



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, June 28, 2021 @ 6:00 PM
Town Council Chambers

IN PERSON TOWN COUNCIL / ADVISORY BOARD MEETING PROCEDURES

- **ALL persons attending must wear a mask.**
- We will be following proper social distancing at all times.
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Face Masks May Be Removed When Speaking.*

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

a. Draft Minutes

- April 26, 2021

[April 26 2021 Draft Minutes](#)

POTENTIAL ACTION: Adoption of Minutes

4. PUBLIC HEARINGS

5. NEW BUSINESS

a. 2021-54-RZ Landmark Light Industrial Building Rezoning

Tag #: 05G02006G

Location: Shotwell Road/City Dump Road

Presenter: Ben Paynter

[Application - 2021-54-RZ - Landmark Light Industrial Building](#)

[Owners Consent Form - 2021-54-RZ - Landmark Light Industrial Building](#)

[Site Layout Exhibit - 2021-54-RZ - Landmark Light Industrial Building](#)

[Adjacent Property Letter - 2021-54-RZ - Landmark Light Industrial Building](#)

[Staff Report - 2021-54-RZ - Landmark Light Industrial Building](#)

[Staff Report Map - 2021-54-RZ - Landmark Light Industrial Building](#)

POTENTIAL ACTION: Approve / Deny Recommendation 2021-54-RZ
Landmark Light Industrial Building Rezoning to Town Council

6. INFORMAL DISCUSSION AND PUBLIC COMMENT

7. ADJOURN

a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn



**Town of Clayton
Clayton Planning Board Minutes
Monday, April 26, 2021 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merrit, Chair
Stephen Powers
Bucky Coats
James Moore
James Lipscomb
Brian Tiede

STAFF PRESENT:

Michael Grannis, Council Liaison
Jeff Caines, Senior Planner
Ben Paynter, Planner
Dick Hails, Planning Consultant, Interim
Kimberly Moffett, Town Clerk

MEMBERS ABSENT:

Lisa Begley
Travis Avery

1 CALL TO ORDER

a)

The meeting was called to order at 6:00 p.m.

Chair Merritt announced that Marty Bizzell had resigned his position on the Planning Board, as he was recently appointed to serve on the Board of Adjustment.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

a) Draft Minutes

- March 22, 2021

ACTION: Adoption of March 22, 2021 Planning Board Minutes

Motion: Board Member Powers

Second: Board Member Lipscomb

Vote: Unanimous

4 PUBLIC HEARINGS

a) 2020-173-RZ The Lofts at Wild District Rezoning
Tag # 05031012
Location: 110 W. Front Street

Mr. Caines stated the applicant had withdrawn this application.

5 NEW BUSINESS

a) Discussion

Mr. Lipscomb had questions regarding waivers. Town Attorney stated that per 160D waivers were not allowed and moving were required to go through the Variance process. Mr. Solomon stated that council had made decision that Variances would go through the Board of Adjustment as they strictly will hear Quasi-Judicial cases.

There was discussion regarding Technical Review Committee and required certification. Mr. Solomon stated he believed that was dependent upon the type of case and the attorney will need to verify. There was lengthy discussion 160D and Mr. Solomon stated it would now be more predictable for the development community and stated there are times it is difficult to find balance between predictability and flexibility.

There was discussion about possible future training topics. It was requested that any suggested topics for training be forwarded to Mr. Caines or Ms. Moffett. Mr. Lipscomb stated he felt Long Range Planning was lacking in the town.

Mr. Solomon stated there was a current solid pool of Planning Director candidates.

6 TRAINING

a) Key Issues

Presenter: Richard Hail

- Legal
- Meetings/Public Hearings

Mr. Hail provided training and key issues discussed included; Due Process, Spot Zoning, Contract Zoning, Fair Housing & Takings. A copy of the training material is attached to the minutes and thereby made part of the official record.

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

8 ADJOURN

a) Adjourn the Meeting

With there being nothing further the meeting was adjourned.

