Town of Clayton
Planning Board Regular Meeting Minutes
Monday, June 22, 2026 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Pursuant to N.C. General Statute § 143-318.10(e), these minutes provide a general summary of the Planning Board meeting and do not represent a verbatim transcript. A complete video recording of this meeting is available for public access on the Town of Clayton's official YouTube channel: https://www.youtube.com/user/TownofClaytonNC.

Present:
Jodie Dupree, Chair
Derrick Applewhite, Vice-Chair
Mike Surasky
Anita Bland
Jason Carter
Deborah Hooker
Mark Hall
Randell Durham

Staff Present:
Andria Archer, Council Member Liaison
Conrad Olmedo, Planning Director
Haley Downey, Assistant Planning Director
Heidi Holland, Town Clerk

Absent:
Daniel Gleason
Tom McKearney

1. CALL TO ORDER

a. Call to Order of the Planning Board Meeting
Presenter:
Jodie Dupree, Planning Board

Chair Dupree called the meeting to order at 6:00 p.m.

b. Roll Call of the Planning Board
Presenter:
Conrad Olmedo, Planning Director

Mr. Olmedo provided the roll call of the board, a quorum was present. With an absence tonight, alternate Board Member Durham was able to vote on tonight's items.

2. ADJUSTMENT OF THE AGENDA

a. Adoption of Agenda

At 7:58 p.m. a motion was made by Vice-Chair Applewhite to move item 5a. Planning Board Training Session to the July meeting, seconded by Board Member Hall.

Motion to Move Item 5a. Planning Board Training Session to the July Meeting

Result:	**Passed 8-0**
Mover:	Derrick Applewhite
Seconder:	Mark Hall
Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None
Absent:	Daniel Gleason, Tom McKearney

3. APPROVAL OF MINUTES

a. Approval of Minutes
   - May 26, 2026

Adoption of Minutes

Result:	**Passed 8-0**
Mover:	Derrick Applewhite
Seconder:	Anita Bland
Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None
Absent:	Daniel Gleason, Tom McKearney

4. PUBLIC MEETINGS

a. 2026-016-CZM Stotan Crossings - Type III Conditional Rezoning
Presenter:
Robert Tate, Senior Planner

Robert Tate presented the request for 2026-016 CZM, Stoton Crossings, a Type III Conditional Rezoning. The applicant requested rezoning approximately 44 acres from Wake County R-30 Residential to the Town of Clayton Conditional Industrial (CZI) district. The property is undeveloped and vacant, located outside the Town's corporate limits and ETJ within Wake County's jurisdiction along Guy Road south of Golden Nugget Drive.

Mr. Tate shared the existing and proposed zoning maps and explained that because the property is contiguous to Clayton's corporate limits, it is eligible for annexation into the Town. He stated because the property is outside the Town's planning jurisdiction, the request is technically inconsistent with the Future Land Use Map. If approved, the Future Land Use Map designation would be amended to Employment Center.

Mr. Tate reviewed the concept plan, which included sewer and water connections, noting the applicant would be responsible for obtaining any necessary easements and funding all infrastructure improvements needed to connect to Town utilities. He reviewed the conditions of approval included in the agenda packet. The applicant is proposing warehouse, distribution, storage, and other permitted industrial uses on the site. Mr. Tate stated if approved, the rezoning conditions would run with the land and the property would be designated as an Employment Center.

Staff recommended approval but asked the Board to consider two items: the applicant's request to be exempt from certain mass grading provisions tied to water quality treatment measures in the UDO and a review of the proposed permitted industrial uses included within the conditions of approval.

Board Member Hooker asked about the wastewater allocation request. Engineering Director Jonathan Ham stated a wastewater allocation request had not yet been submitted and that staff's focus to date had been on transportation improvements and utility extensions. Board Member Hooker questioned how a decision could be made without knowing water demands for future users of the site.

Board Member Carter asked whether staff had calculated impervious surface coverage. Mr. Tate stated because there is not yet a final site plan showing exact building locations and improvements, that information was not available at this stage. Board Member Carter also confirmed that staff had requested removal of approximately ten industrial uses and requested the applicant comply with additional environmental sustainability measures. Mr. Tate confirmed the applicant had not agreed to those requests.

