



**Town of Clayton
Planning Board Minutes
February 22, 2016 at 6:00PM
111 East Second Street**

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

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

MEMBERS ABSENT:

David Teem (Vice Chair)(TL), Nathan Evans (ETJ), Bob Satterfield (Councilman)

1 CALL TO ORDER

Frank Price called to order at 6:01 PM.

David DeYoung took roll.

2 ADJUSTMENT OF THE AGENDA

None

3 APPROVAL OF MINUTES

- a) July 27, 2015 Meeting Minutes
- September 28, 2015 Meeting Minutes
- October 26, 2015 Meeting Minutes
- November 30, 2015 Meeting Minutes
- January 25, 2016 Meeting Minutes

ACTION: Motion for Approval

Motion: Ronald Johnson
Second: Bob Ahlert
Vote: Unanimous

4 REPORTS AND COMMENTS

None

5 OLD BUSINESS

None

6 NEW BUSINESS

- a) **2015-82-SP Novo Nordisk Bright Sky - Major Site Plan (acting as a Master Plan)**
The applicant is requesting Major Site Plan approval (acting as a Master Plan) to develop a 900,000 square foot API production facility as an expansion to the existing Novo Nordisk Pharmaceuticals.

The northern properties are located along Powhatan Road with the Norfolk Railroad directly south. The southern properties are located along the Norfolk Railroad, with Gordon Road located to the south.

David DeYoung, Planning Director, presented Novo Nordisk to the Planning Board. Mr. DeYoung stated the applicant is requesting Major Site Plan approval (acting as a Master Plan) to develop a 900,000 square foot industrial production facility. This development will be an expansion of the existing Novo Nordisk Pharmaceutical development. The site will consist of various industrial buildings including offices, warehouses, storage, fermentation, recovery buildings, purification buildings, and associated parking. The development will also include a fire water tank, cooling towers, office space, and on-site wastewater treatment.

Mr. DeYoung stated the majority of the buildings will be developed during Phase 1. The remaining buildings will be a part of the Phase 2 development. Phase 1 is scheduled to start as soon as approval is granted. Phase 2 construction has not yet been scheduled. The construction for Phase 1 is anticipated to take ±5 years.

Mr. DeYoung stated the proposed maximum building height for the development is 90 feet, which exceeds the height permitted by the UDC. However, the applicant has submitted a Special Use Permit application to run concurrently with this plan, to obtain approval from Town Council to allow a maximum building height of 90'.

NCDOT recommended the applicant hire an outside company to conduct the Traffic Impact Analysis (TIA); the applicant hired Kimley-Horn. The recommended roadway improvements included in the TIA are to accommodate projected traffic that is associated with Phase 1 of the development. No additional improvements are recommended to be performed to accommodate the projected traffic included in Phase 2. As part of the recommendations, a traffic signal will be installed at the intersection of US 70 Business and Gordon Road. NCDOT will be adding a new turn lane at Powhatan and US 70 Business,

and will also be adding acceleration and deceleration lanes as necessary.

Mr. DeYoung stated due to the 5-year timeframe for construction, the applicant has opted to use Permanent Signs to designate construction entrances. Following construction, new sign permits will be required for normal, operational signage. The applicant is also working with NCDOT for directional signage that will be placed by NCDOT in their US 70 right-of-way.

There are two permanent access points proposed to connect into the site off of Powhatan Road. There is also a third access located off of Powhatan, but this will only be used as a temporary access for construction purposes. Additionally, there is also a proposed access located off of Gordon Road, connecting to the main site via an access road that will be installed by NCDOT. After normal operations begin, the majority of traffic on Powhatan Road will be daily employee traffic, and the majority of traffic on Gordon Road will be truck and shipping traffic.

The applicant is taking measures to contain all construction activity within the site, including fabrication of construction materials on site, which limits truck traffic on public roads. The applicant will provide buffering along the entire frontage road.

Mr. DeYoung stated staff recommends approval with conditions.

There were no questions for staff.

Mr. Price called on the applicant.

Gary Lohr, Project Manager for Novo Nordisk, presented Novo Nordisk Bright Sky to the Planning Board. Mr. Lohr stated Novo Nordisk is expecting to have over 700 employees by the year 2020. The applicant expects to be in full operation by the end of 2020 and no later than early 2021.

