



**Town of Clayton
Planning Board Minutes
Tuesday, November 19, 2024 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street**

Board Members Present:

Kevin Lee
Derrick Applewhite
Jodie Dupree
Daniel Gleason
Mike Surasky
Anita Bland
Jeffrey R. Spence

Staff Present:

Andria Archer, Council Member Liaison
Conrad Olmedo, Planning Director
Heidi Holland, Town Clerk

Board Members Absent:

James Moore
Ronald Williams
James Lipscomb

1 CALL TO ORDER

- a) Vice-Chair Dupree called the meeting to order at 6:01 p.m. Mr. Olmedo provided the roll call. A quorum was met.

2 ADJUSTMENT OF THE AGENDA

- a) No adjustments were made to the agenda.

3 APPROVAL OF MINUTES

4 PUBLIC MEETING

- a) UDOTA 3-24 (Unified Development Ordinance Text Amendments)
Presenters: Conrad Olmedo, Planning Director and Chad Meadows, CodeWright Planners

Mr. Olmedo stated Mr. Meadows had a conflict this evening and was unable to attend tonight. He created a presentation that Mr. Olmedo presented.

This is the third round of UDO text amendments. This amendment consisted of 65 changes organized into 11 groups and included a final update that is

responsive to some of the public comments provided last fall as well as some comments provided by developers regarding steep slopes.

1. Resource Conservation Area. The first change is an applicant requested amendment. The suggestion was there be a 2:1 ratio for the square footage but staff thought it should be a 3' sq. ft. There are some conversions to remain undisturbed and are not credited towards open space set-aside. That language was brought in from the UDC; it was a requirement of having steep slopes conserved. This was an attempt to have this further articulated in the UDO.

2. Open Space Set Aside. This has established some consistency where created was a percentage of set aside open space area in districts to be consistent.

3. Tree Protection Area. It was decided to reposition where tree protection is going to be in the UDO to help it to be easier to administer and to help clarify some prohibitions of invasive species. This was more of a staff-initiated change.

4. Use Standards (Principal). Medium manufacturing was listed as a use but did not have use specific standards. In the UDO, there are use standards for all different uses, so action has been taken to be proactive with regards to manufacturing uses. There is manufacturing heavy, and light and they have articulated some of the manufacturing medium. This is a result of discussion staff has had dealing with industrial types of buildings and processes. Staff wanted to make sure the UDO captured some of the most recent results from conversations.

4b. Use Standards (Secondary). Mr. Olmedo stated some examples of secondary uses are detached sheds and garages. Staff have added a secondary use of refuse or recycling containers. He stated during site plan reviews staff often receive questions such as where do you put the garbage disposal. Changes have been made for clarifications on setbacks for some uses. He stated he would like to bring to the board's attention the zoning compliance permit, the changes help further explain what secondary uses are not required to have a zoning compliance permit.

Another change is on home occupations. There are two levels, level one which would require a zoning compliance permit and level two was changed from being a special use permit, which would go to the Board of Adjustment, to be a conditional zoning residential and that would go to Council.

Board Member Surasky asked about the added secondary uses, he asked if the refuse or recycling container is a new use? Mr. Olmedo stated that is a new secondary use. Board Member Surasky asked if a definition of that was provided, Mr. Olmedo stated there is not a definition of that in the definition table, but he would make sure there's a note that we might be able to add that in as a

consideration for Council. He stated the idea is that it would be something for multi-family developments or commercial projects. Board Member Surasky stated he wanted to make sure it's defined that it is not for single-family residential.

4c. Use Standards (Temporary). These uses are not meant to be in place permanently. He stated an example would be with clarification with regards to temporary offices, language has been added to clarify construction trailer verses if someone had a modular home they want to convert into a single-family home, staff wanted clarification regarding these types of temporary uses not listed in the code.

