



**The Town Of Clayton
Clayton Planning Board Minutes
Monday, November 28, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Frank Price [Chair] (ETJ), Bob Ahlert [Vice Chair] (TL), James Lipscomb (ETJ), Jim Lee (ETJ), Marty Bizzell (ETJ), Sarah Brooks (TL), Ronald Johnson (TL), Stephen Powers (TL), Michael Grannis (Mayor Pro Tem) and Bob Satterfield (Councilman).

STAFF PRESENT:

David DeYoung, Planning Director; Jay McLeod, Town Planner; Haley Hogg, Town Planner; John McCullen, Town Engineer and Laura Gray, Clerk to Board.

MEMBERS ABSENT:

George "Bucky" Coats (TL)

1 CALL TO ORDER

- a) Frank Price, Chair, called the meeting to order.
- b) David DeYoung, Planning Director, called roll.

2 ADJUSTMENT OF THE AGENDA

- a) None

3 APPROVAL OF MINUTES

- a) October 24, 2016 Planning Board Minutes.

ACTION: Motion to approve October 24th Planning Board minutes.

Motion: Sarah Brooks
Second: Bob Ahlert
Vote: Unanimous

4 REPORTS AND COMMENTS

- a) None.

5 OLD BUSINESS

- a) 2016-102-OA - Sign Code Amendment (Ordinance Amendment)
Request to make amendments to the text of the Unified Development Code, Title XV, §155, relating to signs, sign permits, and associated definitions and

regulations.

Jay McLeod, Town Planner, presented the Sign Code to the Planning Board.

Mr. McLeod stated the proposed Sign Code revisions attempt to solve negative experiences with sign permitting. The current Sign Code can complicate customer experience. The solution to the issue is general updating of the sign code and removal of the Master Sign Plan process.

The Sign Code is proposed for general revision, including updating the prohibited and exempted signage. Note: "Exempt" signage is only exempt from obtaining a permit, not from meeting sign dimensional criteria. Prohibited signs are expanded, in particular to include "rope" or string lighting. The proposed updates also include adding regulation of two new sign types: Tenant Identification Sign and Flags/Flagpoles. Criteria for all sign types have been revised for added clarity.

The Master Sign Plan process regulates all buildings with multiple uses or tenants, planned developments, and other such sites. This includes all multi-tenant buildings, with strip malls being a good example. The Master Sign Plan was originally created to "provide a unified record of signs and promote coordinated signage". The concept was simple: businesses that are connected should look like they belong together. In practice, however, it has proved unworkable and/or legally suspect (depending on the particulars of the site), has required a professional planner or Code-writer to create each one, and has consumed many hours of staff review time for little gain. The proposed Sign Code revisions address this by removing the Master Sign Plan, but also refining other specific sign criteria (such as wall signs) to incorporate changes that reduce signage clutter. The Alternative Sign Plan process remains as a signage pressure relief valve (of sorts) for sites that are unique or exceptional.

These proposed amendments will help refine the regulation of signage and signs in Clayton to allow a more cooperative, more easily understandable, and streamlined process for business owners, property owners, Town staff, and sign companies. The resulting process will create a more efficient and business-friendly sign permitting process while also retaining the criteria for signage excellence to which the Town aspires.

Mr. McLeod stated the request is consistent with the remainder of Chapter 155 and is consistent with all known state, federal and case laws.

Mr. McLeod stated staff recommends approval.

Jim Lee had the following Sign Code revision suggestions:
Change exempt flag size to 8' x 5' and add illumination exemption.
Illumination: all wires and lights hidden or camouflaged.
Alternate Sign Plan: add allowance for back-lit awnings.

Marty Bizzell asked if back-lit awnings would be outright permitted.

Mr. McLeod stated the updated code would allow back-lit awnings as an alternate sign plan.

No further questions for staff.

ACTION: Motion to recommend approval of 2016-102-OA to Town Council, with the 3 added recommended changes.

