



**Town of Clayton
Planning Board Minutes
Monday, October 24, 2022 at 6:00 PM
Town Council Chambers**

Board Members Present:

Jodie Dupree
James Moore
Stephen Powers
James Lipscomb
Kevin Lee

Board Members Absent:

Jeffery Spence
Ron Williams
Lisa Begley
Ethan Bennett

Staff Present:

Ben Howell, Planning Director
Bruce Venable, Planner I Trainee
Love Ott, Land Development Specialist

1 CALL TO ORDER

- a) Chair Moore called the meeting to order at 6:01pm

2 PLEDGE OF ALLEGIANCE

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

- a) **Motion:** Board Member Dupree
Second: Board Member Powers
Result: Approved, Unanimous

5 PUBLIC HEARINGS

6 NEW BUSINESS WITH PUBLIC COMMENT

- a) Clayton Pedestrian Plan
Presenter: Planning Director, Ben Howell

Planning Director Ben Howell provided the board an overview of the plan and asked the board to make a recommendation to adopt the plan to the Town Council.

A presentation was given that illustrated the draft of the plan, structure, and some of the recommendations.

The plan has been in the works for the last year and a half. The Steering Committee for the plan met roughly four times in the year and a half.

The plan is partially funded by a grant from NCDOT. Alta Planning was the consultant for this plan.

Motion to Recommend Approval to Town Council

Motion: Board Member Powers

Second: Board Member Lee

Result: Approved, Unanimous

b) Pawville Rezoning

Presenter: Planner I Trainee, Bruce Venable

Rezone from Highway Business Special Use District (B-3 SUD) to Highway Business (B-3)

1.14 acre parcel that is vacant, near Tew Court and Gateway Drive

Current zoning around the property is B-3 and Office Institutional (O-I).

The 2045 Comprehensive Plan and Future Land Use Plan has the area slated for an employment center, which makes the rezoning to B-3 consistent and compatible with both plans.

Staff recommends approval of the proposed rezoning request.

- Applicant Comments

Will Huyler the Civil Engineer for Pawville Real Estate Holdings stated that this is not the first building the applicant has handled.

Motion to Approve

Motion: Board Member Lipscomb

Second: Board Member Dupree

Result: Approved Unanimous

c) Short Johnson Road Conditional Zoning District

Presenter: Planning Director, Ben Howell

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

Up to 98 units of single family homes and townhomes, 3-5 units per acre of a 22 acre property.

It is located off Short Johnson Road, south of the Walnut Creek subdivision. There are three access points of Short Johnson Road.

The water, sewer, and electrical provider for this development would be the Town of Clayton.

The property is surrounded by vacant, farmland, and scattered single family units, however the property is close to Amelia Crossing which is mixed development.

Staff encourages the Board to consider negotiating condition to improve Short Johnson Road.

Public sewer is available in Walnut Creek and development will conduct study to determine public sewer improvements.

The development is consistent with the 2045 Growth Plan which identifies the area as medium density residential.

The project can improve the balance of uses or meet specific demand in town by providing a mix of housing and density transition.

The development is to be served by West Clayton Elementary, Clayton Middle, and Clayton High. West Clayton Elementary and Clayton High are on the 2022-2023 capped school list for Johnston County.

The development would be accessed by Short Johnson Road and Trailwood Drive. It will follow the Town Stormwater ordinance and is subject to the Town's Wastewater Allocation Policy.

There is no adverse effect on the adjoining property owners with the 20 foot landscaped buffer with a 6 feet tall opaque privacy fence.

Staff believes the applicant has met criteria through Master Plan, Master Plan Narrative, and Proposed Conditions. Staff also recommends approval, subject to the 15 recommended conditions of approval.

- Board Comments

Board Member Powers asked where would the students go to elementary and high school if they are already capped?

Planning Director Howell stated the cap school list has a potential of changing every year.

Board Member Powers asked if this question should be answered before the development is approved?

Planning Director Howell stated that the school system is looking to have voters vote on a bond to try to get additional money for construction of new schools. Due to schools being governed by the County there is very little the Town can do around schools other than provide information.

Board Member Lipscomb asked if there could be more explanation of how the Town and DOT would work together?

Planning Director Howell stated that based on experience if the developer is willing to improve a state roadway, then DOT is generally open to that improvement.

Board Member Lipscomb asked if the district Engineer's Office made any comments on this plan?

Planning Director Howell stated no, because of the 98 residential units it did not trigger a Transportation Impact Analysis (TIA).

Board Member Dupree asked how far paved is Short Johnson Road?

Planning Director Howell stated that the road is paved a little bit beyond this property.

Chair Moore asked to go to Condition 13 and asked if there was an option to have one of part A and one of part B with high efficiency products?

Planning Director Howell stated that is something the Board can request by the applicant.

Board Member Dupree suggested having a minimum of three or four of the options.

Board Member Lipscomb stated that looking at the building code most builders are doing more than two of the options anyway and does not see why the applicant would be opposed to doing more than two.

