



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, October 15, 2018 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Grannis
Council Member Lawter
Council Member Holder
Council Member Thompson
Council Member Bunn

STAFF PRESENT:

Adam Lindsay, Town Manager
Nancy Medlin, D/Town Manager
Merrick Parrott, Town Attorney
Kimberly Moffett, Town Clerk
Samantha Wullenwaber, Planning Director
Rich Cappola, Inspections & Engineering Director
David DeYoung, Economic Development Director
Blair Myhand, Police Chief
Stacy Beard, Public Information Officer
John Hamlin, A/Public Information Officer

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:02 p.m. He led everyone on the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

- a) Mr. Lindsay asked that a Closed Session pursuant to NCGS 143-318.11.(a)(5) be added to the agenda to discuss possible acquisition of real property.

3 CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a) Warranty Acceptances:
- Johnston Charter Academy
 - Johnston Charter Academy Roadway Improvements - Phase 1
- b) Certificate of Sufficiency - 2018-183-ANX - Sunbelt Rentals

ACTION: Adoption of Consent Agenda as Presented

Motion: Council Member Holder
Second: Council Member Lawter
Vote: Unanimous

4 ADMINISTRATIVE ITEMS

- a) NCDOT Updating Speed Limit Ordinance
- SR 1709 (City Road) - 45 MPH

ACTION: Placed on November 5, 2018 Consent Agenda

- b) Warranty Acceptance
- Stone Ridge, Phases 3 & 4 - FINAL

ACTION: Placed on November 5, 2018 Consent Agenda

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a) New Employee Introductions
- Presenters:* Catherine Whitley - HR Director, Samantha Wullenwaber - Planning Director & Blair Myhand - Police Chief
- Kimberly Lazar - HR Analyst
 - Domoneq Canady - Code Enforcement Officer
 - Stephen "Will" Carter - Police Officer

Ms. Whitley was unable to attend this evening and will introduce Kimberly Lazar at the November 5, 2018 council meeting. Ms. Wullenwaber introduced Domoneq Canady and Chief Myhand introduced Police Officer Carter. Ms. Wullenwaber stated Domoneq had previously worked for City of Raleigh and the State of Virginia and he has hit the ground running. Domoneq stated he was happy to be here. Council welcomed him. Chief Myhand introduced PO Carter. Officer Carter experience includes being a member of US Marines and well as being a member of the Selma Police Department. He was officially sworn in last Friday. Officer Carter stated he was very happy to be in Clayton. The council welcomed him.

- b) Order of the Long Leaf Pine - Larry Bailey
- Presenter:* Stacy Beard, Public Information Officer

Ms. Beard provided information regarding the history of the award of the Long Leaf Pine, which is the highest award that can be conferred by the NC Governor. Also shared were names of previous recipients who included Maya Angelo, Dale Earnhardt and Andy Griffith. Ms. Beard shared a history of Mr. Bailey's career. Stacy shared personal stories of Larry's constant care and concern for everyone. Stacy provided details regarding the process and shared those who wrote letters of recommendation stated it was very easy to share your thoughts. Representative Donna White was present and shared her words of appreciation and gratitude to Larry Bailey for his many years of service to the Town of Clayton. She spoke of his involvement with the High School Advisory Council, even when he did not even have children. She spoke about his creation of the Youth Advisory Council and often raising the funds for the students to attend and learn leadership skills. She spoke about how Larry began the highly attended July 4th Celebration. She spoke of his constant inclusiveness, his involvement with Senior Games and the Special Needs Dance. She stated he is the epitome of humility. She offered her sincere thanks and appreciation and stated it has been her honor to work with Larry.

Mayor McLeod read the Proclamation and presented The Order of the Long Leaf Pine to Larry Bailey. Mayor McLeod shared his thoughts and offered his sincere thanks for all the years of dedication and bringing life and sustainability to the Town of Clayton. Additionally Mayor McLeod offered his thanks to the Bailey family for their years of support. Mr. Bailey was honored and offered his sincere thanks for all the kind words shared this evening. He offered his thanks to the council members for their support over the years. He also offered his thanks to staff and his family and friends. Mr. Bailey received a standing ovation.

