



**The Town Of Clayton
Planning Board Minutes
Monday, May 23, 2016 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Frank Price, Chair (ETJ), Bob Ahlert, Vice Chair (TL) Sarah Brooks (TL), Marty Bizzell (ETJ), James Lipscomb (ETJ), George "Bucky" Coats (TL), Ronald Johnson (TL), Jim Lee (ETJ), Michael Grannis (Councilman), Bob Satterfield (Councilman).

STAFF PRESENT:

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

MEMBERS ABSENT:

Nathan Evans (ETJ)

1 CALL TO ORDER

- a)
Frank Price called the meeting to order.

2 ADJUSTMENT OF THE AGENDA

- a)
None.

3 APPROVAL OF MINUTES

- a) April 25, 2016 Planning Board Minutes

ACTION: Motion to Approve.

Motion: Bob Ahlert
Second: James Lipscomb
Vote: Unanimous

4 REPORTS AND COMMENTS

- a)
None.

5 OLD BUSINESS

- a)
None.

6 NEW BUSINESS

- a) **2016-55-RZ Umstead Subdivision - Rezoning**
NC PIN / Tag #: 164800-98-622, 165801-08-4742 / 05g02013, 05g02040a
The property is located at the end of Gregory Drive, off of Amelia Church Road; south of the Wynston subdivision.

Nathan Evans, the applicant and also a Board Member, was not present at the Planning Board meeting.

Jay McLeod, Town Planner, presented Umstead Subdivision Rezoning to the Planning Board. The applicant is requesting to rezone 19.8± acres from Residential-Estate (R-E) to Residential-10 (R-10), which allows 10,000 sq. ft. single family residential lots.

Mr. McLeod stated this piece of land is currently vacant woodlands. The land is currently in the Town's Extraterritorial Planning Jurisdiction (ETJ), but would need to annex in order to receive water and sewer services necessary to develop at the R-10 density.

The site is bordered by 8,000 sq.ft. single family residential lots to the north in a R-10 zoning district (the Wynston subdivision), and 40,000± sq. ft. single family lots to the south (along Coxwoods Road). The Wynston subdivision is served by public water and sewer, and the Coxwoods neighborhood is served by septic systems.

Mr. McLeod stated a conventional R-10 zoned subdivision would be an appropriate density transition between the two neighborhoods.

Staff recommended approval.

No questions for staff.

Jonathan Barnes with Dalton Engineering and Associates, 446 E. Main Street, came forth to answer any questions from the Planning Board.

No questions for Mr. Barnes and no comments from the public.

ACTION: Motion to Recommend Approval to Council.

Motion: Sarah Brooks
Second: Jim Lee
Vote: Unanimous

- b) **2016-54-SD Umstead Subdivision - Major Subdivision**
NC PIN / Tag #: 164800-98-622, 165801-08-4742 / 05g02013, 05g02040a
The property is located at the end of Gregory Drive, off of Amelia Church Road; south of the Wynston subdivision.

Jay McLeod, Town Planner, presented Umstead Subdivision to the Planning Board. The applicant is requesting to develop a conventional R-10 (pending successful rezoning) subdivision with 42 single family (SF) detached homes on 19.8± acres.

Mr. McLeod stated the piece of land is currently vacant. The land is currently in the Town's Extraterritorial Planning Jurisdiction (ETJ), but would need to annex in order to receive the water and sewer services that are necessary to develop at the 10,000 sq. ft. single family lot density.

Mr. McLeod noted the site is bordered by 8,000 sq. ft. single family residential lots to the north in an R-10 zoning district (the Wynston subdivision), and 40,000± SF lots to the south (along Coxwoods Road). Staff feels the proposed conventional R-10 zoned subdivision is an appropriate density transition between the two neighborhoods.

Mr. McLeod noted the applicant and staff feel comfortable not requiring a road to cross over the natural stream that runs through the site. The stream will be protected by the required 50' riparian buffer.

Three access points are proposed, with no interconnection between them. An extension of Gregory Drive will serve the majority of the site. An extension of Dayflower Drive will serve seven lots in the northwest (accessed through the Wynston subdivision). And a single lot (Lot 42) is proposed to have access from a paved stubout that connects to Coxwoods Road.

