



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, October 22, 2018 @ 6:00 PM
Town Council Chambers

1. CALL TO ORDER

2. ROLL CALL

3. ADJUSTMENT OF THE AGENDA

4. APPROVAL OF MINUTES

- a. [Clayton Planning Board - 24 Sep 2018 - DRAFT Minutes](#)

5. REPORTS AND COMMENTS

6. OLD BUSINESS

- a. 2018-74-OA Private Streets Discussion
[Strikethrough Copy- 2018-74-OA - Private Streets Ordinance Amendment](#)

7. NEW BUSINESS

- a. 2018-157-VAR Vinson's Pub Variance **(Quasi-Judicial)**
NC PIN: 166806-29-8767
Tag: 05008071
Location: 800 E. Main Street
[Application - 2018-157-VAR- Vinson's Pub](#)
[Adjacent Property Notice Letter - Vinson Variance 2018-157-VAR](#)
[2018-157-VAR - Newspaper Ad - Vinson's Pub Variance](#)
[Engineering Letter From Applicant Oct 2018 - 2018-157-VAR](#)
[Approved Site Plan - 2017-169-SPM - Vinson's Pub](#)
[Site Plan - 2018-157-VAR - Vinson's Pub](#)
[TRC Response - 2017-169-SPM - 800 E. Main](#)
[Staff Report - 2018-157-VAR = Vinson's Pub](#)
[Staff Report Maps - 2018-157-VAR - Vinson's Variance](#)
- b. 2018-165-RZ 517-549 E. Main Street Rezoning
NC PIN: 166917-21-2039 / 166917-21-2093 / 166917-20-3966 / 166917-20-3966
/ 166917-20-3991 / 166917-20-4815 / 166917-20-4851 / 166917-20-4725
Tag: 05009002 / 05009003 / 05009004 / 05009005 / 05009006 / 05009048 /
05009007 / 05009008
Location: 517 - 549 E. Main Street
[Application - 2018-165-RZ - 517-549 E Main St. Rezoning](#)
[Consistency Statement - 2018-165-RZ - 517-549 E Main St. Rezoning](#)
[Staff Report - 2018-165-RZ - 517-549 E Main St. Rezoning](#)
[Staff Report Map - 2018-165-RZ 517-549 E Main St. Rezoning](#)

- c. 2018-179-SP Gatehouse Self Storage Major Modification, Site Plan
NC PIN: 164900-88-7093
Tag: 05G01199X
Location: 129 US Hwy 70 Bus.
[Application - 2018-179-SP - Gatehouse Self Storage - Major Modification](#)
[Site Plan - 2018-179-SP - Gatehouse Self Storage - Major Modification](#)
[Staff Report - 2018-179-SP - Gatehouse Self Storage - Major Modification](#)
[Staff Report Map - 2018-179-SP - Gatehouse Self Storage - Major Modification](#)

8. INFORMAL DISCUSSION AND PUBLIC COMMENT

9. ADJOURN



**The Town of Clayton
Clayton Planning Board Minutes
September 24, 2018 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merritt
Ross Benson
Stephen Powers
James Lipscomb
Marty Bizzell
Bob Ahlert
Frank Price
Sarah Brooks
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Damier Powell, Planner
Chrissy Dunn, Clerk to the Board
Michael Grannis, Mayor Pro-Tem

MEMBERS ABSENT:

1 CALL TO ORDER

- a)
Bob Ahlert called the meeting to order at 6:00 p.m.

2 ROLL CALL

3 ADJUSTMENT OF THE AGENDA

- a)
2018-157-VAR Vinson's Pub Variance was been removed from the agenda to be continued into the October 22, 2018 Planning Board Meeting.

4 APPROVAL OF MINUTES

- a)
Approval of August 27, 2018 minutes with corrections(note corrections_

Motion: Board Member Ahlert
Second: Board Member Price
Vote: Unanimous

5 REPORTS AND COMMENTS

6 OLD BUSINESS

7 NEW BUSINESS

- a) 2018-163-CUP Rising Tide Contractor's Office - (Quasi-Judicial)
NC PIN: 165911-66-9594
Tag: 05G01014C
Location: 1218 W. Main St.

Town Attorney Merrick Parrott explained the Quasi-Judicial process and her roll during the hearing. Town Clerk Kimberly Moffett issued the oath via affirmation to those wishing to offer testimony.

Haley Hogg presented this project. The applicant requested a Conditional Use Permit to operate the use of a contractor's office on the property within an existing building. The current zoning is Highway Business (B-3). The property is located off West Main Street and is .57 acres. It is primarily surrounded by single-family residential. The lot has well and septic. The applicant does not intend to extend public water or sewer services to the property. The existing building is 1000 square feet and the applicant is proposing 400 square feet to be used as office space and 600 square feet as storage/warehouse space, there will be no outdoor storage. This is currently a vacant property with the past use was a church. The applicant is proposing parking spaces off West Stallings Street and Handicap parking will be provided in the front of the building on West Main Street. Staff does have some safety concerns with the parking located off West Main Street regarding visibility due to the bend that is located there. Staff is requiring that the entrance to the property on West Main Street have a more defined entrance with landscaping and appropriate radiuses to help assist with traffic flow. The applicant is also proposing to update the site to bring the site closer to conformity. This request is consistent with the Comprehensive Plan 2040 and existing surrounding land usage. The applicant has addressed the Findings of Fact, which is included in the application. Staff recommends the conditions listed in the staff report if approved. Planning Board will make the decisions on Conditional Use Permits. There were no questions for staff.

The applicant Donnie Adams, from Adams and Hodge Engineering was present and went over a brief history of his 20 year work experience. This is an existing property and there will be no outdoor storage and will only be used strictly for office space for clients to meet with the owner. They are compliant with the Findings of Facts and the public health and safety will be improved with this site. They are working on the improvement of the property, parking and the ADA on the site. The parking was discussed with the town's Engineer and NCDOT. The existing parking does encroach into NCDOT right-of-way and this will be removed. He stated it believed Re-purposing this vacant building would bring a positive impact to the neighborhood and Town. Trees will be replaced as necessary. Mr. Adams stated this would be a positive fit to the Town and supporting a local business. The owner of the business was also present for questions. There were no questions for the applicant or the owner.

ACTION: Motion to approve the request with the conditions as noted within the staff report.

Motion: Board Member Bizzell
Second: Board Member Ahlert
Vote: Unanimous

- b) 2018-65-SUP Spinning Mill Apartments Special Use Permit
NC Pin: 166918-30-2104 / 166918-30-5328 / 166918-30-8385 / 166918-30-4740 /
166806-48-6538 / 166918-40-2748
Tag: 05037009T / 05037008V / 05037009W / 05037009U / 5037011 /
05H03197H
Location: 300 Mill Street

Board Member Marty Bizzell requested to recuse himself from this project.

Samantha Wullenwaber presented this project. This project is running concurrent with Major Site Plan 2018-64-SP.

The applicant is proposing to develop 8 buildings consisting of 255 apartments. This property was recently rezoned to B-2 (Neighborhood Business). The proposed use is permitted with the Neighborhood Business Zoning District, subject to the issuance of the Special Use Permit. The property is located near the Post Office and the Arbors Apartment complex. The development will be accessed off Front Street and Central Street. The amenity area will include a community pool and green space/event space. The applicant will provide the required landscape buffers along all property lines and also include sidewalk connections throughout the development. This project is consistent with the Comprehensive Plan 2040. The proposed development is also consistent with the Unified Development Code (UDC). A Traffic Impact Analysis (TIA) was submitted. Staff recommends that a 100' internal protected stem be provided at all site driveway entrances and a right turn lane into the site off Front Street be provided with a 50' taper as required from the TIA. The building heights will vary and allowed to go to 52' if approved and will be keeping the characteristics to buildings. Staff is in support of the architectural design. Mayor Pro-Tem, Michael Grannis asked if the Fire Marshal was okay with the height of the buildings. Samantha explained that this project went through the TRC (Technical Review Committee) process and the Fire Marshall was involved in that process. There were no further questions for staff.

Applicant Marty Bizzell presented. The applicant went over a brief history of the property of Spinning Mill 1899 and showed an aerial view of the Spinning Mill property. The property was transformed from a cotton mill to office and now a request of apartment buildings. Mr. Bizzell went over the proposed amenities. He explained that the entrance on Central Street and Front Street into Spinning Mill would be moved further south. He went over the L shaped building that resembles the original Spinning Mill building and they would like to keep the architectural design. The brick will remain the same with a flat roof. The south side will have a grill, pool, and clubhouse with a display of windows. The sewer line will be extended and the applicant is working with the Public Works Department. This project will be enhancing property values, especially

the property itself. The project will bring life back to the building and bring the history back to Clayton. This will increase residential traffic to the downtown Clayton area within walking distance. The architect and NC DOT traffic analysis were present for questions. There were no questions for the applicant.

ACTION: Motion to approve with conditions presented by staff.

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

- c) 2018-64-SP Spinning Mill Apartments Major Site Plan
NC PIN: 166918-30-2104 / 166918-30-5328 / 166918-30-8385 / 166918-30-4740
/ 166806-48-6538 / 166918-40-2748
Tag: 05037009T / 05037008V / 05037009W / 05037009U / 5037011 /
05H03197H
Location: 300 Mill Street

This project is running concurrently with Special Use 2018-65-SUP, Spinning Mill Apartments.

ACTION: Motion to approve the request with the conditions presented by staff.

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

- d) 2018-119-PDD Ashcroft Ph. 6 & 7 Planned Development Rezoning
NC PIN: 166900-76-7638 / 166900-75-4535
Tag: 05H02200B / 05H02015A
Location: Atwood Drive

Board Member James Lipscomb requested to recuse himself from this project.

Samantha Wullenwaber presented this project. This project is running concurrently with Major Subdivision Modification 2018-120-SD (Ashcroft Phase 6 & 7 Modification).

The applicant requested to rezone 18.55 acres of additional property from Residential-Estate (R-E) to Planned Development Residential (PD-R) to be added to the Ashcroft Subdivision. The proposed zoning is consistent with the surrounding land uses, and also consistent with the Comprehensive Plan 2040. The request to add the additional acres would create 56 additional single family residential lots. There is a stream buffer in-between lot 8 and there will be new lot layouts. The subdivision meets all requirements and requesting to continue construction with this new phase.

Staff removed condition #4 as it is no longer something staff dictates, it is a general statute. Frank Price, asked about the underpass and the greenway extension would take place. Samantha stated this was a separate Town project and is on hold right now. When school is let out they will work on the overpass due to the school buses. There were no further questions for staff.

Applicant Reid Smith was present and available for questions. There were no questions for the applicant.

ACTION: Motion to approve with conditions presented by staff.

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

- e) 2018-120-SD Ashcroft Ph. 6 & 7 Preliminary Plat Major Modification
NC PIN: 16690-76-7638 / 16690-75-4535
Tag: 05H02200B / 05H02015A
Location: Atwood Drive

This project is running concurrently with Ashcroft Phase 6 & 7, Rezoning (2018-119-PDD).

ACTION: Motion to approve the request with the removal of condition #4, regarding fees.

Motion: Board Member Brooks
Second: Board Member Bizzell
Vote: Unanimous

- f) 2018-121-SUP The Village at Parkview Ph. 9-16 Special Use Permit
NC PIN: 166909-06-4838 / 166909-06-1495 / 166909-06-1265
Tag: 05H02020 / 05H02199C / 05H02198
Location: City Road, south of Legend Park and east of Parkview Subdivision

Haley Hogg presented this project. A major modification (2018-122-SD) is running concurrently with this request. The applicant requested a major modification to a previously approved Special Use Permit (2017-172-SUP) to allow the use of townhomes on the property, which is zoned R-10. The original Special Use Permit was approved in 2018 for 68 townhome units on 7 acres of land. The applicant has acquired additional land to the south, and is now requesting to modify the original Special Use Permit to include 3.85 additional acres and 35 additional townhome units. No traffic study was required for this request. A left turn lane is required off of City Road by Legend Park. The Townhomes will consist of vinyl siding. This project is consistent with Comprehensive Plan 2040 and also consistent with surrounding land use. The applicant has addressed Findings of Facts. Staff recommended approval with

conditions. There were no questions for staff.

The applicant Reid Smith was present and available for questions. Mr. Smith would like staff to consider condition #5 requirement. The applicant stated that it would be best not to stub out to adjacent tracks. There is a buffer that goes in-between. The buffer falls off into the bike trail, and towards the bottom would have to build a bridge. The applicant would like to build more of a solid parking lot. He would like input from the Planning Board and is not against the condition, but it would take out the bike trail. They would like to put a sidewalk all around and go through the whole site. Board Member Andria Merritt questioned about how it would be developed. Mr. Smith explained how the stub outs go down into a ravine and would need to build a bridge. They would like to put a sidewalk so you could walk around it. He explained a sidewalk will be all across and be consistent throughout. Mr. Smith wanted this pointed out, he stated this was not a make or break deal, just something to consider. Board Member Ahlert asked about the parking spaces and whether there was enough room to back out. Mr. Smith answered that there was enough room to back out. Michael Grannis questioned if were okay to remove two parking spaces for a car to have room to back out? The applicant stated that was something he would look into before this goes to Town Council. There were no further questions for the applicant.

ACTION: Motion to approve with conditions presented by staff.

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

- g) 2018-122-SD The Village at Parkview Ph. 9-16 Preliminary Plat Major Modification
NC PIN: 166909-06-4838 / 166909-06-1495 / 166909-06-1265
Tag: 05H02020 / 05H02199C / 05H02198
Location: City Road, south of Legend Park and east of Parkview Subdivision

This project is running concurrently with 2018-121-SUP The Village at Parkview Ph. 9-16 Special Use Permit

ACTION: Motion to approve with conditions presented by staff.

Motion: Board Member Merritt
Second: Board Member Benson
Vote: Unanimous

- h) 2018-62-SD Kyli Knolls
NC PIN: 165803-23-2656
Tag: 05G03009A
Location: Amelia Church Road

Haley Hogg presented this project. The applicant is requesting to develop 22 single family residential lots on 18.56 acres of land zoned Residential-Estate (R-E). An application was submitted in 2017 was denied by the Town Council (2017-98-SD). Council found that the layout proposed at that time would materially endanger the environment, public health, safety of the general welfare.

