being a typical use, adjoining not just commercial type properties but also some residential uses here in Town.

The third comparable unit is Plantation Self Storage, 65 A Plantation Dr in Clayton. It was communicated this is an storage facility that has outdoor storage as part of it. Mr. Kirkland indicated to Council, the property labeled 110 at the top right of the screen had a "Sale/Resale Analysis" conducted on it. The analysis took a look at when it was sold before the adjoining use was developed and when it was sold after it was developed. A Federal database was used to determine the expected appreciation. It was stated it sold within 3% of the projected appreciation, that was over a 20-year time period. Mr. Kirkland stated this is in strong support of the proposed development not having an impact on the adjoining uses.

Mr. Kirkland spoke on the fourth comparable unit is Packman Mobile Storage, located 8712 Holly Springs Road in Cary. This unit has adjoining residential uses as well as a religious use located. It is located Northwest on Holly Springs Road in Cary. The site where the church is located is large and it was developed close to the adjoining commercial industrial outdoor storage. It was stated, there has not been an impact with it being that close.

Mr. Mills discussed the fourth Special Use Permit Standard.

4. The application will not adversely affect the adopted plans or policies of the Town, or violate the character of existing standards for the development of adjacent properties.

Mr. Mills discussed the Future Land Use map displayed. It was stated the property is within a high density residential designated area. It was also stated, it is within a neighborhood center. Mr. Mills described the High Density Residential being intended for a range of housing types and that can accompany neighborhood commercial uses. The Neighborhood Center designation is intended for neighborhoods serving commercial uses with some office Civic and institutional uses included as well.

Mr. Mills stated because of the type of use that is being proposed, it is a very small limited outdoor storage space of 1600 square feet, and a warehouse use that is fully enclosed with nothing being visible to the nearby residential properties and to the immediately abutting commercial properties. They are contending that this project is consistent overall with the future land use map designation, more specifically the Neighborhood Center designation. It was mentioned the proposed uses are completely compatible with the types of existing uses along State Avenue. A Google Earth image was shown, and nearby commercial uses were pointed out for Council.

Mr. Mills concluded the presentation and requested all presentation materials and written materials that were submitted be entered into the record. He also stated they are available should Council have questions.

Mayor McLeod asked Council if there were any questions for the applicant. Council Member Archer requested the slide with the five conditions be brought

up and asked staff if these conditions been seen by staff and were they in the packet.

Mr. Olmedo stated, staff recommended conditions of approval and they only have two of those conditions. Mr. Olmedo asked if the applicant was proposing to add those conditions as part of the application. Mr. Mills responded that Mr. Bizzell submitted these potentially three to four months ago as part of a submittal. Mr. Bizzell stated they were a separate document submitted three to four months ago during the review. Council Member Archer expressed her interest in condition number five. She stated she liked seeing that and she would support. She wanted to make Council aware of that condition in case they had not seen it. Council Member Archer also wanted to confirm with staff that, that would work.

Town Attorney Cauley requested Mr. Mills address the last sentence in condition number four. Mr. Mills mentioned it does not immediately grant them any potential administrative or quasi-judicial remedies. It was stated, if something were to happen and a slight modification was needed, they would have the ability to do that. It would be either the staff or Council to grant that relief. Mr. Mills stated he used UDC rather than the updated UDO because that was the code under which they were operating. If it is a question of UDC and UDO, that would not be a problem.

Town Attorney Cauley asked Mr. Mills if he would be comfortable removing that sentence. Mr. Mills asked if they would retain the right to seek any administrative or quasi-judicial relief. Town Attorney Cauley stated they would. Mr. Mills responded they would remove it.

Mayor Pro Tem Sims asked if the loading dock would be for 18 wheelers? Mr. Bizzell responded in the affirmative and that it is on the vehicle tracking plan. Mayor Pro Tem Sims inquired would the trip generation numbers show the number of 18 wheelers entering/exiting, the number of customers and employees. Mr. Bouquin responded the total number of vehicles would assume to have some of trucks included. It was stated the specific breakdown of the vehicles isn't something the trip generation manual provides. Mayor Pro Tem Sims asked about the approximate number of 18-wheeler deliveries that would travel Guy Road onto State Road. Mr. Bizzell responded one to two a day would be the max.

