

February 21st Board Of Adjustment Meeting Summary:

Board Members Present

Jim Perricone
Thomas Antoine (Vice-Chair)
Marty Bizzell (Chair)
Richie Wiggins
Rebecca Berry
Joesph Warta

Staff Present

Conrad Olmedo, Planning
Director
Bruce Venable, Planner I

Board Members Absent

Town Council Liaison:

Ruth Anderson Absent
(Excused)

ACTIONS TAKEN BY THE BOARD

Nominate New Chair & Vice- Chair

Delayed Until March

January 17, 2024, Minutes:

Approved

Evidentiary Hearing 2023-162 VAR

Approved



1. Call to Order:

- a. At 6:00 PM on February 21, 2024, Chair Bizzell called the Town of Clayton Board of Adjustment meeting to order.



Town of Clayton Board of Adjustment Minutes
Wednesday, February 21, 2024, at 6:00 PM Town Council Chambers

2. Adjustment to the Agenda

3. Approval of the Minutes:

Chair Bizzell: The next item on the agenda is the approval of the January 17, 2024, minutes. Are there any corrections needed? If not, I will entertain a motion for approval.

Motion for approval: Board Member Perricone made the motion to approve the January 17, 2024, Planning Board Meeting Minutes. The motion was seconded by Board Member Warta. All in favor, say "aye." **Motion passes.**

4. Roll Call:

Proceeding with the roll call: Chair Bizzel is present, Vice Chair Antoine is present, Board Member Wiggins is present, Board Member Berry is present, Board Member Warta is present, and Board Member Perricone is present, we have a quorum.

5. Evidentiary Hearing:

a. 2023-162 -VAR Aldi Setback Variance

Board Member Perricone Recuses himself from the public hearing due to business connections with the applicant.

Planning Director Conrad Olmedo administers the sworn oath for the evidentiary hearing.

Presenter Bruce Venable, Planner I, provides an overview of project number 2023-162 VAR. The applicant seeks a variance in the form of a reduction in the 30-foot rear setback requirement outlined in Section 155.203(K)(2)(a) TABLE 2-1. The property was zoned B-3 HWY Business at the time of this submittal.

Applicant's Presentation:

- Introduction by applicant Chris Bostic from Kimley Horn.



Town of Clayton Board of Adjustment Minutes
Wednesday, February 21, 2024, at 6:00 PM Town Council Chambers

- Explanation of unnecessary hardship, peculiar property conditions, and lack of owner-created hardship.
- Discussion of setbacks, DOT right-of-way impact, and site layout challenges.
- Emphasis on meeting landscape buffer requirements.
- Description of the proposed setback reduction and reasons behind it.
- Acknowledgment of existing trees and additional landscaping options.
- Overview of the Aldi store layout, entrance, parking, and truck delivery operations.
- Timeline information regarding the property, DOT notice, and submission dates.

Board Discussion and Questions:

- Discussion about the project's offsite improvements, including concrete medians and traffic flow.
- Clarification on the truck turning radius and its impact on the property's unique shape.
- Confirmation of setbacks and compliance with town requirements.
- Details about the setback variance and the negotiation process with the landowner.

Traffic Flow and Offsite Improvements:

- Concerns were raised about the potential traffic issues, particularly for left-turn movements.
- Explanation of the concrete median to separate turn lanes and ensure safe traffic flow.
- Truck delivery routes discussed, with an emphasis on safety measures.
- Overview of the property's irregular shape and the impact on setbacks.
- Setback Compliance and Negotiations:



Town of Clayton Board of Adjustment Minutes
Wednesday, February 21, 2024, at 6:00 PM Town Council Chambers

- Confirmation of compliance with setbacks, both for the property line appendage and side yard setbacks.
- Discussion on the impact of the DOT's land-taking and negotiation details with the landowner.
- Emphasis on Aldi's commitment to ensuring truck movements and safety.

Timing and DOT Actions:

- Questions about the timing of DOT's land-taking and the project's awareness.
- Confirmation that the property remained under contract despite the DOT actions.
- Mention of negotiations in January 2023 and awareness of the land-taking around March-April 2023.
- Review Process and Variance Application:
- Inquiry about the review process by TRC and specific departments' feedback.
- Confirmation that the fire department and building code inspections are in progress.
- Details about the variance application submission in September.
- Discussion about the buffer type (Type C) and its compliance.

Public Safety Considerations:

- Acknowledgment of the site's compliance with internal movements, deceleration lanes, and right-turn lanes.
- Recognition of the project's positive contribution to infrastructure improvements.
- Appreciation for the effort to meet safety requirements for turning movements.

Board Discussion and Conclusion:

- Board members express understanding of the challenges and appreciate the safety measures implemented.



Town of Clayton Board of Adjustment Minutes
Wednesday, February 21, 2024, at 6:00 PM Town Council Chambers

- Recognition of the potential benefits of the project for the Town's development.
- Discussion on setbacks and landscape buffers, with an understanding of the unique circumstances.
- Acknowledgment of the importance of infrastructure improvements.

Motion for approval (four-fifths vote requirement for the variance approval):

Board Member Wiggins makes a motion to approve 2023-162-VAR Aldi, The motion is seconded by Board Member Warta. All in favor, say "aye." **Motion passes.** (5 ayes; 0 nays)

6. New Business

- a. Prepare to vote for Chair and Vice-Chair
- b. Planning Staff Update.

7. Adjournment.

Motion for adjournment made by Board Member Antoine and seconded by Board Member Berry. All in favor, say "aye." **Motion passes.**

Meeting adjourned.

Duly adopted this the 20th day of March, 2024.

Marty Bizzell, Board Chair

ATTEST:

Heidi Holland, CMC, NCCMC
Town Clerk