The newly proposed development is proposing 22 single family lots with a minimum lot size of 25,000 square feet. The lots will be served by Johnston County public water and septic tanks. There is access by Amelia Church for sewers. Curb-and-gutter is proposed throughout the development as well as sidewalks. The property is located within the Town's ETJ and the applicant is not requesting annexation into the city limits. NC DOT will require a left turn lane off Amelia Church Road. Staff does have concerns regarding the proposed separation between the existing access easement to the Richard Scott Ball property and the main entrance into the development. The proposed connection results in the convergence of three separate vehicular connections at one point along Amelia Church Road, which is a safety concern. Staff recommended relocating the 30' access easement to alleviate the safety concerns. This project is consistent with the Comprehensive Plan 2040 and surrounding land usage. The applicant has addressed the Findings of Facts. Staff recommended approval with the conditions listed in the staff report. Board Member Stephen Powers asked about the problem with easement. At the time with the first application it was suggested to move easement, was that successful? The applicant spoke with the resident at the property and the property owner did not want to relocate the easement. If the resident does not want to move the easement, what alternative would be recommended? A condition would have to be put into place before final decision is made. This is something for the board to take into consideration. Board Member Marty Bizzell asked what feedback NCDOT suggested. There was no comment from the NCDOT on the easement, just on the left lane turn lane. Stephen Powers stated that it looks like the easement could be moved slightly and has this been looked in to? Planning Director Samantha Wullenwaber suggested to have the applicant speak. Board Member Frank Price questioned if sewer would be extended to this property before the end of the year. What has happened to that? Samantha explained that she was not aware of any prior discussions on the sewer being extended. There were no further questions for staff.

The applicant Curk Lane was present. The driveway connection onto Amelia Church Road, it must intercept at a 90 degree angle, applicant spoke with NCDOT to be placed in the middle to have the safest entrance. In reference to the access easement resident does not want it and wants it to stay where it is. The applicant would like to address the access to the property owner and allow him to use it. Board Member Andria Merritt asked if that parcel was a single family home. Applicant replied that it is. Marty Bizzell asked if he could add more information about the sewer. The applicant had a meeting with the town and discussed the access to the sewer and the where the sewer would be located. There are no easements to connect to that line. The applicant would have to get access to two properties in order to get access to the line. By Johnston Medical Health JMH, the sewer line to east is out, the sewer to the

north the sewer line would have to run at a minimum. With the correct money and land, sewer could be put in any subdivision, but the criteria does not meet to this project to serve 22 lots. It would not be practical. The applicant stated he agrees with approval with conditions as set by staff.

Board Member Lipscomb stated the easement is a deeded easement and it would not be right to put the resident in a hardship over the easement. Board Member Merritt agrees not to go forward with the easement due to the location and safety concerns. Board Member Lipscomb asked if staff is recommending to remove easement. Planning Director Samantha Wullenwaber stated motion to reflect all recommendations on conditions or the Planning Board can make conditions to resolve the issue. Planning board is supporting staff conditions.

ACTION: Motion to approve with conditions presented by staff.

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

- i) 2018-160-SP Stephenson Mixed Use Major Site Plan
NC PIN: 166917-21-0311
Tag: 05011043
Location: West corner of Main Street and Smith Street

Haley Hogg presented this item. The applicant is requesting to develop a 3-story mixed use building at the corner of Main Street and Smith Street. The building will contain an office use on the first floor and upper story residential uses on the second and third floor. The building will be a total of 6206 sq. ft. There was an application submitted for this project and approved in 2016. The approval has since expired. No changes are proposed from the original design. The proposed parking will be located in the rear of the building off Smith Street. The office will have pedestrian access at from the corner of the building. There will be a total of 18 parking spaces with 12 parking spaces on-site in the rear of the building and 6 additional space will be provided as on-street parking. The applicant is providing sufficient landscaping and meets requirements. The rear elevation will have balconies. The proposed development is consistent with the Comprehensive Plan 2040 and surrounding land uses. Staff recommended approval. There were no questions for staff.

Applicant Donnie Adams and Architect were present for questions. There were no questions.

ACTION: Motion to approve with conditions presented by staff.

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

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

9 ADJOURN

a) With there being nothing further the meeting was adjourned at 7:30 p.m.

Motion: Board Member Benson
 Second: Board Member Merritt
 Vote: Unanimous

Duly adopted this the 22nd day of October 2018.

Bob Ahlert, Chair

ATTEST:

Chrissy Dunn, Clerk to the Board

ARTICLE 6: SUBDIVISION STANDARDS

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§ 155.606 PERMANENT REFERENCE POINTS	Error! Bookmark not defined.
§ 155.607 GUARANTEE OF IMPROVEMENTS	Error! Bookmark not defined.

§ 155.600 APPLICABILITY

- (A) This subchapter shall apply to all development within the town's planning jurisdiction, unless expressly exempted by the language of the sections below.
- (B) Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements specified in this subchapter or guaranteed their installation as provided.
- (C) No municipal services or utilities shall be extended or furnished to any subdivision either within or outside the town until the applicant shall have installed the improvements specified in this subchapter or guaranteed their installation as provided.
- (D) The appropriate acreage fees in accordance with § 50.02 of the town code of ordinances, which addresses the water and sewer extension policy, shall be collected by the town prior to permission being granted to connect lines serving the property to the town's facilities.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.601 SEQUENCE OF IMPROVEMENTS

Subdivision improvements shall be installed on the site in the following sequence:

- (A) Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement.
- (B) Street base material.
- (C) Curb and gutter and sidewalks.
- (D) Street paving.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.602 STREETS

(A) GENERAL

- (1) Streets within the town are intended for multi-purpose use, as follows:
 - (a) To carry motor vehicle traffic, and, in some cases, allow on-street parking;
 - (b) To provide a safe and convenient passageway for pedestrian traffic; and
 - (c) To serve as an important link in the town's drainage system.
- (2) All public streets which serve properties connected to the town's utility system shall be constructed in conformance with town standards and specifications; however, if the roadway is maintained by NCDOT, then the roadway shall be constructed in conformance with either town or NCDOT standards and specifications, whichever is more stringent.
- (3) If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with § 155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6.

(B) STREET IMPROVEMENTS

- (1) Required Improvements
- (1) The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the town's Engineering Design Manual.
 - (a) The applicant shall be responsible for making improvements to thoroughfare rights-of-way, as designated on the town's Transportation Plan. The improvements to be installed are as follows: the thoroughfare sub-base and surface paving materials, thoroughfare grading, and the remaining standards of applicable minimum residential, residential collector, collector, or commercial streets shall be made to extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 1. The thoroughfare improvements would provide necessary access to the development or adjoining properties.
 2. The improvement would be an extension of an already existing section of thoroughfare roadway.

3. The traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

(2) **Fee-In-Lieu**

- (a) The town may require a fee-in-lieu of installation payment to the town for minimum residential, residential collector, collector, or commercial streets for the length of the thoroughfare if any of the following criteria are met:
 1. No direct access to the thoroughfare is proposed.
 2. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation.
 3. Where the new thoroughfare right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible.
- (b) The Town Council may allow fee-in-lieu of minimum street construction payments to the town for residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:
 1. Where existing unimproved streets have:
 - A. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 - B. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 - C. There are no plans for town improvements on the same block; and
 - D. The area is sufficiently developed (75% of the block) such that few future subdivision or site plan submittals are anticipated.
 2. Where construction of the streets by the town or other party is imminent.
 3. Where construction of only a sidewalk is required without street improvements, and the new sidewalk is less than one block in length and would not connect to an existing sidewalk.
 4. Where approved by the Town Council for a new street that traverses a site when:
 - A. Street construction will not connect to an existing improved street;
 - B. There are no plans to construct an adjoining street in the near future; and
 - C. A letter of credit is not an appropriate financial security.

5. Where approved by the Town Council, when for reasons of topography, street construction is impractical due to:
 - A. The need for off-site construction or slope encroachment;
 - B. Proper street alignment should be determined with off-site development; or
 - C. Design of bridges or culverts are required and only a portion of the structure is on the development's property.
- (c) Developments will not be responsible for the cost and installation of any paving construction requirements along existing or planned roadways, if any of the following conditions exist:
 1. The roadway is a freeway, expressway or any other fully controlled access facility.
 2. The roadway is in the town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the town.
 3. The roadway is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no town contribution or participation in funding the project. If the town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution towards town-funded improvements.

(C) **STREET CLASSIFICATION**

In all new subdivisions, streets that are dedicated to public use shall be classified as provided in (D) of this section.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day or during the peak hour of the day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive; and
- (3) Whenever a subdivision street continues on an existing street or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(D) **STREET TYPES**

See Defined Terms (§155.802) for description of each Street Type.

- (1) Residences should not front on a major thoroughfare.

- (2) Where a parcel of land to be subdivided adjoins a major thoroughfare, the Planning Board or Town Council may require that such lots be provided access by a frontage road.

(E) **THOROUGHFARE DEDICATION**

- (1) Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare system roadway and is so designated in the town's Transportation Plan, after such part of it has been adopted by the proper authority, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. This requirement shall not require the applicant to dedicate rights-of-way unless indicated on the town's Transportation Plan. It is the responsibility of the applicant to take future roadway plans of the town and the NCDOT into account when laying out a development plan.
- (2) Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such improvements shall be in conformance with town standards and shall be measured from the right-of-way centerline.

(F) **CROSS-SECTIONS**

- (1) Appropriate street cross-sections shall be approved by the town or NCDOT. Appendix A contains approved street cross-sections for the town. Alternative cross-sections may be approved by the Town Council as a waiver (see § 155.706(l)(7)), and when necessary in conjunction with NCDOT.
- (2) Cul-de-sacs shall be used only when it is determined by the Town Council that extension of the street to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential streets serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and sanitation trucks. Medians may be permitted where the cul-de-sac radius is increased and it can be demonstrated that emergency vehicles and sanitation trucks can be accommodated. Unless specifically agreed upon with the town, landscaped medians are not to be maintained by the town, and a private maintenance agreement for the median shall be required to be approved by the Town Attorney.
- (3) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified in Appendix A. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way, measured from the center line of the existing street, shall be provided where a new subdivision is located on one side of an existing street.
- (4) A slope easement of 20 feet in width may be required adjoining each side of a street right-of-way. The town may reduce or increase the slope easement width, if due to terrain. If the applicant submits to the town sufficient information to show that improvements to be located in the slope easement do not interfere with the right of the public to construct within

the adjoining right-of-way streets, sidewalks, or both, then the town shall allow the proposed improvement.

(G) **CUL-DE-SAC LENGTH**

- (1) No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
- (2) No commercial street cul-de-sac shall exceed 400 feet in length.

(H) **SIDEWALKS**

- (1) In order to enhance pedestrian safety and mobility, except as set forth below, sidewalks shall be required on both sides of all streets (see Appendix A for approved street cross-sections).

(a) Sidewalks shall not be required on the following roadways:

1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, open space, trail or greenway lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required.
2. Residential streets serving less than or equal to ten dwelling units. Corner lots that have frontage on both a connective or loop street shall not be included in determining the number of dwelling units served by the street. Street stubs temporarily serving ten lots or less shall provide sidewalks on both sides of the street.

3. Class "A" and Class "B" private streets.

3-4. Commercial street cul-de-sacs that are less than 150 feet in length.

(b) Sidewalks shall be required on only one side of a frontage road.

- (2) Sidewalk access ramps, also commonly referred to as wheelchair ramps for the physically handicapped, shall be provided at all intersections where curb and gutter are provided (see (I) of this section), and where sidewalks and/or greenway trails intersect any street.
- (3) Pedestrian crosswalks are required on any residential street at each intersection and at any mid-block pedestrian or bicycle connections.
- (4) The Town Council may allow a fee-in-lieu for sidewalk construction as set forth in (B)(2)(b) of this section.

(I) **CURB AND GUTTER**

Unless granted a waiver (see § 155.706(l)(7)) by the Town Council, all public streets, inside the corporate limits of the town and outside the town when water or sewer is connected to the town utility system, shall be constructed with curb and gutter (see Appendix A for approved street cross-sections). Curb and gutter shall be a combination curb and gutter or such other construction approved in the town's Engineering Design Manual. Rolled or valley-type curbs are permitted for new collector, residential collector, and residential streets.

(J) **RELATIONSHIP OF STREETS TO TOPOGRAPHY**

- (1) Streets shall be designed to relate appropriately to the topography of a site. In particular, streets shall be designed to facilitate the storm drainage requirements specified in § 155.604(E) and, subject to the design requirements relating to maximum grades set forth in (J)(2) of this section, street grades shall conform as closely as practicable to the original topography.
- (2) The maximum grade for street construction shall meet design requirements of the town or NCDOT. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety or cause any substantial degradation to the street or drainage system.

(K) **STREET LAYOUT**

- (1) The street layout of any development should be in conformity with the town's Transportation Plan and all other applicable adopted plans and policies of the town. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.
- (2) Each side of a collector street, commercial street or residential street shall, within every 1,500 foot length of the street, be intersected by at least one connective street. The 1,500 foot length shall be measured from the origination point, if established, of the collector, commercial, residential or residential street.
- (3) A waiver (see § 155.706(l)(7)) may be granted by the Town Council for developments that do not meet the above layout or creates a violation of this layout if:
 - (a) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation.
 - (b) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the 1,500-foot point, that would provide equivalent benefits as an intersecting street within 1,500 feet.
 - (c) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of 1,500 feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.

- (4) Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended, as determined by the Town Council, shall be terminated in a permanent cul-de-sac.
- (5) Where a proposed development will extend a public street that is already stubbed out to the property line, such extension as a public street shall be required.
- (6) Wherever there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required, constructed.
- (7) Where a through street or a series of streets establishes a connection between two public streets and the connection is greater than 1,200 feet in length, or the connection may encourage through traffic not generated by the development, the street shall be a public street, except in instances where the Town Council determines that requiring such connection to be a public street will serve no purpose, due to the existing or proposed street pattern, traffic flow or traffic volumes.
- (8) Where a proposed development utilizing private streets has an area of 20 or more acres, ~~at least one public through street must be provided in a location determined by the Town Council to assure continuity of the public street system, except in instances where the Town Council determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The~~ the Town Council may also require additional public through streets for the provision of emergency services, such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

(L) **CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All streets and sidewalks required by this section shall be constructed according to the specifications of the town's Engineering Design Manual, except that the Town Council may permit sidewalks to be constructed with other materials when they conclude that:

- (1) Such sidewalks would serve the residents of the development as adequately as concrete sidewalks;
- (2) Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; or
- (3) Such sidewalks could be maintained as adequately as concrete sidewalks.