Mayor McLeod asked if there was anyone else wishing to speak. Deputy Town Manager Courtney Tanner requested to be sworn in to provide testimony. Mr. Olmedo swore Deputy Town Manager Tanner in. Deputy Town Manager Tanner stated the UDC doesn't allow for LED lighting, they would be required to meet current regulations. She stated if they opted to come under the LED lighting, they would have to modify in order to meet the current requirements.

Mr. Bizzell stated they were aware that the UDO doesn't allow for LED lighting. Their lighting crew stated it would be very difficult not to provide LED lighting. That is why that condition was added so that they would be in compliance by adding LED lighting, which the new code does take into account. Council Member Anderson asked if it would be difficult because of it not being available. Mr. Bizzell replied that the information is staff has provided. Mr. Bizzell stated they intend to provide glare shields.

Mr. Olmedo requested condition number five, with regard to the lighting be repeated. Council Member Archer confirmed the development would utilize LED lighting and external glare shields for all site lighting in order to reduce light leakage at the property lines. Council Member Archer asked if that would be adequate for that condition and if that would accomplish what is needed. Deputy Town Manager Tanner responded, the challenge is under the UDC, the LED is not allowed, and the site plan was submitted under the old UDC. The second challenge is most of the other lighting options are not the norm and finding lighting would be a challenge for them. Deputy Town Manager Tanner recommended to strike it and then to work jointly and determine how to rectify it. There have been times when things were not permitted because industry standards had changed. It was stated SUP doesn't have the ability to modify ordinance regulations but there can be administrative modification with interpretation through the Planning Department and waiving the fee if that would allow them to stand in the old UDC and meet the current technology. Council Member Archer stated we are trying to accomplish something that is wanted. It was communicated, in the new code LED lighting is used but this came in under the old code which does not accommodate that, but there is a process to work it out. Council Member Anderson confirmed to strike it out and then staff and the applicant would work on it jointly. Town Manager Tanner recommended to strike four and five, and allow one, two and three as drafted. Council Member Archer asked if the applicant would be comfortable striking conditions four and five at this time and to be worked on. Mr. Mills stated they were comfortable moving forward with conditions one, two and three as written and striking conditions four and five and working to find a solution with staff. He stated they want to be good neighbors and not create light pollution.

Mayor McLeod asked if there was anyone that wished to speak in opposition. With no one wishing to speak in opposition and being no need to rebuttal, Mayor McLeod called the Council into deliberation.

Council Member Archer expressed thanks to both staff and the applicant for the information provided. It was stated they were both prepared and addressed all concerns. It was stated the use proposed is consistent with the surrounding zoning and she stated that she doesn't have any issues. Council Member Archer communicated her appreciation of the improved building facade. It was stated the application does meet all four findings of fact.

Council Member Archer made a motion to approve ordinance 2024-11-05 with conditions one through three as presented in the hearing this evening.

Approve Ordinance #2024-11-05 With Conditions One Through Three As Presented

RESULT:	CARRIED 4-0
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams,
NO:	None
ABSENT:	Porter Casey

8. OLD BUSINESS

- a. 2024-47-CZM Novo Nordisk Art Center
(Continued from the December 2, 2024 Meeting)
(Public Hearing Has Been Closed)
Presenter: Conrad Olmedo, Planning Director

Continue to the January 6, 2025 Meeting

9. NEW BUSINESS

- a. Purchase of Real Property - Robertson Mule Stable
Presenter: Rich Cappola, Town Manager

Mr. Cappola reported this is an iconic building which stands proudly at the corner of Second Street and Lombard. The Robertson Mule Stable building has served Clayton for over 100 years. It was stated this purchase was fully funded through the land acquisition reserve that was established last year. This purchase would not impact any current or future planned projects. The next step would be to have our consultants complete the building assessments and to provide recommendations as to how to maximize the use of this building for the community. Mr. Cappola stated this demonstrates the commitment to preserve Clayton's rich history while creating new opportunities to connect and engage as community.