Vice Chair Applewhite asked about Type D buffers. Mr. Tate explained a Type D buffer is the most intensive buffer required under the UDO and includes a 40-foot width with required canopy trees, understory trees, and shrubs. Vice Chair Applewhite also asked whether any listed use could potentially be interpreted as a data center. Mr. Tate explained that data centers are not specifically listed in the UDO and while an unlisted use could potentially be interpreted as similar to a listed use, a data center was possible but unlikely.

Board Member Carter asked about utility extensions. Mr. Ham explained that sewer service would extend approximately 1.7 miles from the area behind Walmart, crossing NC State property and adjacent properties through easements obtained by the developer. Water would come from Johnston County through an existing agreement, and all extension costs would be paid by the developer.

Ben Harris, representing Stoton Industrial, provided an overview of his company and its history of industrial development projects. He stated the company met with area residents in January and discussed concerns related to sight, sound, truck traffic, and buffering. He explained the project proposes significant buffering and efforts to preserve existing mature trees where possible.

Mr. Harris emphasized the project is intended for warehouse distribution and light manufacturing uses and stated clearly the development is not proposed as a data center.

He discussed the extensive effort required to provide utility service to the site, including approximately $1.9 million for gravity sewer infrastructure and roughly $1.1 million in water infrastructure. He stated these improvements would be funded entirely by Stoton Industrial and dedicated to the Town upon completion.

Mr. Harris explained the project would provide jobs, diversify the tax base, generate tax revenue, and create infrastructure that may support future development in the area.

Board Member Hooker referenced comments made during the neighborhood meeting describing the project as a "Class A" industrial facility and asked what qualifies it as such. Mr. Harris stated that Class A facilities typically include concrete tilt-wall construction, higher clear heights, increased glazing and windows, EV charging stations, expanded parking, larger office components, and enhanced truck court designs.

Board Member Hooker asked whether any environmentally focused features were included. Mr. Harris stated that building materials, roof construction, insulation, and panel designs can contribute to energy efficiency. She then noted the applicant declined sustainability measures outlined in the UDO. Discussion followed regarding those provisions, and Mr. Tate clarified which portions of the UDO applied to the applicant's request.

Board Member Bland asked about the landscape treatment adjacent to the solar farm. Mr. Harris explained that due to easement restrictions preventing shadows from being cast onto the solar farm, the proposed vegetation would be shorter and less dense than the standard Type D buffer.

Board Member Carter asked why the applicant pursued annexation into Clayton rather than remaining under Wake County jurisdiction. Mr. Harris stated that Clayton presented a viable path forward and that staff had been willing to work with him to solve infrastructure challenges.

Board Member Surasky asked if the applicant would support a condition prohibiting data centers. Mr. Harris indicated a willingness to do so. Board Member Surasky also asked whether larger buffers would be considered. Mr. Harris stated it would depend on feasibility and site constraints.

Vice Chair Applewhite confirmed that the Army Corps of Engineers had completed the jurisdictional determination on wetlands, and Mr. Harris stated that process had been completed. Vice Chair Applewhite also asked about truck parking and queuing. Mr. Harris explained this would not be a cross-dock facility and the buildings would be rear-loaded, limiting opportunities for truck queuing on adjacent roads. In response to concerns about light and noise impacts, Mr. Harris stated that berms, trees, and vegetation are effective sound barriers and preserving mature trees remains a goal.

Board Member Carter asked about an additional parcel shown on the agenda diagram. Mr. Harris clarified that a small parcel shown at the upper portion of the concept plan was included in the rezoning request.

Board Member Hooker asked if the two required EV charging stations would be available to the public. Mr. Harris stated they would primarily be intended for employees.

Mr. Tate clarified that the Comprehensive Transportation Plan identifies Guy Road as a future 120-foot right-of-way with four travel lanes, a median, multi-use path, and sidewalk improvements. He also clarified the sustainability provisions discussed during the meeting related specifically to water conservation and quality protection measures tied to mass grading.