(M) **PRIVATE STREETS**

(1) Intent

- (a) Private streets serving single-family residential lots shall be permitted only within the Residential-Estate zoning district.
- (b) The private street standards of this section establish private street design and construction standards that vary based upon the number of single-family lots such streets will serve. These standards are intended to ensure public safety and the long-term durability of private streets while keeping public improvement costs as low as possible for the smallest of subdivisions.
- (c) The Town requires the logical and safe extension of public streets throughout the Town's jurisdiction. The Town shall allow private streets as outlined below, so long as the private streets are designed to protect the health, safety, and welfare of the residents whose primary access is the private street.
- (d) Private streets shall be designated on final plats as either "existing", "new", or "extended", in accordance with the standards of this section. Further, the initial purchasers of a newly created lot served by a private street shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.
- (e) In the event that private streets are later made public through dedication to the Town, such streets shall be brought up to the current public construction and maintenance standards, prior to their acceptance by the Town.

~~All private streets shall be constructed according to the town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The town shall have the discretion to require a public street connection for safety or access purposes.~~

~~The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchasers of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.~~

~~All private streets shall be maintained by a designated responsible party in accordance with town standards.~~

~~Where private streets are later made public through dedication to the town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the town.~~

(2) Existing Private Streets

- (a) Private access easements or streets, the existence of which as of July 1, 2018, can be established by documentary evidence, aerial photograph, or judicial decree, will be considered existing private streets.

- (b) All other private streets are considered new private streets or extensions of existing private streets, and must meet the standards set forth in sections (M)(3) and (M)(4) below.

(3) New or Extended Private Streets

- (a) New or extended private streets that serve as frontage for lots shall meet or exceed private street standards within this section.
- (b) Where an extension of an existing private street is proposed, the connecting private street shall be upgraded to comply with the private street standards within this article.

(4) Class "A" and "B" Private Streets

- (a) Class "A" private streets shall be permitted only when the proposed street will provide a maximum of six to ten single-family residential lots. Extensions of private streets that will result in the provision of more than ten (10) lots shall be brought up to public street standards as set forth by the Town of Clayton.
- (b) Class "B" private streets shall be permitted only when the proposed street will provide a maximum of five (5) single-family residential lots. No extension of a Class "B" private street beyond five (5) lots shall be permitted. Extensions of such roads that will result in the provision of more than five (5) lots shall be permitted only if the entire length of the road is brought up to Class "A" private or public street standards (based upon the number of lots to be served).
- (c) Subdivisions proposing lots served by private streets shall record the following notation on the final plat: "Further subdivision of any lot shown on this plat may require upgrades to the private street or its conversion to a public street, based upon the number of lots to be served. All maintenance and repair of private streets shall be borne by the owners of the lots served by the private street".

(5) Design Standards for Private Streets

- (a) These standards described herein are the minimum set forth by the Town of Clayton for Class "A" and Class "B" private street standards.
- (b) Class "A" private streets shall be paved and designed in accordance with the requirements outlined in the Town of Clayton Engineering Design Guidelines manual.
- (c) Class "B" private streets may consist of alternative materials as permitted by the Town Engineer, and shall be designed in accordance with the requirements outlined in the Town of Clayton Engineering Design Guidelines manual.
- (d) Class "A" and Class "B" private streets shall maintain 20' travel-way width to provide access for emergency vehicles.

(e) The property owners are responsible for all maintenance of Class "A" and Class "B" private streets, and shall be required to enter into a road maintenance agreement prior to plat recordation.

(N) **STREET NAMES AND SIGNS**

- (1) Street names shall be subject to the approval of the Planning Department and Johnston County, ~~Town Council~~. New street names shall not duplicate or be similar to existing street names in Johnston County. Existing street names, however, shall be projected where appropriate.
- (2) Street name signs shall be in place prior to approval of any certificate of occupancy for structures to be located on the street.

(Ord. 2005-11-02, passed 11-21-05; (Ord. 2016-04-04, adopted 2016-04-04)

§ 155.603 LOTS AND BLOCKS

(A) LOTS

- (1) Every lot shall abut or front on a public or private street that complies with all applicable standards of this ordinance. ~~street.~~
- (2) Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas. All lots approved after January 6, 1997 shall contain the minimum required lot width of the applicable zoning district within 50 feet of the street right-of-way adjoining the front yard.
- (3) Double frontage lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a street of residential scale, and discouraged or prohibited on the thoroughfare.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

(B) BLOCKS

- (1) Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- (2) Blocks shall not exceed 1,500 feet in length.
- (3) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (4) A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
- (5) A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

(Ord. 2005-11-02, passed 11-21-05)



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

VARIANCE APPLICATION

Pursuant to Article 7, Section 155.716 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment to allow a Variance. Variances must not be contrary to the public interest and must meet four findings of fact as outlined in Section 155.716 and addressed by the applicant in this application.

Application Fee: \$250.00 (please note if a variance is sought "after the fact" the fee is \$500.00)

Advertisement Fee: \$100.00 \$200
All fees are due when the application is submitted.

SITE INFORMATION

Name of Project: Vinson's Pub Variance Acreage of Property: .19

County Tag #: 05008071 NC PIN: 166806-29-8767

Address/Location: 800 E. Main Street

Existing Use: Restaurant Proposed Use: Restaurant

Zoning District: B-1

Is project within a Planned Development? ☒ No
☐ Yes (list): _____

Is project within an Overlay District? ☐ No
☒ Yes (list): Downtown Overlay

Variance(s) Requested: List each requested variance. Attach additional pages if necessary.

Code Section: _____

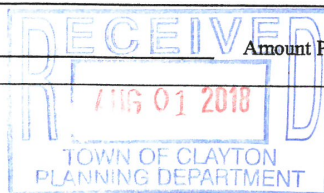
Code Requirement: _____

Variance Sought (describe specific request): See Attached

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: \$350 C#1291 Permit Number: 2018-157-VAR

01/06/2016



Page 1 of 5

PROPERTY OWNER INFORMATIONName: Lipscomb, LLCMailing Address: 3407 Barber Mill Road, Clayton, NC 27520Phone Number: (919) 422-4704

Fax: _____

Email Address: James@myHTR.com**APPLICANT INFORMATION**Applicant: James LipscombMailing Address: 3407 Barber Mill Road, Clayton, NC 27520Phone Number: (919) 422-4704

Fax: _____

Contact Person: same as applicant information aboveEmail Address: James@myHTR.com**REQUIRED INFORMATION** (to be submitted with the application)

Please fill out the following checklist. The following items must accompany a Variance application.

Applicant: Fill out the checklist below.			To be completed by staff.		
Submit 9 copies of all materials unless otherwise noted or directed by staff.	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒				
2. Site Plan Review Fee (\$250) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if the applicant is not the property owner.</i>	☐	☒			
5. Survey of the property (not more than a year old unless approved by the Planning Department)	☒	☐			
6. Site Plan, architectural elevations, or drawing as applicable showing requested variance. <i>This document should reference requirements – for example, if the request is for a setback variance, show the required setback and the requested setback.</i>	☒	☐			
7. Adjacent property owners list <i>See sheet included as part of this packet with instructions. For questions on how to determine property owners, please speak with Planning staff.</i>	☒				
8. Stamped, addressed, empty envelopes with no return address for each Adjacent Property Owner (One set) <i>To be used for Town's public noticing of the Board of Adjustment hearing.</i>	☒				

Staff may request additional documentation to support the request.

01/06/2016

Page 2 of 5

BURDEN OF PROOF / EXPLANATION OF REQUEST

Use this section to describe the request. An applicant seeking a variance has the burden of presenting evidence sufficient to allow the Board of Adjustment to reach conclusions for the Required Findings of Fact. Attach additional sheets/pertinent information as necessary.

See Attached

REQUIRED FINDINGS OF FACT

Section 155.716(F)(2) of the Unified Land Development Code requires applications requesting a Variance to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

See Attached

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance..

See Attached

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

See Attached

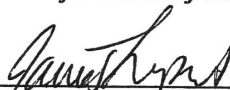
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

See Attached

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Board of Adjustment of the Town of Clayton to approve the subject Variance request. 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.

James Lipscomb
Print Name


Signature of Applicant

8-1-18
Date

Variance Burden of Proof / Explanation of Request

To: Town of Clayton NC Planning Department

From: James Lipscomb for Lipscomb LLC, owner

Project: Vinson's Pub and Eatery
800 East Main Street
Clayton NC 27520

Date: August 1, 2018

We are requesting variances to the requirement to provide screening of the mechanical units on the roof of the building as per sections: 155.203(K)(2), 155.204(D)(12)(C), 155.402(G)(4)(a) and 155.402(G)(4)(b)

- 1- Our building plans were approved by the Town of Clayton without mention of a roof top mechanical screening requirement. We were made aware of the screening requirement at the second site visit of the Town Planning Staff for final site plan approval. We have been granted our Certificate of Occupancy (C/O) for building by the Building Code Official but cannot officially receive the C/O until the site plan final inspection is approved.
- 2- Our building abuts the North Carolina Rail Road Corridor and a wood line the line of site from Front Street which is on the opposite side of the Rail Corridor is obscured by the tree line and will be obscured more in the future as the trees that were planted in the parking lot grow to maturity these trees are Natchez Crypt Myrtles and will have an ultimate height of approximately 20 to 25 foot and a width of up to 20 foot.
- 3- Our building is over 100 years old and the addition of a screening structure that would require a 3-foot-high and 72-foot-length cannot reasonably be added to the building and meet required wind load engineering.
- 4- What has become a covered enclosed dry storage area on the back of the building exists mostly on the rail road right of way. Originally this was intended to be a fenced (opaque) area (described as a solid fence using plywood panels such as seen at Disney World around rides that are under construction or repair) as we went through the process of renovating Vinson's after we installed the covered patio area on the side we send photos and emails to the NCRR requesting the ability to install the same type roof structure over the fenced in storage area (Town of Clayton staff was included on these emails) we received permission to install with the express understanding that all structures in the NCRR corridor are temporary in nature and that anything installed in the corridor is not a requirement of any zoning ordinance, we comply with both of these requirements since everything we constructed in the NCRR corridor was voluntary and not a code requirement. The enclosed storage area meets all building code

requirements and has been approved by Building Inspector. This enclosed storage area is much more physically attractive than what had originally been proposed the siding that was installed is a historically accurate material (solid wood German Siding) than the originally proposed T-111 Plywood Panels.

Findings of Fact

- 1- Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in absence of the variance, no reasonable use can be made of the property.

Our Building is over 100 years old we cannot reasonable design a screening that will meet wind loads when attach to the building. Also see items 1,2 and 3 above in Burden of Proof section.

The enclosed storage area cannot be built of the same materials of the building because it is considered temporary in nature because of its location within the NCRR Corridor.

- 2- The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from person circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Our building is sandwiched between the NCDOT right of way for Main Street and the NC Rail Road Corridor the enclosed storage area in the rear is actually on railroad right of way as is most of the parking lot and landscaping, these features are allowed to exist in the Corridor by virtue of our Licensing Agreement with NC Rail Road. We pay a yearly lease fee and we are allowed to have all these features on a temporary basis because if the licensed area of the corridor is needed for new rails I will be required to remove the improvements with 60 days' notice. The installation of the storage area, parking lot and landscaping in the corridor were installed by me at my own desire they were not a requirement of the Town of Clayton Zoning Ordinance. They were installed out of my desire to do as nice a renovation project of the historic building as possible and to provide as much improved parking as possible. Please note the extra effort put into protecting the rail corridor with fencing and the overall extra effort put into the site. In the B1 zoning district the town can only require improvement to the land I own (please see site plan for location of the NCDOT right of way and NC Rail Road corridor.

- 3- The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

My original site plan shows the HVAC compressor units on the ground behind the building behind a solid fence. I choose during construction to move these units onto the roof where they joined the other new mechanical units on the roof which are all the components of the commercial restaurant hood system, make up air vents required by the commercial HVAC units, Satellite Dish, and multiple plumbing vents, all these mechanical features had always been planned to be roof mounted and are shown on my approved building plans. I was never made aware of the screening requirement in any of the numerous meeting and approvals with Town of Clayton staff prior to the completion of my project and request for C/O.

- 4- The requested variance(s) are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

There are no public safety issues associated with these Variance Requests. I contend that Substantial Justice will be served by granting the Variances due to the fact that the requirement was not mentioned to me during the review and approval process of my building plans and site plan by Town of Clayton officials. Further to require screening on historic buildings may not always be reasonable or structurally feasible. Also, the fact I have to comply with the additional rules imposed by NCRR in their license agreement for the section of the site plan that exist in the NCRR corridor.



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

October 8, 2018

NOTICE

SUBJECT: Project 2018-157-VAR – Request for a variance for an addition on the rear of the building and unscreened mechanical equipment.

Address: 800 E. Main Street, Parcel # 05008071, NC PIN# 166806-29-8767

Applicant: James Lipscomb

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Planning Board will hold an evidentiary hearing on **Monday, October 22, 2018 at 6:00pm** at Town Hall, 111 E. Second Street, to consider the variance application described above. Please see the map on the back of this letter showing the property.

According to Section 155.719(C)(1) of the Town of Clayton Unified Development Code, the Planning Board is authorized to approve a variance to certain standards of the Unified Development Code if they will not be contrary to the public interest.

