



Town of Clayton
Board of Adjustment Minutes
Wednesday June 16, 2021 @ 6:00 PM
Council Chambers

BOARD MEMBERS PRESENT:

Bob Satterfield
Michael Sims
Porter Casey Jr.
Jim Perricone
Marty Bizzell
John Saluppo

STAFF PRESENT:

Dick Hails, Interim Planning Director
Jeff Caines, Senior Planner
Chrissy Freeman, Clerk to the Board
Francis Rasberry, Town Attorney

BOARD MEMBERS ABSENT:

Thomas Antoine

1 CALL TO ORDER

- a) The meeting was called to order at 6:00 p.m. Board Member Antoine was absent from this meeting.

2 ADJUSTMENT OF THE AGENDA

- a) Discussion of proposed "Rules of Procedure" to be heard under New Business.

3 APPROVAL OF MINUTES

- a) Draft Minutes
 - May 19, 2021 DRAFT Minutes

ACTION: Adoption of Minutes

Motion: Board Member Casey
Second: Board Member Satterfield
Vote: Unanimous

4 PUBLIC HEARINGS

- a) 2021-40-VAR Crawford Cookshop Variance
Presenter: Jeff Caines, Senior Planner

The Town Attorney provided details regarding Quasi-Judicial proceedings. He further stated the alternate Board Member was standing by, however, the five

present members would be voting. Board Clerk Chrissy Freeman issued the affirmation of oath to those wishing to offer testimony.

Senior Planner Jeff Caines presented this item. The applicant is requesting a Variance to the minimum parking requirement. Current requirement is one parking space per every three seats and this also includes outdoor seating. The proposed restaurant is located inside an existing downtown building which currently has limited off-street parking that can serve this use as well as other businesses inside the building. The applicant has submitted a site plan showing 44 off-street parking spaces. The applicant also submitted both parking calculations and operating hours for the various businesses located in the building showing peak times of use and demonstrating that the same parking space could be used for different uses. Both UDO Section 155.204(5)(b)(3)(B) and UDO Section 155.401(B)(8) state that there may be an allowance for this parking variance so long "as much off-street parking and loading as can reasonable be provided is provided, and no foreseeable traffic congestion problems will be created." Staff has reviewed the building location as well as the associated off-street adjacent parking lot and has concluded that as much parking that can be reasonably provided has been provided, especially with the documentation of the different parking ratios and peak times of the other building tenants. Mr. Caines stated the applicant had addressed the Findings of Fact.

The applicant, Hunter Diefes from Atlas Stark was present. He went over a brief presentation of the request. There are various uses in this building which also require parking. The second floor consists of office use and a hair salon that is also open on Saturdays. The restaurant will only be open for dinner hours. He further stated parking is available at Horne Square and there is also a shopping center that has a large parking lot. They have been in touch with the surrounding businesses to consider a shared parking agreement. The surrounding parking conditions would cause a hardship for the restaurant with the current parking requires which is why they are requesting this variance.

Board Member Sims asked about the operating hours. Currently Mr. Crawford, the owner, is primarily only serving dinner. He further stated lunch hours could be added in the future. Board Member Satterfield asked about the shared parking. Mr. Diefes stated that Compare Foods has indicated they may have an interest in a shared parking agreement. There is nothing concrete right now. Board Member Bizzell asked there if there would be any reservation or concern about assigned parking signage. Mr. Diefes stated their concern is for their tenants and customers and would be proactive regarding signage if required. Board Member Perricone asked if there were anything in place to restrict the tenants to changing their current operating hours. Mr. Diefes stated not at this time. Board Member Perricone asked if there had been any consideration to valet parking. Mr. Diefes stated that discussion had taken place, but at this time there is no feasible location. The applicant stated he did recognize that parking was a problem and

further it was their desire to be here long term. He stated that while parking garages are not here right now, they would be happy to look at different options. Board Member Bizzell asked about occupancy figures. Mr. Diefes stated they are looking at 150 seats, and outdoor there would be an additional 40-50 seats. Most of the spaces are occupied by the offices during the day. There was nothing further for the applicant.

Board Member Bizzell had a question for staff. He asked about the requirements in the past with reference to a restaurant. Mr. Caines stated these buildings were built years ago and parking wasn't mentioned. Vehicles and traffic were not a factor then and parking requirements were not an issue. Board Member Porter asked about how many spaces are in the Horne Parking lot. Mr. Caines stated he wasn't sure at this time. He further stated that parking overnight is most likely prohibited. There were no further questions.

Howard Manning, owner of Manning's Restaurant spoke in favor of the Variance. He stated he would like to utilize the applicant's proposal and would also like to see parking decks. Mr. Manning stated he has a parking agreement for his restaurant. He further stated that people do abuse the parking situation.

Mr. Allen Tew was present and spoke in opposition of this variance. Mr. Tew's office is located near where the parking would be for the restaurant. Mr. Tew is concerned that the overflow of parking would result in cars parking in his parking lot. Mr. Tew handed out some exhibits for the Board to review. He went over his presentation of the parking issues in the Town.

Donovan Spence and his sister Sharon Spence Whitley were present and spoke on behalf of their mother, Ava Spence, who is opposed to the variance. They stated Ava Spence owns the property across the street and she has made it clear that she does not want her parking lot used. She maintains the parking lot such as paving, repairs etc.

Mr. Caines stated that there are approximately 30 spaces in the Horne Square parking lot and 12 parking spaces on N. Lombard Street. Mr. Tew asked about the 59 parking spaces for the Lil Hombre and the Cardinal and further if they were part of this application. It was stated this application was only for the Crawford's Cookshop. Mr. Caines stated that under the previous code the planning director had ability to waive the parking requirements. Mr. Tew asked what ordinance was in effect prior allowing the planning director to grant the 59 spaces. Mr. Caines stated it was 160A that granted the director the ability to waive the parking requirements. Current code change was adopted February 2021.

With there being nothing further the hearing was closed and the item was turned over to the board for their discussion.

Each Finding of Fact was read and discussed by board members.

ACTION: Approval 2021-40-VAR

Motion: Board Member Casey
Second: Board Member Satterfield
Vote: Unanimous

5 OLD BUSINESS

- a) Training
Presenter: Attorney Rasberry
- Quasi-Judicial Training Continued

Training regarding the quasi-judicial process was provided by Attorney Rasberry.

6 NEW BUSINESS

- a) Discussion of Proposed "Rules of Procedure"

Chair Bizzell requested that each board member read the proposed Rules of Procedures. He further stated this item would be further discussed at the next meeting.

7 ADJOURNMENT

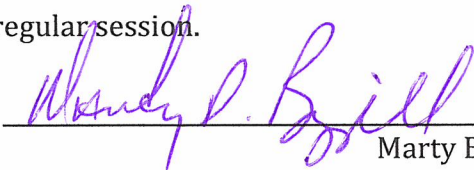
- a) Adjourn the Meeting

With there being nothing further the meeting was adjourned at 7:58 p.m.

ACTION: Motion to Adjourn

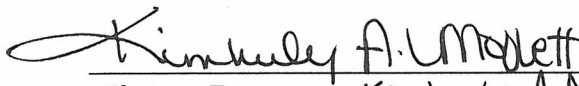
Motion: Board Member Casey
Second: Board Member Satterfield
Vote: Unanimous

Duly adopted this the 21st day of July, 2021 while in regular session.

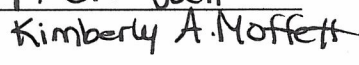


Marty Bizzell
Chair

ATTEST:



Chrissy Freeman
Clerk to the Board


Kimberly A. Moffett

