



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, July 26, 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

4. PUBLIC HEARINGS

5. NEW BUSINESS

- a. **2021-54-RZ Landmark Light Industrial Building Rezoning**
Tag#: 05G02006G
Location: Shotwell Road/City Dump Road
[Application - 2021-54-RZ - Landmark Light Industrial Building Rezoning](#)
[Executed Owners Consent Form - 2021-54-RZ - Landmark Light Industrial Rezoning](#)
[Adjacent Property Letter - 2021-54-RZ - Landmark Light Industrial Building Rezoning](#)
[Neighborhood Meeting Materials - 2021-54-RZ - Landmark Industrial Rezoning](#)
[Site Layout Exhibit - 2021-54-RZ - Landmark Light Industrial Rezoning](#)
[Staff Report - 2021-54-RZ - Landmark Light Industrial Building Rezoning](#)
[Staff Report Map - 2021-54-RZ - Landmark Light Industrial Building Rezoning](#)
- b. **2021-71-RZ Johnston Preparatory High School Rezoning**
Tag#: 05I05036
Location: West side of Hwy 70 Bus; West of Gordon Road
[Application - 2021-71-RZ - Johnston Preparatory High School Rezoning](#)
[Adjacent Property Letter - 2021-71-RZ- Johnston Preparatory High School Rezoning](#)
[Neighborhood Meeting Material - 2021-71-RZ - Johnston Preparatory High School Rezoning](#)
[Site Plan - 2021-71-RZ - Johnston Preparatory High School Rezoning](#)
[Johnston Prep HS Building Rendering - 2021-71-RZ - Johnston Preparatory High School Rezoning](#)
[Staff Report - 2021-71-RZ - Johnston Preparatory High School Rezoning](#)

6. INFORMAL DISCUSSION AND PUBLIC COMMENT

7. ADJOURN



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:

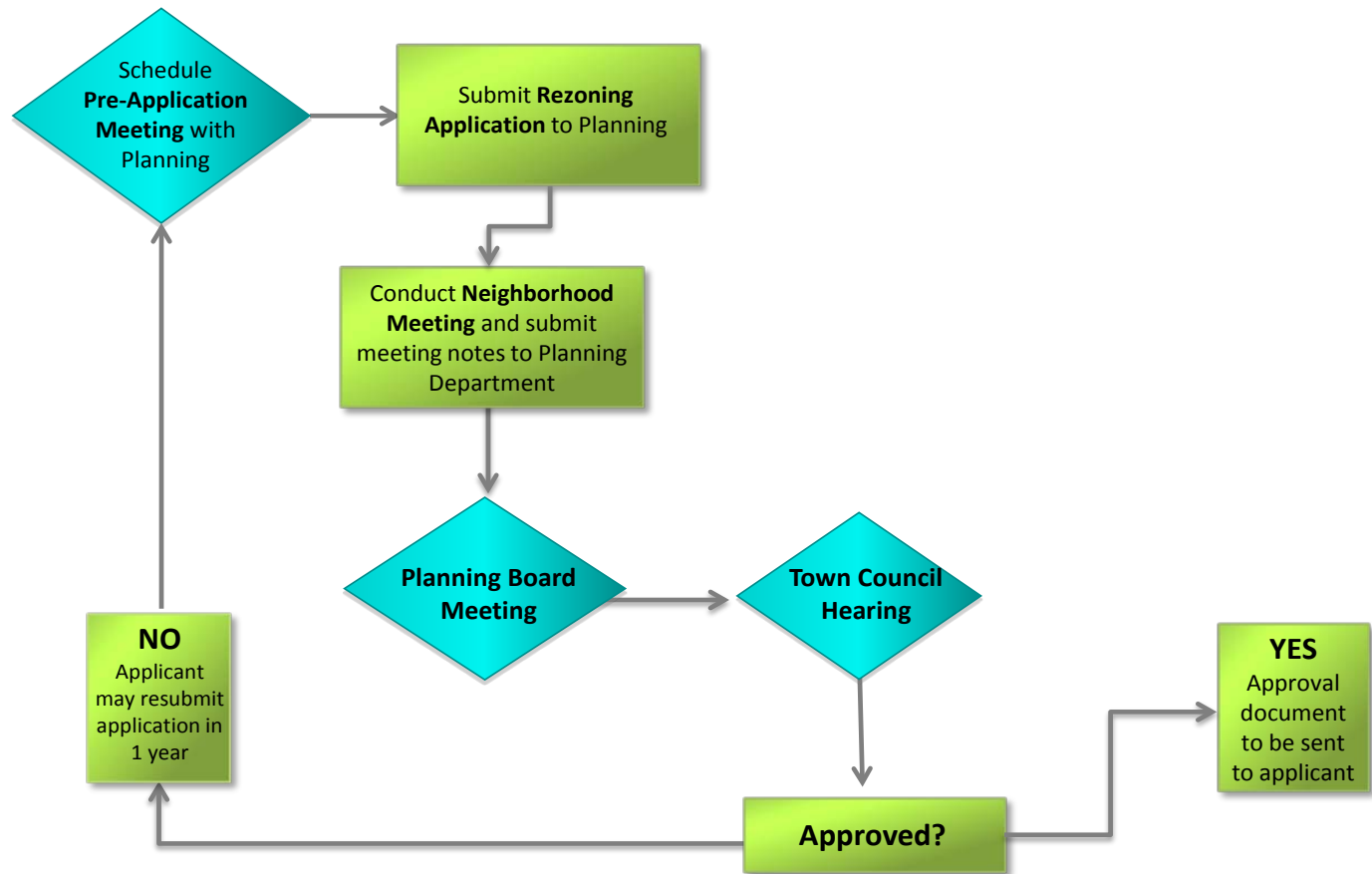
Printed Name: _____ Signature: _____

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:

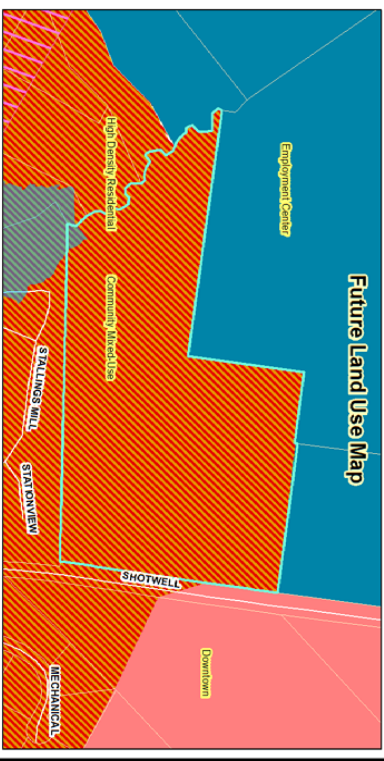
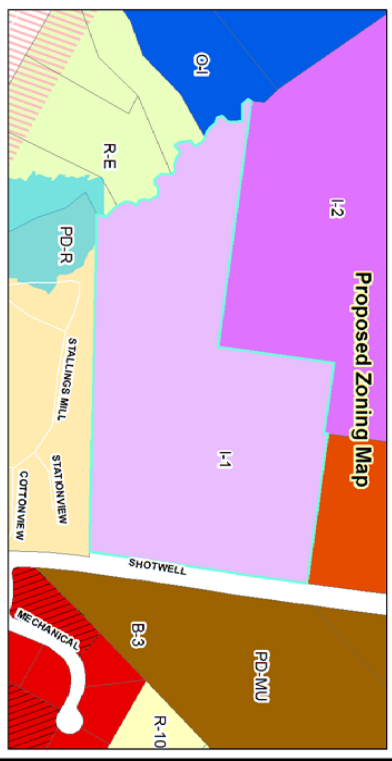
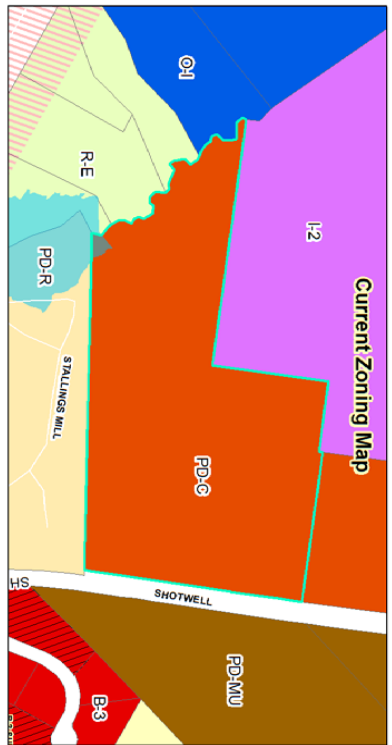
Notice is hereby given that the Clayton Planning Board will hold a public meeting on **June 28, 2021 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a recommendation on the above referenced Rezoning application. This application will proceed to Town Council for a public hearing following Planning 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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Landmark Light Industrial Project

Application: _____

Location/Date: Virtual Meeting-MS Teams, July 6th 6:00-8:00 PM

	NAME	ADDRESS
1	Dave Williams	233 Horton Grove Road, Fort Mill, SC
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

Date of Mailing:

Date of Meeting: July 6, 2021 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.*

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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



June 24, 2021

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: July 6, 2021

Meeting Time: 6:00 pm

Meeting Location: MS Teams Video Meeting-Please email dwilliams@landmark-ind.com and a meeting invite will be sent to your attention with a link to the virtual meeting. Alternatively, the call-in number is [+1 872-242-8873](tel:+18722428873) and [pass code is 109013214#](#)

Type of Application: Rezoning PD-C to I-1

Project Proposal Address: 0 Shotwell Road

Description of project/proposal: Construct a +/- 150,000 square foot light industrial building and related parking .

Upcoming public meetings for this
application (Planning Board
and/or Town Council): July 19, 2021

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 704.965.9268. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Williams".