Mr. Cappola expressed excitement about the opportunity and gratitude to the Robertson family on making this happen.

Adoption of Resolution #2024-124

RESULT:	CARRIED 4-0
MOVER:	Michael Sims
SECONDER:	Andria Archer
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams

NO:	None
ABSENT:	Porter Casey

- b. Purchase of Real Property - Covered Bridge Road
Presenter: Rich Cappola, Town Manager

Mr. Cappola stated there has been works on purchasing a property north of the river to be able to better serve the communities in the Riverwood area. He stated a deal is being finalized to purchase a piece of land on Cover Bridge Road across from Loop Road with the intent to close by the end of the year. It was reported this would give a location that would be the fourth police/fire station, that would better suite the community in that area of town.

Adoption of Resolution #2024-125

RESULT:	CARRIED 4-0
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Porter Casey

10. STAFF REPORTS

- a. Town Manager

Mr. Cappola expressed thanks to Council for all of their support and leadership throughout the last year. It was stated big moves were made including the two approvals from this evening. Mr. Cappola thanked the members of the community. In conclusion, gratitude was expressed to the staff for their hard work and he stated it doesn't go unnoticed.

It was stated Town Hall would be closed December 24 - 26 for the Christmas holiday break as well New Year's Day.

- b. Town Attorney
c. Town Clerk
d. Other Staff

11. OTHER BUSINESS

- a. Informal Discussion & Public Comment

Mr. Bruce Naglen, a Clayton resident and Vice President of the Clayton Historical Association (CHA), shared his thoughts on the Robertson Mule Stable. He expressed gratitude to the family for allowing the CHA to use the stables over the years to highlight Clayton's history. Mr. Naglen also affirmed that the CHA fully supports the Town's decision to purchase the Robertson

Mule Stable, noting their enthusiasm about preserving this important piece of Clayton's heritage. Additionally, he mentioned that the CHA is willing and prepared to participate in discussions about the adaptive reuse of the building to create public spaces.

b. Council Comments

Town Council expressed gratitude and thanks to staff and wished season greetings.

Mayor McLeod recognized the Clayton Rotary Club for hosting an outstanding Christmas parade in downtown Clayton. He extended his wishes for a Merry Christmas and a Happy New Year to everyone. The Mayor reflected on the year, noting that it had been remarkable for the Town of Clayton, thanks to the hard work, dedication, and energy of staff, citizens, employees, and volunteers. Their collective commitment has helped make Clayton a premier community for active families, as well as a wonderful place to live, work, and play. Looking ahead to 2025, Mayor McLeod emphasized that Clayton would continue to offer countless opportunities to explore and create, all while advancing the town's progress.

12. CLOSED SESSION

a. To Discuss Economic Development in Accordance with NC GS 143-318.11

Motion To Go Into Closed Session

RESULT:	CARRIED 4-0
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Porter Casey

Motion To Return To Open Session

RESULT:	CARRIED 4-0
MOVER:	Michael Sims
SECONDER:	Gretchen Williams
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Porter Casey

13. ADJOURNMENT

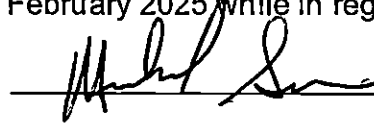
a. Adjourn

With nothing further, the meeting was adjourned at 8:39 p.m.

Motion To Adjourn

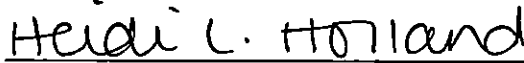
RESULT:	CARRIED 4-0
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Andria Archer, Michael Sims, Ruth Anderson, and Gretchen Williams
NO:	None
ABSENT:	Porter Casey

Duly adopted by the Town Council this 3rd day of February 2025 while in regular session.



Michael Sims
Mayor Pro Tem

ATTEST:



Heidi L. Holland, CMC, NCCMC
Town Clerk