Motion: Bob Ahlert
Second: James Lipscomb
Vote: Unanimous

6 NEW BUSINESS

- a) 2016-163-SD Warrick Tract - Major Subdivision
NC Pin: 175000-30-9566 & 175000-30-6174
Tag #: 05g01016h & 05g01020k

The applicant is requesting to develop a conventional R-E single-family residential subdivision on 25.33 acres of land. There are 26 proposed lots, which are proposed to be a minimum of 25,000 square feet. This is less than what is typically permitted in the R-E zoning district for lots on public water and septic. However, the applicant obtained a Variance (2016-210-VAR) from the minimum lot size on November 16, 2016 to permit the properties to have a minimum lot size of 25,000 square feet.

James Lipscomb recused himself.

Jay McLeod, Town Planner, presented the Warrick Tract to the Planning Board.

Mr. McLeod stated the applicant is requesting to develop a conventional R-E single-family residential subdivision on 25.33 acres of land. Of the 26 total proposed lots, 23 will be accessed via an entrance off of Fieldstone Drive. The remaining three lots are considered to be a part of this subdivision, but will be located off of Old US HWY 70 West and access via individual driveways.

The applicant obtained a variance from the minimum lot size requirement within the Unified Development Code in order to develop lots with a minimum lot size of 25,000 square feet. This variance was granted by the Board of Adjustment on November 16, 2016.

The subject properties are currently vacant and are located within the Town's Extraterritorial Planning Jurisdiction (ETJ). The applicant is proposing to extend public water to the subdivision, as well as have the roads taken over by the Town. If the subdivision is approved, the applicant will be required to submit an annexation application.

The applicant is proposing to provide one street tree per lot, as required by Town of Clayton's Unified Development Code. The applicant is also proposing a Class "A" landscaping buffer along two proposed lots (23 & 24) off of Old US HWY 70 W, which is consistent with the UDC.

A mail kiosk is proposed at the end of the cul-de-sac of "Street A". The kiosk is proposed to have two designated parking spaces, as required by the post office and NC building code. One of these proposed parking spaces will be handicap accessible, as required by NC building code. The lots with access off of Old US Hwy 70 West will receive individual mailboxes.

Mr. McLeod noted access to the subdivision is proposed to be from the existing Fieldstone Drive. This will be the only entrance/exit into the subdivision for 23 of the 26 total lots. The proposed street section is 20' of asphalt with ditches, to match the neighboring Fieldstone subdivision. The applicant is proposing two streets within the subdivision, both of which are proposed to be cul-de-sacs.

The applicant is requesting to pay fee-in-lieu instead of providing sidewalks. However, the applicant has provided a 20' greenway easement along Old US HWY 70 West. This is in keeping with the Town goal of connecting the Sam's Branch Greenway to Clemmons State Educational Forest.

Mr. McLeod stated no sidewalks are proposed within the development. However, particularly due to the increased density resulting from the granting of the associated variance (2016-210-VAR), staff is recommending that the applicant provide sidewalk on one side of the streets throughout the development, including fully around any cul-de-sacs. Staff is also recommending that a sidewalk be provided along Fieldstone Drive in order to provide pedestrian connectivity to any future greenway that might be located along Old US HWY 70 West.

The applicant is requesting a waiver from curb-and-gutter. Alternatively, the applicant is proposing ditch/swale road due to the rural characteristics of the development, and the fact that it will connect to Fieldstone Drive/Pebble Drive which lacks curb-and-gutter.

The applicant is not proposing a connection to the vacant property to the north of the development. The UDC allows cul-de-sacs only when the extension to adjacent property is impracticable.

Mr. McLeod stated the applicant addressed the Findings of Fact.

The project is consistent with the 2040 Comprehensive Plan. The Future Land Use for this area is envisioned as Low Density Residential, which accommodates zoned residential developments.

Mr. McLeod stated the request is generally consistent with the UDC, except for waivers.

The applicant is requesting waivers from:

1. Providing curb-and-gutter streets.
2. Sidewalk fee-in-lieu for unconstructed sidewalk.
3. Street connectivity to adjacent parcels.

Mr. McLeod stated staff recommends approval with conditions.

Bob Satterfield asked if the Town would take over the roads inside the subdivision.

Mr. McLeod stated the road leading into the subdivision is a NCDOT road.

Bob Ahlert asked if there would be a HOA.