Motion: Board Member Coats
Second: Board Member Powers
Vote: Unanimous

Andria Merritt, Chair

ATTEST:

Chrissy Freeman, Clerk to the Board

April 26, 2021
Minutes



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION COVER SHEET

Name of Project: _____ **Date:** _____

Applicant Name: _____

The following checklist to be completed by applicant:

- ☐ Pre-Application Meeting on: _____
- ☐ Review Fee
- ☐ Advertisement Fee
- ☐ Completed Application
- ☐ Owner's Consent Form
- ☐ Adjacent Property Owner's List
- ☐ Neighborhood Meeting Notice Letter (1 copy)
- ☐ 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- ☐ Signed & Sealed Boundary Survey
- ☐ Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____



TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

REZONING APPLICATION

- ☐ Standard Rezoning Fee: \$500.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☐ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: _____

Acreage of Property: _____ Zoning District: _____

County Tag #: _____ NC Pin #: _____

Address/Location: _____

Existing Zoning District: _____ Proposed Zoning District: _____

APPLICANT INFORMATION

Applicant: _____

Mailing Address: _____

Phone Number: _____ Fax: _____

Contact Person: _____

Email Address: _____

PROPERTY OWNER INFORMATION

Name: _____

Mailing Address: _____

Phone Number: _____ Fax: _____

Email Address: _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.

5. It has been determined that the legal purposes for which zoning exists are not violated.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested.. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.

Print Name



Signature of Applicant

Date

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held prior to the 1st scheduled public meeting date. It is recommended to hold the meeting at least 10 days prior to the 1st scheduled public meeting date, however, it is **not** a requirement.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

1. The applicant must contact all adjacent property owners via first class mailing (see sample letter).
2. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.
3. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting date*

ADJACENT PROPERTY OWNERS LIST

Project Name: _____

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS

SAMPLE NEIGHBORHOOD MEETING LETTER

(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

Upcoming public meetings for this
application (Planning Board
and/or Town Council): _____

At a minimum, the following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

If you have any questions prior to or after this meeting, you may contact us at **<Insert phone number of applicant>**. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