Economic Development Director Joe Stallings addressed questions regarding taxation and annexation. He explained if annexed, the property would be subject to the Town tax levy and revenues would be remitted to the Town through Wake County. He stated the Town is not incentivizing the project and is only assisting in making connections between development partners and property owners. He explained state law allows annexation of contiguous properties and stated the Town does not foresee issues serving the site from a public safety or utility standpoint.

Chair Dupree opened the public hearing.

Luke Newsome, 4345 Guy Road, spoke in opposition to the project, citing the property's historical significance, neighborhood character, and impacts to adjacent residents.

Albert Newsome, Guy Road, spoke in opposition, stated he had not been contacted regarding access proposed near his property. He expressed concerns about traffic volumes and safety on Guy Road.

Lee Odom, Forty Niners Road, spoke in opposition, expressing concerns about the scale of development, grading, loading docks, and the project's long-term impacts on neighboring residents.

Rob Parent, 3217 Golden Nugget Drive, spoke in opposition. He expressed concerns regarding potential environmental contamination, impacts on private wells, and lack of benefits to nearby Wake County residents.

Kevin West, 4016 Forty Niners Road, spoke in opposition and stated the project would negatively affect surrounding residential property values.

Robert Lafere, 4005 Forty Niners Road, spoke in opposition, expressing concerns about well water quality, sediment impacts, and the lack of access to municipal water.

Stephanie Stug, 4020 Forty Niners Road, spoke in opposition, citing impacts to property values, traffic, quality of life, and compatibility with surrounding residential areas.

John Scarpa, 1304 Neuse Ridge Drive, raised concerns regarding water availability, existing water restrictions, and consistency with adopted planning policies.

Shawn Martin, 4021 Forty Niners Road, spoke in opposition, stating the proposed 40' buffer would not adequately protect privacy, noise levels, or visual impacts for the homes closest to the development.

Andrew Art, 4041 Forty Niners Road, spoke in opposition, citing concerns about the adequacy of buffers, plan consistency, and historical significance of the property.

Chair Dupree closed the public hearing.

Vice Chair Applewhite asked about the historic home located on the property. Mr. Harris stated it is not formally registered as a historic structure, though it may be eligible for designation.

Board Member Carter asked about access to the solar farm. Mr. Harris confirmed that an easement exists and that he would be required to maintain access under the easement agreement.

Board Member Hall discussed buffering concerns and asked whether impacts to neighboring wells had been addressed. Mr. Harris stated that wells had been discussed during neighborhood meetings but acknowledged he did not have a specific solution.

Will Swearingen, Project Engineer, stated that erosion control measures would be implemented to prevent sediment from entering streams and that two stormwater control measures were proposed to manage runoff.

Jonathan Ham explained the proposed stormwater systems would maintain surface-water controls and that any analysis regarding private wells would fall under Wake County Environmental Health.

Mr. Olmedo provided information from Wake County regulations, noting that approximately 62 single-family homes could potentially be developed on the property under existing zoning and discussed Wake County buffer requirements.

Board Member Surasky stated the area is already experiencing growth due to the completion of I-540 and nearby industrial development. He noted the primary reason the request is inconsistent with Town plans is because it is outside the Town's planning jurisdiction and acknowledged that future development in the area is inevitable.

Chair Dupree stated he was not supportive of the request.

Board Member Durham commented on concerns related to groundwater and aquifer impacts.

Board Member Hooker expressed concerns regarding surrounding residential properties, land use compatibility, and potential impacts to neighboring residents.

Vice Chair Applewhite stated he viewed the area as a growth corridor and expressed support for the proposal.

Vice Chair Applewhite made a motion to recommend approval of the rezoning request (Motion 2), seconded by Board Member Surasky. Motion Failed (3-5).

Board Member Bland then made a motion to recommend denial of the rezoning request, seconded by Board Member Hooker. Motion Passed (5-3).

The Planning Board therefore voted to recommend denial of the Stoton Crossings Type III Conditional Rezoning request to the Town Council.