Mr. Lohr stated Novo Nordisk plans to manage and control the construction within the site. The goal is to keep all work and equipment internally. Novo Nordisk has included in the site plans a Temporary Construction Facilities Plan sheet detailing their maximum impact at peak construction activity. Mr. Lohr stated the company will attempt to minimize their impact on their neighbors through keeping as much construction activities on-site as possible.

This involves contractor's trailers, a cantina, on-site fabrication facility, batching concrete plant, and other construction supportive uses. Even the concrete used in the construction will be created on-site at the batching plant. This alone will keep hundreds of concrete trucks off of Powhatan Road. There is also a wash station planned for trucks before they leave the site, to keep construction dirt and debris off of the public road network. The goal is to keep all equipment and employees on site during the construction phase.

Mr. Coats asked about potential for fire, combustion or explosive materials.

Mr. Lohr responded ethanol is the material on site with the most concern. Novo Nordisk is working with the Town of Clayton and Johnston County on an ethanol emergency response.

Mr. Ahlert asked what road would deliveries be using to enter the facility. Mr. Lohr responded during production the deliveries would come in off of Gordon Road. The goal is to maintain separate employee and delivery traffic.

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

If approved, staff recommends the following additional conditions be applied to the approval of the Major Site Plan (acting as a Master Plan):

1. Following Board approvals, three copies of the Master Plan, meeting the requirements of the Conditions of Approval, shall be submitted to the Planning Department for final approval.
2. The Master Plan shall record the Conditions of Approval on it, as well as any related Conditions of Approval from associated Special Use Permits or Temporary Use Permits.
3. The development of the site is limited to the uses approved by the Town Council. Modifications to the approved Master Plan shall require review and approval in accordance with Section 155.705 of the Unified Development Code.
4. The Master Plan establishes the bulk, area, and dimensional standards for the overall development, and all subsequent specific development approvals of the buildings or phases shall be reviewed by staff as Minor Site Plans, unless they are deemed "substantial deviations" (per §155.707). These Minor Site Plan reviews shall not require review and approval by the Planning Board so long as they meet the requirements of the Unified Development Code. If there is uncertainty, the Planning Director may choose to require Major Site Plan review by the Planning Board for any particular building or phase of construction.
5. The maximum building height of 90 feet is contingent upon and subject to the Conditions of Approval of Special Use Permit 2016-20-SUP.
6. All off-site roadway improvements recommended by the Traffic Study, NCDOT Congestion Management, and the Town shall be installed or bonded prior to the issuance of a Certificate of Occupancy for the for the portion of the development that generates the roadway improvement.
7. At such time as it may be desirable to pursue Phase 2 development, the applicant shall submit an updated Traffic Impact Analysis and accommodate roadway improvements at the time that those improvements are warranted by the updated TIA.

8. A Temporary Use Permit for the entirety of construction activities up to and including those shown on the Temporary Construction Facilities Plan sheet shall be obtained via separate approval from the Planning Director.

9. The concrete/asphalt batching plant shall only be used for on-site construction activities, and shall require a separate Temporary Use Permit, issued by the Planning Director.

10. Any off-premises signage shall be coordinated and implemented by NCDOT in their right-of-way.

ACTION: Motion for Recommendation with Conditions 2015-82-SP

Motion: Bob Ahlert
Second: Ronald Johnson
Vote: Unanimous

- b) **2016-20-SUP Novo Nordisk Bright Sky Building - Special Use Permit**
The applicant is requesting a Special Use Permit to allow a maximum building height for the associated Master Plan to be 90 feet, which exceeds the limit permitted in the UDC.

The northern properties are located along Powhatan Road with the Norfolk Railroad directly south. The southern properties are located along the Norfolk Railroad, with Gordon Road located to the south.

This item was considered and voted on at the same time as 2015-82-SP Novo Nordisk Bright Sky - Major Site Plan (acting as a Master Plan)

ACTION: Motion for Recommendation with Conditions 2016-20-SUP

Motion: Bob Ahlert
Second: Ronald Johnson
Vote: Unanimous

- c) **2016-06-SP Clayton Substation - Major Site Plan**
Request to develop the subject parcel for a new electrical substation for the Town of Clayton.