Some question currently exists regarding the ownership of Coxwoods Road, whether it is privately or state-owned. This has impacts on whether this road may be accessed by the applicant when developing this parcel. Staff contacted NCDOT on this matter and NCDOT did not have any additional information.

The applicant will provide sidewalks on both sides of each road, and will connect out to Amelia Church Road. Sidewalks will be along the connection to the adjacent Wynston subdivision, along the extension of Mayflower Drive.

The applicant will provide one street tree per lot, as required by Town of Clayton's Unified Development Code (UDC). The applicant is also proposing a Class "A" landscaping buffer along Amelia Church Road, which is consistent with UDC. Mr. McLeod noted this is a conventional subdivision, so the applicant is requesting to pay fee-in-lieu for recreation.

The applicant is requesting three waivers:

- 1) Waiver from the requirement for interconnectivity
- 2) Request to pay fee-in-lieu for recreation
- 3) Waiver from the maximum cul-de-sac length requirement.

Mr. McLeod noted staff has discussed the waiver of cul-de-sac length with the Fire Marshal. The Fire Marshal feels it is acceptable to waive the cul-de-sac

length due to the proposed positioning of the fire hydrants throughout the neighborhood.

Mr. McLeod stated the subdivision is compatible with surrounding land use, it is consistent with UDC and the applicant addressed the findings of fact.

The neighborhood meeting was held April 14, 2016.

Mr. McLeod stated staff recommends approval of waiver requests and approval of the major subdivision with conditions.

Bob Ahlert questioned why there is no recommendation to annex the property into Town Limits as a condition of approval.

Frank Price stated as a condition of approval an Application of Annexation will need to be filed with the Town.

Marty Bizzell asked for clarification on why there was no proposed cross access over the stream.

Mr. McLeod replied the applicant wanted to respect the riparian buffer. The Planning Department felt respecting the buffer would be a better gain than building a bridge over the stream. No cross access over the stream will result in three separate entrances into the subdivision.

Sarah Brooks clarified the 7 lots that would be accessed through the Wynston subdivision would have no access to the other part of the subdivision unless they entered off of Amelia Church Road. Ms. Brooks asked if the seven lots that are accessed through Wynston subdivision would have sidewalks.

Mr. McLeod responded the seven lots would have sidewalks and the lots will be accessed through the Wynston Subdivision. Lot 42 would access their site through Coxwoods Road.

Ms. Brooks asked if the seven lots would have their own mail kiosk.

Mr. McLeod replied yes, each section will have their own kiosk.

No further questions for staff.

Jonathan Barnes with Dalton Engineering and Associates, 446 E. Main Street, came forth to answer any questions.

Frank Price asked Mr. Barnes to explain Lot 42 access.

Adjacent land owners to the west side have approached Umstead LLC and expressed interest in purchasing the footage for Lot 42 but no negotiation has taken place at this time.

Marty Bizzell asked if the pump station would be maintained by the Town.

Mr. Barnes said to his understanding it will be a Town pump station.

No further questions for the applicant.

David Bullock, 2037 Coxwoods Lane, asked the Board to clarify what was being voted on.

Mr. Price responded the major subdivision with the added condition that the subject parcel be annexed into the Town's Limits and to recommend approval of waiver requests to Town Council.

Staff recommended the following conditions be applied to the approval of the preliminary subdivision plan:

1. 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.
2. All development fees shall be paid prior to final plat recordation.
3. 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.
4. All signs shall require review/approval pursuant to UDC Section 155.713.
5. A homeowners' 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.
6. The landscaping buffer along Amelia Church Road shall be installed prior to the issuance of any Certificate of Occupancy.
7. Any required perimeter landscape buffer shall be installed prior to the commencement of construction on adjacent lots.
8. Lot 42 (the lot accessed from Coxwoods Drive) shall not be allowed to be platted unless evidence is presented to the Planning Department showing that legal access can be made to the lot from Amelia Church Road, via Coxwoods Rd and the paved stubout that connects the lot to Coxwoods Rd.
9. Access and easement shall be provided to any permanent stormwater features, and provision shall be made for their maintenance.
10. Applicant must file an Application of Annexation with the Town.