Motion to Recommend Approval of the Rezoning Request (Motion 2)

Result:	**Failed 3-5**
Mover:	Derrick Applewhite
Seconder:	Mike Surasky
Yes:	Derrick Applewhite, Mike Surasky, Jason Carter

No:	Jodie Dupree, Anita Bland, Deborah Hooker, Mark Hall, Randell Durham
Absent:	Daniel Gleason, Tom McKearney

Motion to Recommend Denial of the Rezoning Request

Result:	**Passed 5-3**
Mover:	Anita Bland
Seconder:	Deborah Hooker
Yes:	Jodie Dupree, Anita Bland, Deborah Hooker, Mark Hall, Randell Durham
No:	Derrick Applewhite, Mike Surasky, Jason Carter
Absent:	Daniel Gleason, Tom McKearney

b. 2026-081-RZ Town PUB Conventional Rezonings
Presenter:
Lori Bryant, Planner I

Lori Bryant presented application 2025-081 RZ, a Town-initiated conventional rezoning request involving three Town-owned properties totaling approximately 143 acres. The request proposed rezoning the properties to the Public Facilities (PUB) zoning district to ensure Town-owned parcels are consistently zoned and regulated for public uses.

Ms. Bryant explained that Parcel 1 consists of approximately 108 acres located north of Jack Road. This property was annexed into the Town on April 20, 2026. Parcel 2 consists of approximately 33 acres located north of Jack Road and west of Court Lane and Applewood Drive. Although annexation was approved on April 20, 2026, the effective annexation date is June 30, 2026. Parcel 3 consists of approximately 88.8 acres located at 151 Short Johnson Road, northwest of the intersection of Short Johnson Road and Veterans Parkway. Parcel 3 was also annexed on April 20, 2026. All three properties are vacant and/or wooded and collectively contain approximately 143 acres.

Ms. Bryant stated the purpose of the rezoning request is to ensure Town-owned parcels are consistently designated as Public Facilities and administered in the same manner as other Town-owned properties.

She reviewed the current and proposed zoning maps and noted that Parcels 1 and 2 would be rezoned from Residential Large Lot and Johnston County Agricultural Residential classifications to Public Facilities. Parcel 3 would be rezoned from Residential Large Lot (RLL) to Public Facilities. She stated there are currently no development plans for Parcels 1 and 2. Any future development proposals would be subject to the applicable review and approval processes in place at that time.

Ms. Bryant reviewed the Future Land Use Map designations. Parcel 1 is designated Agricultural and Rural Residential. While the rezoning request is not consistent with the Future Land Use Map, staff recommended adding a Neighborhood Center Overlay to the property to allow limited civic and governmental uses. Parcel 2 is not currently included on the Future Land Use Map because it is not yet within the Town's jurisdiction. Upon annexation becoming effective, staff intends to recommend a future land use designation with an overlay that would allow civic and institutional uses. Parcel 3 is designated Medium Density Residential with a Neighborhood Center Overlay, and staff found the proposed Public Facilities zoning consistent with that designation.

Ms. Bryant stated that despite Parcels 1 and 2 being inconsistent with the Future Land Use Map, the request as a whole supports the goals of the 2045 Comprehensive Growth Plan by providing opportunities for future civic, governmental, and emergency service uses. Staff found the request reasonable and in the public interest and recommended approval.

During Board discussion, Board Member Hall asked about the structure located on Parcel 3. Ms. Bryant stated the building is a former family residence that is currently unoccupied.

Board Member Surasky asked whether any specific future uses were planned for Parcels 1 and 2. Ms. Bryant stated there are currently no plans, but because the properties are Town-owned, staff wants all Town-owned properties to have consistent zoning. She noted Public Facilities zoning would allow future uses such as police, fire, EMS, training facilities, parks, and similar governmental services.

Board Member Hooker asked whether future development proposals would still be subject to the normal review process. Ms. Bryant stated any future development would still be required to follow the applicable review and approval procedures.

