



**Town of Clayton
Planning Board Minutes
Monday, November 28, 2022 at 6:00 PM
Town Council Chambers**

Board Members Present:

Jodie Dupree
James Moore
Stephen Powers
James Lipscomb
Kevin Lee
Jeffery Spence
Ron Williams
Lisa Begley

Board Members Absent:

Ethan Bennett

Staff Present:

Ben Howell, Planning Director
Love Ott, Land Development Specialist

1 CALL TO ORDER

Chair Moore called the meeting to order at 6:00pm.

2 PLEDGE OF ALLEGIANCE

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

Motion: Board Member Powers

Second: Board Member Williams

Result: Approved, Unanimous

5 PUBLIC COMMENT SESSION

- a) 2022-166-RZ Clayton Dental
Presenter: Bruce Venable

Planning Director Ben Howell presented for Planner I Trainee Bruce Venable.

Proposed rezone from Planned Development-Mixed Use (PD-MU) to Highway Business (B-3)

It is located on 2165 Pritchard Road, on 2.14 acres and the existing use is vacant.

Future Land Use Map shows underlying low density residential but with the neighborhood mixed-use overlay that would allow commercial uses.

Staff believes that it is consistent and compatible with the 2045 Growth Plan.

Staff recommends approval.

- Applicant Comments

Dylan Tara with Tar Group attended to answer any questions the Board had.

Motion: Board Member Lipscomb, with the rezoning being consistent with the Future Land Use Map. Also finds it reasonable and in the public interest.

Second: Board Member Dupree

Result: Approved, Unanimous

b) 2022-109-CZM The Townes at Little Creek Conditional Zoning District

Presenter: Ben Howell, Planning Director

Rezone of properties from R-10 and B-3 SUD Zoning Districts to Conditional Zoning-Residential District

Located off Financial Drive and Town Centre on 53.83 acres.

Proposed up to 169 townhome units with a density of 3.14 units per acre.

Most of the development would be either side of the Wal-Mart with the remainder of property left as open space.

Access streets include Town Centre Blvd. and Financial Drive. Water and sewer provider would be Town of Clayton. The electric provider would be Duke Energy.

The proposed development is surrounded by B-3 zoning with some residential zoning to the rear across Little Creek.

Propose 58 units on West side and 111 units on the East side with a mixture of front-loaded and rear-loaded townhomes.

138 front-loaded and 31 rear-loaded.

Applicant proposed to do several transportation improvements which includes an eastbound approach with one egress lane and one ingress lane on Town Centre Blvd and proposed street A.

Constructing a site access along the north bound approach on Financial Drive and Scholar Drive.

Transportation Impact Analysis (TIA) included a recommendation for Traffic Signal Warrant Analysis for intersection of Financial Drive and US 70.

Applicant agreed to construct the Traffic Signal Warrant Analysis after 84 certificates of Occupancy (50%) are issued and up to 15% of the cost of a signal if warranted.

Public sewer would connect to pump station behind Wal-Mart.

Proposed a 15-foot-wide Type C Landscaping Buffer and street tree planting on Financial Drive.

The 2045 Growth Plan calls for high density residential with community center overlay within the area which would allow 10-12 units per acre.

The proposed development would be a mix of single-family detached homes, townhomes and multifamily units.

It is consistent with the 2045 Growth Plan.

Applicant proposed to connect to public water and extend public sewer to serve development.

The development would improve balance of uses and meets specific demand in the town that would provide transition from commercial uses along US 70 back to residential uses.

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

2.09 acres of the recreation/open space area including 1.71 acres as a greenway easement along Little Creek.

There would be no adverse effect on adjoining property owners.

Staff believes that the applicant has met the criteria for master plan approval.

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

Chair Moore asked if Town Centre Blvd. and Financial Drive are private roads?

Planning Director Howell believes Financial Drive and Town Centre Blvd. are private.

Board Member Powers asked if there was any provisions to ensure the driveways would be long enough to accommodate longer cars or pickup trucks?

Planning Director Howell stated that the applicant proposed to have an average of 23

feet between the sidewalk and and face of the garage to try to account for larger vehicles.