Board Member Dupree stated that Condition 13 is more fluff, so how much authority does this condition have?

Planning Director Howell stated the Wastewater Allocation Policy allows applicants to take points for sustainable high efficiency appliances and products there is no guidance on what that means.

- Applicant Comments

Richard Brown, Landscape Architect with Kimly, Horn Associates for 21 Fayetteville Street, Raleigh NC representing Craig Davis Properties and Davis Park Leasing who is the owner and applicant.

The neighborhood meeting was conducted in September. The development meets all the federal, state, and local requirements to preserve the buffer and minimizing the impact to the buffer to one road or street crossing to be able to access the Southeast portion of the property.

The applicant is dedicating 12.5% of the Southwest portion of the property to open space. The interconnectivity requirements is met by an access point in the north portion to Walnut Creek Subdivision.

The options stated in Condition 13 are considered beyond the requirements by the current NC building code. There was a vetting process to ensure the applicant was not offering anything that was already technically required.

- Public Comments

McKenna Parish, 377 Short Johnson Road an 80 acre property that surrounds the proposed development which is being used as a cattle farm. There are concerns with having a neighborhood that would be surrounded by a cattle farm such as safety, traffic, dumping of trash, overflow parking, a pump station that runs under the proposed development and if the medium density development fits the agricultural area. There are also concerns with runoff from the proposal since there is already runoff issue from other new developments.

Another resident has concerns about Short Johnson Road being a dead-end road and possible water erosion that could come with the new development.

- Board Comments

Board Member Dupree asked if the residents at the proposed development would be notified that there would be a cattle farm next to them?

Planning Director Howell stated yes, a notification is required on the plat, deeds, and covenants.

Chair Moore asked if the developer in the marking material has the information of the cattle farm?

Planning Director Howell stated that the Board can request the applicant add to conditions, however that is harder for staff to verify.

Board Member Dupree asked in the September neighborhood meeting what were the public comments?

Mr. Brown stated that there were concerns on the traffic and connectivity. However, the split of the property on the North and South side only half of the residents would be on the North side of Short Johnson Road. Another topic was the positive remarks on the perimeter buffer.

Board Member Dupree asked what recourse does the Town have with the current runoff from Sheets and other developments?

Planning Director Howell stated that the older developments were managed by Johnston County when the County was managing the storm water for the Town and County. At the time the ordinance was not as protective as the new one. There are performance metrics that staff monitors and this development will have better monitoring. There will be some recourse for the new development in terms of runoff.

Chair Moore stated with the amount of units on 22 acres it seems pretty tight.

Planning Director Howell stated that 98 homes is the maximum, it does not mean the applicant would actually get that number of homes.

Board Member Lipscomb asked the applicant to explain the privacy fence better.

Mr. Brown stated that where there is an adjoining residential property the buffer will apply with an opaque wood fence. The existing vegetation can be used as a buffer requirement.

Board Member Lipscomb asked there would not be any fencing even agricultural type?

Mr. Brown stated right.

Board Member Lipscomb stated there is a struggle with NCDOT and is not sure how the district operates in the Town's ETJ, but normally if there is a road that has over X number of vehicles per and more than 20 lots NCDOT may require a turn lane. Does not believe NCDOT would reject any improvements because there were improvements on Country Lane and turning lanes on Barber Mill Road.

Planning Director Howell stated that both roads had a TIA and turn lanes were recommended.

Board Member Dupree stated that Short Johnson Road is not in good enough condition for the increase in cars a day.

Motion to Recommend Approval to Town Council

Motion: Board Member Lipscomb with compliance with the requirements of the driveway permit and finds the rezoning action to be consistent with the future land use map and adopted 2045 Comprehensive Growth Plan

Second: Board Member Dupree

Result: Approved, Unanimous

- d) Corbett Road Assemblage Conditional Zoning District
Presenter: Planning Director, Ben Howell

Rezoning properties from R-E to Conditional Zoning-Residential.

The development would be up to 750 units that includes single-family homes, townhomes, and multifamily at ten units an acre.

The property size is 86.39 acres located off Corbett Road, Southwest of Amelia Church Road. The sewer would be served by the Copper District.

There are four access points on Corbett Road with connectivity to the Copper District with water and sewer provider being the Town. The electric provider would be Duke.

There would be 365 multifamily homes, 385 single-family homes and townhomes that would be surrounded by vacant or single-family residential land.

The proposal was required to complete a TIA and applicant proposed to construct three full-movement and one right-in/right-out access points on Corbett Road.

The TIA recommends improvements at Amelia Church Road/Corbett Road intersection and Springbrook Avenue/NC 42 intersection.

Applicant was not willing to agree to those conditions for improvements at the time, however they are willing to discuss conditions. Staff recommends negotiating additional transportation improvements as a condition.

This proposal would include a 20 foot wide type C landscaping buffer and a 20 foot wide street yard buffer along Corbett Road frontage.