Dave Williams
Landmark Industrial,

Cc: Town of Clayton Planning Department

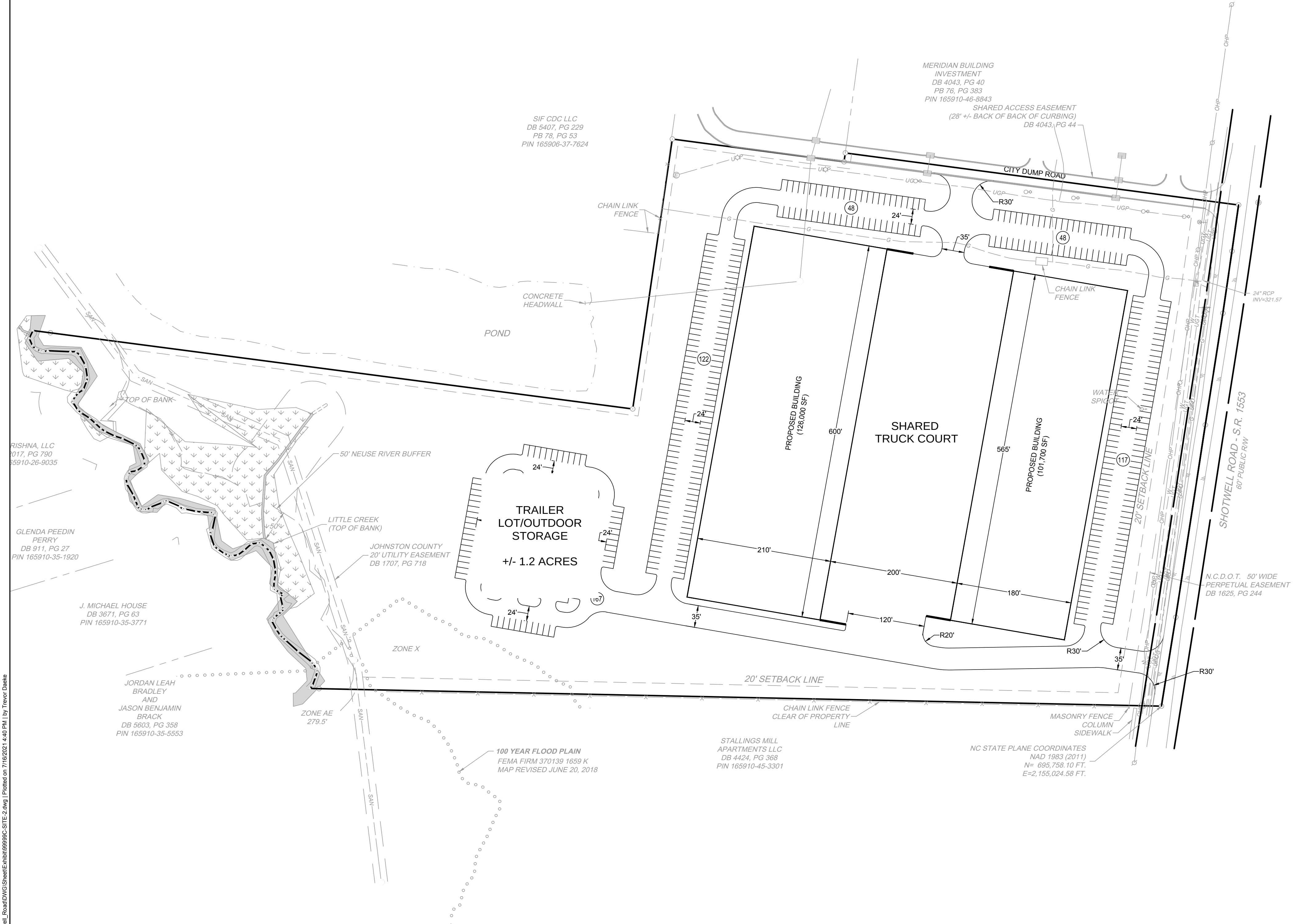
ADJACENT PROPERTY OWNERS LIST

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.

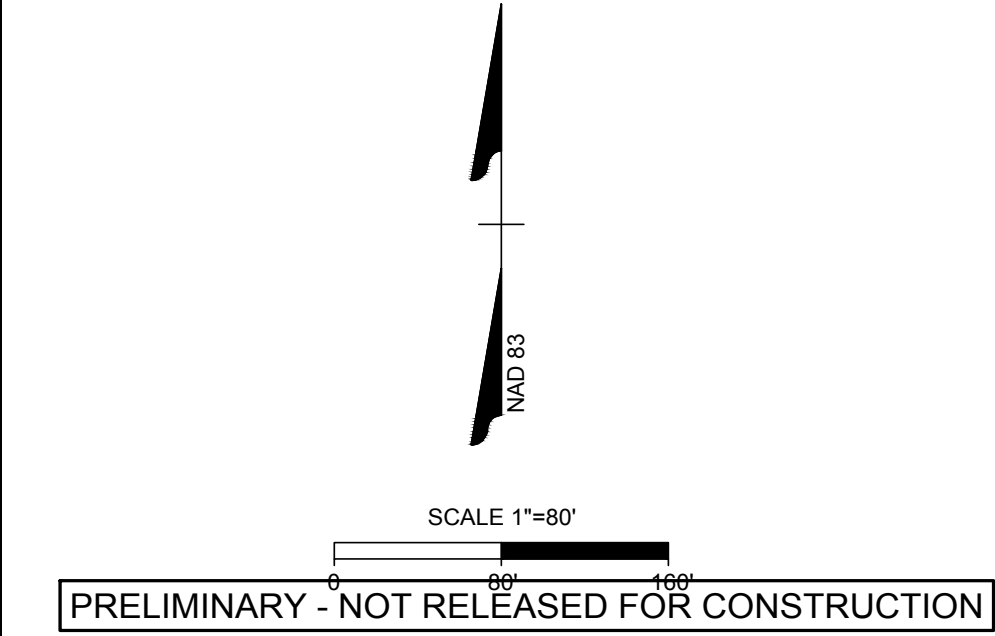
PARCEL NUMBER	NAME	ADDRESS



SITE DATA TABLE	
PROJECT NAME:	0 SHOTWELL ROAD
PROPERTY OWNER:	ELPHICK PROPERTIES LLC 1000 CCC DRIVE CLAYTON, NC 27520
PIN(S):	1070
DEED REFERENCE:	DB. 76 PG. 384
PROPERTY ADDRESS:	0 SHOTWELL ROAD CLAYTON, NC 27520
JURISDICTION:	TOWN OF CLAYTON
EXISTING ZONING:	PD-C
PROPOSED ZONING:	TBD
EXISTING USE:	VACANT
PROPOSED USE:	INDUSTRIAL WAREHOUSE
EXISTING SITE AREA:	1,046,412 S.F. (24.02 AC.)
PARKING SUMMARY:	
MINIMUM REQUIRED PARKING SPACES:	1 SPACE FOR 1,000 SQFT + 1 SPACE PER 200 SQFT OF OFFICE SPACE ASSUMED 10% OFFICE SPACE AND 90% WAREHOUSE 10(126,000 + 101,700) / 200 = 114 SPACES 90(126,000 + 101,700) / 1000 = 205 SPACES TOTAL REQUIRED = 319 SPACES
TOTAL PROVIDED PARKING:	502 SPACES

PLAN REVIEW NOTES:
1. EXISTING CONDITIONS BASED ON FILES OBTAINED FROM JOHNSTON COUNTY GIS AND NC ONE MAP ON 03/01/2021 AND FILES OBTAINED FROM TIMMONS GROUP ON 07/06/2021.
2. THIS TEST FIT PLAN DOES NOT GUARANTEE THAT ALL REQUIREMENTS FROM ZONING ISSUES, NOR STORM DRAINAGE, GRADING, UTILITIES, EASEMENTS, AND THE LIKE ARE PROPERLY ADDRESSED AT THIS TIME. THE ABOVE REQUIREMENTS CAN AFFECT THE SITE LAYOUT.
3. ALL REQUIREMENTS ASSUMED WITH THIS LAYOUT ARE TENTATIVE AND SUBJECT TO CHANGE AS MAY BE DIRECTED BY THE CLIENT, ARCHITECT, JOINT DEVELOPER, OR ANY OF THE GOVERNMENTAL PERMITTING AGENCIES. TIMMONS GROUP HAS DONE THE BEST WE CAN GIVEN THE PRELIMINARY NATURE OF THIS WORK. ONLY AFTER A THOROUGH ALTA AND TOPOGRAPHIC SURVEY ARE PERFORMED, AND THE REQUIRED REVIEW PROCESSES ARE COMPLETE, CAN MORE ASSURANCE BE GIVE TO THIS PLAN AS IT RELATES TO MOVING FORWARD.

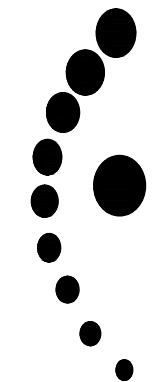
PRELIMINARY CONCEPT
PLAN. SUBJECT TO CHANGE



PRELIMINARY - NOT RELEASED FOR CONSTRUCTION

PRELIMINARY
NOT FOR
CONSTRUCTION

THIS DRAWING PREPARED AT THE RALEIGH OFFICE 5410 Trinity Road, Suite 102 Raleigh, NC 27607 TEL 919.866.4951 FAX 919.833.8124 www.timmons.com	REVISION DESCRIPTION	
YOUR VISION ACHIEVED THROUGH OURS.	DATE	
	DATE	07/16/2021
	DRAWN BY	T. DAEKE
	DESIGNED BY	R. BAKER
	CHECKED BY	R. BAKER
	SCALE	AS SHOWN



TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

0 SHOTWELL ROAD
CLAYTON - JOHNSTON COUNTY - NORTH CAROLINA

SITE LAYOUT EXHIBIT

JOB NO.
48435.001

SHEET NO.
EX1.0

These plans and associated documents are the exclusive property of TIMMONS GROUP and may not be reproduced in whole or in part and shall not be used for any purpose whatsoever, inclusive, but not limited to construction, bidding, and/or construction staking without the express written consent of TIMMONS GROUP.