Board Member Begley asked for clarification on what a Type C Buffer is?

Planning Director Howell stated it is the buffer that is required for all conditional zoning districts with three different options of width. The code does require conditional zoning districts have a minimum 15 foot Type C buffer.

Board Member Begley asked if the type of opaque screen is up to the builder?

Planning Director Howell stated is has not been decided on what type of screening would be used because there is an opportunity for the Planning Director to approve waivers if there is existing vegetation.

Board Member Begley asked how big of an area is staff referring to?

Planning Director Howell stated the staff looks within the immediate area.

Board Member Lipscomb asked if there is a standard that is in direct conflict, how does that get rationalized? Because the applicant wants certainty due to the possibility of a dramatic impact of the subdivision approval or a conditional zoning that could change the results.

Planning Director Howell stated that is why staff reviews these proposals extensively before getting to the board. This particular development has gone through three or four reviews for Town Code and State Regulations.

Chair Moore asked if the board could add a condition in addition to the one-car garage for two vehicle spaces?

Planning Director Howell stated that is something the board can ask the applicant. The applicant is proposing additional space of on-street parking spaces as well as at least two areas of small off-street parking spaces for guest. The applicant would have to agree to the board's proposal of adding two vehicle spaces.

Board Member Lipscomb stated that the county records has the right-of-way as public however that does not mean the roads have been taken over by the Town. Has that been studied?

Planning Director Howell stated that is something that Engineering looks at, that issue has been addressed. Financial Drive is a Town road.

Board Member Lipscomb is concerned that the plat map could say public but it does not mean it has been accepted for perpetual maintenance by the Town.

Planning Director Howell stated that where the road is substandard whether it has been taken over by the Town or not, the development is required to improve the road up to the Town's current standards. Then go through the process of ensuring the

Town takes the road over with this development it is proposed to be public Town maintained streets.

Board Member Begley asked for clarification on what capped school means?

Planning Director Howell was not sure how Johnston County determines whether a school is capped or not, but believes it is based on enrollment. The schools are on this year's capped school list and the development would not be ready for at least two years so it could change.

- Applicant Comments

Marty Bizzell with Bass/Nixon/Kennedy Consulting Engineering in Raleigh at 6310 Chapel Hill Road representing DRB Homes.

The pump station at Wal-Mart is close to capacity and the town is hiring a consultant to do a capital improvement project to take the pump station offline and do a gravity extension East. Applicant is willing to pay a share of the cost of the gravity extension and pump station abandonment.

Proposed 67 additional parking spaces, 36 on the West and 31 on the East.

Many setbacks from the sidewalk to the garage goes up to about 40 feet.

The units backing up to the Wal-Mart side would be rear-loaded with a private access by a private drive.

There is a control pond that is already serving Johnston Charter Academy and will be analyzed to be possibly upsized to accommodate the stormwater runoff.

The amenities are split with a dog park and playground equipment.

The road is wider on one side to accommodate parking and public street section that shows no parking.

With Johnston Charter Academy immediately East there are pedestrian connections with crosswalks and the applicant intends to connect to them.

Caroline Cheves, Professional Engineer with Raymond Kemp Associates at 5808 Farrington Place in Raleigh conducted a TIA.

The TIA captured peak hours of each intersection especially the intersection for Johnston Charter Academy which were 2-6pm.

The estimated build out year would be 2028 at a two percent traffic growth which it is compounding every year at a two percent growth. Adjacent proposed developments would be added every year which there is one to the West.

A projection would be generated by the proposed site and apply it to the roadway network and follow NCDOT and Town guidelines to determine what level of service

and delay would be.

The residential development is not expected to have overlapping afternoon peak traffic with school traffic based on the TIA.

Adding the residential creates mixed-use which would create fewer vehicle miles traveled for residents based on the TIA.

Monitor the signalization for Financial Drive and US 70 is the applicant's proposal based on the results from the TIA.

The expected increase in traffic at the intersection is by 2.5 percent during the peak hours.

Chair Moore asked if the applicant has received permission to use the driveways to get to Town Centre Blvd.?