October 2019

Page 3 of 5

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: _____

Date of Mailing: _____

Date of Meeting: _____ Time of Meeting: _____

Location of Meeting: _____

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

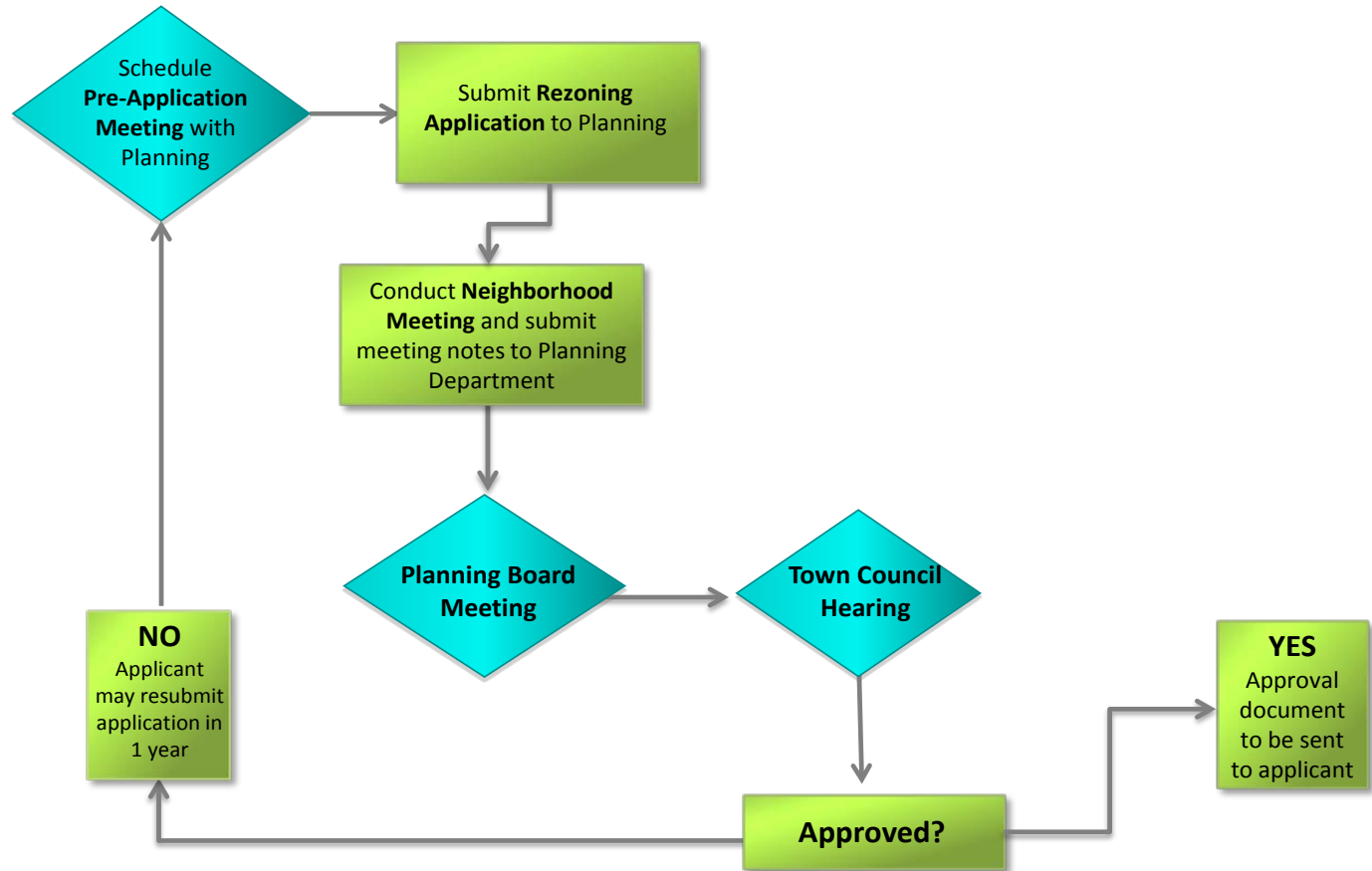
Printed Name: _____ Signature: _____

Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

Please write clearly (or submit a typed summary). Use additional sheets if necessary.

Town of Clayton Rezoning Process Flow Chart

This is the same process for a Planned Development Rezoning





TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Landmark Light Industrial Building Address or PIN #: 165910-462003

AGENT/APPLICANT INFORMATION:

Dave Williams, Landmark Industrial, LLC
(Name - type, print clearly)

233 Horton Grove Road
(Address)
Fort Mill, SC 29715
(City, State, Zip)

I hereby give **CONSENT** to the above referenced agent/applicant to act on my behalf, to submit applications and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the following processes (*list applicable requests*):

Rezoning Application

Site Plan Application

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER AUTHORIZATION:

JOSEPH BURDICK
(Name - type, print clearly)

[Signature]
(Owner's Signature)

107 SEAPATH BISTARS DR.
(Address)

WRIGHTSVILLE BEACH, NC 28480
(City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

Sworn and subscribed before me A. GORDON MACKINNON, a Notary Public for the above State and County, this the 15 day of JUNE, 2021.

SEAL

A GORDON MACKINNON
NOTARY PUBLIC
New Hanover County
North Carolina
My Commission Expires 07/28/2024

[Signature]
Notary Public

My Commission
Expires:

7/28/2024

July 2018



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

June 17, 2021

NOTICE

SUBJECT: **Project:** 2021-54-RZ Landmark Light Industrial Building Rezoning
Address: Shotwell Road
TAG #: 05G02006G
Applicant: Landmark Industrial, LLC

Dear Clayton Area Property Owner:

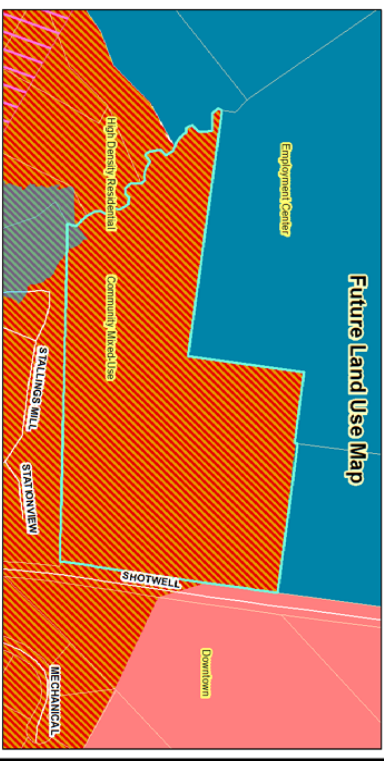
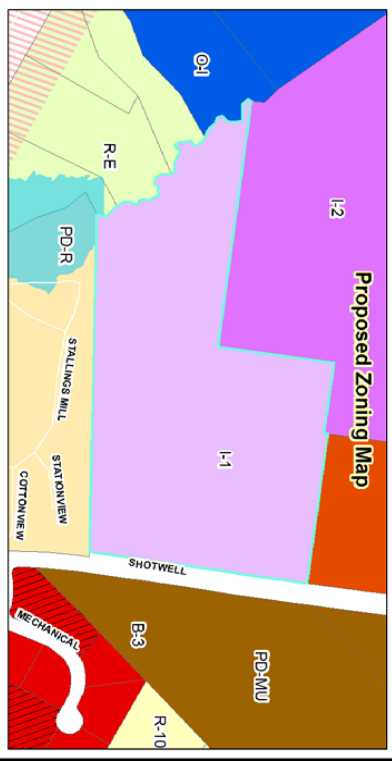
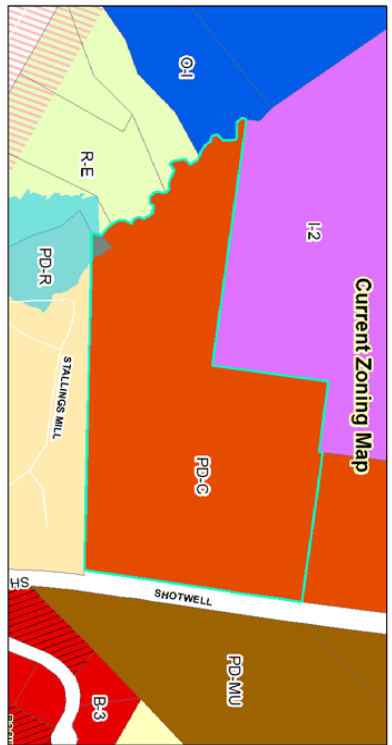
Notice is hereby given that the Clayton Planning Board will hold a public meeting on **June 28, 2021 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a recommendation on the above referenced Rezoning application. This application will proceed to Town Council for a public hearing following Planning Board recommendation. Another notice will be sent prior to the date of the scheduled public hearing. The applicant is requesting to rezone 24.81 acres from Planned Development - Commercial (PD-C) to Light Industrial (I-1). Please see the map on the back of this letter.

Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this proposed rezoning request. You are invited to attend this meeting and express your opinions on this request to the Planning Board.

If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at bpaynter@townofclaytonnc.org

Sincerely,

Ben Paynter, Planner



Request:
 2021-54-RZ, to Rezone a parcel from
 Planned Development - Commercial (PD-C)
 to Light Industrial (I-1).



Staff Report Map
 Prepared by: TOC Planning Department
 June 7, 2021

Disclaimer: Town of Clayton assumes no legal responsibility
 for the quality to the data represented here.

Document Path: G:\PLANNING\REZONING\Rezoning\2021\2021-54-RZ Landmark Light Industrial Building Staff Report Map - 2021-54-RZ Landmark Light Industrial Building.mxd



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545

*Planning Board, June 28 2021
Town Council, July 19 2021*

STAFF REPORT

Application Number: 2021-54-RZ

Project Name: Landmark Light Industrial Building Rezoning

TAG #(s): 05G02006G

Town Limits/ETJ: In Town Limits

Applicant: Landmark Industrial, LLC.

Owner: Elphick Properties, LLC

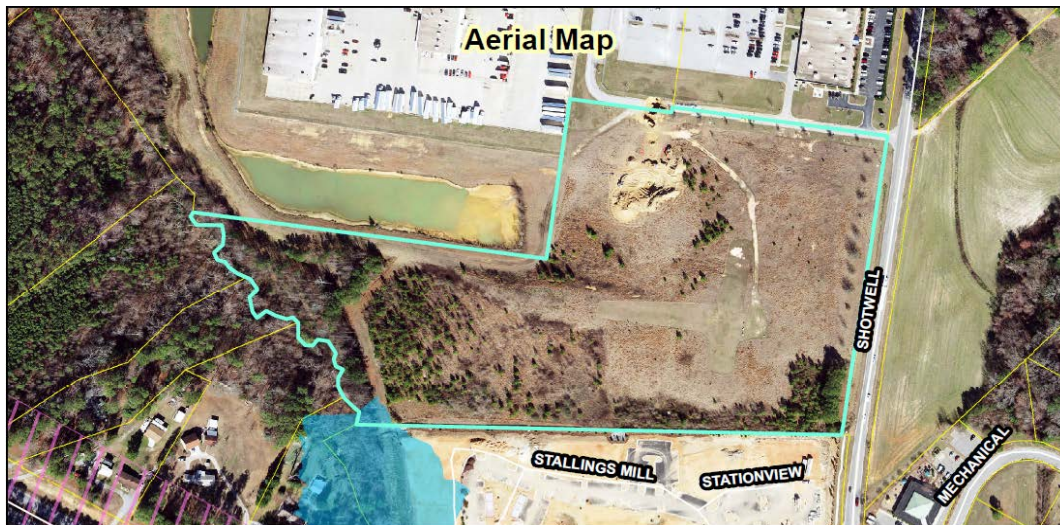
Location: Shotwell Road/City Dump Road

Project Planner: Ben Paynter

Public Noticing Dates:

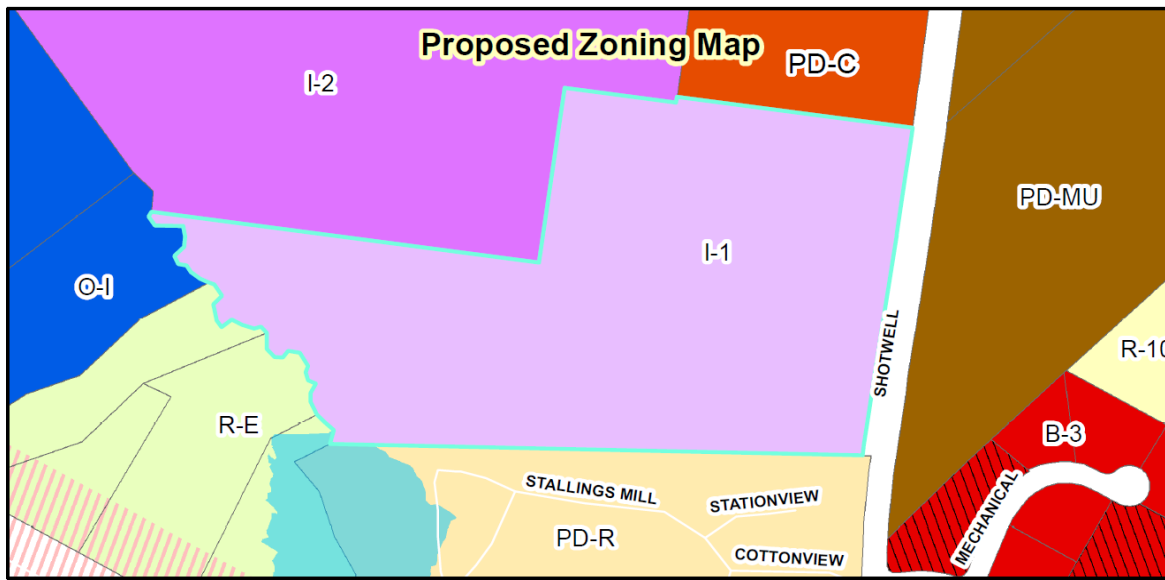
- **Neighborhood Meeting:**
- **Sign posted:** June 18
- **Adjacent Property Letters Mailed:** June 18
- **Newspaper Ad published:**

REQUEST: Rezoning 24.81 acre tract from Planned Development - Commercial (PD-C) to Light Industrial (I-1)



SITE DATA:**Acreage:** 24.81**Existing Use:** Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Heavy Industrial (I-2)	Distribution/Manufacturing
South	Planned Development – Residential (PD-R)	Multifamily/Apartments
East	Planned Development – Mixed Use (PD-MU)	Vacant/Agriculture
West	Office Institutional (O-I), Residential Estate (R-E)	Vacant/Forest, Low density residential

**STAFF ANALYSIS AND COMMENTARY:****Overview**

This request is for a rezoning from Planned Development – Commercial (PD-C) to Light Industrial (I-1). This will establish standard zoning requirements and land use for this property that will allow for future development of various light industrial uses. PD-C is a mixed-use designation intended for flexible commercial uses that are also generally allowed in the Office Institutional (O-I), Central Business (B-1), Neighborhood Business (B-2), and Highway Business (B-3) districts. The applicant plans to establish a warehouse/distribution type building on the property consistent to what is already found along Shotwell Road.

Staff was not able to find reliable information on the Planned Development - Commercial (PD-C) zoning currently applied to this property. It appears that it would have been intended to support a flexible mixture of commercial and service oriented business uses. The Light Industrial (I-1) zoning may achieve a

similar result with more standard land use regulations as it is intended to support uses that provide job opportunities but are operated in a relatively clean and quite manner. The zoning district should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities and research facilities according to 155.200 (B)(2)(f) in the Unified Development Code.

The Light Industrial (I-1) zone will allow for light industrial uses that could also support jobs and commerce that is a function of the Employment Center and Community Mixed Use future land use designation found in this area.

Consistency with the Comprehensive Plan 2040

On the Future Land Use Map adopted in the current Comprehensive Plan, this property is designated as Community Mixed Use. Light Industrial (I-1) zoning may be inconsistent with the Community Mixed Use designation according to how it is defined in the Comprehensive Plan but is in keeping with the intent of the future land use as an area of mixed commerce and employment opportunities. The I-1 zone is consistent with Employment Center which also makes up a majority of this area along Shotwell Road. The rezoning of this parcel from Planned Development – Commercial (PD-C) to Light Industrial (I-1) would also result in a Future Land Use map amendment to update the designation from Community Mixed Use to Employment Center. Town Council has the ability to update the Future Land Use map with a rezoning approval.