6 PUBLIC HEARINGS

- a) 2018-62-SD - Kyli Knolls Preliminary Plat (Quasi- Judicial)
Presenter: Planning Department

Ms. Parrott provided information regarding the difference in a quasi-judicial proceeding versus a legislative. She shared information regarding the types of testimony that can be considered when making final decisions. She also stated that anyone that wished to offer testimony must do so under oath. Those wishing to offer testimony were issued the oath via affirmation by the Town Clerk.

Ms. Wullenwaber presented this item. She stated it is a request to develop a 22-lot subdivision. 18.56 acres. She stated this item was previously presented in 2017 and at that time, the project was for 20 single-family lots with no curb and gutter and this project was denied at that time over safety concerns and traffic distribution/congestion.

The proposed project would include 22 single-family lots with a minimum lot size of 25,000 square feet. Lots will be served by Johnston County public water and septic. Curb and gutter is proposed throughout as well as sidewalks. Property is located within ETJ and applicant is not requesting annexation.

Ms. Wullenwaber stated this project is not consistent with the Future Land Use for this area as this area is envisioned to be medium density, which typically consists of 3-5 dwellings per acre, and this project only proposes 1.18 dwellings per acre. This area is designated medium density due to the ability of the property to be serviced by water and sewer. Extending sewer service to this property would allow smaller lot sizes and a density that would be more consistent with the 2040 Comprehensive Plan.

Ms. Wullenwaber stated the applicant had addressed the Findings of Fact and staff offered comments as follows:

FINDING OF FACT #1:

That the subdivision meets all required specifications of the town Subdivision regulations and conforms to the Town Unified Development Code

The applicant should provide additional detail to explain how the proposed subdivision plan meets all required specifications of the Town's subdivision regulations and UDC.

FINDING OF FACT #2

That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area

It is Staff's opinion that the applicant has not provided sufficient evidence in its written application as to how the development meets this Finding. Further, it is Staff's opinion the development of the property without sewer services would hinder the development pattern in this vicinity, which is envisioned by the Comprehensive Plan 2040's future land use map as consisting of 3-5 units/acre. The proposed density of this development, 1.18 unit/acre, is not consistent with the comprehensive plan. This property is exceptionally close to high density development. The creation of this low density subdivision **violates the character of existing standards for development of properties in the surrounding area**, and hinders the demand for higher density development in the area thus creating urban sprawl.

FINDING OF FACT #3

That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure and will not materially endanger the environment, public health, safety, or the general welfare

Staff recommends the Application provide additional detail to provide sufficient evidence to satisfy this Finding (i.e. roadway improvements and traffic distribution safety, extension of infrastructure, etc.). The proposed development does not extend public infrastructure to the property, which is available to the development. Extension of sewer to this property would allow for development to occur at a higher density, in accordance with the Town's future land use map. In addition, the proposed density is not consistent with the densities expected on adjacent surrounding properties and does not maximize the use of public infrastructure. Not extending water and sewer infrastructure eliminates the Town's ability to approve higher densities in accordance with the Future Land Use Plan, or loop water lines and extend sewer to maximize public infrastructure.

Staff also has major concerns regarding the safety of the development's entrance off Amelia Church Road due to the close proximity and convergence with two existing driveways. The existing access easement to Richard Ball's property converges with the developments main entrance potentially creating unsafe site visibility and traffic convergence from opposing directions. These entrances are improperly spaced for safe ingress and egress to the subdivision or the private residence. In addition, an existing driveway across Amelia Church Road serving a single-family residence converges in the same location, making the situation more dangerous.

FINDING OF FACT #4

That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by Town Council.