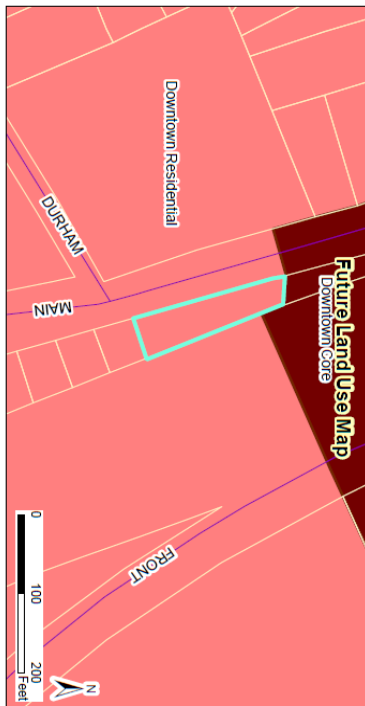
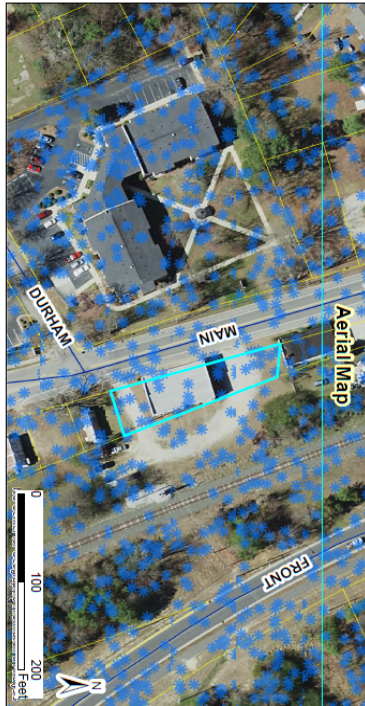
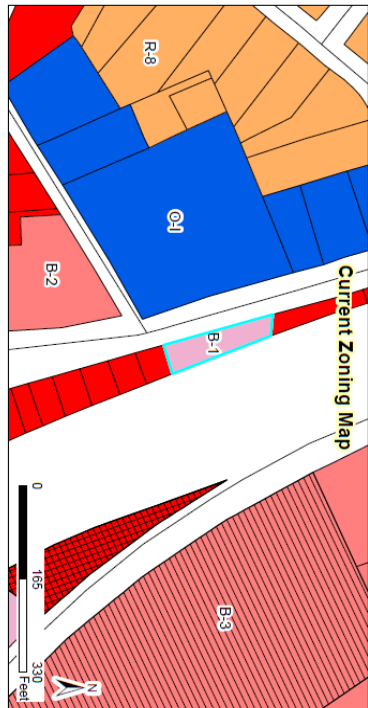
Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request. You are invited to attend this meeting. During an evidentiary hearing, the Planning Board must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

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

Sincerely,

Haley Hogg
Planner

cc: File folder 2018-157-VAR



2018-157-VAR Vinson's Pub Variance
Request: variance from specific code requirements outlined in application
 Applicant: James Lipscomb
 Property Owners: Lipscomb, LLC
 Parcel ID: 166806-29-8767
 Tag #: 05008071

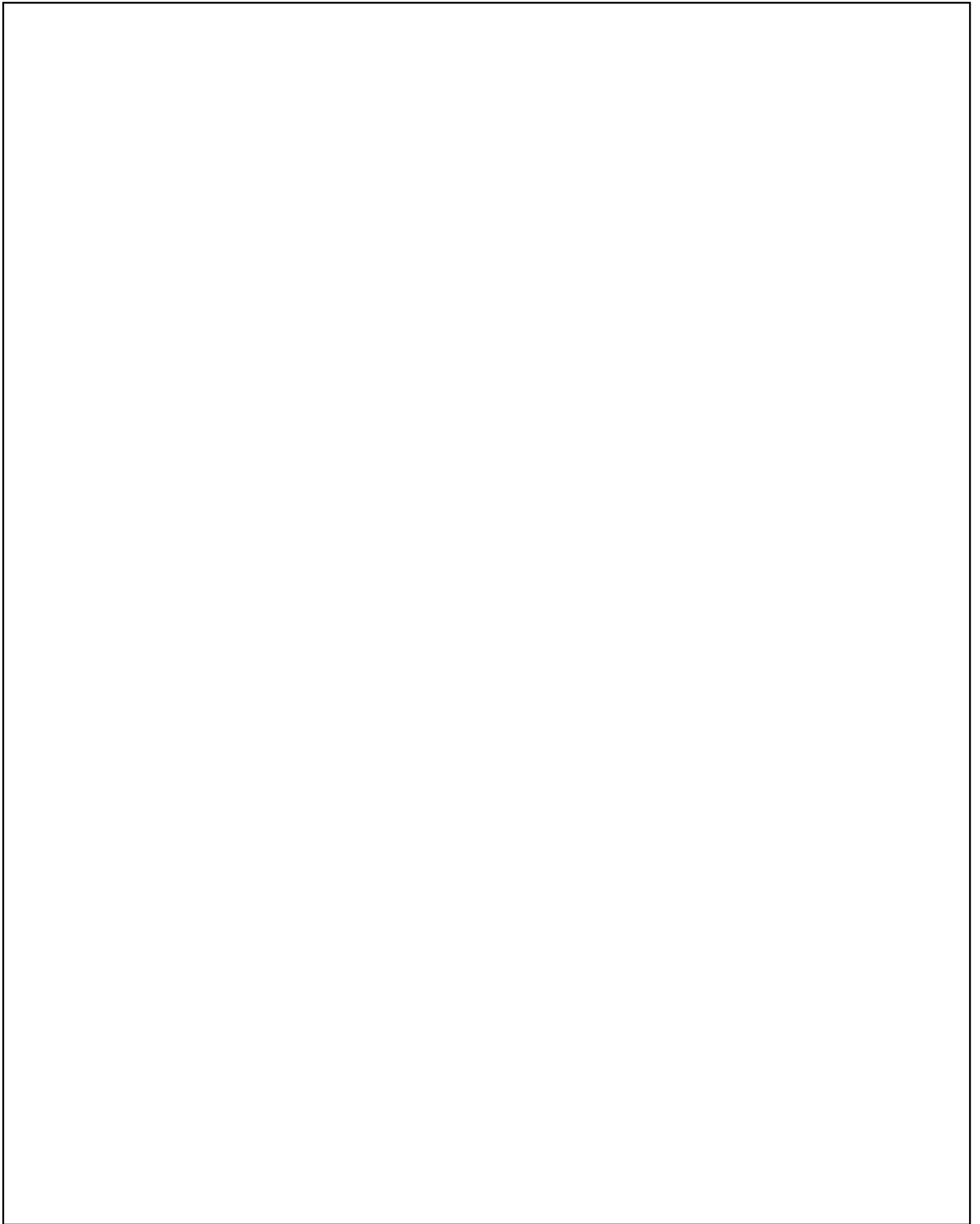
Staff Report Map



Document Path: O:\PLANNING\STAFF\REPORT MAPS\2018-157-VAR Vinson's Pub\Staff Report Maps - 2018-157-VAR - Vinson's Variance.mxd

08/29/2018
 Prepared by: TCC Planning
 Checked by: TCC Planning
 Date: 08/29/2018
 Responsibility for the content of this map is assumed by the user.

- Legend**
- 100-yr Flood Zone
 - Thoroughfare Overlay
 - Scenic Highway Overlay
 - Watershed Protection Overlay
 - Site



Public Notice

In accordance with NC GS 160A-364, the Clayton Planning Board will conduct the following evidentiary hearing on Monday, October 22, 2018, at 6 PM in the Town Council Chambers in Town Hall located at 111 East Second Street:

- 2018-157-VAR Vinson's Pub Variance; request for a variance from sections 155.203(K)(2), 155.204(D)(12)(C), 155.402(G)(4)(a), and 155.402(G)(4)(b) of the Unified Development Code. This variance request pertains to an addition to the primary structure and unscreened mechanical equipment. The property is zoned Central Business (B-1) and is .19 acres; TAG # 05008071.

During an evidentiary hearing, the Planning Board must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and interested persons are invited to attend.

Haley Hogg, Planner
919-553-5002

Clayton News- Star

Please advertise on the following dates:
Friday, October 12, 2018
Friday, October 19, 2018

Dates are the two Fridays prior to the hearing

Affidavit of publication required.



TYNDALL
ENGINEERING & DESIGN, P.A.

250 Shipwash Drive, Suite 104 • Garner • North Carolina • 27529
919 773-1200 • 919 773-9658
www.tyndall-engineering.com

October 5, 2018

James Lipscomb
Vinson's Pub
800 E. Main St.
Clayton, NC 27520
Ph: 919-422-4704
Email: jameslipscomb@gmail.com

Reference: Engineering Services
Vinson's Pub
800 E. Main St.
Clayton, NC 27520
Project No.: 1801-010086

As requested by the client, a representative of Tyndall Engineering & Design, PA (TE&D) was on site on September 24, 2018 to investigate the feasibility of constructing a screen wall to conceal rooftop equipment along the rear wall of the above referenced address. The proposed wall would be approximately 3'-0" tall with diagonal braces for wind resistance tying into existing roof framing at regularly spaced intervals.

The existing roof is constructed of field framed roof trusses spanning left-to-right across the building and sloping from the front to the rear of the building. The proposed screen wall is located along the low end of the roof, where the roof framing consists of single 2x8 rough cut rafters spaced at 24" on center with a 23'-0" span. Based on current codes, a typical 2x8 rafter at 24" on center can span about 15'-0", meaning the existing rafters are over-spanned by more than 150 percent. This is a typical condition found in 100-year old buildings such as this, and the roof has performed acceptably to date with no immediately visible signs of structural issues. However, introducing any new load into the roof members (in this case the additional wind load from the screen wall braces) would require the affected framing to be brought up to current code compliance. Being that this is a finished building, this would constitute an extensive repair including removal of existing roofing/framing and potential relocation of existing mechanical equipment in order to install the required structural reinforcements.

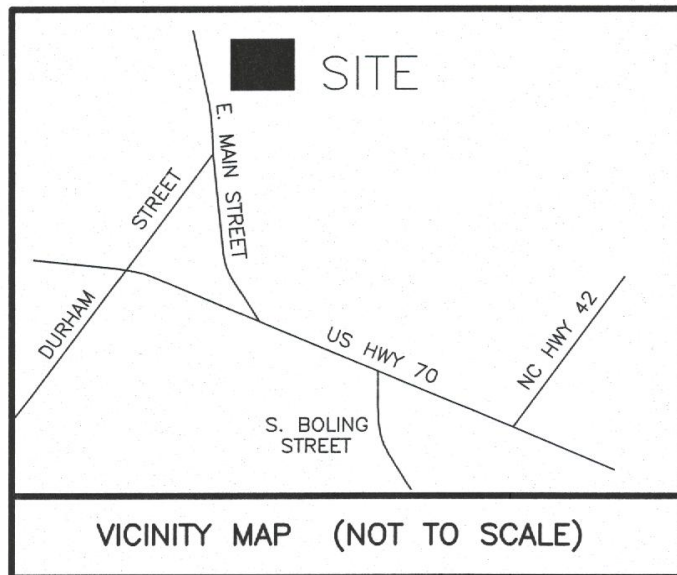
We appreciate being able to assist you during this phase of the project. If you need further assistance or require additional information, please do not hesitate to contact us.

Sincerely,
Tyndall Engineering & Design

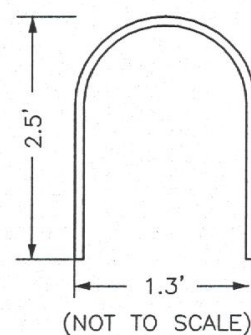
Patrick S. Edwards, P.E.
PSE/1801-010086

Prentice A. Tyndall Jr., P.E.





"U" SHAPED BICYCLE RACK DETAIL



N/F
STACY T. PITTMAN
DB 5007 PG 903
PN 05008017A
ZONING: B-3
USE: BODY SHOP

CANOPY TREES REQUIRED	2
CANOPY TREES PROVIDED	2
UNDERSTORY TREES REQUIRED	17
UNDERSTORY TREES PROVIDED	17
SHRUBS REQUIRED	88
SHRUBS PROVIDED	88

CANOPY TREE - SUNSET RED MAPLE
MINIMUM HEIGHT OF 6 FEET
WITH 2.5 IN CALIPER

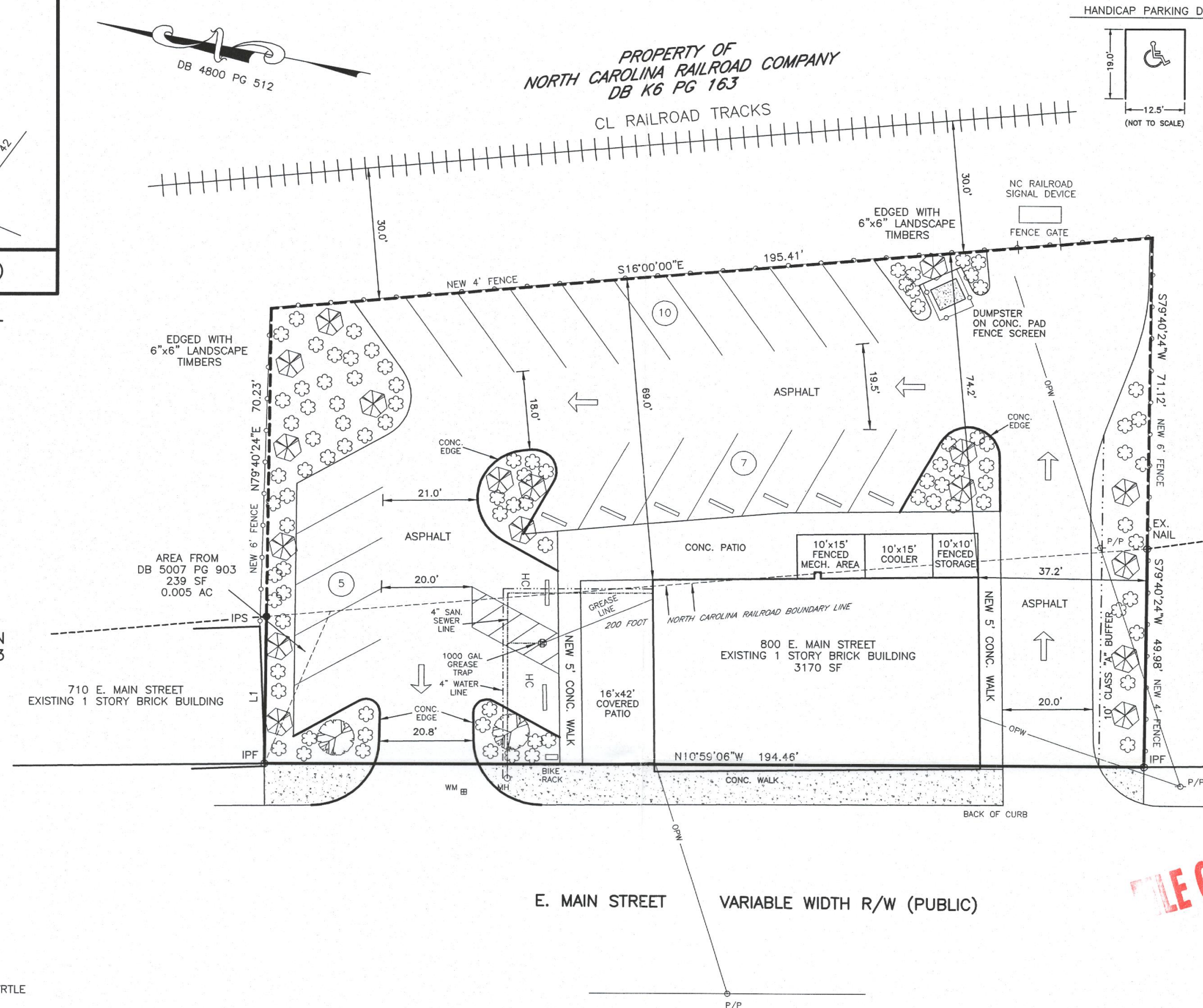
UNDERSTORY TREE - NATCHEZ CREPE MYRTLE
15' APART WITH A MINIMUM HEIGHT
OF 4 FEET WITH 1.5 IN CALIPER