Another staff-initiated change made, especially with considering the recent hurricane damage, was temporary wireless facilities. Having the opportunity to be able to enable an emergency cellular service type of use across all zoning districts with an opportunity for up to 2 years for separate 6-month approvals, so this would allow a cell phone carrier to come in and set up an emergency related temporary cell service. Board Member Surasky stated this might need a definition because on one of them it says, "temporary office must be removed within 30 days after the issuance of a CO" and the other one says "construction office must be removed prior to a CO". He asked if there was a distinction between a temporary office and a construction office? Mr. Olmedo stated the temporary office has the different distinctions of real estate office, model home sales office, construction trailer office, that are all under the umbrella of a temporary office. Board Member Surasky stated he wants to make sure citizens read that correctly because someone could read one and not the other and think they have 30 days after getting a CO but if it's a construction office, they don't. He suggested on table 4.64, separate real estate office and construction office that way the real estate office could be 30 days after CO and the construction office could be unless the intent of this was for the construction office to also be removed 30 days after the CO, which he thinks is fairer than moving it prior to a CO. He suggested removing the 2c. under construction office or use 30 days as it says in 4.64. Mr. Olmedo stated from an administrative point, he thinks it would be a code violation if a CO was issued and for example if someone had a construction office on their site for another 45 days, the way it's worded in the proposed amendment would be for the mobile construction office, they would want to make sure the site's cleared and there are not any concerns. He stated that's why this language is here for the CO issuance. Regarding the real estate office, it says 30 days after all units are sold or leased. He stated there could be a CO on the model home where it would not be issued until the office is gone. He stated he thinks that's why this language is in here but he would double check that the language is correct with regards to allowing someone enough time to remove a temporary office from a construction site.

Board Member Surasky stated 2c. under Construction Office would be an issue if someone used any construction office on any single-family home development

because the language reads it must be removed before any CO is issued on the entire development. The developer would still want a construction office if there were still units out there. Board Member Dupree stated he assumed there would be an understanding if you were about to get a CO, if you aren't certain, you won't get one, you move your construction office and problems are found, you now have to put an office back to do construction again. Mr. Olmedo stated that is an interesting point, he said when staff goes to do a CO inspection, it's usually landscaping. Board Member Dupree stated he would not think someone would leave with no knowledge of it passed and everything is good to go, they remove their office only to find out they are not good to go. He stated it would make him nervous to remove his construction office until he knew there was nothing else needed to be done before he got a CO.

Board Member Bland stated it has been her experience that construction offices are typically used in multi-family large developments and usually the people in the construction office are the ones developing the property. When they pull their trailer, they are going to their next site, but they do not go until it's complete. She stated her thought is there is a little bit of grace there to allow time to pack and get their site ready for the trailer. Mr. Olmedo stated maybe it should state they should be removed a certain number of days after a CO is issued.

5. Refuse/Recycling Containers. Mr. Olmedo shared some specific standards staff would be implementing. This language was made so if there is a trash enclosure next to a front façade, it doesn't compromise the non-residential design standards. Board Member Applewhite asked the language stating, "not allowed between a building and a street", if it's a non-residential or commercial building with a parking lot in the front but the building rear is to 70, would that still permit them to have trash or recycling in-between 70 and their building; would the rear side be the appropriate place for this? Mr. Olmedo stated this would require them to be on the side or behind the building. If you were facing 70, you would not be allowed to put your trash enclosure on 70. Board Member Applewhite stated if the rear of the building was facing the street and the front is facing the parking lot, would this prohibit them from putting the trash in the rear of the building if it's along the street side. Mr. Olmedo stated yes, if the back of the building is facing 70, the trash enclosure wouldn't be able to be placed in between the building and 70; it would have to be put towards the front of the area where the parking area would be.

6. Right-of-Way-Related. Changes include curb and gutter would be required on private streets in accordance with Town policy, may use rolled/valley curbing on residential streets at the Engineering Director's discretion, driveway access on major roadways may be limited unless authorized by NCDOT, and alternative access driveway to maximize number of lots served from 5 to 4.

7. Parking-Related. Some clarification regarding the measurement for parking. The gross square foot of all principal buildings and secondary buildings is that

note number two permits driveway parking for townhouse development with rear-loaded driveways (otherwise limited if more than 6 units in townhouse development).

8. Signage. For signage, updated include, there is a sessions law update regarding non-conforming signs, the height of clearance was reduced from 9' to 8' for a projecting sign that projects into the right-of-way, clarifies sidewalk signs permitted in public street ROW, and internal illumination requires a building permit.

9. Various Standards. Mr. Olmedo shared some changes in the various standards. Lot sizes have been made consistent with the lot sizes of duplex, triplex, and quadplex and the RMF zone district, clarification of cessation versus abandonment in nonconformities, and language about stormwater. Share were new definitions with regards to development entry point master plan and plat certificates.

10. Procedures. Mr. Olmedo stated this is something he wanted to include where persons of the public could submit their own text amendments for the Town to consider. These would be considered twice a year.