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

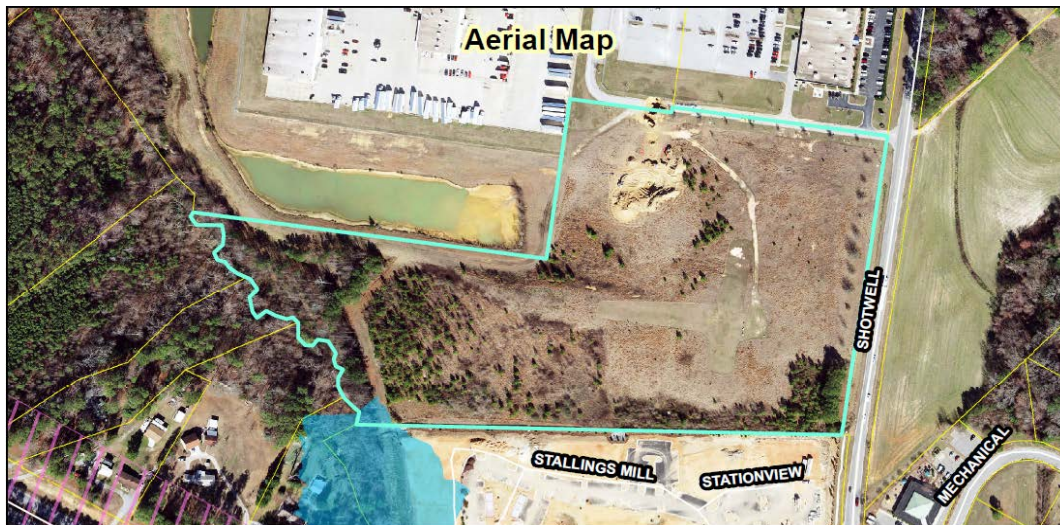
Location: Shotwell Road/City Dump Road

Project Planner: Ben Paynter

Public Noticing Dates:

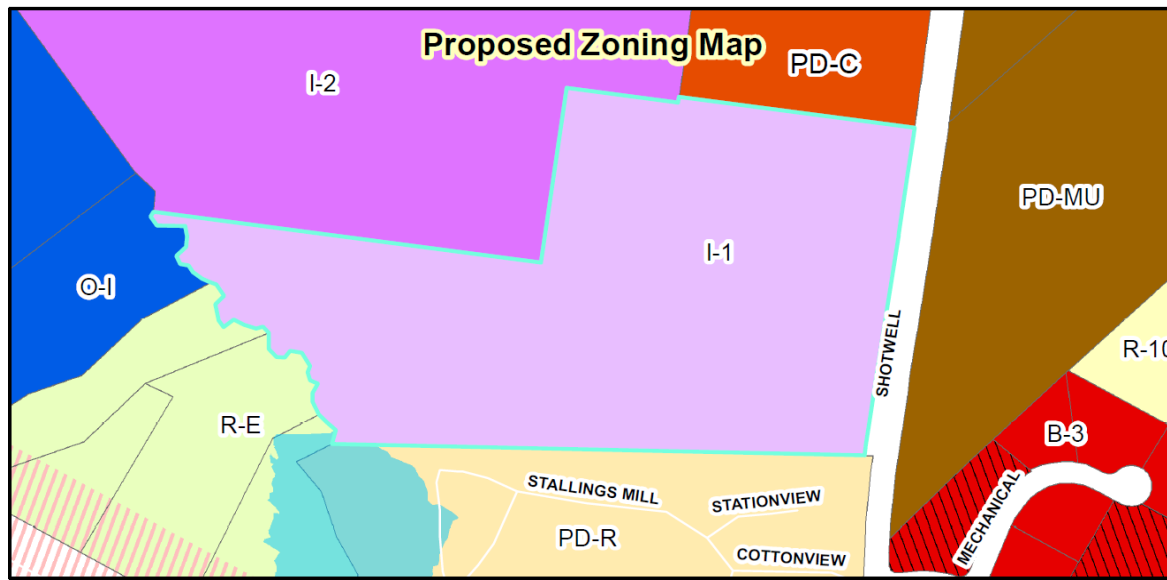
- **Neighborhood Meeting:**
- **Sign posted:** June 18
- **Adjacent Property Letters Mailed:** June 18
- **Newspaper Ad published:**

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:

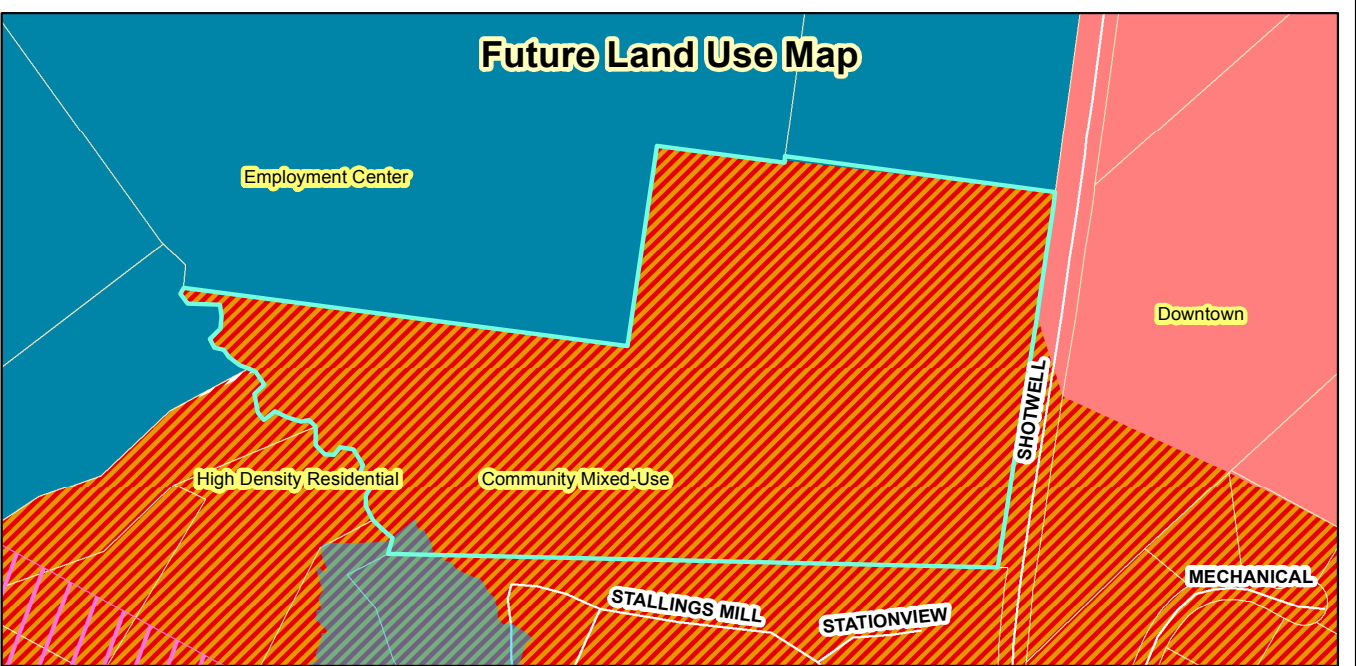
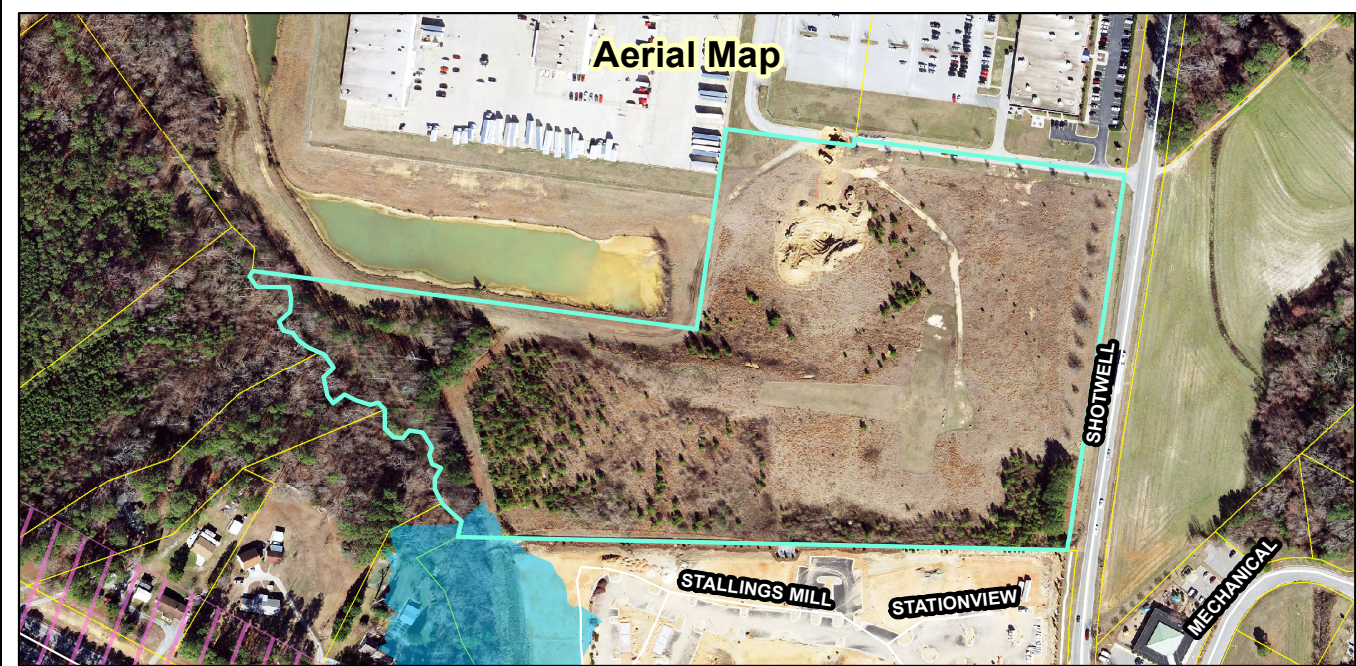
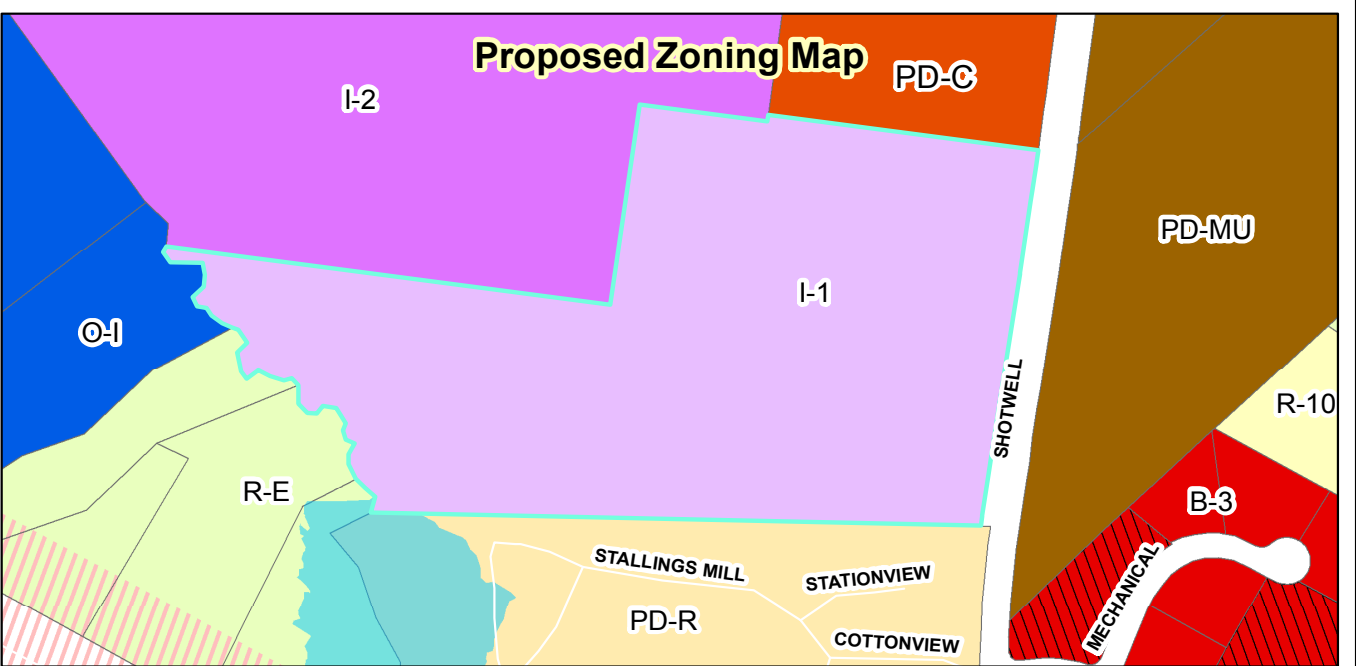
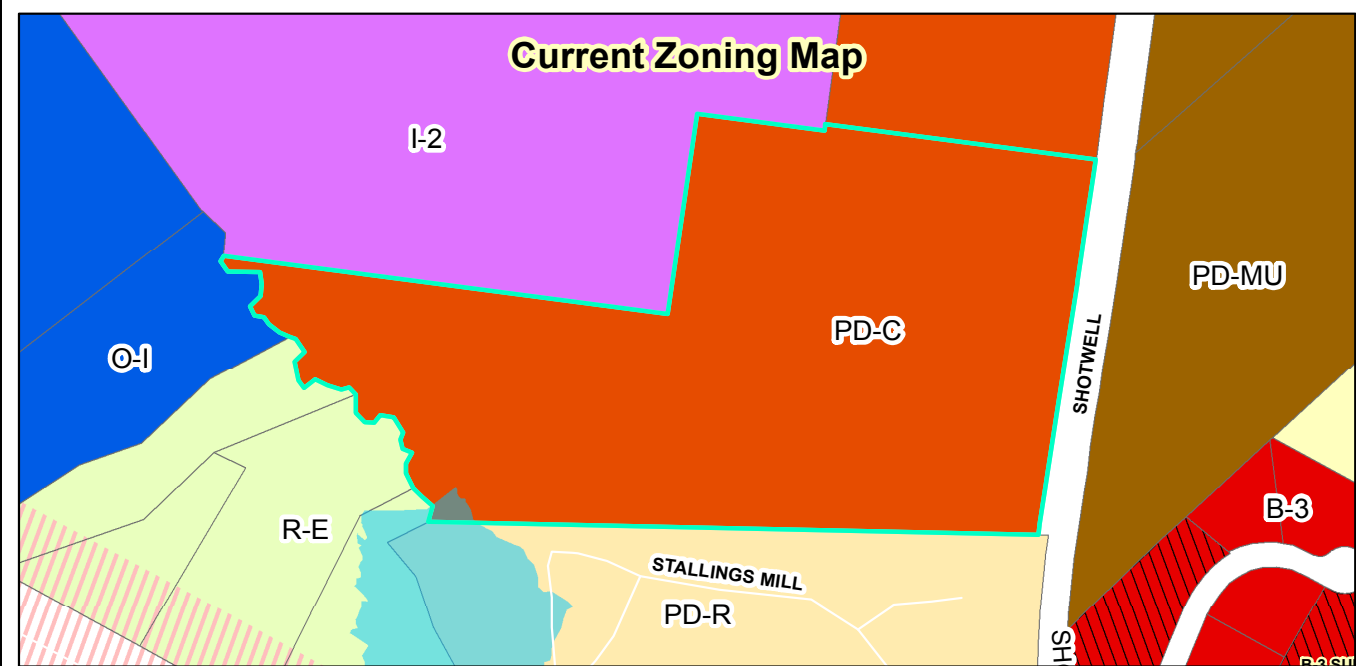
- Rezonings are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining 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.

