



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

BOARD MEMBERS PRESENT:

James Moore
Steven Powers
Jeffrey Spence
Lisa Begley
Ronald Williams
Kevin Lee
Ethan Bennett
James Lipscomb
Jodie Dupree

STAFF PRESENT:

Planning Director – Ben Howell
Planner II – Aaron Prichard
Deputy Town Clerk – Heidi Holland
Planner I – Bruce Venable

1 CALL TO ORDER

- a) Chair Moore calls the session to order at 6:00pm

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

None

4 NEW BUSINESS

- a) Text Amendment 2022-51-OA Temporary Uses for Public Facilities

Planner II Aaron Prichard is presenting to the Planning Board Text Amendment 2022-51-OA Temporary Uses for Public Facilities. This amendment would be under article 2 section 202 "Land Use Regulation" of the town's UDC. The amendment would give the town flexibility to allow temporary use projects that require a temporary approval or structure for things like public facilities. These temporary structures would allow for the public facility to begin serving the community while a permanent structure(s) is being constructed.

Examples where this temporary use would benefit the town include the proposed athletic fields off of Loop Road that are needed for the upcoming season. This temporary use is necessary to allow a non-paved parking lot be used during the upcoming season.

Another example of where this amendment is needed is the project that would allow fire station 1 to construct a temporary office building through the use of modular buildings.

Staff aims to keep the change minor in scope as the UDC rewrite is about to begin and focus on addressing temporary uses of other zoning districts through the Town code rewrite.

Staff asked the Planning Board to discuss and provide planning staff with their recommendations to any changes they would like to see made.

This has not been noticed yet. Per the town code a notice for this amendment is not required until it is scheduled to be presented before the Town Council Meeting. A notice will be filed with the local newspaper prior to the next Town Council meeting on April 18, 2022.

Member Lipscomb: I have one question, I'm very conflicted on this question. I believe the town and the Council loses some credibility when they don't require the same thing out of themselves that they do of the private sector. One thing that really bothers me is that this temporary permit could become permanent by the planning director renewing the temporary permit on a regular basis. The rules should be the same for both private and public sector projects.

Chair Moore: I must concur with member Lipscomb, that I noted the enteral nature of how a temporary structure could be renewed in perpetuity in the end allowing the town an advantage over privately help developments. Has the staff thought about a limitation for the renewals for 6 months or perhaps up to a 1 year renewal?

Prichard: Acknowledges that their points are valid, explains that the planning staff can revisit the language of the ordinance and look to expand the temporary opportunities for other Town developments going forward. That's some the planning staff would like to revisit the language of temporary uses in the rewrite of the Town's Unified Development Code.

Chair Moore releases Mr. Prichard.

Chair Moore: As there are no members of the public in attendance tonight I will turn this over to the members of the Board for discussion and consideration.

Comments from Board members:

Member Powers: With the comments that have been made by both sides here. Can we table this ordinance and planning staff change the verbiage of the amendment to address other member's concerns to address limits of the amendment. Would that be appropriate?

Ben Howell: Delaying this text amendment would really only delay the Loop Road fields. Other than that no other concerns exist at this time. I don't have any major concerns about pushing this back at this time.

Member Lipscomb: I will probably vote no, I prefer that the Town stick to its own standards. We deserve to send something to the Town Council something for them to consider. This may put them in a hard situation and there is a need for this so I would like there to be a vote this evening.

Member Dupree: Can we approve this only addressing the Loop Road project as a way to prevent any delay to the soccer field?

Howell: The Loop Road project was one of many projects this would affect. This amendment must be general, we cannot target it to only one site. Reminds the Planning Board that they have options to either table this for another meeting or sending it to Town Council. but ultimately the call will need to be made by the Planning Board. I am unsure of what kind of impact holding this over to another meeting would have on the Loop Rd project, but there are other Town projects that would benefit from this amendment. This amendment was written fairly broadly to address the needs that the Town is going to have over the next few years in regards to temporary uses. Mr. Howell agrees that if this amendment is approved it does treat the town facilities differently than private development that needs to be taken into account by both this Board and Town Council.

Member Begley: To Board Member Lipscomb's point, is there any reason we cant confirm an adjustment to make the limit extension to a fair state? My only concern is how long is the rewrite going to take, can we establish the edits tonight so it can be sent to council.