The applicant has not addressed how the proposed development does not adversely affect the general plans for orderly growth and development, and how it is consistent with the planning policies adopted by Town Council. The proposed development does not adhere to the Comprehensive Plan 2040's Future Land Use Map designation of Medium Density Residential. This designation consists of 3-5 dwelling units per acre, but this development is providing less than 2 units per acre as currently proposed. Specifically, the proposed development *is not consistent* with the following Goals, Objectives and Strategies of the Town of Clayton's Comprehensive Plan:

- **Goal LU2** "Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety".
- **Strategy H1.1.1** "Review development proposals for consistency with the Future Land Use Map and work with developers to provide a range of quality housing types within developments".
- **Goal M2** "Support interconnected street systems that efficiently disperse traffic".
- **Objective M2.1** "Evaluate and mitigate potential impacts of new or future development on existing roadway infrastructure".

Ms. Wullenwaber further stated that if approved recommended conditions as follows be included:

- The conflict between the 30' access easement, the proposed site entrance and Amelia Church Road shall be resolved prior to final subdivision approval / platting of the property.
- The final design of the mail kiosk shall be reviewed and approved by the Inspections department, prior to final plat recordation.
- A left-turn lane into the development shall be constructed on Amelia Church Road prior to issuance of the first Certificate of Occupancy.
- The Class "A" landscape buffer along Amelia Church Road shall not encroach into safe sight triangles or the adjacent existing 30' access easement.
- The Class "A" landscape buffer along Amelia Church Road shall be installed prior to issuance of the first Certificate of Occupancy.
- All decorative traffic related signage shall be maintained solely by the developer or Homeowner's Association.

Mayor Pro Tem Grannis questioned what NCDOT had to say regarding driveways. Ms. Wullenwaber stated they recognized the concern and it is included in the Technical Review Committee comments. Council Member Holder shared concerns about density.

With there being nothing further questions for staff; the floor was turned over to the applicant.

Mr. Curk Lane of True Line Surveying was present representing the applicant/developer. He stated he is a registered land surveyor with the State of North Carolina and has been with True Line for since 1999.

Mr. Lane stated this is the same product that was previously proposed and unanimously approved by the Planning Board but denied by Town Council. He stated they revisited the plan and spoke with Johnston County Environmental to see how the density could be increased. It has now been increased by two lots.

Mr. Lane went through Staff Commentary and offered his rebuttal to each as follows:

Finding of Fact #1:

Mr. Lane stated the property is located with the ETJ and zoned Residential-Estate and feels these lots meet the zoning criteria. He stated the project meets design criteria, street widths as well as having curb and gutter along both sides.

Finding of Fact #2:

Mr. Lane had asked GIS to be brought up on the large screen, but it was unavailable. Mr. Lane stated he did not believe this project would be detrimental to the use or orderly development in the surrounding area. He stated to the east of the property there is currently an older established area that is also on septic wells. He stated to the south and west is Hannah's Creek, which is in Johnston County and fully developed and is also on septic tanks and has county water. He stated the only Town of Clayton infrastructure available would be sewer. He stated he requested a meeting to determine to discuss status of sewer. He stated the pump station is currently at full capacity and any future development easements would be required to get to another pump station. He stated the only option would be to run sewer from Johnston Medical Center down Amelia Church Road to this property and it would serve no other properties. He stated it is unknown when a new pump station would be available. He discussed the issues with tapping to current sewer lines and stated the cost would be prohibitive. He stated the only option for this property is on-site Johnston County septic.

Finding of Fact #3:

Mr. Lane stated there is no public infrastructure owned by the Town of Clayton and no Town of Clayton Streets. He stated all streets are NCDOT owned and

maintained and all interior roads will be NCDOT. JC water will be serving the property. Since sewer cannot be extended. He stated that staff commentary stated that this project was close to high density. He stated he does not believe that is true currently. As far as driveway and safety concerns, he believed that the left turn would create a true intersection with the driveway across the road and thereby creating safe intersection Mr. Lane discussed the easement on the Ball property and Mr. Ball has stated he does not wish to move his easement. Mr. Lane stated that they have offered a couple of options to Mr. Ball and access easements but as of now, he does not wish to move it. He stated he felt they have done all they can do regarding the easement concern.

