



**The Town Of Clayton
Clayton Board of Adjustment Minutes
Wednesday, June 15, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Donna White (ETJ) [Chair], Matt Evans (TL) [Vice Chair], Bill Wenzel (ETJ), Tom Medlin (TL), Johnny House (ETJ).

STAFF PRESENT:

Jay McLeod, Town Planner; Laura Gray, Clerk to Board and Merrick Parrott, Town Attorney.

MEMBERS ABSENT:

Alexander Atchison (TL) and Mark Helmer (TL-Alt.)

1 CALL TO ORDER

- a) Donna White called the meeting to order.
- b) Laura Gray, Clerk to Board, swore in all persons wishing to testify.

2 ADJUSTMENT OF THE AGENDA

- a) None.

3 APPROVAL OF MINUTES

- a) Board of Adjustment Minutes - March 16, 2016

ACTION: Motion to Approve.

Motion: Matt Evans
Second: Tom Medlin
Vote: Unanimous

4 REPORTS AND COMMENTS

- a) None.

5 OLD BUSINESS

- a) None.

6 NEW BUSINESS

- a) 2016-95-CUP Dairy Road Church - Conditional Use Permit
NC PIN: 165811-67-4218 / Tag #: 05H03197G
The project is located on the southern corner of Dairy Road and Barber Mill

Road.

Jay McLeod, Town Planner, presented Dairy Church Road to the Board of Adjustment.

Mr. McLeod stated the applicant is requesting approval of a Conditional Use Permit to allow the use of a church to be located on the subject property which is zoned Residential-10 (R-10).

The applicant held the neighborhood meeting June 1, 2016.

The development will consist of a 7,500 square foot structure, along with a potential playground located directly east of the structure. There will be six classrooms located within the church, and the sanctuary will be 2,940 square feet in size.

The applicant is proposing 54 parking spaces, including an additional 3 handicap spaces.

As a part of this development, sidewalks will be added along Barber Mill Road and Dairy Road. Access will be provided from this sidewalk to the site via a sidewalk extension. Sidewalks will also be provided along the building and playground area. In order to provide better connectivity, staff recommended that the sidewalk connection from Barber Mill road connect through the southern portion of the site to the sidewalk adjacent to the playground area.

Mr. McLeod stated a Class C landscape buffer is required along the eastern and southern borders, where parking abuts residential properties. A Class A landscape buffer is required along the eastern edge where the building abuts the neighboring Residential-Estate zoning district. A Class A landscape buffer is required along thoroughfares, such as Barber Mill Road. All parking areas are required to be screened (with shrubs) from public rights-of-way.

Mr. McLeod stated the use is compatible with the surrounding uses, which consists of primarily residential. Mr. McLeod stated churches are often found in residential districts, and provide complimentary service to neighborhoods.

The applicant has addressed the Findings of Fact, which are found within their completed application. However, the criteria is not currently met for Finding of Fact #4 which reads "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". The applicant stated in the Findings that the proposed structure will be "built with the same character and standards with the adjacent property". However, the materials of the proposed building are metal while the adjacent property (medical office) consists of brick. Because of this staff does not feel that the material of the proposed structure is consistent with the character of adjacent development.

Additionally, the applicant shall further clarify Finding of Fact #1.

Mr. McLeod stated the proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC), so long as the Conditional Use Permit is approved with the attached conditions of approval and any conditions that are generated as part of subsequent revisions to the Major Site Plan.

Johnny House asked what type of siding would staff request and would the materials need to be on all four sides.

Mr. McLeod stated brick is the preferred material and all four sides are required to have the same materials. Mr. McLeod clarified brick is the preferred material but is not the required material. Other materials may be explored.

The Board of Adjustment requested condition #6 change from 'approval of the Planning Staff' to 'approval of the Planning Board'.

Curk Lane with True Line Surveying, 205 West Main Street, represented the applicant.

Mr. Lane stated the conditions have been read and accepted by the applicant.

Matt Evans asked Mr. Lane if the applicant is agreeable to the change to condition #6.

Mr. Lane, on behalf of the applicant, agreed upon condition #6 to be approved by the Planning Board.

No further questions for Curk Lane.

Staff recommended that if the Board of Adjustment reaches positive conclusions on the required Findings of Fact, the approval of the petition be subject to the following conditions:

1. If approved by the Planning Board, three copies of the final site plan meeting the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The conditions of approval for both the Conditional Use Permit and the Major Site Plan (if applicable) shall be recorded on the cover sheet of the final site plan.
3. Development fees shall be paid prior to building permit issuance.
4. The site plan shall conform to the standards for non-residential development in a Residential-10 zoning district.

5. The elevations of the building shall be designed to meet or exceed the design standards of the surrounding buildings, including dormers to break up the roof line, architectural treatments along the façade, and upgraded materials.
6. Metal siding shall not be used for the walls. Final elevations shall meet the approval of the Planning Board for quality materials and architectural design.
7. Sidewalk(s) shall be provided along at least one side of the entrance drive, to provide direct access to the entrance to the building.
8. A sidewalk connection shall be made through the southern portion of the site, connecting the sidewalk along Barber Mill Road to the sidewalk along the western portion of the playground area.
9. The sidewalk connections from the exterior sidewalk along Barber Mill Road and Dairy Road shall connect to the site through a landscape island, rather than through a parking space.
10. All landscape islands shall meet the required minimum areas as specified in the UDC.
11. Any required stormwater management features shall be shown on the site and landscaping plans, and a detail drawing shall be provided on the plans.
12. Parking areas shall not encroach into the required landscape buffers.
13. Wheelstops shall be provided in appropriate locations, where parking areas abut 5' wide sidewalk.
14. Hammerhead turnouts in the parking area shall be widened to match the aisle width.
15. The end of each hammerhead area shall have a striped (no parking) turn-around space.
16. Parking spaces shall not be larger than 10' x 20' without approval of the Planning Department.
17. All signs shall require a separate sign permit to be approved by the Planning Department.
18. The applicant shall provide a Preliminary Grading Plan, which meets the requirements of the Planning Department.
19. The applicant shall provide a Preliminary Lighting Plan, which meets the

requirements of the Planning Department.

20. All mechanical equipment and service areas (i.e. – dumpsters or trash cans) shall be completely screened from view.

21. Only a Church is permitted pursuant to this Conditional Use Permit. Expansion or addition of other uses, such as daycare or preschool shall require separate application and review.

22. Prior to issuance of a Certificate of Occupancy, a successful site and landscaping inspection shall be obtained from the Planning Department.

Donna White made a motion to go in closed session.

When considering a Conditional Use Permit application, the Board of Adjustment shall consider specific Findings of Fact. A Conditional Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved.

The Board of Adjustment deliberated.

Donna White reopened the session and asked for a motion.

Johnny House motioned to approve the Conditional Use Permit with the revised conditions and read the Findings of Fact.

Having heard all the evidence and argument presented at the hearing, the Board of Adjustment made the following findings:

(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.

(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, or other applicable regulations.

(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.

(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.

ACTION: Motion to approve with revised conditions.

Motion: Johnny House

Second: Matt Evans

Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Donna White announced Michael Orlowski has stepped down from his position as a Board Member.

8 ADJOURN

Donna White
Chair

ATTEST:

Laura Gray
Clerk to the Board