SHRUB - FIREPOWER NANDINA
WITH A MINIMUM HEIGHT OF 12 INCHES

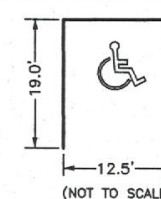
SITE DATA

AREA IN TRACT.....	7910 SF	0.182 AC
AREA WITHIN NC RAILROAD CORRIDOR (LICENSED AREA).....	13737 SF	0.315 AC
AREA IN PAVEMENT.....	13379 SF	0.307 AC
AREA IN LANDSCAPE BUFFER.....	3462 SF	0.080 AC
POWER SUPPLIED BY TOWN OF CLAYTON		
WATER & SEWER SUPPLIED BY TOWN OF CLAYTON		
TRASH BY ON-SITE DUMPSTER		
ZONING: B-1		
SETBACKS - (F) 0', (S) 0' 30' ABUTTING RESIDENTIAL, (R) 0'		
PARKING SPACES REQUIRED.....0		
PARKING SPACES PROVIDED.....22 REGULAR, 2 HANDICAP		
PARCEL NO. 05008017		
OWNER: LIPSCOMB, LLC.		
3407 BARBER MILL RD		
CLAYTON, N.C. 27520		
EXISTING USE: VACANT		
PROPOSED USE: RESTAURANT		
NUMBER OF SEATS PROPOSED: 130		
PROPOSED IMPERVIOUS SURFACE AREA: 46.384% (DOES NOT INCLUDE RAILROAD AREA)		
PARKING CALCULATION: N/A		
ENGINEER OF RECORD: KILLIAN ENGINEERING		

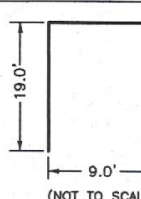
NOTE: ALL MECHANICAL EQUIPMENT SHALL BE SCREENED ENTIRELY FROM VIEW, AS REQUIRED WITHIN THE UDC.



HANDICAP PARKING DETAIL



PARKING DETAIL

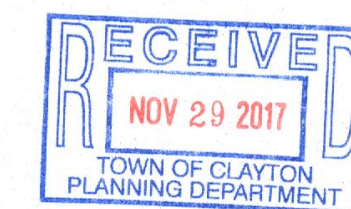


HANDICAP SIGN
NOT TO SCALE

N/F
TRIOS LODGE
PROPERTIES, LLC.
DB 3621 PG 333
PN 05008016
ZONING: B-3
USE: RESIDENTIAL

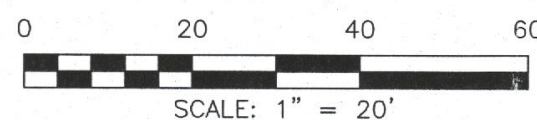
**Town of Clayton
Planning Department**
Date: 12-20-17
By: *Wiley Noyes*
Plan Approval

2017-169-SPM
FILE COPY



2017-169-SPM

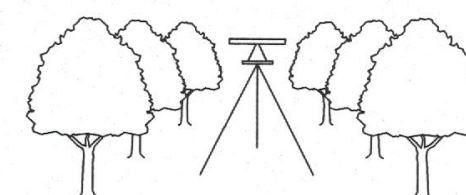
**800
EAST MAIN STREET
FOR
LIPSCOMB, LLC.**
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
OCTOBER 9, 2017



LINE	BEARING	DISTANCE
L1	N79°40'24"E	33.79'

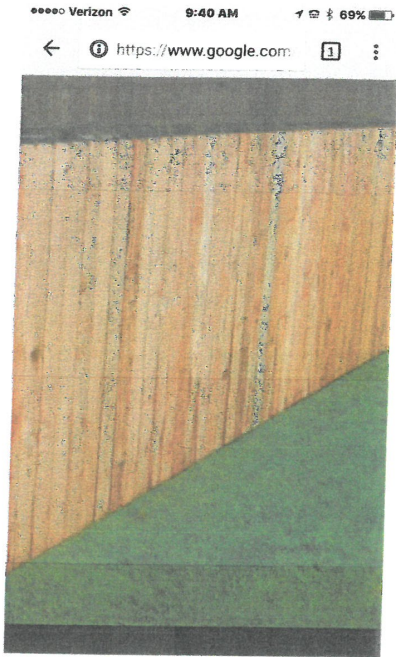
SURVEYED BY:	
DRAWN BY:	MIKE
CHECKED BY:	
DRAWING NAME:	PHYSICAL2.DWG
SURVEY DATE:	
JOB NO.	522.019

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

C-1859



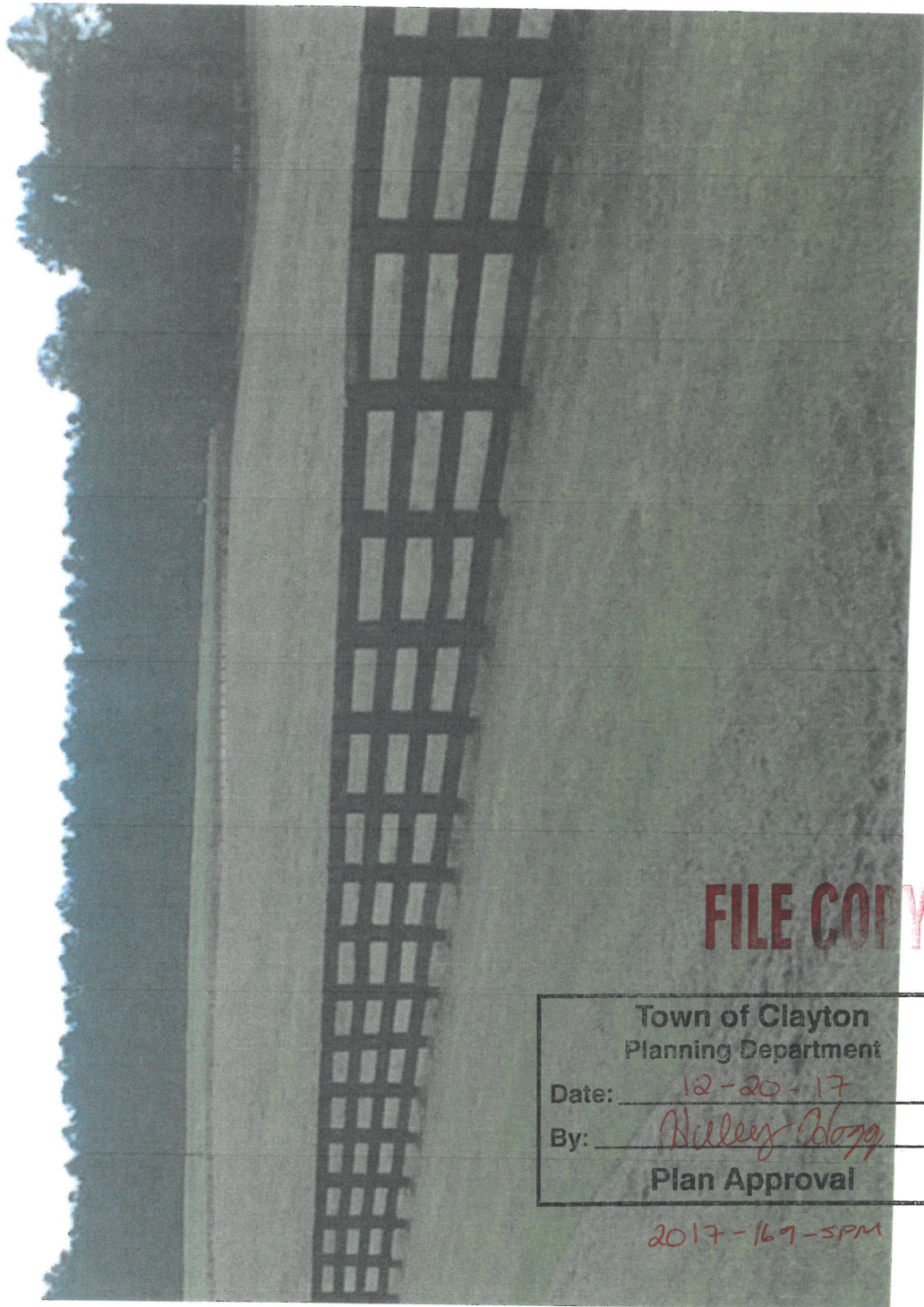
6 FOOT PRIVACY FENCE ON
EACH SIDE PROPERTY LINE

FILE COPY

Town of Clayton Planning Department	
Date:	12-20-17
By:	<i>Wiley Webb</i>
Plan Approval	

2017-169-SPM

4" FENCE TO ROW PARALLEL TO R.R. TRACK

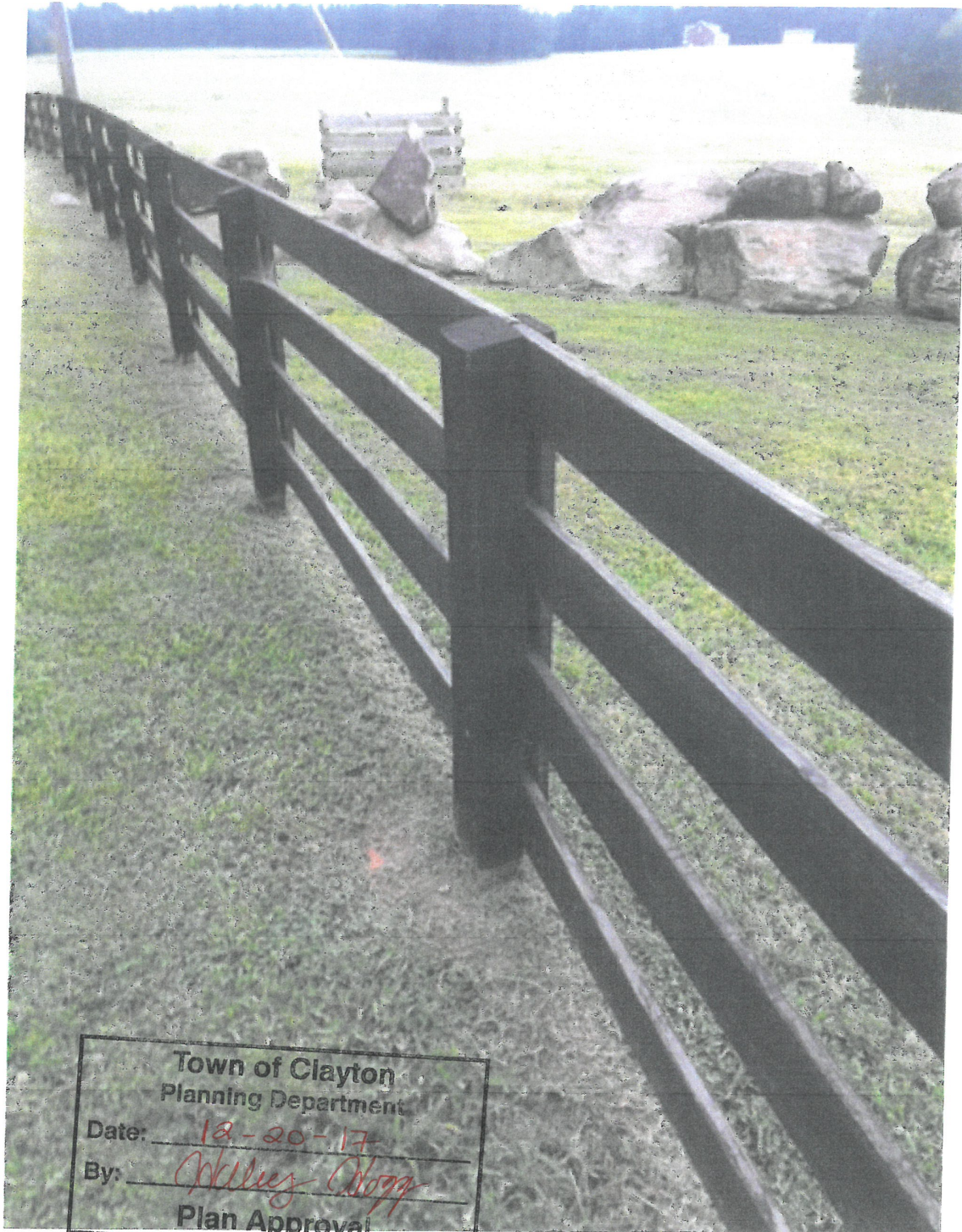


FILE COPY

Town of Clayton Planning Department	
Date:	12-20-17
By:	Nileey Abegg
Plan Approval	