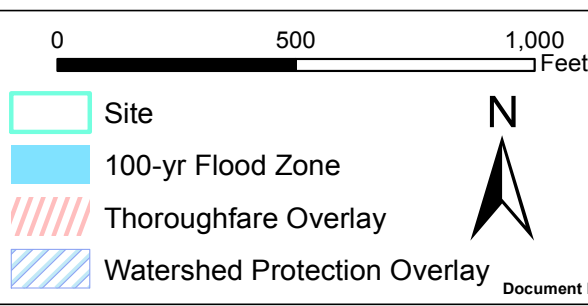
ATTACHMENTS:

- 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

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

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



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: Johnston Preparatory High School
Acreage of Property: 38.46 Zoning District: R-E
County Tag #: 05105036 NC Pin #: 167700-16-9558
Address/Location: 7705 US HWY 70 BUS
Existing Zoning District: R-E Proposed Zoning District: O & I

APPLICANT INFORMATION

Applicant: Charter Development Company LLC, a subsidiary of National Heritage Academies
Mailing Address: 3850 Broadmoor Ave SE, Grand Rapids, Mi 49512
Phone Number: 616-299-6611 Fax: _____
Contact Person: Robert Dunston - Real Estate Manager
Email Address: bdunston@nhaschools.com

PROPERTY OWNER INFORMATION

Name: Tuttle Land Management LLC, John P Tuttle: Manager
Mailing Address: 95 Cabernet Ct, Clayton, NC 27520
Phone Number: 919-553-5510 Fax: _____
Email Address: jptuttle@embarqmail.com

OFFICE USE ONLY

RECEIVED
Date Received: _____ Amount Paid: 700⁰⁰ File Number: 2021-71-RZ
PAID
JUL 01 2021

TOWN OF CLAYTON
PLANNING DEPARTMENT

EXPLANATION OF PROJECT

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

Charter Development Company is proposing to construct a new Charter Public High School, authorized by the North Carolina State Board of Education with an anticipated opening date of August 2022. The site is also large enough to support a future K-8 Charter Public School. The High School open with 450 students in grades 9 & 10, adding an additional grade each subsequent year, and reaching an enrollment of 800 students.

A future K-8 Charter Public School could be opened in the fall of 2023 as a K-6 and add an additional grade each subsequent year, serving 772 students at full capacity.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
SEE ATTACHED
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
SEE ATTACHED
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
SEE ATTACHED
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.
SEE ATTACHED
5. It has been determined that the legal purposes for which zoning exists are not violated.
SEE ATTACHED
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.
SEE ATTACHED.

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.

SEE ATTACHED

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.

Robert Dunston

Print Name


Signature of Applicant

6/25/21
Date



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: Johnston Preparatory HS Address or PIN #: 167700-16-9558

AGENT/APPLICANT INFORMATION:

Charter Development Company LLC: Robert Dunston
(Name - type, print clearly)

3850 Broadmoor Ave SE

(Address)
Grand Rapids, MI 49512
(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*):

Annexation, Rezoning, Site Plan

Utility Extension Agreements, Stormwater Agreements

Neighborhood Meetings

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:

John P Tuttle: Manager of Tuttle Land Management LL
(Name - type, print clearly)

John P. Tuttle
(Owner's Signature)

95 Cabernet Ct.

(Address)

Clayton, NC 27520

(City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me the 29th day of June, 2021, Rae R Boyd, a Notary Public for the above State and County, this

SEAL



July 2018

Rae R Boyd
Notary Public

My Commission
Expires:

July 12, 2023

1. Consistency with the adopted plans of the Town.

The Future Land Use Map designates this property as an Employment Center. The Town's Growth Plan provides guidance that properties with the Employment Center designation should provide locations for primary employment and economic development opportunities. Uses encouraged in the Employment Center include but are not limited to, industrial, warehouse, office, research and development, tech-flex, hospital, renewable energy, recycling, fabrication, assembly, and technology. Employment Center uses may also include a limited amount of supporting commercial uses, such as restaurants and convenience retailers to serve employees.

The O-I zoning district is intended to permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. This is in line with the vision for Employment Centers outlined in the Town's Growth Plan. Moreover, the O-I zoning district is consistent with the guidance in the Growth Plan that properties with the Employment Center designation should be located along or proximate to major roadways. Therefore, the proposed rezoning is consistent with the adopted plans of the Town.

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

The current zoning district on the property is Residential-Estate (R-E). This zoning district most likely was a "holding district" applied to the property upon initial zoning before any fully vetted plans had been adopted by the Town. Under the current zoning, almost none of the uses contemplated for Employment Centers within the Growth Plan can be established on the property. By contrast, the proposed district will allow for a variety of uses envisioned within Employment Centers. Therefore, the site is suitable for the uses which the requested zoning will allow.

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

Given that the current zoning allows for very little development, both because of use restrictions and dimensional requirements associated with the R-E district, the proposed O-I district will improve the balance of uses allowed along a major corridor in Town. Moreover, the Growth Plan identifies this area as an Employment Center in recognition of the need for additional employment and non-residential opportunities in the periphery of the Town. Therefore, the proposed change improves the balance of uses and meets a 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.