Finding of Fact #4

Mr. Lane stated he felt that with regard to orderly growth they would be providing curb and gutter sidewalk neighborhoods. He also stated they would maximizing the existing infrastructure by use of Johnston County Water and NCDOT Streets. He stated walking is being promoted by inclusion of sidewalks. He further stated that inclusion of the left hand turn lane would enhance travel and safety. He stated that the development is not large enough to have different types of homes in this development. He stated again that the full service intersection with left turn lane onto Amelia Church Road would support interconnected street systems to efficiently disperse traffic. He also stated that there is only property that could be developed that touches them is to the north and there is a stub provided, additionally this property also has access and road frontage on Short Johnson County, so should there be future development at this location interconnectivity would be available and emergency vehicles could access through the property to avoid NC 42 and Amelia Church Road.

Mayor Pro Tem Grannis asked for additional information regarding the prohibitive cost for running sewer to the property. He was asked if he could provide figures. Mr. Lane stated he didn't have exact figures, however, just installation of line not including any fiber optics, etc., would be approximately 3 times the cost to put on-site septic. Mayor Pro tem Grannis asked if he could provide any documentation and Mr. Lane stated he did not have any. Mayor Pro Tem Grannis stated without documentation to corroborate, this information would have to be considered hearsay.

Mayor Pro Tem Grannis asked about there not being another area of density of this type in the area. Mr. Lane stated he was disputing staff comment and stated there was nothing that had 5 units per acre for miles.

Council Member Lawter asked how close they were to the apartments and Mr. Lane stated it was approximately 1500 feet. Mayor McLeod asked what density was at S&W. Mr. Lane stated this project was higher density than S&W and Hannah's Creek.

Council Member Lawter asked if Mr. Lane considered himself an expert in sewer or traffic. Mr. Lane stated he was not. Council Member Lawter stated he appreciated Mr. Lanes expertise in surveying, but did not feel he had the

expertise to address some the issues regarding all the Findings of Facts. Council Member Lawter stated he would like this project to return before council with the required expert professional testimony. Mayor Pro Tem Grannis agreed. Mayor McLeod asked if Mr. Lane was made aware that expert testimony was required and he stated he did. He stated the project has been going on for quite some time. Mayor stated it was difficult for the council to look beyond what the state requires be met.

The applicant if he were allowed to do this and the Town Attorney stated that the applicant could ask the council to delay the hearing until next council meeting.

Mr. Lane asked that the item be tabled until November 5, 2018.

Council Member Holder shared his concerns about the plan. Mayor stated he did not have issues with the plan but needed to hear information from certified professionals.

ACTION: Continue to November 5, 2018

Motion: Mayor Pro Tem Grannis

Second: Council Member Bunn

Vote: Unanimous

- b) 2018-119-PDD - Ashcroft - Phases 6 & 7 Planned Development Rezoning
Presenter: Planning Department

Ms. Wullenwaber stated request is to rezone from Residential Estate (R-E) to Planned Development Residential (PD-R). A total of 18.55 acres will be added to the existing Ashcroft Subdivision. There is a mixed housing use.

The zoning is consistent with the surrounding land use, is consistent with Comprehensive Plan 2040 and applicant has addressed all approval criteria.

Staff and Planning Board recommended approval of the rezoning.

This was noted as public hearing and Mr. Reid Smith stated he was pleased to be here and answer any questions.

With there being nothing further, the hearing was closed and the item turned over to council for their deliberations.

ACTION: Adoption of Ordinance #2018-10-01

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

- c) 2018-120-SD - Ashcroft - Phases 6 & 7 - Preliminary Plat Major Modification
(Quasi-Judicial)

Presenter: Planning Department

Ms. Parrott provided information regarding the difference in a quasi-judicial proceeding versus a legislative. She shared information regarding the types of testimony that could be considered when making final decisions. She also stated that anyone that wished to offer testimony must do so under oath. Those wishing to offer testimony were issued the oath via affirmation by the Town Clerk.