This property is addressed at 1200 N O'Neil Street, but is physically located east of the approved Ashcroft subdivision, west of the Sam's Branch greenway, south of the Neuse River.

David DeYoung, Planning Director, presented Clayton Substation to the Planning Board. Mr. DeYoung stated the Town of Clayton Electric Department is requesting to develop a portion of the subject property as a new electrical substation to serve the Town. Running concurrently with this request, the Town has also submitted a Rezoning application to rezone the subject property from R-E to PF in order to provide consistency between the zoning district and use of the property. Additionally, the Town is also in the process of annexing the westernmost portion of the property which is currently not located within

the Town Limits. The property in question houses several public facilities, including the shooting range, wastewater pump facility, Sam's Branch greenway, and the Clayton Riverwalk-on-the-Neuse greenway. The majority of the parcel is undeveloped.

Mr. DeYoung noted the Town of Clayton will be providing landscaping around the entire substation site to provide visual screening, including landscaping on the south side of the power line easement. Chain link fence will also enclose the equipment, and it will also be screened by the landscaping.

Mr. DeYoung stated staff recommends approval with conditions.

No questions for staff.

Mr. Price called on Dale Medlin.

Dale Medlin, Town of Clayton Electric Systems Director, came forth to answers any questions.

Mr. Coats asked what road would the site be accessible from. Mr. Medlin stated the site will be accessed from O'Neil Street.

Mr. Lipscomb asked, in addition to the fence, when would the landscape be added as a buffer to the site. Mr. DeYoung stated as the fence goes up the landscape will be installed.

Mr. Lee expressed concerns about service trucks going through neighborhoods and the trucks tracking gravel and dirt onto those neighborhood roads. Mr. Lee felt the gravel road would need a paved stretch to keep surrounding neighborhoods clean. Mr. DeYoung responded that is something the department will consider and reminded the Planning Board there will be limited traffic on the gravel road.

Mr. Lipscomb asked when would construction begin. Mr. Medlin responded the bids will be out by May of 2016. The funding should be in by July of 2016 and hopefully construction will be complete by mid 2017.

No further questions and no comments from the public.

If approved, staff recommends the following additional conditions be applied to the approval of the Major Site Plan for Clayton Northside 230KV Substation Major Site Plan:

1. Following board approvals, three copies of the Final Site Plan, Landscape Plan, and Architectural Elevations 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 final approved site plan.
2. The development of the site is limited to the site design and uses approved

by the Planning Board. Modification to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.

3. A site/landscape inspection by the Planning Department shall be required prior to issuance of a certificate of occupancy. All site improvements shall be installed prior to the site inspection.

4. A Zoning Compliance Permit shall be required prior to issuance of any building permits.

ACTION: Motion for Approval with Conditions 2016-06-SP

Motion: Sarah Brooks
Second: George Coats
Vote: Unanimous

d) **2015-84-RZ Clayton Substation- Rezoning**

Request to rezone the subject parcel from Residential-Estate (R-E) to Public Facilities (PF).

This property is addressed at 1200 N O'Neil Street, but is physically located east of the approved Ashcroft subdivision, west of the Sam's Branch greenway, south of the Neuse River.

This item was considered and voted on at the same time as 2016-06-SP Clayton Substation - Major Site Plan.

ACTION: Motion for Recommendation

Motion: Marty Bizzell
Second: James Lipscomb
Vote: Unanimous

e) **2016-24-RZ Cameron Way - Rezoning**

Request to rezone the subject parcels from Highway Business-Special Use District (B-3-SUD) to Highway Business (B-3).

The parcels are located east of Shotwell Road, along Cameron Way, Enterprise Drive, and Mechanical Drive.

Jay McLeod, Town Planner, presented Cameron Way to the Planning Board. Mr. McLeod stated the applicant is requesting to rezone the subject parcels from B-3 (SUD) to B-3, in order to remove the Special Use District designation from the properties. Special Use Districts require all potential uses to go through the special use process in order to operate, regardless of what the base zoning district permits. The applicant is looking to remove this extra step from these properties by removing the Special Use designation. The base zoning district of B-3 will remain.

Mr. McLeod noted the proposed zoning change is compatible with the surrounding land uses, which are all commercial uses or vacant/agriculture.