2017-169-SPM

FENCE TO RUN PARALLEL TO R.R. TRACK

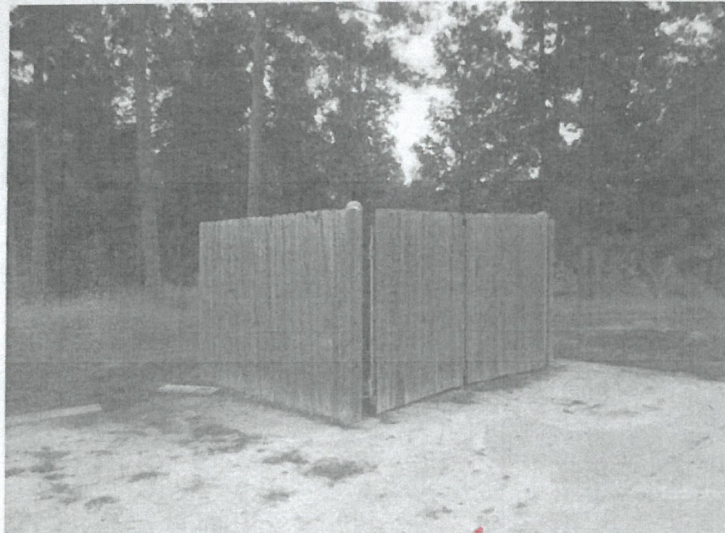


Town of Clayton	
Planning Department	
Date:	12-20-17
By:	<i>Wiley Clogg</i>
Plan Approval	

2017-169-SPM

FILE COPY

800 EAST MAIN STREET
DUMPSTER ENCLOSURE
HEIGHT TO BE 8 FOOT
STRUCTURE TO BE PAINTED TO MATCH BUILDING.



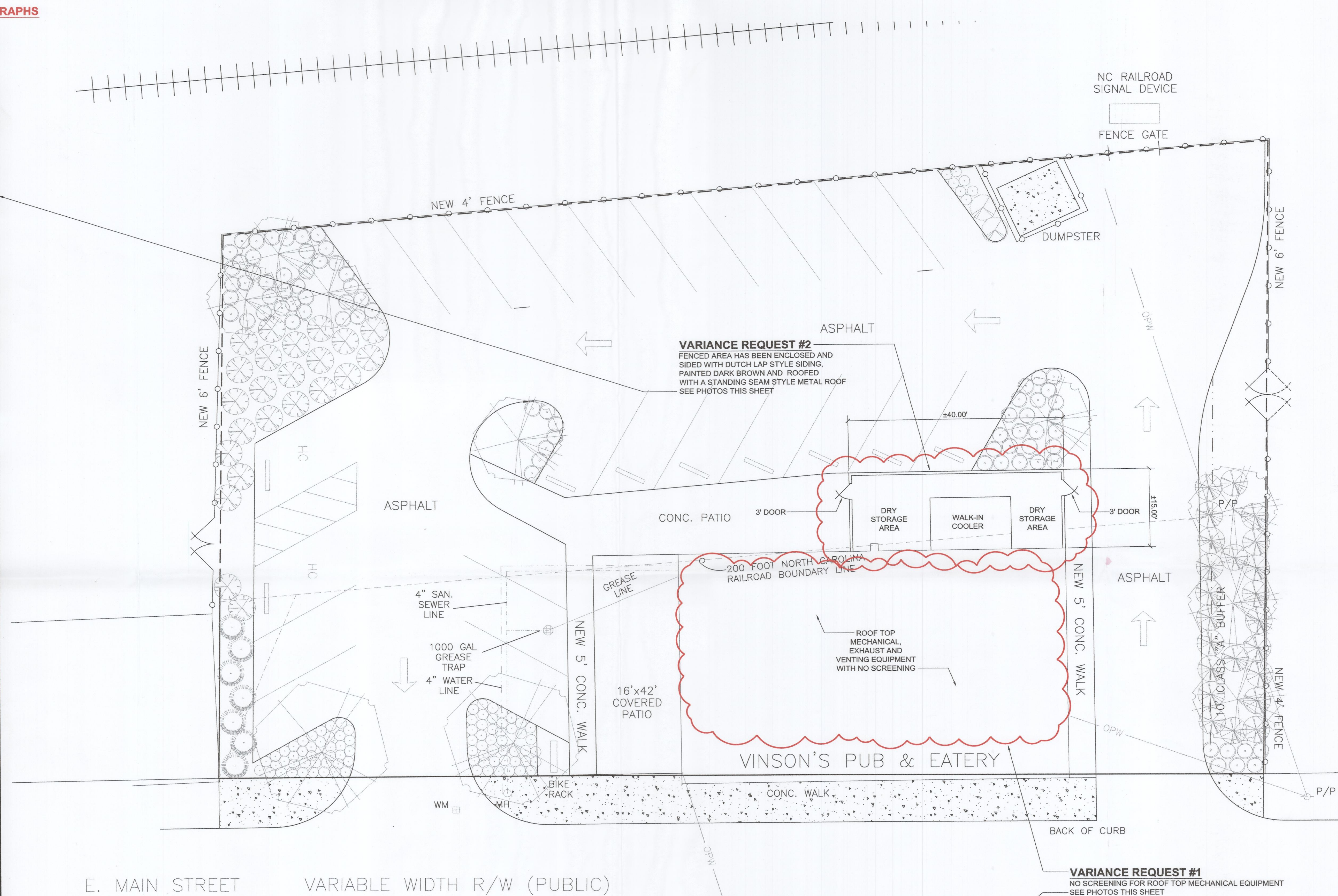
FILE COPY

Town of Clayton Planning Department	
Date:	12-20-17
By:	Halley O'Leary
Plan Approval	

2017-169-SPM

7/31/2018 9:52 AM C:\Users\Engineer\Documents\Talmage Mark Hall, ASLA\TMR-ASLA 2018\JAMES LIPSCOMB\DWG\09_VINSON'S PUB & EATERY_VR01.dwg

VARIANCE REQUEST #2 - SUPPORTING PHOTOGRAPHS



VARIANCE REQUEST #1 - SUPPORTING PHOTOGRAPHS



FOR REVIEW AND COMMENT ONLY

VARIANCE REQUEST SITE PLAN

RECEIVED AUG 01 2018

CLAYTON COUNTY DEPARTMENT

SCALE: 1" = 10'

TALMAGE "MARK" HALL, ASLA
PROFESSIONAL LANDSCAPE ARCHITECT
talmagemark@gmail.com

VARIANCE REQUEST FOR
VINSON'S PUB & EATERY
CLAYTON, NORTH CAROLINA
LIPSCOMB, LLC, CLAYTON, NORTH CAROLINA

NOTE: THIS SEAL AND SIGNATURE APPLIES ONLY TO THE LANDSCAPE PLAN, LANDSCAPE DETAILS AND LANDSCAPE NOTES

REFERENCE TOWN OF CLAYTON PROJECT NO: 2017-169-SPM

PROJECT: VARIANCE REQUEST
ISSUE: 08.01.2018
DATE: 08.2018

REVISIONS:

DRAWN BY: TMH
CHECKED BY: TMH
CONTENT: VARIANCE REQUEST SITE PLAN

VR01.00

Town of Clayton
Planning Department
111 East Second Street
Clayton, N.C. 27520

November 14, 2017

Ms. Hogg,

Below are our responses to the Town of Clayton's TRC First Review Comments for the 800 E Main Street site plan (2017-169-SPM). The Town's comments are in italic while our responses are in normal font.

1. *Please add the project number to the site plan.* As shown on the revised site plan.
Please add/revise the following items to the Site Data Table:
 - A) *Tag ID.* Done
 - B) *Property Owner.* Done
 - C) *Zoning District.* Done
 - D) *Setbacks.* Done
 - E) *Existing Use.* Done
 - F) *Proposed Use.* Done
 - G) *Proposed Impervious Percentage.* Done
 - H) *Parking.* Done
4. *Please provide a fence detail.* Owner will provide this.
5. *Please fix the overlapping text.* Done.
6. *Please remove the note Formerly Discount Auto Parts.* Done
7. *Please provide a dumpster detail.* Owner will provide this.
8. *Please provide a note that all mechanical equipment to be screened.* Done.

Thank You

Mike Grindstaff
True Line Surveying, P.C.



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

TECHNICAL REVIEW COMMITTEE REVIEW

FROM: JAMES LIPSCOMB
TO: Planning Department
CONTACT: Haley Hogg, Planner, 919-359-2102, hhogg@townofclaytonnc.org
DATE: November 27, 2017
PROJECT NAME
& NUMBER: 2017-169-SPM 800 E. Main Street
SUBJECT: RESPONSE TO 1st Review Comments

General Comments:

1. Please submit a wastewater allocation request for this project. **IN PROCESS**

Site / Subdivision Plan Sheet:

SEE RESPONSE LETTER FROM TRUE LINE FOR ITEMS 2-8.

2. Please add the project number to the site plan (2017-169-SPM)
3. Please add/revise the following items to the Site Data Table:
 - a) Tag ID
 - b) Property Owner
 - c) Zoning District (B-1, not B-3)
 - d) Setbacks (please adjust to B-1 setbacks)
 - e) Existing Use
 - f) Proposed Use (if restaurant, please include number of seats)
 - g) Proposed Impervious Percentage
 - h) Parking (note which calculation was used)
4. Please provide a fence detail for each fence type proposed. This detail must include the fence material and height. **PROVIDED**
5. Please fix the overlapping text located along the western property line.
6. Please remove the note "formerly discount auto parts" from the plan

7. Please include a detail of the dumpster enclosure. The height of the enclosure, as well as the materials must be included. Please note that dumpster enclosures must be 100% opaque and 8' in height, per UDC. **PROVIDED**
8. Please provide a note that all mechanical equipment shall be screened entirely from view, as required within the UDC.



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

Planning Board
October 22, 2018

STAFF REPORT

Application Number: 2018-157-VAR
Project Name: Vinson's Pub Variance

NC PIN / Tag #: 166806-29-8767 / 05008071
Overlay: Downtown Overlay District & Watershed Protection Overlay
Applicant: James Lipscomb
Owner: Lipscomb, LLC
Location: 800 E Main Street

Public Noticing:

- Sign posted prior to September 14, 2018

REQUEST: The applicant is requesting a variance from the following code sections:

UDC Section	Requirement	Variance Request
155.203(K)(2)	The B-1 zoning district has a setback of 0ft.	The non-permitted addition encroaches into the setback in the NCRR property by 12ft. The variance is for a negative setback requirement of -12ft.
155.204(D)(12)(C) Downtown Overlay- Utilities	All mechanical equipment shall be located on the roof, where practicable, and completely screened from view. The Planning Director may allow the location of mechanical equipment other than as described above, so long as it is completely screened from view or otherwise hidden from view from the public realm.	After-the-fact variance sought to allow unscreened rooftop mechanicals.
155.402(G)(4)(a) Screening- Mechanical Equipment	All roof, ground and wall mounted mechanical equipment including, but not limited to air handling equipment, vents, compressors, duct work, transformers and elevator equipment shall be screened from view.	After-the-fact variance sought to allow unscreened rooftop mechanicals.

155.402(G)(4)(b)	Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.	After-the-fact variance sought to allow unscreened rooftop mechanicals.
------------------	--	---

SITE DATA:

Acreage: .19 acres
Existing Use: Restaurant

STAFF ANALYSIS AND COMMENTARY:

The applicant is requesting an after-the-fact variance from the above referenced code sections. Please see below for an analysis of each:

Mechanical Screening

The applicant is requesting a variance from rooftop mechanical screening requirements outlined in sections 155.204(D)(12)(C), 155.402(G)(4)(a), and 155.402(G)(4)(b) due to the installation of unscreened rooftop mechanical units. The Unified Development Code requires that all mechanical equipment, rooftop and ground, be screened entirely from view. The UDC also requires that mechanical equipment within the Downtown Overlay District be roof mounted, where practical. However, this requirement does note that alternative screening locations may be permitted at the discretion of the Planning Director.

When this site plan was originally submitted, staff noted to the applicant during the TRC process that all mechanical equipment would be required to be screened from view (see attachment). As such, the applicant revised the plans accordingly to include a note stating that all mechanical equipment shall be screened entirely from view, as required within the UDC. The approved plan also depicted a 10'x15' fenced mechanical area in the rear of the building, to show where mechanical equipment would be ground mounted. However, when a site inspection was performed prior to issuance of a final Certificate of Occupancy, staff noticed that the mechanical equipment was now located on the rooftop and was unscreened.

While the Downtown Overlay District does typically require mechanical equipment to be located on the rooftop, staff did not require it in this situation as permitted by the UDC, and instead approved the mechanicals to be located in the rear of the building, ground mounted, screened with fencing as shown on the approved plan.

Building Addition

The applicant is also requesting a variance from the setback requirements outlined in 155.203(K)(2) of the Unified Development Code. The property is zoned B-1, and has a minimum building setback of 0'. When the plans were originally submitted and approved by the Town, the applicant showed a fenced mechanical area that encroached into the railroad ROW. Staff was comfortable with this encroachment, as it was not an addition to the primary structure, and was permitted by NCR. However, when performing a final site inspection staff noticed that the applicant enclosed this area creating a permanent addition to the building. This addition encroaches 12' into the railroad right-of-way, which creates a negative setback and does not meet the requirements of the Unified Development Code. This addition was not reviewed by staff prior to installation, to ensure that it would adhere

with setback requirements. It is also worth noting that had the structure been proposed during the site plan review process, staff would have required the materials utilized to match the primary structure.