Vice Chair Applewhite asked staff to explain the difference between a Town-initiated rezoning and a private applicant rezoning. Ms. Bryant stated that Town projects must still go through pre-application meetings, Technical Review Committee review, and the same approval process required by the specific application type. She stated there is generally no difference between Town and private applications.

Planning Director Conrad Olmedo clarified the primary difference is the Unified Development Ordinance exempts Town-initiated rezonings from the neighborhood meeting requirement. Vice Chair Applewhite asked whether additional Town-owned properties may require Public Facilities zoning. Mr. Olmedo explained other Town-owned parcels, including the Robertson Mule property, are not currently zoned Public Facilities, but staff felt these recently annexed parcels were the most appropriate properties to include in the current request.

Board Member Carter stated the Board should revisit the neighborhood meeting exemption and consider whether the Town should be held to the same standards imposed on private applicants.

Chair Dupree opened the public hearing and noted that each speaker would have three minutes.

Melvin Skinner, who leases the 108-acre property, stated he had been told the property would eventually become a park when it was purchased by the Town. He sought clarification about the proposed Public Facilities designation. Assistant Planning Director Ms. Downey explained the current zoning is Residential Large Lot (RLL) and the proposed Public Facilities zoning is intended to accommodate future public uses such as fire, police, parks, and similar facilities. She noted Town-owned properties are typically zoned Public Facilities.

Kent Davis, 380 Barber Mill Road, asked about Parcel 2 and its annexation status. Mr. Olmedo stated that annexation would become effective June 30, 2026. The resident also asked about potential road access through the parcel. Mr. Olmedo explained the Town's Comprehensive Transportation Plan (CTP) identifies a future thoroughfare connection from Corbett Road to Jack Road. When asked about buffering along a future roadway, Mr. Olmedo stated the UDO typically requires perimeter and streetscape buffers, but he could not provide specifics because no roadway design currently exists.

William Lineback, 205 Long Needle Drive, asked whether the CTP specifically showed a connection through Parcel 2. Mr. Olmedo confirmed the transportation plan identifies a future connection through the properties linking Corbett Road and Jack Road.

David Williams, 43 South Two Does Lane, stated he had attempted to purchase a portion of the Town-owned property and asked if there was a process to do so. Mr. Olmedo referred him to Economic Development Director Joe Stallings for additional information.

Barbara Pool, 3249 Jack Road, asked questions regarding the location of roads and parcels shown on the maps.

Russell Pool, 3249 Jack Road, asked whether annexation of the Town-owned property would increase neighboring property taxes. Chair Dupree explained the annexation affects only the Town-owned property and does not place surrounding property owners into the Town limits.

Jeremy Irwin, 2798 Jack Road, expressed concern that Public Facilities zoning could potentially allow a water or wastewater treatment facility on the property and requested safeguards against that possibility.

Mr. Olmedo responded the Town currently has no capital improvement projects planned to expand wastewater treatment facilities on these properties.

With no one else wishing to speak, Chair Dupree closed the public hearing.

During deliberations, Vice Chair Applewhite reiterated that the Town should strive to meet the same standards expected of private applicants and stated that issue deserves future consideration. Chair Dupree noted the Town already owns the property and no action taken by the Planning Board would limit the Town's ability to pursue future uses through the appropriate processes. He stated the Board's action concerned only the zoning designation.

Because Parcel 3 was consistent with the Future Land Use Map while Parcels 1 and 2 were not, separate motions were required.

Board Member Carter made a motion to recommend approval of the rezoning of Parcel 3 (Motion 1 in Consistency Statement) to the Public Facilities district, finding the request consistent with the 2045 Comprehensive Growth Plan. The motion was seconded by Board Member Hooker and approved unanimously.

Board Member Hooker then made a motion to recommend approval of the rezoning of Parcels 1 and 2 (Motion 2 in Consistency Statement) to the Public Facilities district, finding the request generally consistent with the goals of the 2045 Comprehensive Growth Plan despite inconsistencies with portions of the Future Land Use Map. The motion was seconded by Board Member Durham and approved.