Ms. Wullenwaber request is to develop 56 new single-family lots on 18.55 acres. If approved, the overall total lot count would increase to 195. Density is 2.1 units per acre with Class "C" landscape buffer. New units would be located off Atwood Drive. A full traffic study was not required, but applicant did provide a traffic letter that was reviewed by both staff and NCDOT.

The plan is consistent with the 2040 Comprehensive Plan, Surrounding Land Uses and UDC. The applicant has addressed the Findings of Facts.

Ms. Wullenwaber went over the Findings of Facts as listed below:

FINDING OF FACT #1

That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

Staff has reviewed the preliminary plat and has found that it meets the requirements of the UDC. Staff feels that the applicant should provide examples though to outline how the proposed development meets requirements of the UDC.

FINDING OF FACT #2

That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

Staff concurs that the design will benefit development on adjacent tracts, as it creates connectivity for current land locked parcels. However, staff feels that the applicant could provide additional detail and information to describe how the proposed development meets this Finding

FINDING OF FACT #3

That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare

Staff concurs that the subdivision will provide sufficient traffic flow within the neighborhood and connection to the existing and future surrounding transportation infrastructure. Staff does feel that the applicant should elaborate

further on how the proposed development will not materially endanger the environment, public health, safety, or the general welfare.

FINDING OF FACT #4

That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Staff feels that the applicant should elaborate on how the development is consistent with the planning policies adopted by Town Council, and how it will not adversely affect the plans for the orderly growth and development of the town. Staff does consider the plan consistent with the Comprehensive Plan and UDC

Ms. Wullenwaber stated that if project were approved conditions as listed below be included.

1. The previous conditions of approval for PSD 2013-51 (Ashcroft Preliminary Plat Ph. 1-5) shall be struck and replaced with the conditions contained herein.
2. Following Council approvals, three copies of the approved Master Plan/Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department.
3. The development of the site is limited to the design and uses approved by the Town Council. Modifications may require additional approvals to be consistent with the UDC, or as necessary to meet Conditions of Approval.
4. Approved street names and addresses shall be applied to the plat prior to recording.
5. All recorded maps shall prominently identify riparian buffers and note that the lots are subject to the regulations of the Watershed Protection Overlay District of the Town of Clayton.
6. The street connection to N. O'Neil Street (SR 1708) shall be approved by NCDOT prior to recording final plats.
7. Prior to plat recordation, a Development Agreement shall be executed between the developer and the Town of Clayton to formalize the timeframes and process associated with necessary roadway improvements and the dedication of land for a public park.
8. The lots at the eastern end of the project shall not be recorded until NCDOT completes a preliminary alignment analysis for the Clayton Parkway.
9. Homeowners Association documents which provide for maintenance and management of all common facilities must be recorded prior to any plat recordation.
10. Existing 100 year flood zone encroachment issues shall be resolved before any non-drainage related improvements occur in the impacted area.
11. All decorative traffic related signage shall be maintained solely by the developer or Homeowner's Association.

Mayor Pro Tem Grannis asked staff to elaborate on what they were looking for regarding examples regarding Findings of Fact. Ms. Wullenwaber stated it could be concrete facts and applicant is aware of requirements.

With there being nothing further, the floor was turned over to the applicant.

Mr. Reid Smith, 114 W. Main Street, stated that Parkview was submitted with additional detail. He stated this applicant was the first time that staff had requested additional information with relation to the Findings of Fact.

Mr. Smith shared details regarding the subdivision. He stated it has been in development for the last 18 months and it has been a great project and asked for consideration of this development. He stated he feels it is consistent with what is currently located there and the product type will be consistent. He further stated it has been well received. He further stated the community structure will be same, it will be the same HOA, it will have greenway access and this is a proven development pattern that will meet needs of residents in Clayton.