Findings of Fact:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in absence of the variance, no reasonable use can be made of the property.
 - **Applicant Response:** “Our building is over 100 years old we cannot reasonably design a screening that will meet wind loads when attached to the building. Also see items 1, 2, and 3 above in Burden of Proof Section. The enclosed storage area cannot be built of the same materials of the building because it is considered temporary in nature because of its location within the NCRR Corridor.”
 - **Staff Commentary:** The applicant provided a letter from Tyndall Engineering & Design, P.A. stating that “introducing any new load into the roof members (in this case the additional wind load from the screen wall braces) would require the affected framing to be brought up to current code compliance. Being that this is a finished building, this would constitute an extensive repair including removal of existing roofing/framing and potential relocation of existing mechanical equipment in order to install the required structural reinforcements.” Evidence was not presented to show that the materials utilized on the addition do not dictate if the addition is temporary vs. permanent.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - **Applicant Response:** “Our building is sandwiched between the NCDOT right-of-way for Main Street and the NC Rail Road Corridor. The enclosed storage area in the rear is actually on the railroad right-of-way as is most of the parking lot and landscaping, these features are allowed to exist in the Corridor by virtue of our Licensing Agreement with NC Rail Road. We pay a yearly lease fee and we are allowed to have all these features on a temporary basis because if the licensed area of the corridor is needed for new rails I will be required to remove the improvements within 60 days notice. The installation of the storage area, parking lot and landscaping in the corridor were installed by me at my own desire they were not a requirement of the Town of Clayton Zoning Ordinance. They were installed out of my desire to do a nice renovation project of the historic building as possible and to provide as much improved parking as possible. Please note the extra effort put into protecting the rail corridor with fencing and the overall extra effort put into the site. In the B-1 zoning district the town can only require improvement to the land I own (please see site plan for location of the NCDOT right-of-way and NC rail road corridor).
 - **Staff Commentary:** The applicant does not address the variance requests regarding mechanical equipment in his response to this Finding. Screening of mechanical equipment is a requirement of the general public, including historic structures. The building addition was originally shown on the approved site plan to be a mechanical area with a 6ft privacy fence and then later add a metal roof. A building addition was built instead.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- **Applicant Response:** “My original site plan shows the HVAC compressor units on the ground behind the building behind a solid fence. I chose during construction to move these units onto the roof where they joined the other new mechanical units on the roof which are all components of the commercial restaurant hood system, make up air vents required by the commercial HVAC units, Satellite Dish, and multiple plumbing vents, all these mechanical features had always been planned to be roof mounted and are shown on my approved building plans. I was never made aware of the screening requirement in any of the numerous meeting and approvals with Town of Clayton staff prior to the completion of my project and a request for CO.
- **Staff Commentary:** The applicant does not address all requested variances in this response. Specifically, the variance request regarding the building addition (155.203(K)(2)) is not addressed. In regards to the mechanical equipment, the approved plans show a fenced mechanical area in the rear of the building. They do not specify what mechanicals are located there, so this was understood by staff to be the location of all outdoor mechanical equipment on-site. No notes are provided on the plan that any mechanical equipment would be located on the rooftop. The applicant states that he chose to move equipment to the rooftop during the construction process. Staff was not notified of this revision and was not aware of this until performing a final site inspection. The applicant states that he was never made aware of the screening requirement in any of the numerous meetings with the Town staff. However, during the first review of the plans staff did include a TRC comment to the applicant requesting that they provide a note on the plan stating that all mechanical equipment shall be screened from view (see attachments). The applicant acknowledged this comment as “noted” in correspondence, and provided a note on the plan stating such. The applicant was made aware of the code requirement and provided a note on the plan stating all mechanical equipment would be screened from view.

4. The requested variances are consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- **Applicant Response:** “There are no public safety issues associated with these Variance requests. I contend that Substantial Justice will be served by granting the Variances due to the fact that the requirement was not mentioned to me during the review and approval process of my building plans and the site plan by Town of Clayton officials. Further to require screening on historic buildings may not always be reasonable or structurally feasible. Also, the fact I have to comply with the additional rules imposed by NCRR in their license agreement for the section of the site plan that exist in the NCRR corridor.
- **Staff Commentary:** The applicant was made aware of the mechanical screening requirement during the TRC process and noted on the plans that all mechanical equipment would be screened from view. This was understood to include the ground-mounted and rooftop mechanical equipment.

CONSIDERATIONS:

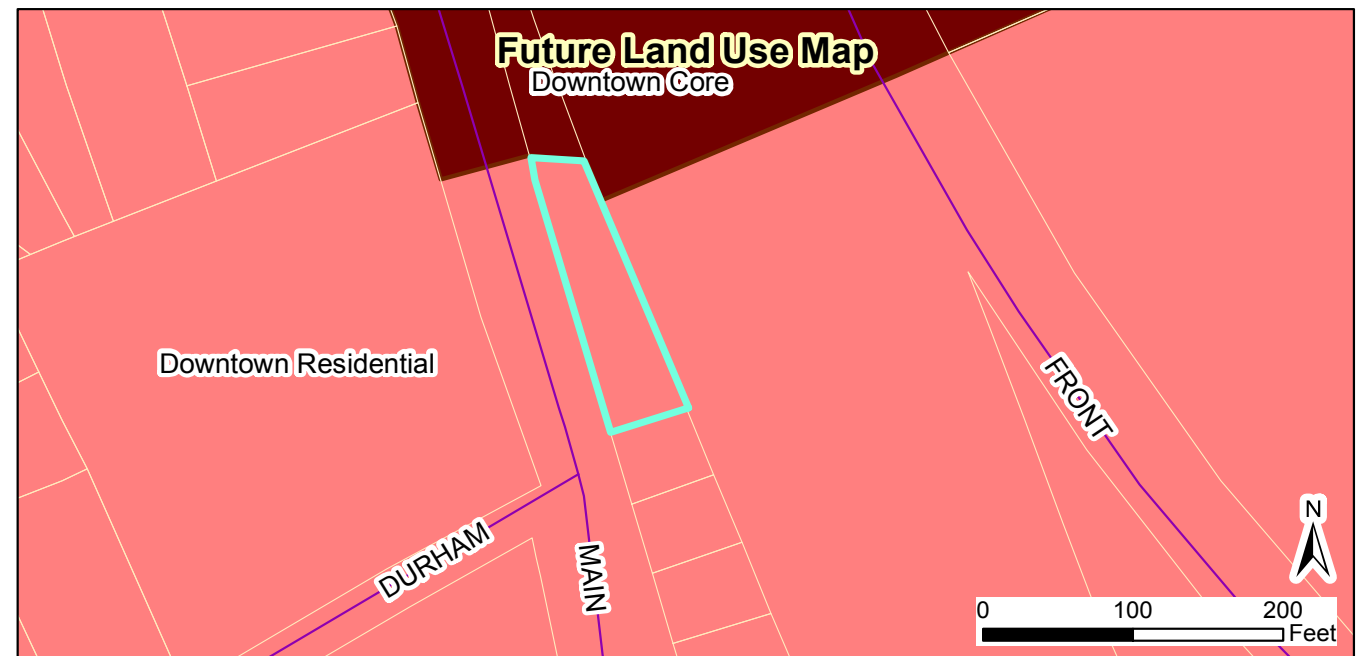
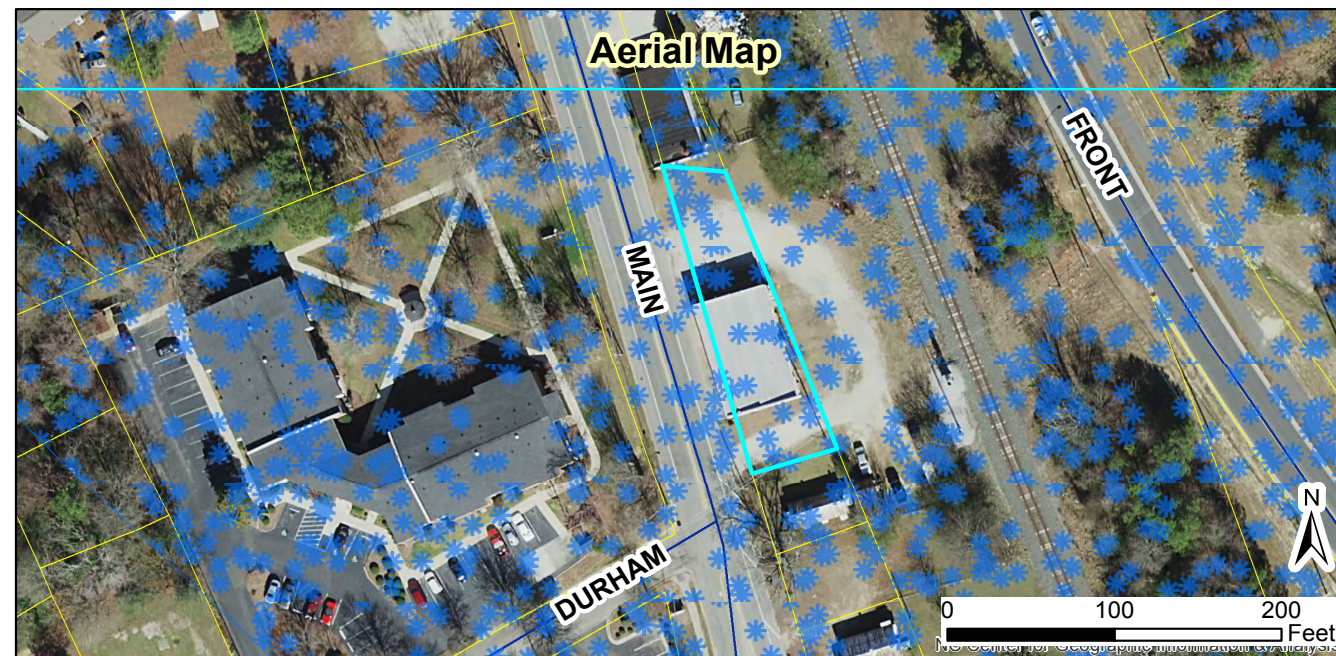
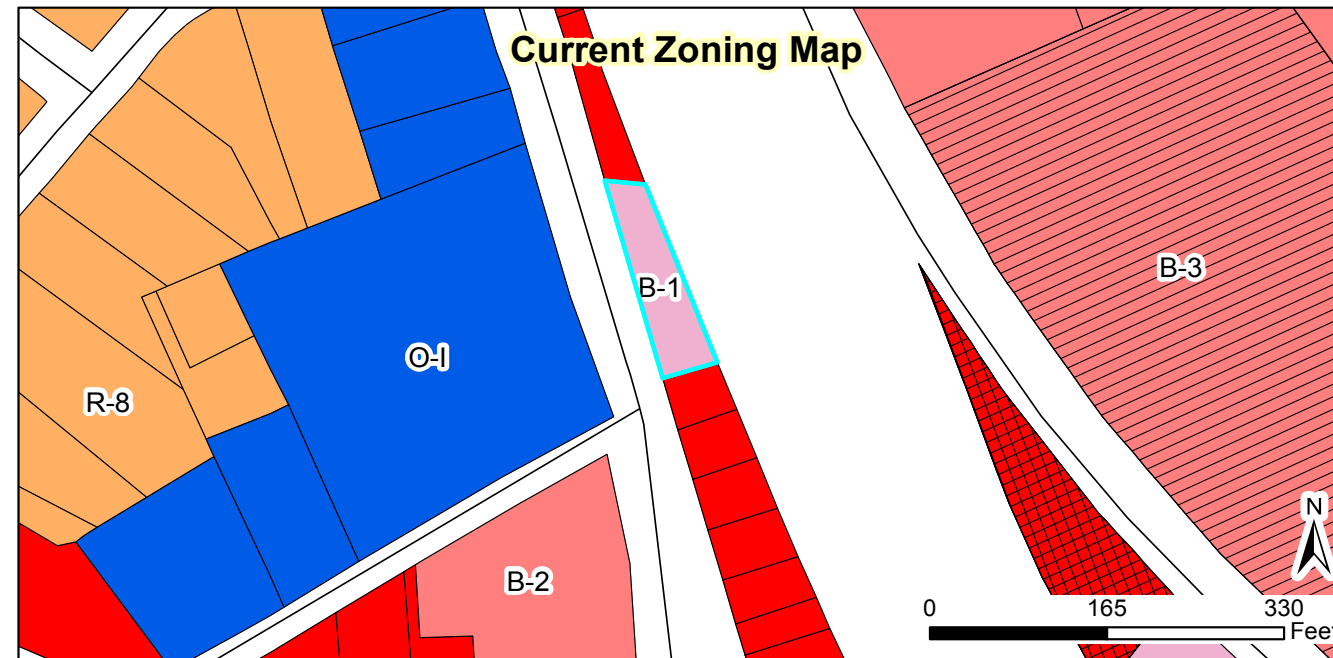
- The Planning Board shall review and make a final decision regarding Variance applications.
- Per UDC requirements, no variance shall be approved unless all of the Findings of Fact are made.
- The applicant has provided a letter from Tyndall Engineering regarding the feasibility of installing rooftop mechanical screening.

FINDINGS OF FACT:

The applicant has addressed the Findings of Fact, as outlined above in this report and included as a part of the application.

ATTACHMENTS:

1. Application
2. Staff Report Maps
3. Associated Site Plan
4. Approved Site Plan (copy)
5. TRC Response from applicant
6. Newspaper Ad- public notice
7. Adjacent Property Letter- public notice
8. Engineering Letter from applicant



2018-157-VAR Vinson's Pub Variance
Request: variance from specific code requirements outlined in application

Applicant: James Lipscomb
 Property Owners: Lipscomb, LLC
 Parcel ID: 166806-29-8767
 Tag #: 05008071

Staff Report Map



08/29/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

- Legend**
- 100-yr Flood Zone
 - Thoroughfare Overlay
 - Scenic Highway Overlay
 - Watershed Protection Overlay
 - Site

Document Path: O:\PLANNING\VARIANCE\2018\2018-157-VAR Vinson's Pub\Staff Report Maps - 2018-157-VAR - Vinson's Variance.mxd



REVISED 9.24.18

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

REZONING APPLICATION

Pursuant to Article 7, Section 155.704 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to amend the Official Zoning Map.

Application Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
All fees are due when the application is submitted.

Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: 517-549 E. Main Rezoning Acreage of Property: See attached
County Tag Number: see attached gis sheet NC PIN: see attached gis sheet
Address/Location: 517, 533, 539, 545, 549 E. Main Street and 525, 531 E. Main Street
Existing Zoning District: O-I
Proposed Zoning District: B-1

APPLICANT INFORMATION

Applicant: James Lipscomb
Mailing Address: 3407 Barber Mill Raod
Phone Number: (919) 422-4704 Fax: _____
Contact Person: James Lipscomb
Email Address: James@myHTR.com

RECEIVED FOR OFFICE USE ONLY		
Date Received: <u>SEP 26 2018</u>	Amount Paid: _____	File Number: _____
TOWN OF CLAYTON PLANNING DEPARTMENT		

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Hi-Tiders, LLC

Mailing Address: 713 Fernwood Dr

Phone Number: (919) 422-4704

Fax: _____

Email Address: James@myHTR.com

EXPLANATION OF PROJECT

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

Applicant would like to change the zoning from O-I to B-1.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:	For staff use only:				
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	☒			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☒	☐			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐				
6. If property to be rezoned is a <u>portion</u> of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	☐ ☐	☒ ☒			
7. Adjacent property owners list	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
This project is consistent with the adopted plans for the Town.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
Current uses are residential, vacant and retail. The current residential use will be grandfathered
for a short term until re-development is approved. 545 E Main will be office, 539 E Main will be demolished
in Aug 2018. 549 E. Main will remain as retail. 525 & 531 E. Main will continue as
residential rental until the adjacent properties are re-developed.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
This proposed change will improve the balance of uses and meets the Town's demands.