David DeYoung, Planning Director, stated there will be a HOA. The proposed subdivision is proposing more than 24 lots and is required by the state to have a HOA. Therefore, it was not a condition of approval since it is mandated by the state.

Mr. Ahlert requested the HOA be an added condition of approval (condition #9).

Jim Lee asked for clarification on the curb and gutter waiver request.

David DeYoung stated the code reads Town Council can waive curb and gutter if the adjoining streets do not have curb and gutter.

Frank Price called on the applicant.

Donnie Adams, 335 Athletic Club Blvd, came forth and stated the applicant is planning to develop a sidewalk on one side of the street.

James Lipscomb, 328 E. Main Street, came forth to give further information.

Mr. Lipscomb hopes to mimic the side walk design of Cassedale Subdivision.

Bob Satterfield asked if Cassedale Subdivision paid fee-in-lieu.

Mr. DeYoung stated he was not sure but would find out.

No further questions for the applicant.

Conditions of Approval:

Staff recommended the following conditions be applied to the approval of the preliminary subdivision plan for the Warrick Tract (2016-163-SD):

1. This project is subject to the Conditions of Approval placed on the

associated, approved Variance application (2016-210-VAR), listed below for convenience:

- a) Any subdivision shall still adhere to the minimum separation requirements for well and septic fields, as determined and administered by the appropriate body; in this case, the Johnston County Environmental Health Department.
- b) Average lot size shall be at least 30,000 sq. ft. This calculation shall not include existing homes on land to be subdivided off of the rest of the tract.
- c) Minimum lot size shall be 25,000 sq. ft.
- d) The maximum number of lots for the land in question shall be 26.
2. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of 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 development fees shall be paid at building permit issuance, with the exception of recreation fees, which will be paid at plat.
4. Any fee-in-lieu shall be paid prior to plat. This includes the following fees-in-lieu, which are required for not installing the following improvements:
 - a) Curb-and-gutter - §155.602(B)(2)(b)
 - b) Sidewalks - §155.602(H)(4)
5. 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.
6. Prior to plat recordation, the subject properties shall be annexed into the Town of Clayton.
7. All signs shall require review/approval pursuant to UDC Section 155.713.
8. The landscaping buffer along Old US HWY 70 W shall be installed prior to the issuance of any Certificate of Occupancy.
9. A homeowner's association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so. (Added by Planning Board: 11/28/16)
10. Sidewalks shall be provided along both sides of all public streets in and adjacent to the development. Alternatively, sidewalks may be omitted along one side of the streets entirely within the development, with fee-in-lieu paid for any unconstructed sidewalk.
11. A stub-out road connection shall be provided to the parcel to the north in a location acceptable to the Planning Department. No cul-de-sac shall occur on this road segment (currently identified as Street "B"), and a sign shall be posted at the property line stating that this road stub-out will connect to the neighboring property at such time as it develops.
12. The development may substitute an un-curbed street section for curb-and-gutter, as permitted within the Unified Development Code (§155.601(B)(1)).

ACTION:

Planning Board made the following motions on waiver requests:

Planning Board recommended approval of request for waiver of uncurbed street section.

Motion: Bob Ahlert

Seconded: Marty Bizzell
Vote: Unanimous

Planning Board recommended approval of request for waiver of sidewalk on one side of all streets and around cul-de-sacs, and with Town Council to decide fee-in-lieu.

Motion: Jim Lee
Seconded: Ronald Johnson
Vote: Unanimous

Planning Board recommended denial of request for waiver of street connectivity.

Motion: Ronald Johnson
Seconded: Bob Ahlert
Vote: Unanimous

Planning Board recommended approval, with conditions, of 2016-163-SD to Town Council.

Motion: Stephen Powers
Second: Bob Ahlert
Vote: Unanimous

b) 2017 Planning Board Calendar

ACTION: Motion to approve 2017 Planning Board Calendar.

Motion: Sarah Brooks
Second: James Lipscomb
Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)
None

8 ADJOURN

a)
Motion to adjourn.

Motion: Sarah Brooks
Second: James Lipscomb
Vote: Unanimous

Frank Price
Chair

ATTEST:

Laura Gray
Clerk to the Board