This site is ideal for development because it has convenient access to major transportation infrastructure. Moreover, public utilities are located at both the front and rear of the property,

which provides multiple options for the services required due to additional demand from new development on the site. The rezoning could facilitate the development of a new school or schools or provide opportunities for additional public facilities to be developed.

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

The proposed application does not violate the Town's zoning authority, and, in fact, is in line with the Town's adopted policies and plans. Moreover, as a general use rezoning, the rezoning does not contravene any prohibition on contract or spot zoning. The rezoning is lawful and is sought for lawful purposes.

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.

The proposed rezoning will not have an adverse effect upon the rights of adjoining property owners. To the contrary, the rezoning could facilitate new development on the property which, in turn, might spur more economic activity in the area. With new development on the property, it is possible that improvements will be made to the public infrastructure which could support additional development in the area.

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.

While the applicant seeks to rezone the property, the zoning sought is consistent with the Town's long-range plans for this area. Certainly, the applicant believes it stands to gain from the rezoning, but it cannot be argued that such benefit is to the detriment of the general public. The applicant in this case hopes to develop a new public charter school or schools on the property which facilities may also include a day care. Given that the Johnston County Public School Board capped 14 elementary schools, 4 middle schools, and 4 high schools for the 2020-2021 school year based on the school system's limited capacity, it appears the prospect of a new school opening in Johnston County could not come any sooner.



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

July 14, 2021

NOTICE

SUBJECT: **Project:** 2021-71-RZ Johnston Prep High School Rezoning
Address: * No Site Address *
TAG #: 05I05036
Applicant: Charter Development Company LLC

Dear Clayton Area Property Owner:

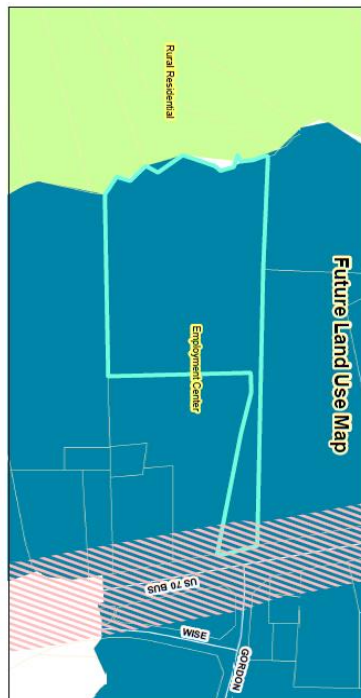
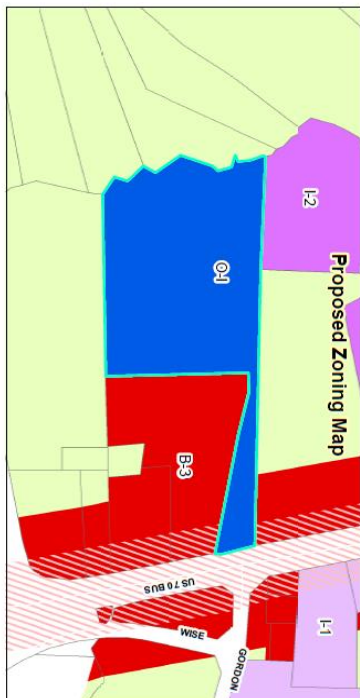
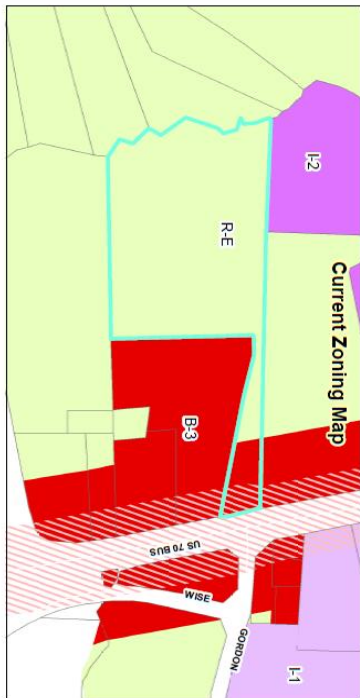
Notice is hereby given that the Clayton Planning Board will hold a public meeting on **Monday July 26, 2021 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a recommendation on the above referenced Rezoning application. This application will proceed to Town Council for a public hearing following Planning Board recommendation. Another notice will be sent prior to the date of the scheduled public hearing. The applicant is requesting to rezone 38.46 acres from Residential Estate (R-E) / Highway Business (B-3) to Office-Institutional (O-I). 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 jcaines@TownOfClaytonNC.org.

Sincerely,

Jeff Caines, AICP
Senior Planner



Request:
2021-71-RZ, to Rezone a parcel from
Residential Estate (R-E)
to Office - Institutional (O-I).



Staff Report Map
Prepared by: TOC Planning Department
July 14, 2021
 Disclaimer: Town of Clayton assumes no legal responsibility
 for the quality to the data represented here.

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NEIGHBORHOOD MEETING INFORMATION PACKAGE Virtual Meeting Scheduled for July 22, 2021 from 6 to 8pm

RE: Instructions to attend the virtual neighborhood meeting, pertaining to the Re-Zoning and Annexation of the Tuttle Family Property located on Hwy70 Bus, Clayton, NC.

Please allow me to introduce myself and National Heritage Academies. My name is Bob Dunston, and I am the Real Estate Manager for National Heritage Academies("NHA"). NHA constructs and operates Charter Public Schools in North Carolina and eight other states. We currently provide tuition free public education to over 60,000 students in the USA. We currently operate Johnston Charter Academy, a K-8 Charter Public school located on the north side of Clayton, near the Walmart Superstore.

We are proposing to construct and operate a new Charter Public School on the Tuttle Family parcel and are scheduled to open in the fall of 2022. A second K-8 school is proposed to open the following year in the fall of 2023.

This package includes my contact information, copy of the rezoning application, schedules of the upcoming meetings, an aerial map of the property and neighboring properties and a conceptual site plan depicting the proposed schools.

We will be hosting a virtual meeting on July 22, 2021 from 6pm to 8pm. You may call into the meeting at +1 573-375-5255 PIN: 813 176 031#, or attend via internet at **Google Meet joining info** <https://meet.google.com/wtv-fmiu-qzr>.

We are scheduled for the July 26th Planning Commission meeting and anticipate our Rezoning and Annexation applications to be in front of the Town Council at the September 7th meeting.

Regards,

Bob Dunston
Bob Dunston | Real Estate & Development Group
NATIONAL HERITAGE ACADEMIES
P 616.954.6374 | C 616.299.6611
BDUNSTON@NHASCHOOLS.COM

TUTTLE LAND MANAGEMENT, LLC
PO BOX 132
CLAYTON, NC 27528-0132

DEAKIN, JAMES ADAM
DEAKIN, CLAIRE NORMAN
88 PEELE RD
CLAYTON, NC 27520-4314

SMITH, MICHAEL C
SMITH, LISA M
166 PEELE ROAD
CLAYTON, NC 27520-9571

LINDER, RALPH E
134 PEELE ROAD
CLAYTON, NC 27520-0000

JOYNER, GWEN RIFFLE
32 PEELE RD
CLAYTON, NC 27520-4314

SMOOCH, LLC
PO BOX 2346
SMITHFIELD, NC 27577-2346

STRATCON CONTRACTING CORP.
2705 OLD WILLIAMS RD
RALEIGH, NC 27610-5140

SRRRE LLC
440 S TECH PARK LN
CLAYTON, NC 27520-5016

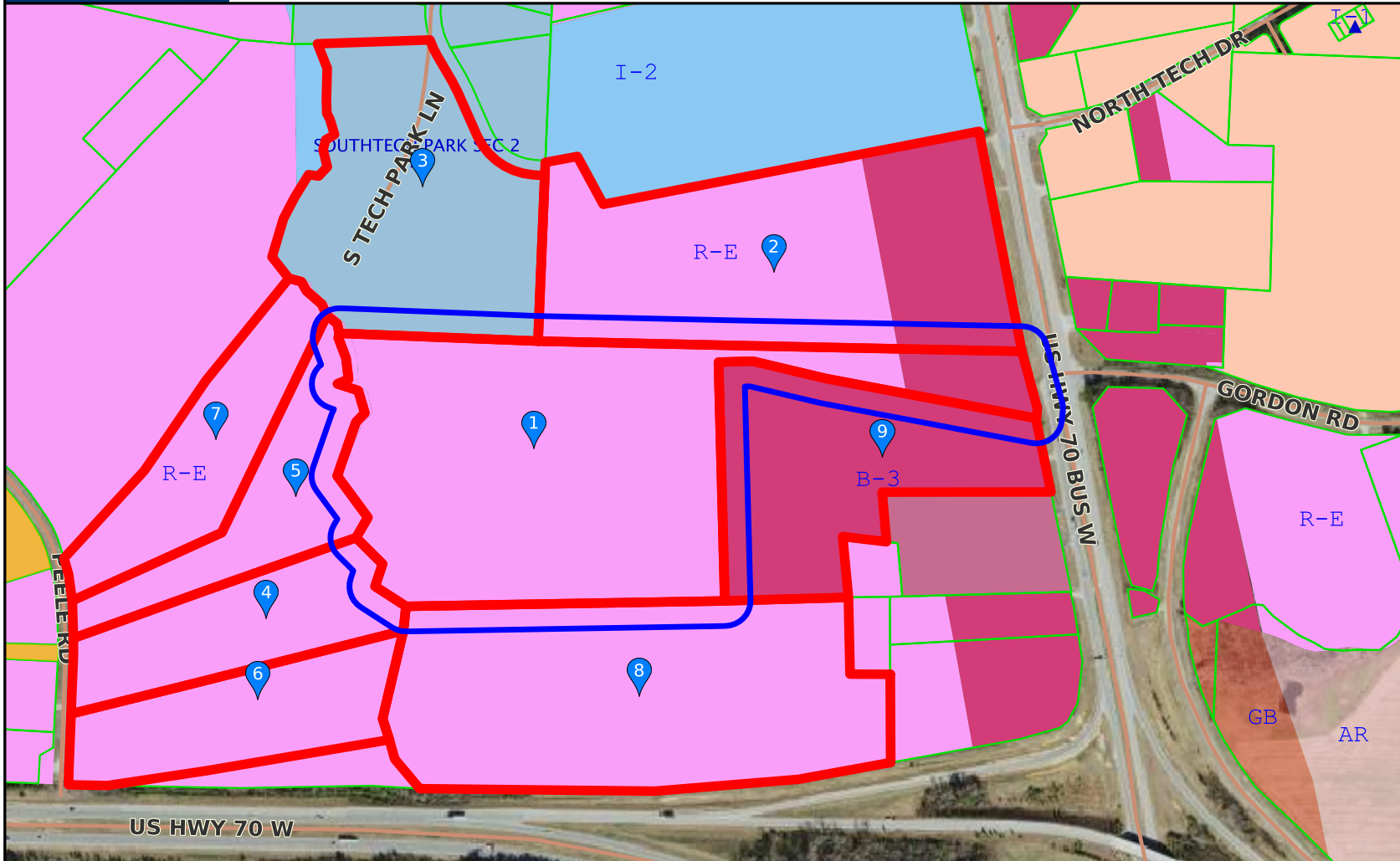
DORIS M. MATTHEWS LIVING TRUST
PRIVETTE, PATRICIA MATTHEWS TRUSTEE
2420 FIELDSTONE DR
LENOIR CITY, TN 37772-4890

NOTE: Turn off 'Fit to Page' in print dialog before
printing.