Prichard: Yes, you can recommend particular changes to the amendment, such as setting limits to the amount of times a project can reapply for temporary building approval. The Board can make some sort of conditional approval base to edits to text that would be taken to Town Council for their consideration.

The Board discussed whether to recommend a limit along with their approval.

Member Powers: Makes a motion to approve with condition that renewal of the permit is limited one year with a limit of renewals set to one. To encourage staff and Town Council how this is affecting both public and private developments.

Chair Moore: Okay, we are going to go with the first sentence of your motion, your motion is to approve the amendment and send it to Town Council with the limit that the permit is only good for one year and may only be renewed for one year after the initial approval.

Chair Moore: We have a motion by Member Powers and a Second by Member Begley.

Board Vote:

2 no - 7 yes - vote passes

ACTION: Approve Text Amendment 2022-51-OA Temporary Uses for Public Facilities.

With conditions: Permit may only be for one year and may only be renewed for one additional year.

Motion: Board Member Powers

Second: Board Member Bagley

Vote: 7-2

b) Text Amendment 2022-52-OA Electronic Gaming Operations

Director Howell will present the Electronic Gaming operations

Howell: Unified Development Code Reference:

155.202 – Land Use Regulations

155.802 – Definitions

Howell: Purpose of Proposed Text Amendment: To prohibit electronic gaming operations within the Town planning jurisdiction. Reason for Request: Staff recommends this text amendment to clarify that electronic gaming operations are prohibited in the Town planning jurisdiction. They are not listed in the Table of Permitted Uses, but this amendment will specifically list them as prohibited. We have done research from nearby towns such as Garner and Cary to use similar definition that will work for the Town of Clayton.

This will cover internet sweepstakes.

Member Dupree: Are there any current business in town that this would affect?

Howell: None that are legally operated.

ACTION: Recommendation for approval or denial

Motion: Board Member Lipscomb

Second: Board Member Dupree

Vote: Unanimous

5 PLANNING DIRECTOR REPORT

a) Resolution for Identifying Transportation Plan

Howell: The town does not have a transportation plan. This has been recommended by the 2045 plan to address growth and reduce transportation issues. We need a resolution that will be directed by the Town Council to treat some of the documents that have been adopted as a transportation plan until the Town is able to create Transportation Plan. The road way systems map in the comprehensive growth plan. This plan is to provide the Town and developers with guidelines and direction for standards, future uses and required improvements.

What you will see in this resolution is parts from the Johnston County bicycle and pedestrian plan and other plans that will be approved in the future. These plans together will create a transportation plan. This will allow staff to have guidelines to use to direct developers with criteria for what is required of them and their development

Questions:

Member Lipscomb: Why do we also show are greenway system on here?

Howell: The greenway system is currently using our recommendation for our pedestrian plan can add things.

Member Lipscomb: Looking for a one stop shop, allow us to create even more greenway, and have green ways be included.

Member Bennet: I am concerned during a stop gap measure into a permanent thing. What would it look like if this were to be adopted?

Howell: The goal is to adopt a true standalone transportation plan that would have sections on all the important right of ways such as pedestrian walk ways, greenways, bicycle lanes, and others. The town has goals to create its own comprehensive transportation plan. we currently need something from a regulatory stand point while we work on a clayton specific plan.

ACTION: Recommendation for approval

Motion: Council Member Begley

Second: Council Member Williams

Vote: Unanimous

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

a) Informal Discussion

Member Lipscomb: would like for Director Howell to include educational materials for the board to have an even greater understanding of procedures and methods to enhance their ability to be better public services. He states a willingness to increase the length of the meeting for that purpose.

Howell: We would like to work towards that to create a plan to address educational interest of the Board Members going forward. and I am willing to address any topics until that program is available

Member Moore: There are some School of Government modules that may be available through online classes that might be always factored into the town's budget. and should be considered.

Howell: I will share as I see courses that would be beneficial to citizen board members.

7 ADJOURN

a)

Motion to Adjourn by Member Powers

Motion: Council Member Powers
Second: Council Member LEE
Vote: Unanimous

Chair

ATTEST:

Clerk to the Board