



**Town of Clayton
Planning Board Minutes
Monday, September 26, 2022 at 6:00 PM
Town Council Chambers**

Board Members Present:

Stephen Powers
Ethan Bennett
James Lipscomb
Jeffery Spence
Ronald Williams
Jodie Dupree
James Moore
Marty Bizzell
Rebecca Berry
Jim Perricone

Board Members Absent:

Lisa Begley
Thomas Antoine
Kevin Lee

Staff Present:

Aaron Prichard, Planner II
Bruce Venable, Trainee Planner
Dede Bumgarner, Development Services
Manager/Zoning Administrator
Love Ott, Land Development Specialist

1 CALL TO ORDER

Chairman Moore called the meeting to order at 6:00pm

2 PLEDGE OF ALLEGIANCE

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

July 22, 2022 Minutes

Motion: Board Member Powers

Second: Board Member Williams

Result: Approved Unanimous

September 12, 2022 Minutes

Board Member Berry made an adjustment to the minutes stating it should be "Ms. Berry asked who" on pg. 8.

Motion: Board Member Dupree

Second: Board Member Williams

Result: Approved Unanimous with the adjustment

5 CODIFY CLAYTON: UDC STEERING COMMITTEE MEETING #5

a) Annotated Outline Discussion

Presenter: Chad Meadows of CodeWright, LLC

Chad Meadows provided the Committee with an updated schedule, stating that there will be a 2nd Public Forum on September 28th from 11-1:30 and from 3-7. Staff and the consultant will also be meeting with representatives from the development community that day. The draft Annotated Outline will then be presented to Town Council during their work session on October 3rd.

Board Member Berry: submitted all questions in advance. Asked 3.2.11 Does it mean that high density zones are places only near shopping, employment, and recreational uses?

Chad Meadows stated not anticipated it will affect the future land use map. Does not know where those applicants will file.

Board Member Bizzell: asked about conditional zoning districts: are there 3 new districts - mixed use, commercial and downtown?

Chad Meadows stated hoping to establish three new sections with conditional zoning such as limited, limited standards allow applicants to voluntarily choose to include additional standards with their conditional zoning application, and master plan applicants can request reduction of standards or additional standards however the applicant must prove high quality of development. This is in hopes to increase higher quality of standards. The five conditional uses are listed this way it will create a larger range of options for applicants.

Chairman Moore: temporary uses have a specific time limit and seasonal sales?

Chad Meadows stated that every use will have the maximum duration of every temporary use. Seasonal sales will be an accessory use under the primary use the things that are sold at these accessory uses that is normal to the primary use do not have time limits.

Board Member Bennett: Chapter 4.2 religious institutions and schools are not being allowed in residential areas and it can be seen as a conflict of interest?

Chad Meadows stated the federal govt passed an act that was focused on local govt did not impinge on people's religion. Schools and churches need to be its own use so not one group of people is being discriminated against.

Board Member Perricone: 1.3.4 concerns that there are standards that are above the state and federal standards.

Chad Meadows stated that the state and federal will change some standards as time goes on so this section is stating that there could be change based on state and federal law and it is okay for local govt to be more restrictive than state and federal law, however it can never be less restrictive.

Board Member Berry: Chapter 4: Land Uses (F) Can there be a caretaking dwelling, accessory use, or guest house on a lot? And how long should they be permitted to have the second structure before the primary structure?

Chad Meadows stated that there will be an accessory structure on rural lots, and they will be allowed to have more accessory structures. The time frame of how long the accessory structures be allowed before the primary structures can be added. This UDO will allow more accessory structures.

Board Member Bizzell: Land Use tables several uses that should be included in mixed use district that are currently restricted such as microbrewery or veterinary services. Chad Meadows stated that there is likely more revision to this document. Current code has tons of special uses so this document is trying to change the special to permit by right and if there were questions about a certain use it can go to the conditional districts.

Chairman Moore: 3.2.15 why is the residential multi-family necessary?