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9 label(s) printed

*** DISCLAIMER ***

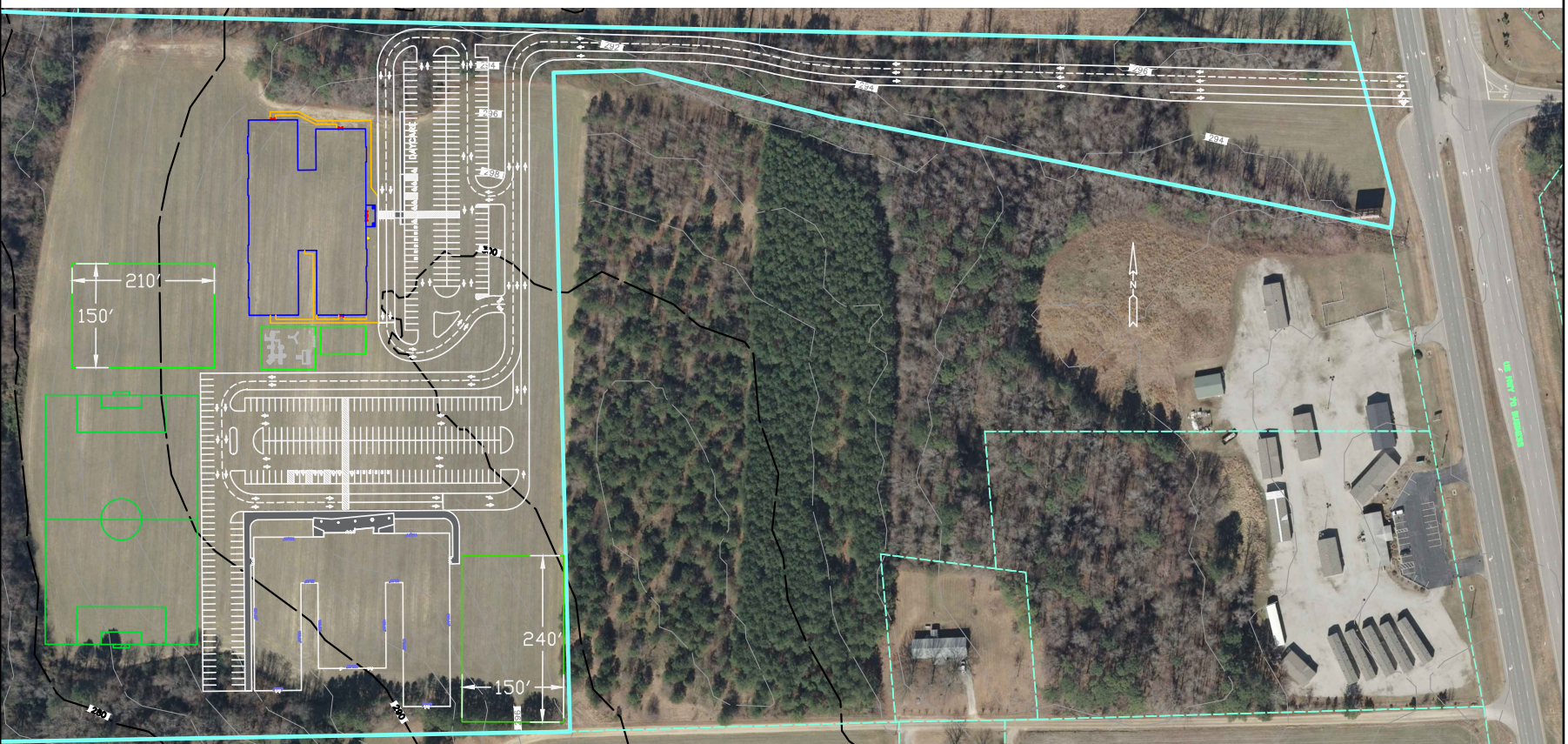
Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:6534 - 1 in. = 544.51 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
July 13, 2021



ADJACENT PROPERTY OWNERS LIST

Project Name: 2021-71-RZ and 2021-72-ANX Johnston Preparatory High School

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
05I05036	Tuttle Land Management, LLC	PO Box 132, Clayton, NC 27528-0132
05E99021H	Michael C & Lisa M Smith	166 Peele Road, Clayton, NC 27520-9571
05E99026M	Ralph E Linder	134 Peele Road, Clayton, NC 27520-0000
05I05038	Dorris M Mathews Living Trust	5850 Northshore Dr, Hixson, TN 37343-4621
05E99021J	Gwen Riffle-Joyner	32 Peele Rd, Clayton NC 27520-4314
05I05038Z	SRRRE LLC	440 S Tech Park LN, Clayton, NC 27520-5016
05I05035B	Stratcon Contracting Corp.	2705 Old Williams Rd, Raleigh, NC 27610-6140
05I05033	Smooch, LLC	PO Box 2346, Smithfield, NC 27577-2346
05E99026O	James A & Claire N Deakin	88 Peele Rd, Clayton, NE 27520-4314

SAMPLE NEIGHBORHOOD MEETING LETTER

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

July 13, 2021

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: July 22, 2021

Meeting Time: 6 pm to 8pm

Meeting Location: Virtual Meeting

Type of Application: Rezoning of property and Annexation into the Town of Clayton

Project/proposal property address: 7705 Hwy 70 Bus

Description of project/proposal: National Heritage Academies is proposing to construct and operate a new Charter Public High School, scheduled to open in the fall of 2022. A second Charter

Public K-8 Elementary school, is proposed to open in the fall of 2023

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

Planning Board July 26, 2021, Town Council August 2 or 16

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 616-954-6374. You may also contact the Town of Clayton Planning Department at 919-553-5002.

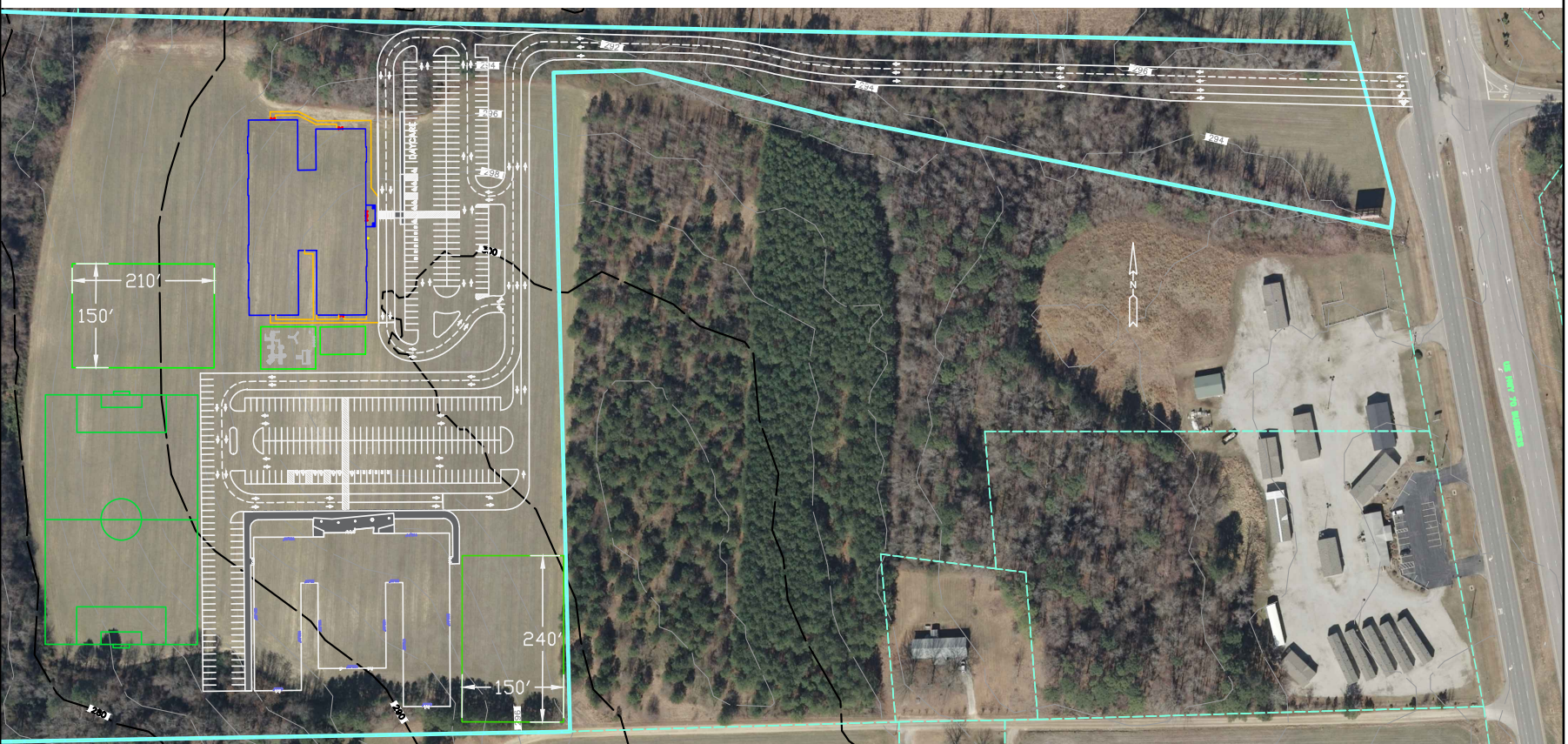
Sincerely,

Robert Dunston, National Heritage Academies

Cc: Town of Clayton Planning Department

October 2019

Page 3 of 5





Johnston Prep



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, 09/29/2020

STAFF REPORT

Application Number: 2021-71-RZ

Project Name: Johnston Preparatory High School – Rezoning

TAG #(s): 05I05036
Town Limits/ETJ: ETJ
Applicant: Charter Development Company LLC
Owner: Tuttle Land Management LLC – John Tuttle: Manager
Location: West side of HWY 70 BUS; West of Gordon Road
Project Planner: Jeff Caines, Planner