It is consistent with the 2045 Growth Plan and it will provide a mix of housing and density transition near the Hospital and the Copper District development.

The development would be served by West Clayton Elementary, Clayton Middle, and Clayton High. West Clayton Elementary and Clayton High are on the 2022-2023 capped school list for Johnston County.

Wastewater treatment for the proposal would be served by extension of sewer connecting into Copper District pump station.

There would be no adverse effect on adjoining property owners, staff believes applicant has met criteria through Master Plan, Master Plan Narrative, and Proposed Conditions.

Staff recommends approval subject to the 16 recommended conditions of approval.

Chair Moore asked if the opaque fencing was the applicants recommendation or staff's?

Planning Director Howell stated that the code requires type C buffers for this type of development and type C requires an opaque screening.

Chair Moore stated the privacy fence should be looked into in terms of the material in order for the fence to last longer.

- Applicant Comments

Richard Brown with Kimly Horn Associates, 421 Fayetteville Street, Raleigh NC representing applicant contract purchaser for the ownership assemblage for the Corbett Road assemblage.

Instead of ten units per acre it would be roughly 8.6 units per acre because of the hard cap. The applicant is limited to residential only with minor considerations for neighborhood shops or other commercial opportunities within the development.

The high density would be at the Northern corner along Corbett Road to multi-family. The privacy fence does not preclude the opportunity to preserve the natural areas as part of the buffer.

To the North of the property is a large vacant property, but mostly adjacent to the Copper District to the West and the property between is to hold an elevated storage tank, pump station that will serve both water and sewer for the development.

Travis Fluitt with Kimly Horn Associates stated that NCDOT recommended turn land improvements in the TIA that are still being negotiated.

Board Member Lipscomb stated that with the recommendation from staff be given the ability to negotiate with a developer for additional improvements. How does the board keep from being inconsistent?

Planning Director Howell stated that the staff recommendation was based on the TIA.

Board Member Lipscomb asked if NCDOT was not requiring but recommending the two improvements at the Corbett Road/Amelia Church intersection and the Springbrook Drive/NC 42?

Planning Director stated that NCDOT includes recommended improvements based on the TIA, but NCDOT cannot require off-site improvements and the Town cannot require them. Staff is open to allowing the applicant to make improvements in phases.

Board Member Lipscomb asked before the proposal gets to Council there will be a time line of improvements?

Planning Director Howell stated that is one way or using similar language in the transportation condition.

Board Member Lipscomb stated the support of the phasing process, however wants

exact standards for everyone to follow.

Chair Moore stated that the NCDOT recommendations should be in place at the start of the development.

Board Member Lipscomb stated that as the lots are being platted the applicant is able to produce lot sales and able to create income to do the improvements

Mr. Brown stated the plan will have above the minimum street intersection in terms of code design. Open space would include 13 acres, which is 15% of site which is above requirement.

- Public Comments

William Royal, 1104 Deer Run is concerned with the increase in traffic the new development would bring since the traffic on Corbett Road is already congested and the lack of traffic planning.

Michael Shruitt, lives on Corbett Road is concerned that the high density development would change the small town characteristic of Clayton, the increase in traffic, the natural habitats would be disturbed, and storm water runoff the new development could bring.

Pat Stockdale, 2101 Lee St is concerned with the increase in traffic and believes the plan needs further review.

- Board Consideration

Chair Moore stated that some language about the TIA should be included in the recommendation the Board makes to the Council.

Board Member Lipscomb stated the biggest concern is the timing of the traffic improvements.

Board Member Dupree asked if there is currently a stop light at the end of Amelia Church Road?

Planning Director Howell stated no

Board Member Dupree stated that the Town does not control where stop lights go, NCDOT does. Board Member Dupree does believe that the applicant has met all requirements.

Board Member Powers asked if the board can request more work to be done on the transportation aspect from NCDOT?

Planning Director Howell stated the board could include that in the conditions.

Board Member Dupree stated that the board does not have any control in terms of

traffic problems.

Chair Moore asked if there can be alleviation of fear in terms of storm water runoff?

Planning Director Howell stated to his understanding the storm water ordinance is structured to use best management practices to keep storm water on the site that generates it as long as possible and release the storm water to an off-site area.

Motion to Recommend Approval to Town Council

Motion: Board Member Lipscomb with additional requirement that the developer and staff come to an agreement on improvements on the TIA that the improvements will be installed before or after occupancy

Second: Board Member Powers

Result: Approval, Unanimous

7 STAFF REPORTS

- a) Aaron Prichard last day was October 14, 2022. The planning department is currently down a staff member.

Both small area plans and planning staff will be at the Harvest Fest on Saturday. Material on the UDO rewrite and Codify Clayton project would be included.

8 OTHER BUSINESS

- a) Informal Discussion & Public Comment
- b) Planning Board Comments

9 ADJOURN

- a) Motion to Adjourn: Board Member Powers
Second: Board Member Lee
Result: Approved, Unanimous

Meeting adjourned at 8:38pm