The Planning Board therefore voted to recommend approval of the rezoning of all three Town-owned parcels to the Public Facilities (PUB) zoning district and forwarded the recommendation to the Town Council.

Motion to Recommend Approval of Rezoning of Parcel 3 (Motion 1)

Result:	**Passed 8-0**
Mover:	Jason Carter
Seconder:	Deborah Hooker
Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None
Absent:	Daniel Gleason, Tom McKearney

Motion to Recommend Approval of Rezoning of Parcels 1 and 2 (Motion 2)

Result:	**Passed 8-0**
Mover:	Deborah Hooker
Seconder:	Randell Durham
Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None
Absent:	Daniel Gleason, Tom McKearney

5. NEW BUSINESS

a. Planning Board Training Session
Presenter:
Conrad Olmedo, Planning Director

At 7:58 p.m. a motion was made by Vice-Chair Applewhite to move item 5a. Planning Board Training Session to the July meeting, seconded by Board Member Hall.

Motion to Move Item to July 27, 2026 Meeting

Result:	**Passed 8-0**
Mover:	Derrick Applewhite
Seconder:	Mark Hall
Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None

Absent:	Daniel Gleason, Tom McKearney

b. Shipping Container Presentation
Presenter:
Conrad Olmedo, Planning Director

Planning Director Conrad Olmedo presented a follow-up discussion regarding potential Unified Development Ordinance (UDO) text amendments related to shipping and storage containers. The presentation followed previous discussions with both the Planning Board and Town Council and reviewed current regulations, enforcement actions, and possible future policy considerations.

Mr. Olmedo explained shipping containers are commonly found on residential, commercial, industrial, and public properties. Staff identified 21 shipping containers throughout Town during an inventory conducted last year, although that number has since been reduced to approximately 13 locations. Several of the remaining containers are associated with active construction projects and are permitted as temporary structures, while most are located on Light Industrial (LI) properties.

Shared were common reasons for using shipping containers, including affordability, additional storage capacity, and temporary storage needs. Although often described as temporary, containers frequently remain on properties indefinitely. Mr. Olmedo stated shipping containers are intended for cargo transport and temporary storage and are generally not recognized as permanent structures under building regulations. Under the current UDO, they are regulated as temporary structures.

Examples of shipping container use were shown from public facilities, industrial properties, commercial sites, residential areas, and construction projects. Mr. Olmedo noted that many existing containers predate adoption of the current UDO. Concerns identified by staff included accumulation of materials and debris around containers, improper foundations, stacking of containers, safety issues associated with elevated containers, and loss of required parking spaces when containers are placed on paved parking lots.

Mr. Olmedo reviewed the code enforcement case at 101 Bestwood Drive, where a notice of violation (NOV) related to a shipping container was upheld by the Board of Adjustment. He explained that the violation stemmed from unpermitted construction and the presence of an unpermitted shipping container. Staff had previously revised portions of the UDO through Text Amendment 1-25 following discussions with the property owner; however, shipping containers continue to be regulated as temporary structures.

Mr. Olmedo also discussed the Town's use of storage containers within the Public Facilities district. He stated Town Council previously approved provisions allowing engineered and permitted storage structures associated with Public Works operations to provide covered storage for materials such as sand and other supplies used during winter weather events.

Mr. Olmedo outlined three policy considerations previously presented to Town Council. The first option would maintain the current regulations and continue treating shipping containers as temporary structures. The second option would continue regulating them as temporary structures but would allow them as a secondary use if they meet North Carolina Building Code requirements. The third option would eliminate regulations altogether and allow shipping containers without permits or standards.

He recommended maintaining the current approach and continuing to treat shipping containers as temporary structures. Mr. Olmedo stated staff prefers encouraging permanent building additions and detached storage buildings, which increase property values and provide long-term site improvements.

During Board discussion, Mr. Olmedo confirmed that approximately 13 containers remain within Town and most are located on industrial properties. Containers associated with active building permits remain permissible as temporary structures.

Board Member Carter questioned whether electrical conduit shown in a photograph of a Town-owned storage container indicated that electricity had been run to the unit. Mr. Olmedo stated he could not confirm whether the conduit supplied power to the container. Board Member Carter stated he would strongly oppose allowing electrical service to temporary shipping containers.