Public Noticing Dates:

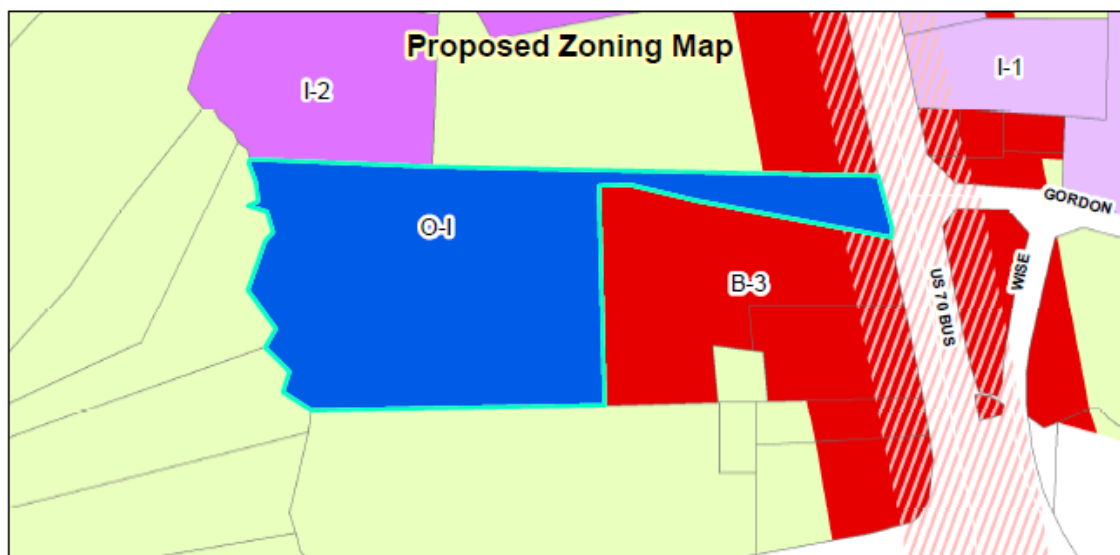
- **Neighborhood Meeting:** July 22, 2021
- **Sign posted:** July 15, 2021
- **PB Adjacent Property Letters Mailed:** July 14, 2021

REQUEST: Rezoning from Residential Estate (R-E) / Highway Business (B-3) to Office – Institutional (O-I)



SITE DATA:**Acreage:** +/- 38.46 acres**Existing Use:** Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	I-2 (Industrial Heavy) & R-E (Residential Estate)	Recycle Center / Vacant
South	R-E (Residential Estate)	Farm Use w/ Home
East	B-3 (Highway Business)	Vacant
West	R-E (Residential Estate)	Residential Homes

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

The site is currently outside the Town limits of Clayton and has applied for annexation. Annexation will be reviewed and decided upon by the Town Council. The site is located on the west side of US HWY 70 BUS, south of downtown Clayton, across from Gordon Road; being shown as vacant on the Aerial Map. The applicant is requesting to re-zone the property from Residential Estate (R-E) / Highway Business (B-3) to Office – Institutional (O-I) to allow for the future development of a new High School; which would be allowed as a Permitted (P) use as shown on Table 155.202 – Table 2-1. The future development will be filed under a separate application and reviewed independently. The O-I district establishes a transitional zone between more intense uses to the north and less intense uses under the B-3 (Highway Business) zoning to the south. This type of transitional zoning leads to and provides a more orderly development pattern between different types of uses and their associated intensities.

Consistency with the Comprehensive Plan 2040

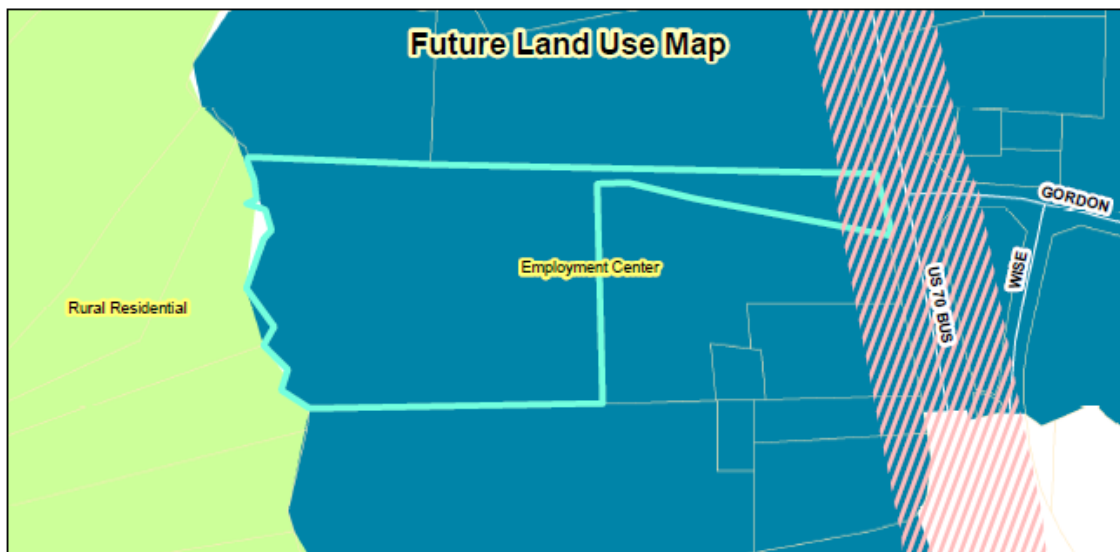
Although the proposed zone of O-I is not consistent with the Comprehensive Plan designation of Employment Center, the properties to the west are smaller and have residential homes already constructed with a Rural Residential Future Land Use Map designation placed on it; furthermore, the Highway Business (B-3) designation allows for a more intense use. Therefore, by having an Office – Institutional zoning designation between the two Future Land Uses, a transitional zone is created. Finally it should be noted that Cooper Branch which ultimately feeds into the Neuse River is on the western boundary of the property. By having a less intense use, certain environmental protections can be in place; this will not prevent future development for the applicants next phase in the overall development process, specifically a High School Site Plan.

Comprehensive Plan Goals supporting the rezoning request include:

Goal IC1: Coordinate with local, regional, state, and federal agencies to ensure consistency among plans and policies, identify and resolve conflicts, and promote cooperation.

Objective IC1.1: Facilitate communication between the Town and other governmental entities.

Strategy IC1.1.1: Support and facilitate coordination of planning with Johnston County Schools for the location and development of public educational facilities to support both existing and future population growth.



CONSIDERATIONS:

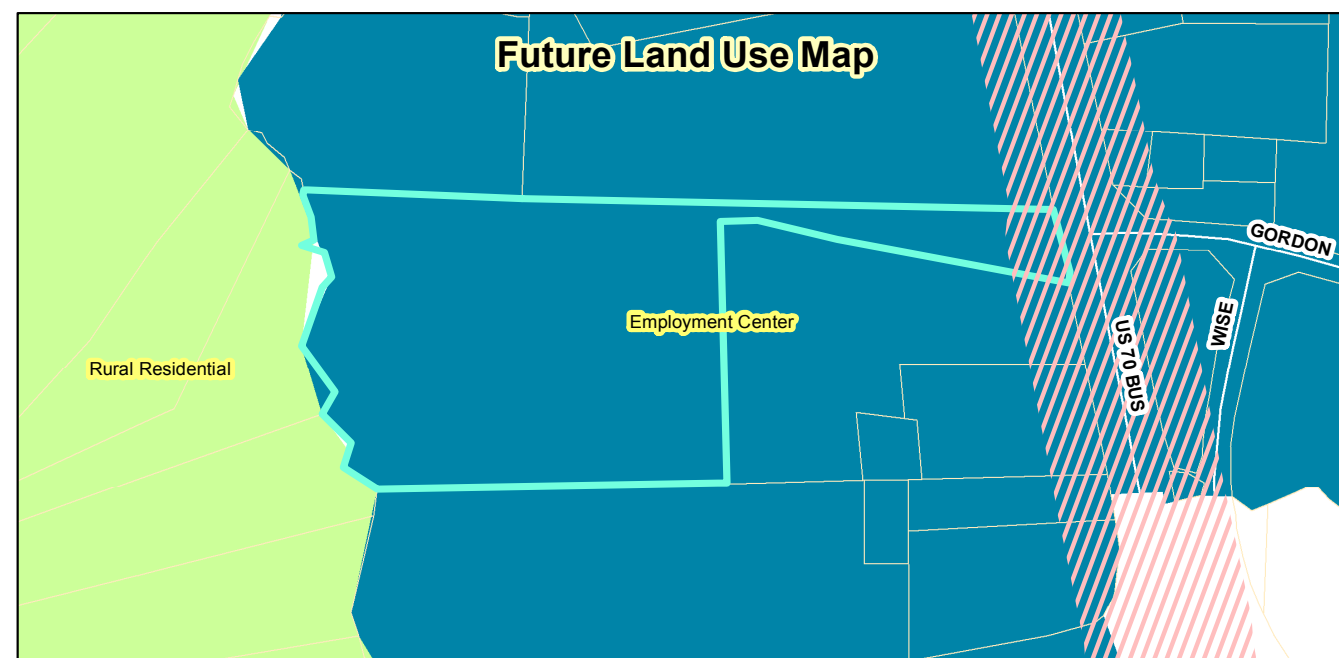
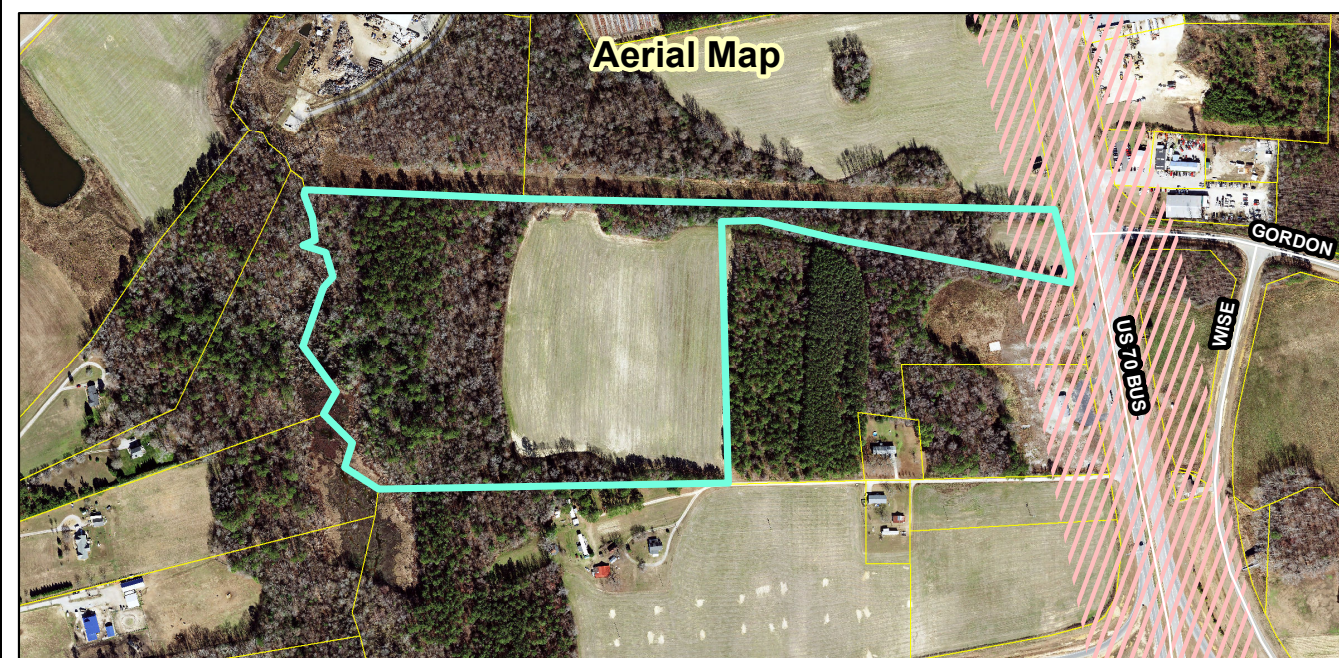
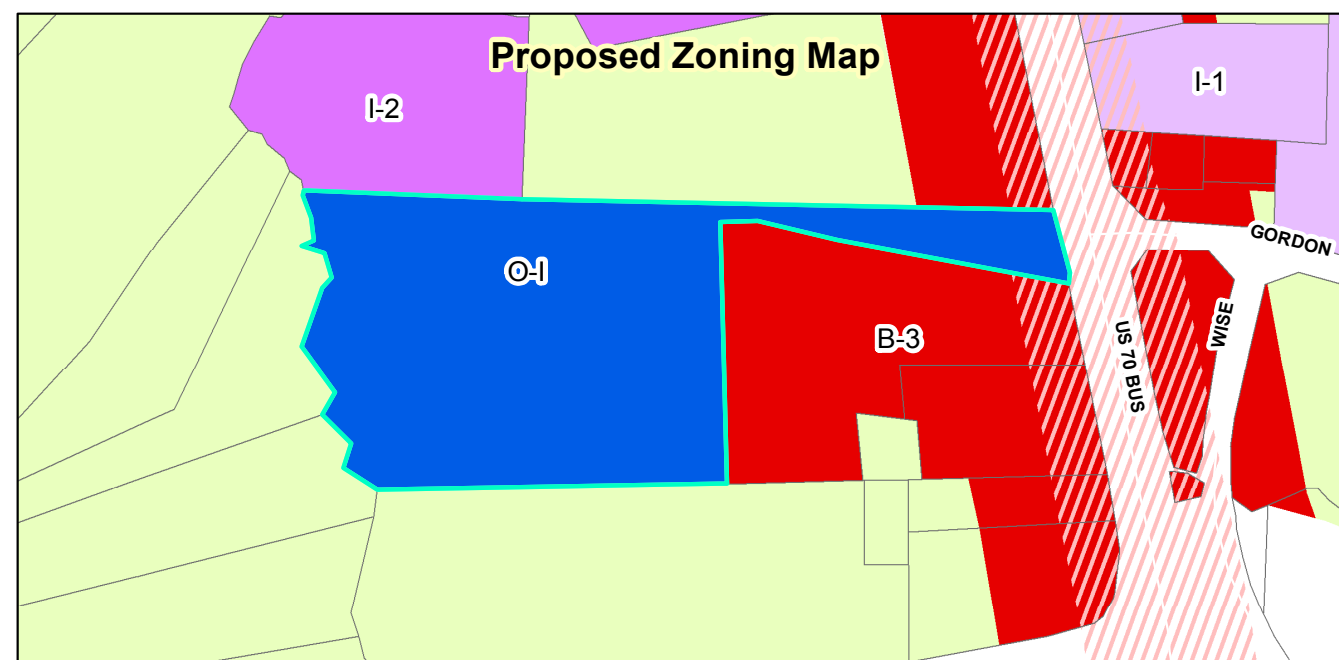
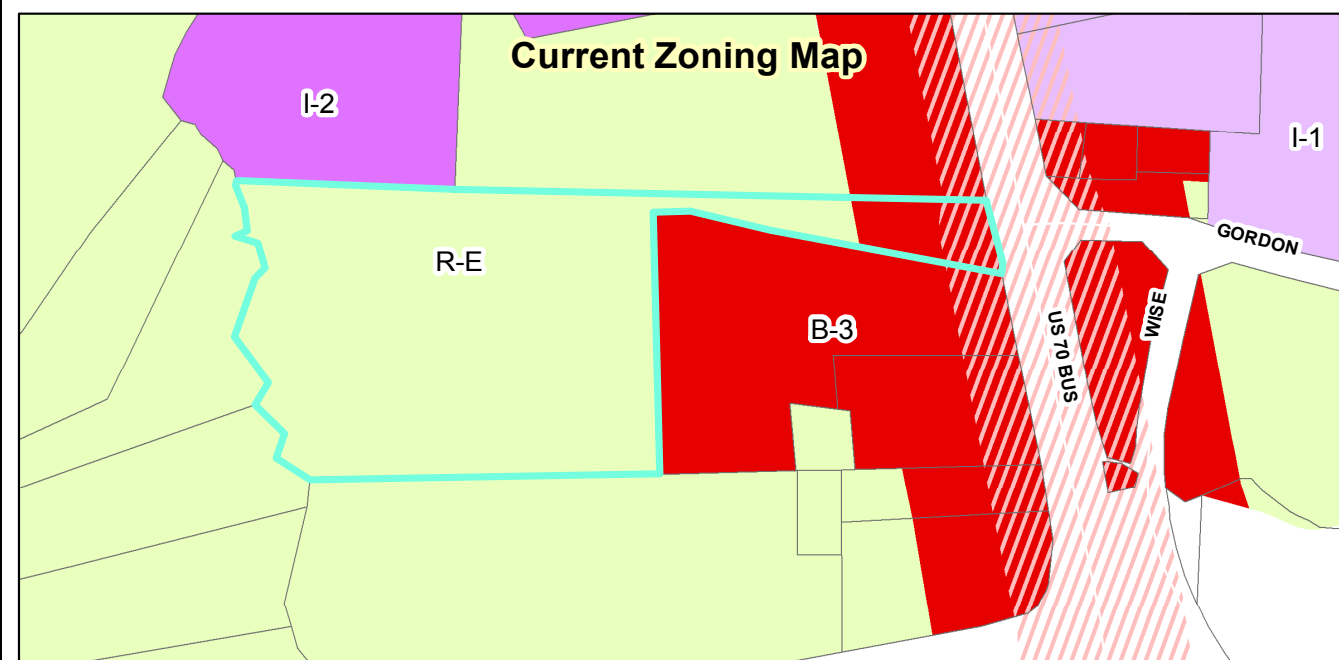
- Rezoning applications are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
-

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed rezoning request pending annexation by the Town Council.

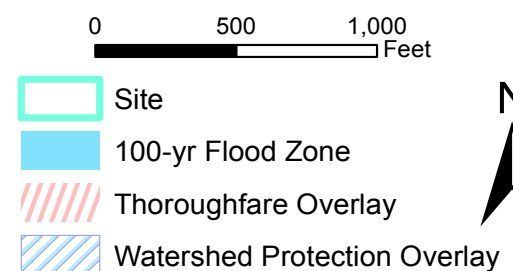
ATTACHMENTS:

- 1) Application / Owner's Consent Form
- 2) Neighborhood Meeting Materials
- 3) Johnston Prep HS Site Plan
- 4) Johnston HS Building Rendering
- 5) PB Adjacent Property Letter
- 6) Staff Report Maps



Request:
2021-71-RZ, to Rezone a parcel from
Residential Estate (R-E)
to Office - Institutional (O-I).

Applicant: Charter Development Company, LLC
 Property Owners: Tuttle Land Management, LLC
 Tag #: 05105036



Staff Report Map
 Prepared by: TOC Planning Department
 July 14, 2021

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

Document Path: O:\PLANNING\REZONING\Rezoning\2021\2021-71-RZ Johnston Preparatory High School\Maps\Staff Report Map - 2021-71-RZ Johnston Preparatory High School.mxd