Chad Meadows people want more options when buying homes, people can not afford the increase in homes, and there is a housing crisis in the US. Multi-family can be established in town without a special use and make it easier to develop.

Board Member Powers: Is there anything with in the UDO that will improve the specialized goods within town?

Chad Meadows stated that there is not really anything in the UDO that specifically addresses more business, however it does make it easier to develop business within town. But for retail establishments to come to town there needs to be more people living in Clayton.

Board Member Williams: asked about incentives for existing developments to grow?

Chad Meadows stated that will need to be thought about, in terms of what do they want as incentives.

Board Member Lipscomb need to do a better job in promoting the comprehensive growth plan.

Chad Meadows stated that the UDO in every chapter will have a detail purpose.

Board Member Dupree: need to promote more people giving input before things are done. On pg. 14 1.4 What is there to keep future officials from deciding making rules more restrictive?

Chad Meadows stated nothing, and it happens everywhere.

Board Member Berry stated that people are not being heard and there must be more communication with the committee and the community so that they can be heard.

Town Council Member Archer stated that there needs to be better public outreach that do not use social media to find out what is going on.

Board Member Dupree stated that there needs to be something on the town's website that tells the community what certain phrases or terms mean so they will understand better.

Board Member Berry stated that the community understands the results, and it will help if people see what is going on first to provide input before the project is finished.

Board Member Perricone: 1.4.4 adoptive policy guidance: what does adoptive policy guidance mean?

Chad Meadows stated that with the 160d change came a new requirement for all local governments in NC that want to have zoning to have a comprehensive plan and a future land use map in place as a mandatory requirement to have a zoning ordinance. Also, the general assembly did not want adopted policy guidance carrying the force of law and elected officials could deviate from the adopted policy guidance if they feel the need to do so. If local officials do deviate from adopted policy guidance, then the adopted policy guidance is amended to be consistent with the deviation that they made. However, it is not good practice to deviate from the plan.

Board Member Perricone: asked should the adoptive policy guidance be in consistent with the ordinance

Chad Meadows stated ideally yes it should.

Board Member Bizzell: asked about the use tables single family detached dwelling. Is it confusing to also say triplex?

Chad Meadows stated a single family attached dwelling is a dwelling unit its own lot. A triplex is three dwelling units on one lot, but it is not multi-family because multi-family is four units or more on one lot. The distinction is made to encourage triplex development. It will be a lot easier to understand when the definitions are included.

Board Member Perricone: 1.7 will there be timetables included so applicants can plan based on the timetable?

Chad Meadows stated procedural table can include a schedule with an application decision table, however it is up to the staff to include a timetable.

Board Member Perricone: asked if there is an in-between with including the timetables where there is one, but it is not in the UDO?

Chad Meadows stated that could be a good compromise with the application review schedule, being an outside document, it is not codify. It is not an ordinance, but it is a policy.

Board Member Bizzell: stated the policy would work best. Is fee-in-lieu new?

Chad Meadows there is not currently one in the code, however in the current ordinance it includes the possibility for fee-in-lieu such as recreation space. It is listed as a procedure because it limits inconsistency and so it follows the standard uniform procedural language.

Board Member Perricone: vesting section. How does the code allow for "real world" situations that change timetables particularly for significant projects?

Chad Meadows stated expand the expiration periods on the approvals. The vested right provision is intended to protect a prior approval from having to comply with changes in the rules that happened after the approval. There is a suggested vested rights certificate process that allows a site-specific vesting plan to expand its vesting term beyond the time granted with the approval.

Board Member Bizzell: admin adjustment discretion to the planning director pg. 30-31.

Is that percentage intended to be per requirement?
Chad Meadows stated yes, it is the numeric requirement.

Board Member Perricone application summary table make a note towards the beginning of the page indicating that there are notes on the back end.

Chad Meadows stated that there will be notes that there are notes at the end.

6 PLANNING DIRECTOR UPDATE

7 ADJOURN

Motion to Adjourn: Board Member Powers

Motion: Board Member Powers

Second: Board Member Spence

Result: Approved Unanimous

Adjourned at 8:17