During public comment, Richard Schacher, representing the business operating at 101 Bestwood Drive, spoke regarding the notice of violation issued on the property he leases. Mr. Schacher discussed the three policy considerations presented by staff and stated that Consideration 3, which would remove regulation entirely, was unlikely to be adopted. He stated that Consideration 1, maintaining the status quo, had not solved the issue and that Consideration 2 was the only option that addressed the problem while remaining compliant with building codes. He said that Consideration 2 had originally been presented by staff, met the objectives of safety and compliance, and "checked every box." Mr. Schacher stated he has consistently expressed a willingness to meet all code requirements and reasonable regulations. He stated the Board had an opportunity to provide a path forward and respectfully requested they send a recommendation to Council supporting Consideration 2.

Following public comment, Chair Dupree stated he did not believe it was the Planning Board's role to revisit or overturn decisions made by the Board of Adjustment. He stated while the Planning Board could make recommendations regarding future code amendments, it should not function as a second level of appeal for a Board of Adjustment ruling. He stated nothing discussed tonight would alter the status of the existing violation.

Board Member Surasky agreed the Board could provide advisory input to Council regarding possible code revisions. He stated the UDO had only recently been amended and stated he was generally inclined to leave the existing regulations in place.

Board Member Carter stated he agreed with the Board of Adjustment's decision and acknowledged its responsibility to enforce and interpret the ordinance as written. He stated staff had identified approximately 21 instances of shipping containers within Town and stated he did not believe shipping containers belong in residential areas. However, he expressed interest in exploring reasonable standards for their use in industrial settings where they serve a legitimate storage purpose.

Chair Dupree also expressed concern about potential double standards between private property owners and the Town's own use of shipping containers, particularly if containers are being used long-term or have utilities connected to them.

Board members discussed whether standards could be developed that would allow shipping containers in certain zoning districts while addressing concerns related to appearance, safety, and enforcement. Mr. Olmedo explained that many existing containers may qualify as legal nonconforming situations and that enforcement efforts have primarily focused on newly installed containers and activities occurring after adoption of the current UDO.

Board Member Carter made a motion directing staff to meet with Building Inspections Director Barry Alston and develop possible standards and a potential UDO text amendment regarding the use of shipping containers in designated zoning districts, including Light Industrial (LI) properties. As part of the motion, he recommended that any future standards include screening requirements and the placement of NFPA 704 hazard identification diamonds on shipping containers to identify any hazardous materials stored within them.

Vice Chair Applewhite seconded the motion.

During discussion, staff clarified the motion was not approving a UDO amendment but rather directing staff to prepare a proposed amendment for future review. The intent would be for staff to draft standards and bring a proposed UDO amendment back to the Planning Board for consideration and recommendation to Town Council.

The motion directed staff to prepare a potential UDO amendment addressing the use of shipping containers in designated zoning districts, including the standards discussed by the Board, and return it to the Planning Board for future consideration.

Motion to Direct Staff to Prepare Proposed Amendment for Future Review with Requirement to Include Indicating any Hazardous Materials

Result:	**Passed 8-0**
Mover:	Jason Carter
Seconder:	Derrick Applewhite
Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None
Absent:	Daniel Gleason, Tom McKearney

6. ADJOURNMENT

a. Motion To Adjourn

With nothing further, the meeting was adjourned at 9:00 p.m.

Motion to Adjourn

Result:	**Passed 8-0**
Mover:	Mike Surasky
Seconder:	Derrick Applewhite

Yes:	Jodie Dupree, Derrick Applewhite, Mike Surasky, Anita Bland, Jason Carter, Deborah Hooker, Mark Hall, Randell Durham
No:	None
Absent:	Daniel Gleason, Tom McKearney

Duly Adopted by the Planning Board on Monday, July 27, 2026 while in regular session.

Jodie Dupree
Chair

ATTEST:

Heidi L. Holland

Heidi L. Holland, MMC, NCCMC
Town Clerk

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.