Waivers:

10. The applicant is requesting a waiver from the requirement for interconnectivity §155.603(B)(2).
11. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.
12. The applicant is requesting a waiver from the maximum cul-de-sac

length requirement - §155.602(G)(1).

ACTION: Motion to Recommend Approval to Council with Conditions and Waivers.

Motion: Ronald Johnson

Second: Bob Ahlert

Vote: Unanimous

- c) 2016-68-SP Archer Lodge Verizon Tower - Major Site Plan
NC PIN / Tag #: 177000-33-4587 / 16I03019
The property is located off of Covered Bridge Road.

Jay McLeod, Town Planner, presented Archer Lodge Verizon Tower to the Planning Board. The applicant is requesting Major Site Plan approval to install a new 155' (with a 9' lightning rod for a total elevation of 164') monopole Verizon cell tower on the subject property.

The property owner will lease an 80'x80' (.1 acres) space on the subject property to Verizon which will be where the tower and equipment shelter are located. Most of this leased space will be fenced in, and landscaping will be provided to ensure proper screening. The site will be accessed via a new gravel access road off of an existing entrance off of Covered Bridge Road.

Mr. McLeod noted the Town used Cityscape as the consultant to review the new telecommunication tower. The Major Site Plan application is running concurrently with a Special Use Permit application for the tower. Both of these applications have been reviewed for the Town by Cityscape Consultants. Cityscape provided a recommendation to the Town based on their findings.

Mr. McLeod stated the cell tower consultant is present to give a brief presentation.

Susan Rabold, Cityscape Consultant, reviewed the application for Crown Castle International and Verizon Wireless.

Ms. Rabold noted the study showed the proposed tower justifies the need for a new tower in this location to meet Verizon's network coverage objectives.

As part of the requirements for new telecommunication facilities, the applicant was required to perform a balloon test for the proposed cell tower.

Ms. Rabold noted the applicant will only clear out 80x80 for their compound.

Ms. Rabold stated the applicant met all the requirements in the Ordinance.

Ms. Rabold stated she recommends approval with conditions.

Jay McLeod noted those conditions were recommended from Cityscape and

the Planning Department also added conditions for approval.

Michael Grannis asked the distance from the location of the tower to Covered Bridge Road.

Ms. Rabold estimated between 600-700 feet.

No further questions for the consultant.

Tony Stewart and Jason Mayo, agents for Crown Castle, came forth to give a brief presentation and to answer any questions.

George "Bucky" Coats asked how many carriers could a tower of that height have.

Mr. Stewart noted they would have no more than five carriers. Mr. Stewart stated with the merging of big cell carriers they only have four potential carries for the tower.

Mr. Mayo stated the tower is designed for six carriers and they could amend that to five carriers.

Mr. Lee asked about road access to the tower. He stated it appears to come off of a private drive and not a public drive.

Mr. Stewart noted that is correct. Mr. Stewart does not predict the road will become public. Once the tower is complete there will be about one car per month going down that road for monitoring purposes only.

No further questions for the applicant and no comments from the public.

If approved, staff recommended the following conditions be applied to the approval, based in part upon recommendations by Cityscape Consultants:

1. The applicant shall provide a satisfactory approval from the National Environment Policy Act and the State Historical Office; and,
2. The applicant or Crown Castle International, as owner shall submit a satisfactory statement of Compliance with FCC "Good Engineering Practices" and,
3. A tower with foundation plan for a one hundred fifty-five (155) foot monopole tower with a nine (9) foot attached lightning rod, certified by a North Carolina Professional Engineer stating the structure will meet or exceed EIA/TIA-222-G standards (as amended) to include the Town's desired number of antenna arrays of like design; and,
4. The applicant shall confirm that all feed lines, current and future, shall be installed inside the support structure; and,
5. The applicant shall ensure that the monopole structure will be maintained with all ports to remain sealed to prevent habitation by animals.