Mr. Smith introduced his team that would be offering testimony.

Mr. Mark Jones stated he is a certified appraiser with 21 years of experience. He is qualified as an expert witness in both federal and state courts.

Mr. Joshua Reinke stated he is a registered professional engineer with 15 years experience and can answer any traffic related questions.

Mr. Donnie Adams stated he is a licensed professional engineer who is licensed in North Carolina and has 20+ years of experience in the county and throughout the state.

Mr. Smith addressed the Findings of Facts as follows:

FINDING OF FACT #1

That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

Mr. Smith stated he believed the subdivision met all specifications and conformed to the UDO. Mr. Adams offered testimony and stated he believed the project met or exceeded all requirements. Mr. Adams stated the project was designed to provide safe streets for both pedestrians and vehicles, public utilities were designed to provide adequate water for consumption and fire protection services. He stated sewer collection was designed to protect the health and welfare of the public. He stated area lighting was designed to provide a safe area for pedestrians and vehicles. He stated the storm water would be handled in two different ways; construction would handle erosion control and post construction would include wet ponds to appropriately treat storm water. With regard to recreational amenities, both open space and conservation areas are provided as well as connectivity to existing greenways.

He further stated the appropriate street widths and appropriate right of way widths were provided. Additionally the appropriate landscaping buffer would be used.

FINDING OF FACT #2

That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

Mr. Smith stated he believed the design would be beneficial to surrounding tracts. Mr. Adams stated this project is an extension of Ashcroft and is a continuation of that project. He stated located just south of this project is Sam's Branch and connectivity is provided. He stated this project is definitely contributing to the neighborhood. Mr. Jones stated the neighboring area is mainly undeveloped and believes this area is the next place of growth. He further stated he feels this area is prime for residential development and this project fits in very well and sets the tone for the future of the whole area.

FINDING OF FACT #3

That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

Mr. Reinke offered testimony regarding a trip generation study that was completed. He stated this study looked at safety. He stated there are both left and right turn lanes that help provide safety on... He further stated the estimated additional traffic is not expected to have a huge impact. Mr. Adams addressed connectivity to existing streets within Ashcroft and stated they have provided stub-outs for future development. He further stated that permanent storm water management was included. He also addressed that the new substation being accessed through Ashcroft.

FINDING OF FACT #4

That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

Mr. Adams stated that this area is designated as a low-density residential area in the 2040 Comprehensive Plan. He further stated that the subdivision complies with all development standards.

Mr. Smith stated he believed all findings of fact had been met and stated he was available for any questions.

Council Member Bunn confirmed with Mr. Reid that was he okay with all staff conditions and Mr. Smith stated he was.

Mayor Pro Tem Grannis asked question of traffic engineer regarding left turn out at peak time in the evening. He stated that it might be more of an inconvenience but it would not be a safety issue. He further stated it would not have a huge impact on the number of estimated trips.

Council Member Lawter asked about internal parking and any on street parking restrictions. Mr. Smith stated the HOA monitored and issued violations for on street parking, which is not allowed.

With no one further wishing to speak, the item was turned over to council for deliberation.

ACTION: Approval of 2018-120-SD - Ashcroft Phases 6 & 7 with Conditions as Listed in Staff Report

Motion: Council Member Thompson

Second: Mayor Pro Tem Grannis

Vote: Unanimous

- d) 2018-121-SUP - Villages @ Parkview Special Use Permit (Quasi-Judicial)
Presenter: Planning Department

Ms. Parrott provided information regarding the difference in a quasi-judicial proceeding versus a legislative. She shared information regarding the types of testimony that can be considered when making final decisions. She also stated that anyone that wished to offer testimony must do so under oath. Those wishing to offer testimony were issued the oath via affirmation by the Town Clerk.

