



**Town of Clayton
Planning Board Minutes
Monday, August 28, 2023 at 6:00 PM
Town Council Chambers**

Board Members Present:

James Moore
Stephen Powers
Jodie Dupree
James Lipscomb
Ronald Williams

Board Members Absent:

Lisa Begley
Jeffery Spence
Kevin Lee
Derrick Applewhite

Staff Present:

Jonathan Jacobs, Interim Planning Director/Assistant
Engineering Director
Bruce Venable, Planner I
Love Ott, Land Development Specialist

1 CALL TO ORDER

Chair Moore called the meeting to order at 6:12pm.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

Motion: Board Member Dupree

Second: Board Member Powers

Result: Approved, Unanimous

4 PUBLIC HEARINGS

- a) 2023-111-RZ Project Life Dust Rezoning
Presenter: Bruce Venable, Planner I

Rezone from Residential Estate (R-E) to Industrial Light (I-1)

Property Size: 68.836 acres

Existing Use: Vacant

Location: Ranch Rd and Little Creek Church Rd, Tax ID # 05H04046H

Encouraged Uses Include:

- Industrial
- Warehouse
- Office
- Research and Development
- Tech-Flex
- Hospital
- Renewable Energy
- Recycling
- Fabrication
- Assemble
- Technology

Planning Staff recommends approval.

Public Comments:

Allen Twoe, resident of Clayton

Mr. Twoe asked for a copy of the life dust contract entered into the record.

Spot Zoning and Contract Zoning is a concern for Mr. Twoe.

Patrick Peirce, Town of Clayton Economic Development Director stated that the Economic Development documentation is available to the public, however, unaware if it needs to be put on record for this meeting.

Mr. Twoe stated that the property was originally purchased from Deborah Massey and the property was sold for 1.2 million by the conservation fund to facilitate a park it was sold to the town later, within the same year.

Board Member Powers stated that the town acquired it from the town with the stipulation that it would be turned into a park in 2014. However, does not know what the legal constraints are when the town bought the land.

April Williams, 6062 Little Creek Church Rd.

Mrs. Williams has a concern with spot zoning.

Entered a packet of neighbor responses to the rezoning and evidence as to why this land should not be rezoned also included in the packet is a draft copy of the future use states that the parks and recreation still notate the property as being a park.

Mrs. Williams stated that the industrial zoning request is not consistent with the town's original comprehensive plan for the area. The town had intended the property to be developed into a park.

Mrs. Williams stated that if the property was to turn into industrial there would be requirements to promote preservation of environmentally sensitive areas including the 100-year floodplain. Preserving in perpetuity unique and sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitats. Budding the property goes into Swift Creek downstream from Swift Creek there are endangered dwarf muscles. The runoff is already causing issues for the muscles downstream.

Mrs. Williams stated that there is no public electricity nor public sewage in order for the property to be rezoned those two services are supposed to be there.

Michael Williams, 6062 Little Creek Church Rd.

Mr. Williams states that a park would better serve the community. The sewage smell is a huge concern for Mr. Williams as well as the air pollution.

Marilyn Pounds-Wall 6026 Little Creek Church Rd.

Ms. Pounds-Wall stated that the Town of Clayton surveyed her land and set up stakes, however there was no notice.

Ms. Pounds-Wall contacted Mr. Pope and he stated that the town is putting an electrical right of way across the front of her property and an electrical pole would be installed in the middle of her property.

Applicant Comments:

Patrick Peirce, Town of Clayton Economic Development Director

Mr. Peirce stated that the property was originally envisioned as parkland, but when originally purchased it did not have any deed restrictions on it. When the town originally purchased the land, it was going to be baseball fields which would require significant cutting of the land due to the topography. Additional conversations it would not be a cost-effective place to put a park on that property.

Mr. Peirce stated that Johnston County was listed as number one in the triangle region for net absorption of light industrial land; when it is built people will take it. This project was part of the comprehensive plan update in December 2021, which went before Council and was passed and is consistent. This project will also have to go through the same permitting processes in terms of environmental regulations.

Board Member Dupree asked if the town ended up denying it what would be the plan for the property?

Mr. Peirce stated that it would have to go back to the board in a different direction in terms of the employment center designation because this project is consistent with the rest of the area.

Board Member Dupree asked if it was originally sold to be a park, and did not deed restrict it would give other residents ideas to do something similar?

Mr. Peirce in the sense that they would deed restrict. The town purchased the property with the intent of turning it into a park, however further analysis the decision was made that the property would be better served for other purposes, it was not a cost-effective piece of land.

Board Member Powers stated it only became an employment center two years ago, however parks are not completely restricted to ball fields.

Mr. Peirce stated that during the comprehensive plan process there was an extensive outreach period and public comment period as well as consideration by the board and Town Council.

Chair Moore stated that the town has not done a smart job in terms of economic development. A town cannot grow if the residents do not have an outlet such as a park.

Motion to Deny: Board Member Lipscomb

Second: Board Member Williams

Result: Denial, Unanimous

- b) 2022-125-CZM Summer Glen Conditional Zoning with Master Plan
Presenter: Bruce Venable, Planner I

Rezoning from Residential Estate (R-E) to Conditional Zoning-Residential District

Up to 139 detached single-family homes

Density: 2.60 units an acre

Property Size: 53.06 acres

Location: Intersection of Glen Laurel Rd. and Vinson Rd.

Water/Sewer/Electric Provider: Town of Clayton

Traffic Generation:

- 1,370 daily trips
- 101 AM peak trips
- 135 PM peak trips

The proposed density meets the envisioned 2045 Growth Plan and is consistent with Growth Plan. The proposed project improves the balance of uses and meets specific demands in the town.

There would be no adverse effect on adjoining property owners and no one property owner/small group will benefit to the detriment of the general public.

Applicant Comments:

Andrew Stocks, 801 E. Washington, Nashville NC with Stocks Engineering

The proposed project would have to be annexed into the town.

Neighborhood meeting held on June 7, 2022.

Board Member Lipscomb asked if there would be steep slopes?

Mr. Stocks stated there will be some steep slopes, however, it is not required to show at this stage and does not think it will reduce the lot count.

Chair Moore asked about the setbacks, on graph the setback was 20 ft. and on another graph the setback was 21.5 ft., what would be correct setbacks?

Mr. Stocks stated that the Master Plan is 21.5 feet as the front setback from the right of way.

Chair Moore asked if there would be sidewalks on both sides of the subdivision?

Mr. Stocks stated there would be sidewalks on both sides.

Chair Moore asked how far would the sidewalk be from the right of way?

Mr. Stocks stated that the back of the sidewalk would be three and a half feet or four feet from the right of way so the three and a half plus the 21.5 ft. would be 25 feet from the back of the sidewalk to the garage.

Public Comments:

Stan Jones, Vinson Rd. adjacent to the proposed subdivision

Mr. Jones asked whether the North Carolina Department of Transportation has determined to put a stoplight in the intersection of Glen Laurel and Vinson Road?

Mr. Stocks stated that the development's traffic consultant has stated that there is a proposed traffic light there that would be provided by NCDOT. It is not a requirement for the project, but it is planned on being installed.

Paula Sanders, 5575 Wildlife Parkway

Ms. Sanders asked if the Vinson Rd. will be widened?

Mr. Stokes stated yes, and no property would be taken.

Motion: Board Member Dupree
Second: Board Member Powers
Result: Approved, Unanimous

5 NEW BUSINESS

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 ADJOURN

Motion: Board Member Lipscomb
Second: Board Member Williams

Chair Moore adjourned the meeting at 7:50pm.