Comprehensive Plan Goals supporting the rezoning request include:

Objective LU1.2 Encourage the redevelopment or adaptive reuse of under-utilized commercial development.

Strategy LU1.2.1 Consider increased densities and intensities to encourage existing under-utilized commercial properties to redevelop.

Objective LU1.3 Encourage a mix of residential and non-residential land uses within Neighborhood and Community centers identified on the Future Land Use Map.

Strategy LU1.3.1 Create and implement small area plans to attract infill development and redevelopment to areas identified as Neighborhood and Community centers on the Future Land Use Map

Comprehensive Plan Goals not supporting the rezoning request include:

None



CONSIDERATIONS:

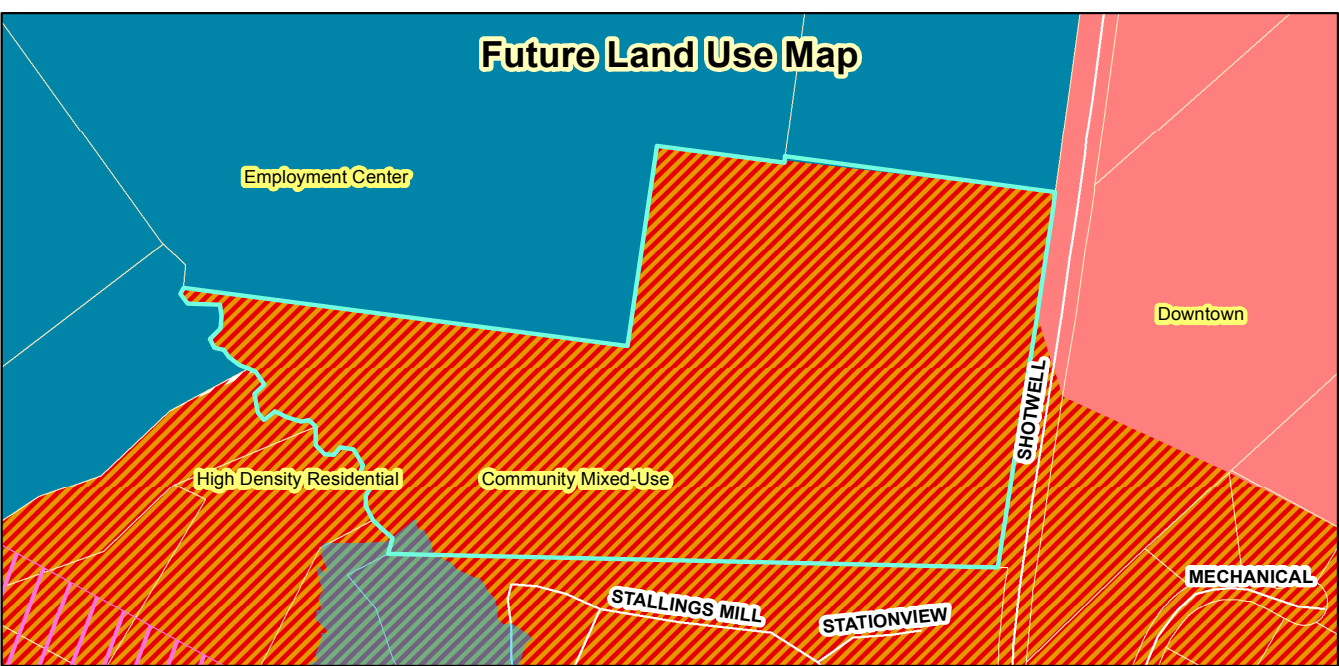
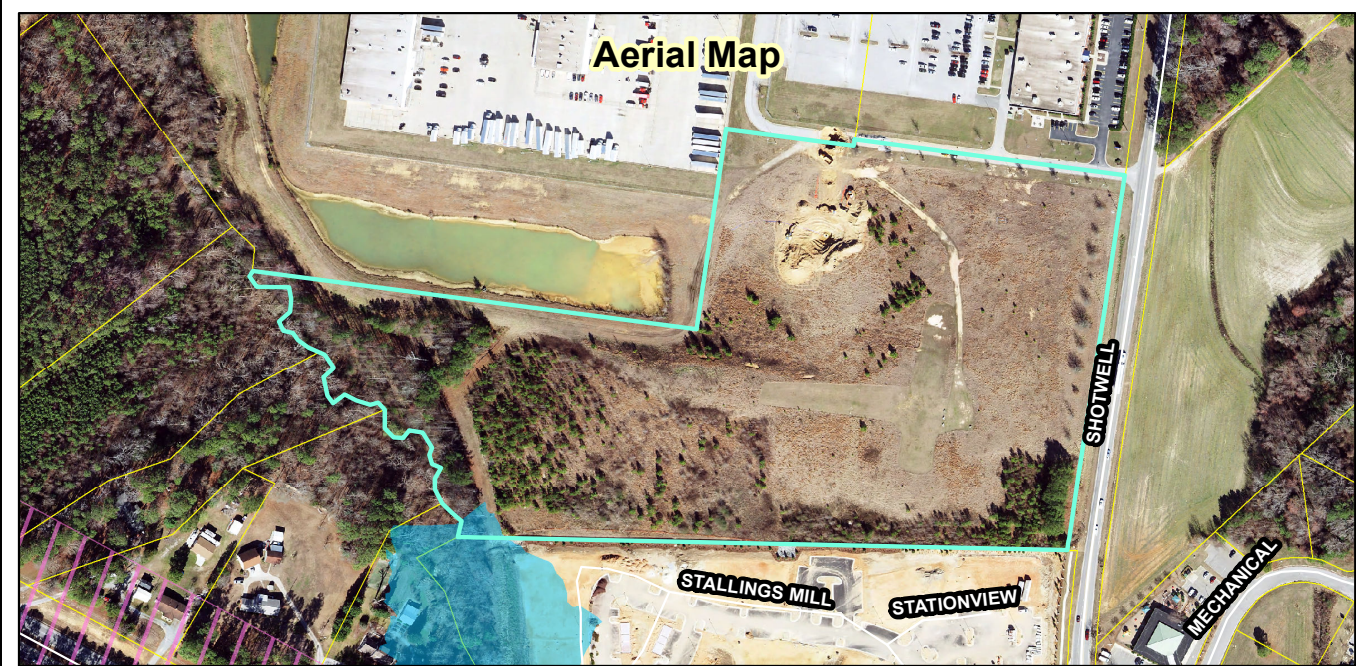
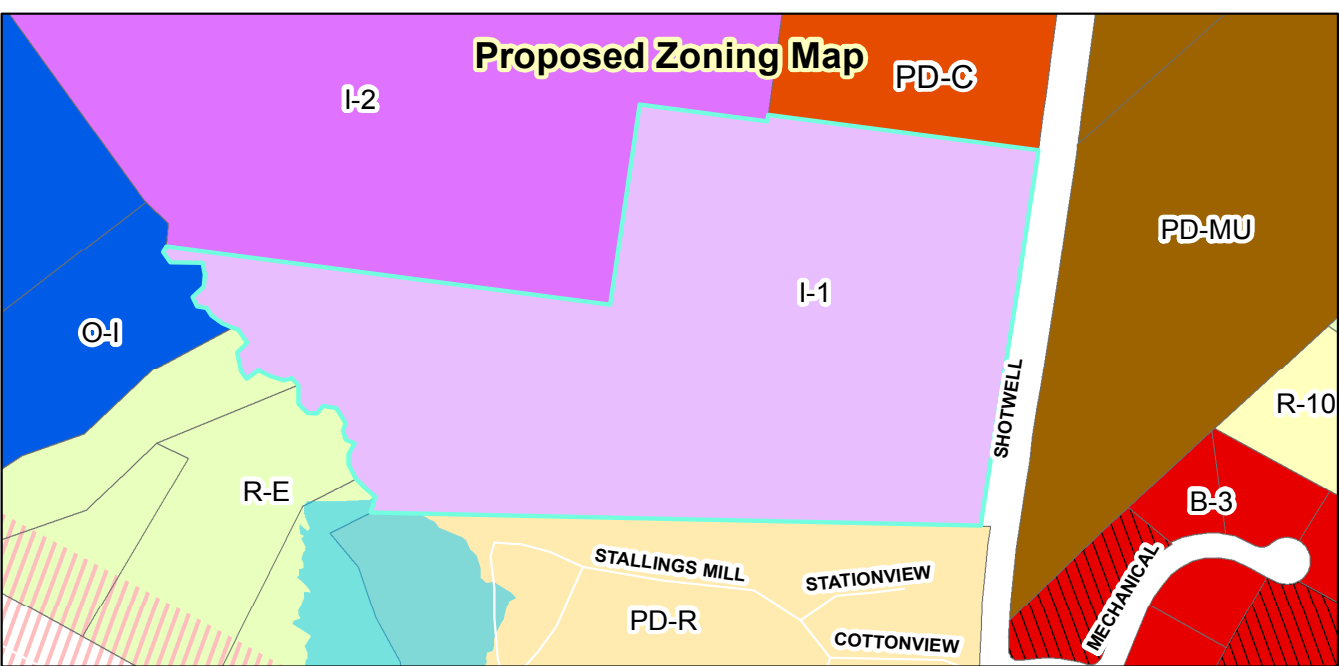
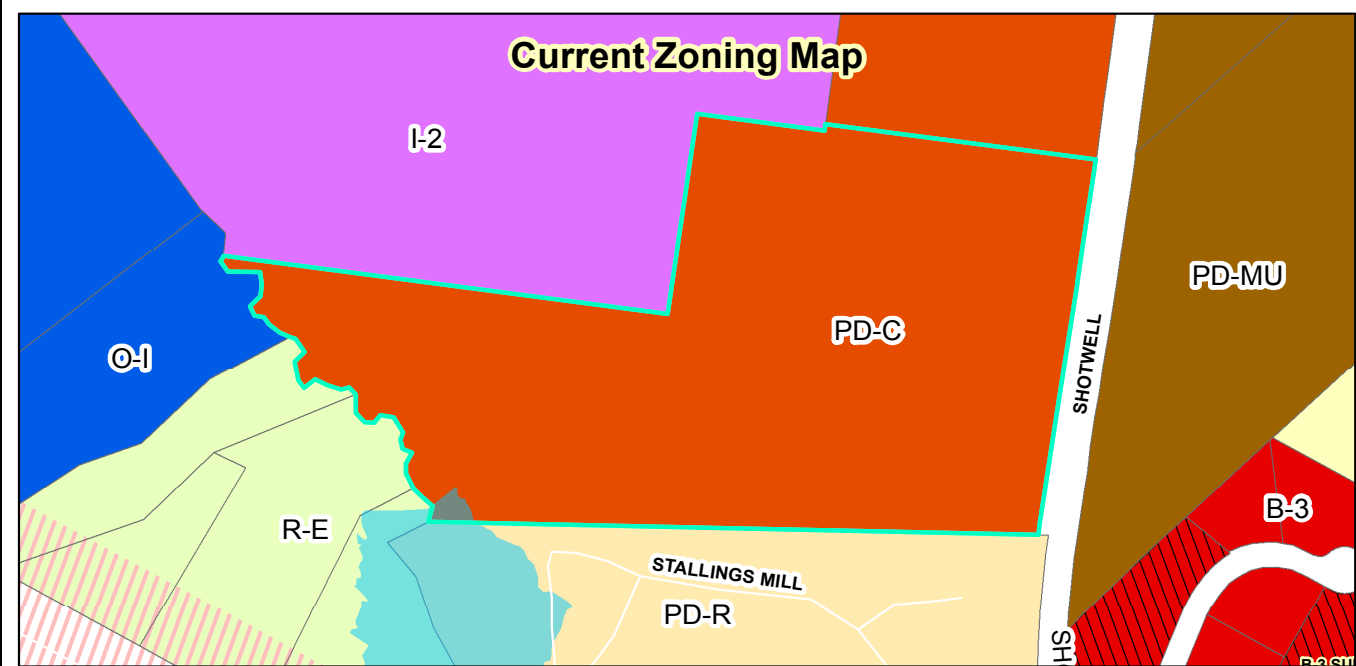
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the proposed rezoning request.

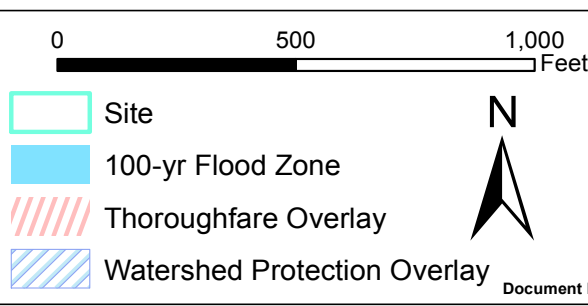
ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) PB Adjacent Property Letter
- 6) TC Adjacent Property Letter
- 7) Newspaper Ad



Request:
2021-54-RZ, to Rezone a parcel from
Planned Development - Commercial (PD-C)
to Light Industrial (I-1).

Applicant: Landmark Industrial, LLC
 Property Owners: Elphick Properties, LLC
 Tag #: 05G02006G



Staff Report Map
 Prepared by: TOC Planning Department
 June 7, 2021

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Document Path: O:\PLANNING\REZONING\Rezoning\2021\2021-54-RZ Landmark Light Industrial Building\Maps\Staff Report Map - 2021-54-RZ Landmark Light Industrial Building.mxd