Ms. Hogg presented and stated the request is for a major modification to a previously approved Special Use Permit (2017-172-SUP) to develop townhomes on an additional 3.85 acres. Properties are all zoned R-10.

Project is consistent with the 2040 Comprehensive Plan and surrounding land use. Applicant has addressed Findings of Fact. Staff stated that additional details could be provided from applicant to demonstrate findings have been met.

Staff recommends conditions of approval be placed upon application. All conditions are being carried over from previous SUP. Planning Board recommend approval with conditions. An associated plat modification is running concurrently.

No questions for staff.

Mr. Reid Smith introduced his team who offered their qualifications.

Mr. Donnie Adams stated he is a professional engineer licensed in the State of North Carolina.

Mr. Mark Jones stated he is certified real estate appraiser with the State of North Carolina.

FINDING OF FACT #1

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.

Mr. Smith stated he believed project met all requirements. Mr. Adams offered his expert testimony and stated he believed this project was consistent with met all requirements of UDO. He further stated this project is an extension of previously approved property and an additional access to City Road will be provide. He stated that the project would be connecting to existing water and sewer. Construction storm water and post construction storm water control measures are part of the project.

FINDING OF FACT #2

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.

Mr. Smith stated he believed this finding was met. Mr. Adams stated he believed all requirements of the UDO had been met. He stated turnaround opportunities were provided for emergency service vehicles. He further stated all appropriate open space was provided for.

FINDING OF FACT #3

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.

Mr. Smith stated he believed this finding was met. Mr. Jones offered testimony and defined neighborhood from City Road down to an undeveloped area on right hand side. He shared history regarding the area around Parkview and the stigma attached to the area regarding the history of landfill. He stated this area is ready for development. He spoke about appraisal. He stated he believed we were in the revitalization and growth phase. He stated this project was very suited for this area and will not negatively impact the surrounding area.

FINDING OF FACT #4

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.

Mr. Smith stated he believed this finding was met.

Mr. Adams stated the project was in compliance with the 2040 Comprehensive Plan, which encourages higher density in the downtown area. He stated the project meets those criteria.

Mr. Reid stated based on above and staff recommendation, he asked that council consider approval

With there being no further questions, the hearing was closed and item turned over to council for their deliberations.

ACTION: Approval of 2018-121-SUP - Villages @ Parkview

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

- e) 2018-122-SD - Villages @Parkview Preliminary Plat (Quasi-Judicial)
Presenter: Planning Department

Ms. Parrott provided information regarding the difference in a quasi-judicial proceeding versus a legislative. She shared information regarding the types of testimony that can be considered when making final decisions. She also stated that anyone that wished to offer testimony must do so under oath. Those wishing to offer testimony were issued the oath via affirmation by the Town Clerk.

Ms. Hogg presented this item, which is a modification to allow the addition of 3.85 acres to the originally approved 7 acres. This was approved in February 2018 known as the Goodson Tract with 68 townhome lots. This modification would not make any changes to Phases 1-8.

Ms. Hogg stated there would be 35 additional townhome lots, which would make up Phases 9-16. This project would provide for an additional access point off City Road. There would also be stub-outs, which are designed to be hammerheads that would have sidewalk wrapped around them to provide for pedestrian connectivity. Staff is comfortable with this design as there is a riparian buffer running through adjacent properties and it is unlikely that future development would take place, however staff is recommending conditions of approval requiring access easement to property at stub out and connecting to future development should it occur. There will be shared parking and a Class "A" landscape buffer along City Road. She further stated that no traffic study was required for this project.

She stated this project is consistent with Surrounding Land Use and Comprehensive Plan 2040. Applicant has addressed the Findings of Fact.

Staff recommended the following conditions be included if approved:

1. The previous conditions of approval for 2017-171-SD (Goodson Tract Townhomes) shall be struck and replaced with the conditions contained herein.
2. Following board approvals, three copies of the final preliminary subdivision plan meeting the Conditions of Approval shall be submitted to the

Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.