In addition to the conditions of approval recommended by Cityscape, staff recommended the following conditions:

6. Following Council approval, three final sets of plans shall be delivered to the Planning Department for final approval and recording. The Conditions of Approval for the Special Use Permit and Site Plan (which are identical) shall be recorded on these final plan sets, preferably on the cover page or site plan sheet.
7. The development of the site shall be limited to the approved site plan, and further modifications shall require application through the Planning Department.
8. The site plan shall show the required 10' landscape perimeter buffer around the entire perimeter of the leased area, per §155.310.
9. A successful landscape/site inspection shall be performed by the Planning Department prior to the issuance of a Certificate of Occupancy (or Compliance).
10. All mechanical equipment shall be screened entirely from view, per §155.402((G)(4)(a). This particularly applies to all ground-mounted mechanical equipment (generators, electrical boxes, etc.) within the fenced area. Year-round opaque visual screening is required, which may include dense, evergreen shrubbery.
11. The Special Use Permit shall only apply to the leased area on which the cell tower is to be located, as shown and stated in the site plan and attached lease agreement dated December 18, 2015, and as described in a legal description of the leased area. These area descriptions shall be recorded on the approved site plan.

ACTION: Motion to Approve with Conditions.

Motion: Sarah Brooks
Second: Bob Ahlert
Vote: Unanimous

- d) 2016-75-SUP Archer Lodge Verizon Tower - Special Use Permit
NC PIN / Tag #: 177000-33-4587 / 16103019
The property is located off of Covered Bridge Road.

The applicant is requesting Special Use Permit approval to install a new 155' monopole Verizon telecommunications tower on a 80'x80' leased portion of the subject parcel. Per the UDC requirements, any new telecommunications facility shall obtain Special Use Permit approval in order to be developed.

The Special Use Permit request was presented and considered with the Archer Lodge Verizon Tower Major Site Plan (2016-68-SP).

ACTION: Motion to Recommend Approval to Council with Conditions.

Motion: George "Bucky" Coats

Second: Ronald Johnson

Vote: Unanimous

e) 2016-100-RZ Old Town Hall - Rezoning

NC PIN / Tag #: 166917-02-7136 / 05015051

The property is at the western corner of East Second Street and Barbour Street.

Haley Hogg, Town Planner, presented Old Town Hall to the Planning Board.

The applicant, Town of Clayton, is requesting to rezone a Town-owned property from Office-Institutional (O-I) to Central Business (B-1).

Ms. Hogg stated the neighborhood meeting was held May 19th, 2016 and no one attended.

Ms. Hogg stated the property is home to the Old Town Hall and was recently declared as surplus property by Town Council. As it is currently zoned, the subject property does not meet the setback requirements stated in the Unified Development Code (UDC). Rezoning the property to the B-1 zoning category, which has no minimum setback requirements, would bring the site into compliance with the UDC.

Ms. Hogg stated a B-1 zoning would be more compatible with the physical dimensions of the site as it exists today. The rezoning request is compatible with surrounding uses, as it is located within Clayton's Downtown, and is bordered on three sides by B-1, and on the fourth side by Residential-6. A zoning of B-1 allows for many uses.

The proposed rezoning is consistent with the Comprehensive Plan 2040.

Ms. Hogg stated staff recommends approval.

Mr. Price asked if there had been discussion of potential buyers demolishing or restoring the existing building.

David DeYoung, Planning Director, responded the Town intends to put out a request for proposed uses. The Town will require the property to not be demolished and will have potential buyers give a time frame of when building/remodeling will be complete.

Mr. Lipscomb expressed concern with the restricted parking near the Old Town Hall.

Mr. DeYoung stated he anticipates modification to parking around the building.

No further questions for staff and no comments from the public.

ACTION: Motion to Recommend Approval to Council.

Motion: Sarah Brooks
Second: James Lipscomb
Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

David DeYoung, Planning Director, informed the Planning Board he would be reviewing applications for new board members in the near future. Councilman Bob Satterfield will be assisting in the process.

8 ADJOURN

a)

Motion to Adjourn.

Motion: George "Bucky" Coats
Second: Frank Price
Vote: Unanimous

Frank Price
Chair

ATTEST:

Laura Gray
Clerk to the Board