Ms. Cheves stated those are existing accesses off US 70 and Town Centre Blvd. is a public right-of-way which the applicant is connecting to.

Board Member Dupree asked how much are the units to the West going to impact what is not a public drive but access to the shopping center?

Mr. Bizzell stated Town Centre is recorded as public right-of-way as well as Financial Drive. The concern is Town Centre on the West turns out to US 70 as public right-of-way. The West side would be a connection or extension of Town Centre. If you are coming out you would go East on Town Centre Blvd. or go left and stay on a public road out to US 70. In either direction vehicles would be staying on a public right-of-way.

Chair Moore asked when saying public is adopted by the Town or the landowner has provided public access.

Mr. Bizzell stated the landowner would dedicate the land as a public right-of-way, and will ensure that the road is on the Town's maintenance plan.

Chair Moore asked if the developer for this property would own the roads?

Mr. Bizzell stated the applicant would construct the roads proposed and dedicate a public right-of-way.

Board Member Begley asked if residents would have to drive through town Centre parking lot to get to their homes, or would there be a dedicated road?

Mr. Bizzell stated there would be a dedicated road.

Board Member Powers stated those units on the West would have to turn left to get onto US 70, however the only option is turning right.

Ms. Cheves stated the residents could either turn right at the West driveway or Financial Drive or make a U-turn along US 70.

Board Member Powers stated he does not believe anyone would be in favor of having to make a U-turn.

Ms. Cheves stated that studies show U-turns are safer and faster than full movement signals.

Board Member Dupree asked if the applicant is confident that the two driveways by Lone Star and one that comes out in front of the car wash are public?

Mr. Bizzell stated that the boundary surveys used are up to date that shows public right-of-ways, so they are confident.

Board Member Lipscomb stated a greenway connecting the development would be valuable in the future and encourage the Council in lieu of having open space fees paid to the Town have the developer install a neighborhood greenway.

Board Member Williams stated concerns of the one left turn to come out of the shopping center and consider traffic lights.

Board Member Begley stated also concerns with the one left turn.

Cindy Schwarzkopf with DRB Homes at 3000 RDU Center Blvd. in Mooresville.

The applicant would love to use the \$338,000 in open space fees to construct a greenway.

Ms. Cheves stated in order to get an additional left turn onto US 70 it would be very difficult because it is a NCDOT road.

Board Member Powers asked who would be responsible for extending the turn lane for the U-turn?

Ms. Cheves stated any of the que links for a specific lane are exceeding the current storage links, DOT would ask to extend, however the TIA showed the existing infrastructure are sufficient. NCDOT agreed to the findings of the study.

Motion: Board Member Lipscomb, with the Town confirming the right-of-ways is existing or adopted by the Town prior to the development and ask the Town Council to consider waiving the open space fee in order to install a greenway.

Second: Board Member Williams

Result: Approved, Unanimous

6 NEW BUSINESS

- a) Adoption of the 2023 Planning Board Meeting Calendar
Presenter: Planning Director, Ben Howell

Motion: Begley
Second: Lee
Result: Approved, Unanimous

7 PLANNING DIRECTOR REPORT

December meeting will be moved up a week on December 20th.

Event for Advisory Boards on December 6th.

December 14th Downtown Master Plan update public meeting from 6-8pm in the Town Chambers.

December 15th staff will be at the Community Center for the Gateway 42 public meeting from 6-8pm.

New Planning Board member will be appointed by Town Council next week.

Board Member Lipscomb suggested that the board gets monthly updates of what the staff is reviewing and receiving.

Planning Director Howell stated that there is a map on the website that shows what is being reviewed, approved and under construction that is updated at least once a month.

Chair Moore asked what the MPO's suggestions are for the left turns?

Planning Director Howell stated there was a DOT project to improve the US 70/Shotwell intersection and the Town has submitted an application to the MPO to get federal funds to supplement the DOT funds to get the project constructed. The Town would find out the results of the application in January. Those funds would be available after October of next year to begin getting the project under construction.

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

9 ADJOURN

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

Chair Moore adjourned the meeting at 7:35pm.