Board Member Applewhite asked about landowner, he asked if that included developers that are attempting to do projects in Clayton as well? Mr. Olmedo stated it could, if they had the landowner or resident to support. Board Member asked what the process is for the public to submit a text amendment. Mr. Olmedo stated staff would guide a citizen first with conversation about the language they would like to include and help guide them. They would act as an applicant to the Planning Board with their list of recommendations. Board Member Applewhite asked if there was a fee, Mr. Olmedo stated he would have to look at the comprehensive list of fees but there is an application type in the UDO, and they are creating something for future processes. He stated if there is not a fee, there should be a fee.

Mr. Olmedo stated other procedural changes regarding zoning compliance permit, changes in utilities have been clarified. A technical error was brought up at the last meeting regarding conventional rezonings that a TIA is not required as part of a conventional rezoning request. He stated that an application would be considered abandoned if six months passed between a Town's correspondence and an applicant's response.

Board Member Surasky stated on the must provide access easement, it should be "from an adjacent or nearest public street". Mr. Olmedo stated he would make sure that clarification comes in for some context this would be a storm measure that's on a site, you want to make sure the Town could go in there, access that storm control measure and provide any necessary maintenance.

Board Member Surasky asked if there was a time limit that TIA's can be used, Mr. Olmedo stated not that he knows of. Board Member Surasky suggested having a time limit of three years or say when the development or site plan expires. Mr. Olmedo stated he would double check our UDO, and we could consider that.

11. Agricultural Exemptions. Chad Meadows took a proactive approach with regards to Bonafide Farms. The Agricultural and Bonafide farmland outside the corporate limit has been classified as exempt and exempted.

He stated the next steps are to present this to Council at their December 2, 2024 work session with proposed adoption at Council's regular meeting on December 16, 2024.

Board Member Gleason asked if these changes would go into effect to anyone applying after January 1, 2025; Mr. Olmedo stated they would go into effect the date of adoption. Board Member Gleason asked if the curb and gutter requirement for private developers in the UDO before? Mr. Olmedo stated there was a clarification for private streets, he stated he would double check that. Board Member Surasky stated it was a clarification because what was in the UDO before was private streets need to be built to public street standards, but it was adding in a specification for curb and gutter as well.

Board Member Applewhite stated on the Resource Conservation Area, what's the justification for not including the resource conservation areas in the open space calculation? Mr. Olmedo stated staff felt like they wanted to make sure they had quality open space. Board Member Applewhite stated for the resource conservation areas, is that the steep slopes and wetlands, riparian buffer areas, those would not be included in the open space so there would need to be over and beyond active or open space and developments? Mr. Olmedo stated that is correct.

Board Member Bland made a motion to adopt this item. Board Member Surasky seconded but wanted to clarify that the spoken additions tonight would be included. Mr. Olmedo stated he would like to have tonight's comments presented to Council at the work session for their consideration.

Motion To Adopt With Option 1 of the Consistency Statement

RESULT:	CARRIED 6-0
MOVER:	Anita Bland
SECONDER:	Mike Surasky
YES:	Kevin Lee, Derrick Applewhite, Jodie Dupree, Daniel Gleason, Mike Surasky, and Anita Bland
NO:	None
ABSENT:	James Moore, Ronald Williams, and James Lipscomb

5 NEW BUSINESS

- a) 2025 Planning Board Meeting Schedule - Minor Revision
Presenter: Conrad Olmedo, Planning Director

Minor revisions were made from the previously adopted calendar.

Approval of the 2025 Planning Meeting Schedule

RESULT:	CARRIED 6-0
MOVER:	Derrick Applewhite
SECONDER:	Daniel Gleason
YES:	Kevin Lee, Derrick Applewhite, Jodie Dupree, Daniel Gleason, Mike Surasky, and Anita Bland
NO:	None
ABSENT:	James Moore, Ronald Williams, and James Lipscomb

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

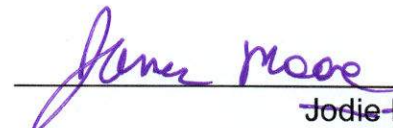
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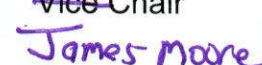
- a) With nothing further, the meeting was adjourned at 6:40 p.m.

Adjourn

RESULT:	CARRIED 6-0
MOVER:	Anita Bland
SECONDER:	Derrick Applewhite
YES:	Kevin Lee, Derrick Applewhite, Jodie Dupree, Daniel Gleason, Mike Surasky, and Anita Bland
NO:	None
ABSENT:	James Moore, Ronald Williams, and James Lipscomb

Duly adopted this the 17th day of December 2024.



Jodie Dupree
Vice-Chair


ATTEST:


Heidi L. Holland, CMC, NCCMC
Town Clerk