Mr. McLeod stated staff recommends approval of the rezoning and the applicant is in the audience.

Mr. Price called on the applicant.

Greg Nelson, Corporate Developers LLC, came forwarded. Mr. Nelson said the neighborhood meeting was held and no one showed. Mr. Nelson stated he received one phone call about the rezoning from an adjacent property owner; it was simply to ask questions and the caller had no opposition.

No questions for the applicant and no comments from the audience.

ACTION: Motion for Recommendation

Motion: Bob Ahlert

Second: James Lipscomb

Vote: Unanimous

- f) **2016-13-RZ 3900 Powhatan Road - Rezoning**
Request to rezone the subject parcel from B-3 and R-E to I-1.

The parcel is located at 3900 Powhatan Road.

Jim Lee recused himself.

Jay McLeod, Town Planner, stated the Town of Clayton is requesting to rezone the subject parcel, at the request of the owner, Jim Lee. The rezoning is needed to correct a clerical error made when the parcel was brought into the Town of Clayton's ETJ. Currently, the parcel has split zoning of Highway-Business (B-3) and Residential-Estate (R-E). The Town is requesting to rezone the parcel to Industrial-Light (I-1) in order to fix the split zoning, and to rezone the parcel to a zoning district that is compatible with the existing use as well as surrounding properties. Correspondence with the Johnston County Planning Director, Berry Gray, confirms that the zoning prior to inclusion in Clayton's ETJ was Light Industrial.

Mr. McLeod stated the proposed zoning change of the parcel from B-3 and R-E to I-1 is compatible with surrounding existing land uses, which are primarily industrial.

No questions for staff.

Jim Lee, the applicant, had no comments.

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

ACTION: Motion for Recommendation

Motion: Sarah Brooks

Second: Marty Bizzell

Vote: Unanimous

g) **2016-41-OA UDC Glitch Bill 2016**

Request to make minor amendments to the text of the Unified Development Code, Title XV, §155.

Jim Lee returned.

Jay McLeod, Town Planner, presented the Glitch Bill to the Planning Board. Mr. McLeod stated these amendments seek to either update the Code based on recent state legislative changes, correct typos, text, or references, relocate text to more appropriate sections, and/or otherwise make minor changes to the Code to clarify language, intent, or definitions. The proposed changes are generally minor in scope, which is why it is referred to as a "glitch bill".

Mr. McLeod noted the only major modification to Code in this Ordinance Amendment is the change in Major Subdivision (Preliminary Plat) review in §155.706 from a quasi-judicial process to a legislative process. Using a legislative process for preliminary plats is common in many jurisdictions and removes the burden of evidentiary testimony from applicants. It also removes the ability of Council to place enforceable Conditions of Approval on these subdivisions.

The following sections of Title XV, Chapter 155 and their general description are proposed for amendment:

109(D) – Transitional Provisions
200(A) – General Use Districts
200(C) – Overlay Districts
201 – Measurements and Exceptions
202(B) – Use Regulations, Table 2-1
204(B) – Water Protection Overlay [standards]
301 through 307 – Residential Use Standards
402 – Landscaping, Screening, and Buffering
602(I) – Subdivision Standards, Streets
704 – Rezoning
705 – Planned Development Review
706 – Subdivision Review
719 – Nonconformities
801 through 802 – Abbreviations and Defined Terms

ACTION: Motion for Recommendation

Motion: Bob Ahlert

Second: Sarah Brooks
Vote: Unanimous

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

Mr. Lipscomb expressed concern about the strict requirements on sidewalks in subdivisions. Mr. DeYoung stated the sidewalk discussion will be addressed in the future when Articles V and VI are looked at in greater detail.

Mr. Lipscomb stated he would like to see sidewalks connected throughout the Town and asked if the fee-in-lieu from subdivisions went toward sidewalk projects in the Town. Mr. DeYoung stated the money from fees do go in a general fund account. There are plans for neighborhood improvements and sidewalk improvements are a part of that plan.

No comments from the public.

8 ADJOURN

George Coats made a motion to adjourn. Frank Price seconded the motion and it passed unanimously at 7:21pm.

X _____
Frank Price
Planning Board Chairman

Attest:

X _____
Laura Gray
Clerk to Planning Board