3. All off-site roadway improvements shall be installed prior to the issuance of the first certificate of occupancy.
4. Crepe myrtles shall not be permitted within the required Class "A" landscape buffer along City Road. The applicant shall propose an alternative tree type (of the same height and caliper) to be approved by staff on the final three sets of the preliminary plat.
5. All dead underbrush and debris within designated open space shall be removed and these areas maintained by the Homeowner's Association.
6. The Class "A" landscape buffer along City Road shall be installed prior to issuance of the first Certificate of Occupancy for the associated phase.
7. All interior landscape islands shall contain a minimum of one tree with a minimum caliper of 2.5", as required within 155.402(D)(2)(b)(1).
8. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
9. All decorative traffic related signage shall be maintained solely by the developer or Homeowner's Association.
10. If the property to the East and South develops, the stub outs at Streets "E" and "C" shall be extended to provide connectivity to the adjacent developments.
11. At plat recordation, a cross-access easement shall be provided to the property line guaranteeing the connectivity between the adjacent properties for future development.

Planning Board recommend approval with conditions. Ms. Hogg stated staff felt the applicant's answers to Findings of Fact were thoroughly addressed in the application.

Mayor Pro Tem Grannis asked for clarification of a hammer head. Ms. Hogg explained what a hammerhead would look like.

There were no further questions for staff.

Mr. Smith stated he appreciated being heard. He provided information about the project and stated it will be identical to the previous project. He further stated he feels this a great redevelopment project and adds character to the area.

Council Member Lawter asked since all Findings of Fact were thoroughly answered, if that were enough to approve without hearing additional testimony. The town attorney stated that the application was part of the testimony and council could approve based on testimony without additional oral testimony.

Council agreed that written responses were very clear and complete and no additional testimony would be needed. Mayor McLeod stated that this was a very well completed application that could serve as an example for all future applicants.

Mayor Pro Tem Grannis confirmed that applicant was okay with stub-outs and Mr. Smith stated they were. He also offered his thanks and appreciation to both Planning Board and staff.

With there being nothing further, the hearing was closed and item was turned over to council for their deliberation.

ACTION: Approval of 2018-122-SD - Villages @ Parkview

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

7 OLD BUSINESS

8 NEW BUSINESS

- a) 2018-183-ANX - Sunbelt Rentals
Presenter: Planning Department

Ms. Wullenwaber asked that a public hearing be set for November 5, 2018.

ACTION: Set Public Hearing for November 5, 2018

9 STAFF REPORTS

- a) Town Manager
b) Town Attorney
c) Town Clerk
 - Special Town Council Meeting - October 22, 2018 @ 11:00 a.m.

d) Other Staff

10 OTHER BUSINESS

- a) Informal Discussion & Public Comment
b) Council Comments

11 CLOSED SESSION

- a) Closed Session pursuant to NCGS 143-318.1.1(a)(5) at 8:32 p.m.

ACTION: Motion to go into Closed Session

Motion: Council Member Holder
Second: Council Member Lawter
Vote: Unanimous

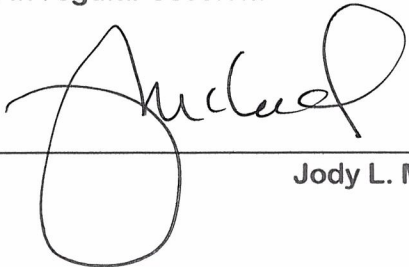
12 ADJOURNMENT

- a) With there being nothing further, the meeting was adjourned at 9:04 p.m.

ACTION: Motion to Adjourn

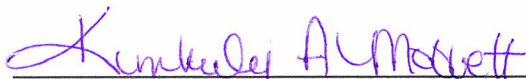
Motion: Council Member Holder
Second: Council Member Lawter
Vote: Unanimous

Duly adopted this the 5th day of November, 2018 while in regular session.



Jody L. McLeod
Mayor

ATTEST:



Kimberly A. Moffett, CMC, NCCMC
Town Clerk