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 proposed use will not increase capacity of public facilities.

5. It has been determined that the legal purposes for which zoning exists are not violated.
Zoning will not be violated with this proposed project.

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.
There will be no adverse effect upon adjoining property owners.

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.
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.

JAMES LIPSCOMB
Print Name

[Signature]
Signature of Applicant

9-24-18
Date



**TOWN OF CLAYTON
Planning Department**

111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002

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: 517-549 E. Main Rezoning **Address or PIN #:** 005009003, 005009004

AGENT/APPLICANT INFORMATION:

James Lipscomb 328 E. Main Street
(Name - type, print clearly) (Address)
Clayton, NC 27520
(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 below*):

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.

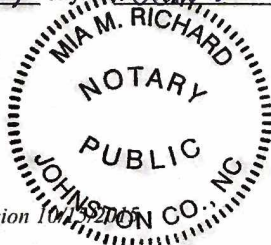
OWNER AUTHORIZATION:

Emory T. Hughes, II 204 Canterbury Road
(Name - type, print clearly) (Address)
Emory T. Hughes, II Clayton, NC 27520
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Mia M. Richard, a Notary Public for the above State and County, this
the 15 day of October, 2018.

SEAL



Mia M. Richard
Notary Public
My Commission
Expires: 6-21-2021



**TOWN OF CLAYTON
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

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: Rezoning Address or PIN #: 05009007 & 05009008

AGENT/APPLICANT INFORMATION:

James Lipscomb
(Name - type, print clearly)

328 E. main St.
(Address)
Clayton, NC 27520
(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 below*):

Change from O-I to B-1

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:

Richard F. & Melody Thorpe
(Name - type, print clearly)

2360 Twin Acres Rd
(Address)

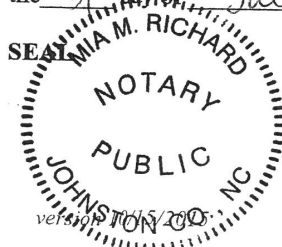
Richard F. Thorpe & Melody Thorpe
(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Mia M. Richard
the 31 day of July, 2018.

a Notary Public for the above State and County, this



Mia M. Richard
Notary Public
My Commission
Expires: 4-21-2021

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2018-165-RZ 517-549 E Main Street Rezoning]

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

Section 2: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan 2040, specifically:

- Goal LU1.4- Protect and enhance the historic downtown character while promoting quality redevelopment and infill.
- Goal D1 Promote quality new, adaptive re-use, and infill development projects downtown.
- Objective D1.2- Support the renovation and redevelopment of under-utilized sites and buildings in an effort to invigorate investment and/or revitalization in downtown.

Description of zoning amendment's consistency with the above plan objective:

The requested rezoning is consistent with the above referenced goals and objectives within the Comprehensive Plan 2040. The proposed rezoning would encourage new businesses to occupy the partially vacant properties by making them able to be occupied by more commercial services as well as office and residential. The properties have historically been utilized for commercial and residential uses, and are located adjacent to other properties zoned B-1. That designation consists of a broad range of commercial, retail, service, office uses that are compatible with the proposed rezoning.

Section 3: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically

that the rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040,

the above referenced zoning amendment is reasonable and in the public interest.



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
October 22, 2018*

STAFF REPORT

Application Number: 2018-165-RZ Project Name: 517-549 E. Main Street Rezoning

NC PIN / Tag #: 166917-21-2039 / 05009002, 166917-21-2093 / 05009003, 166917-20-3966 / 05009004, 166917-20-3966 / 05009005, 166917-20-3991 / 05009006, 166917-20-4815 / 05009048, 166917-20-4851 / 05009007, 166917-20-4725 / 05009008

Town Limits/ETJ: Town Limits

Overlay: Watershed Protection

Applicant: James Lipscomb

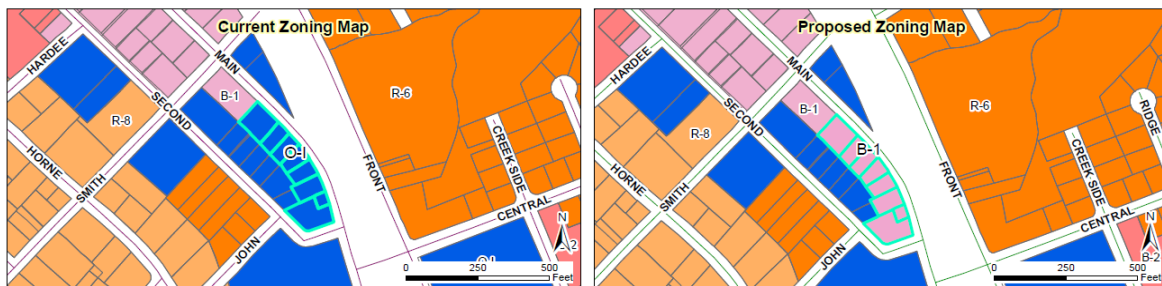
Owner: Hi Tiders LLC, Melody Johnson Thorpe, Richard F Thorpe, Emory T Hughes II

Location: 517-549 E. Main Street

Public Noticing:

- Neighborhood meeting September 18, 2018
- Revised Neighborhood Meeting October 9, 2018
- Sign posted prior to September 6, 2018
- Letters mailed October 22, 2018
- Newspaper ad posted October 26, 2018

REQUEST: Rezoning from Office-Institutional (O-I) to Central-Business (B-1).



SITE DATA:

Acreage: 1.196 acres

Existing Use: Commercial (Retail Sales), Residential (Single Family Houses), and Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Central-Business (B-1)	Commercial
South	Office-Institutional (O-I)	Single family residential
East	Single-Family Residential-6 (R-6)	Single family residential
West	Single-Family Residential-6 (R-6)	Single family residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 1.196 acres of parcels along Main Street from Office-Institutional (O-I) to Central-Business (B-1). Currently, there is a mix of residential and retail uses on the properties. The properties located at 525 and 531 E. Main Street will continue to be used as residential until they are redeveloped in conjunction with the adjacent properties. 545 E. Main Street will be used as an office, 539 E. Main Street will be demolished, and 549 E. Main Street will remain as retail. The properties are adjacent to and bordered by a law office to the north, and generally surrounded by single family houses from all other directions. The other properties in the same block are zoned Office-Institutional (O-I) and adjacent properties to the east and west are zoned Single-Family Residential-6 (R-6).

Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of both the existing (O-I) and proposed (B-1) zoning districts.

Office-Institutional (O-I)	Central Business (B-1)
Upper-Story Residence	Upper-Story Residence
Office (General & Medical)	Office (General)
Financial Institution	Creative Studio
Creative Studio	Restaurant
Day Care Facility	Retail Sales
Nursing Home	Service
*Apartments via Special Use Permit	*Apartments via Special Use Permit

There are several distinctions between the two districts. The O-I district requires a minimum lot area of 6,000 sqft and a minimum lot width of 60 ft. The B-1 district has no requirement for these lot standards. The B-1 district also has no minimum setbacks, no maximum building coverage, and no maximum impervious surface limits.

Consistency with the Comprehensive Plan 2040

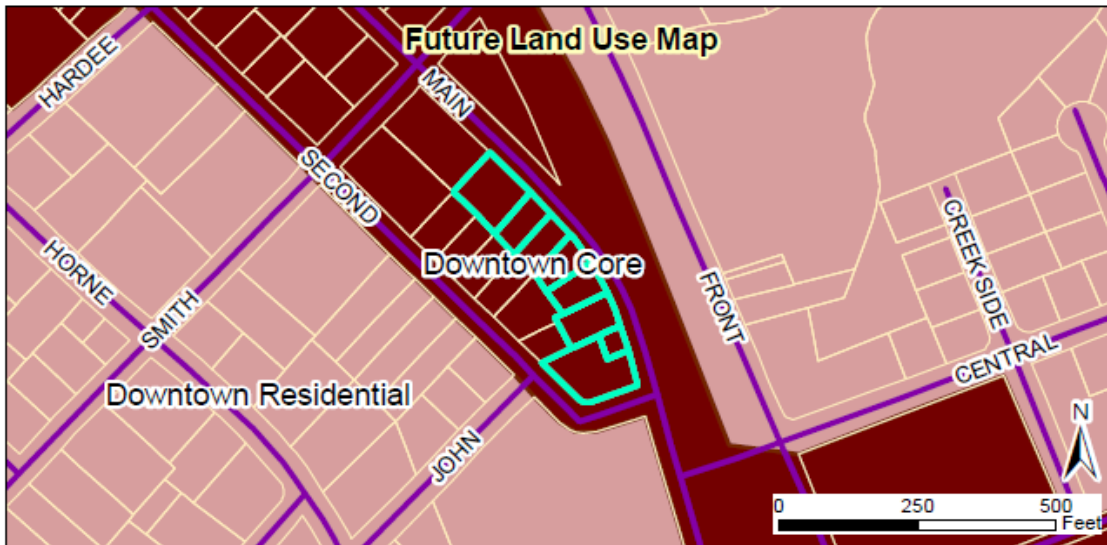
The property is identified in the adopted Future Land Use Map as Downtown Core. One of the purposes of the Downtown Core designation is to encourage high density commercial, employment, residential, and other uses. The designation permits a variety of uses including commercial services (restaurants, retail, professional services, and entertainment), office, high-density residential, upper-story apartments, and renovated older homes that accommodate commercial uses. B-1 is identified as a compatible zoning district for the Downtown Core Future Land Use Designation.

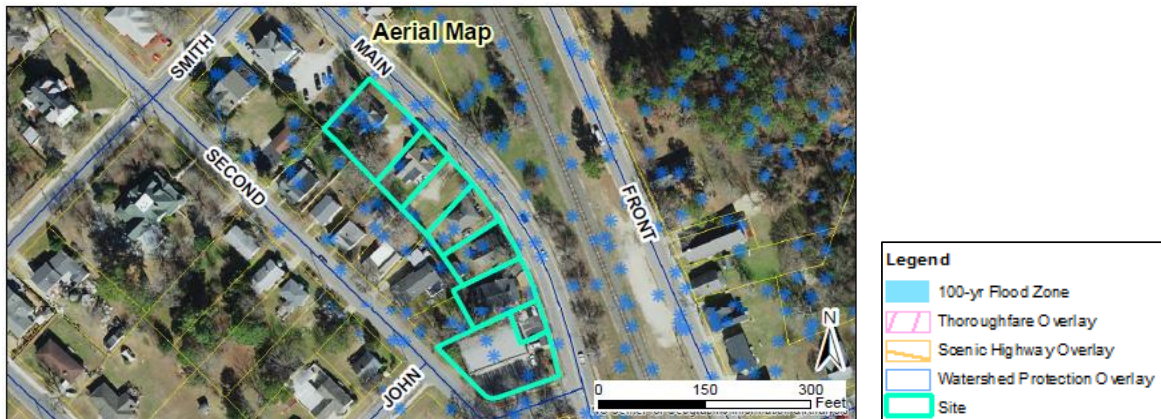
Comprehensive Plan Goals supporting the rezoning request include:

- LU1.4 Protect and enhance the historic downtown character while promoting quality redevelopment and infill
- D1 Promote quality new, adaptive re-use, and infill development projects downtown.
- D1.2 Support the renovation and redevelopment of under-utilized sites and buildings in an effort to invigorate investment and/or revitalization in downtown.

Comprehensive Plan Goals not supporting the rezoning request include:

- None





Access to public facilities and services

There is sufficient access to public water and sewer service. The site is proximate to public parks and the downtown central business district.

CONSIDERATIONS:

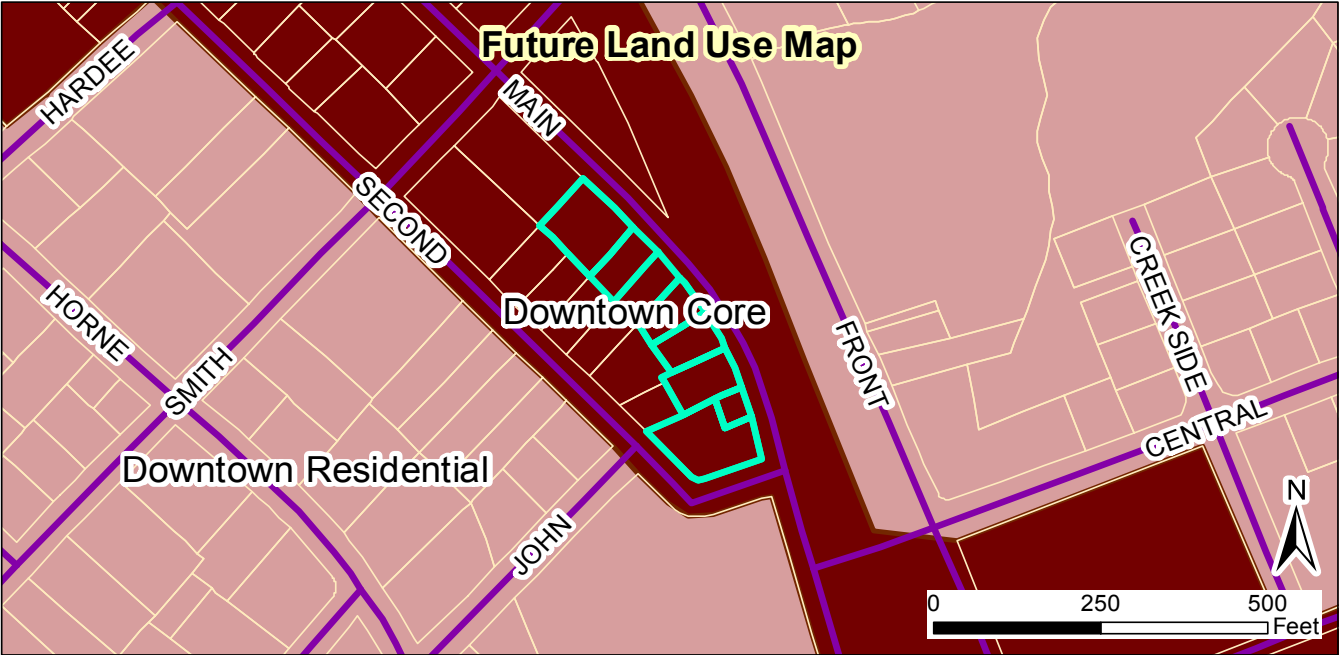
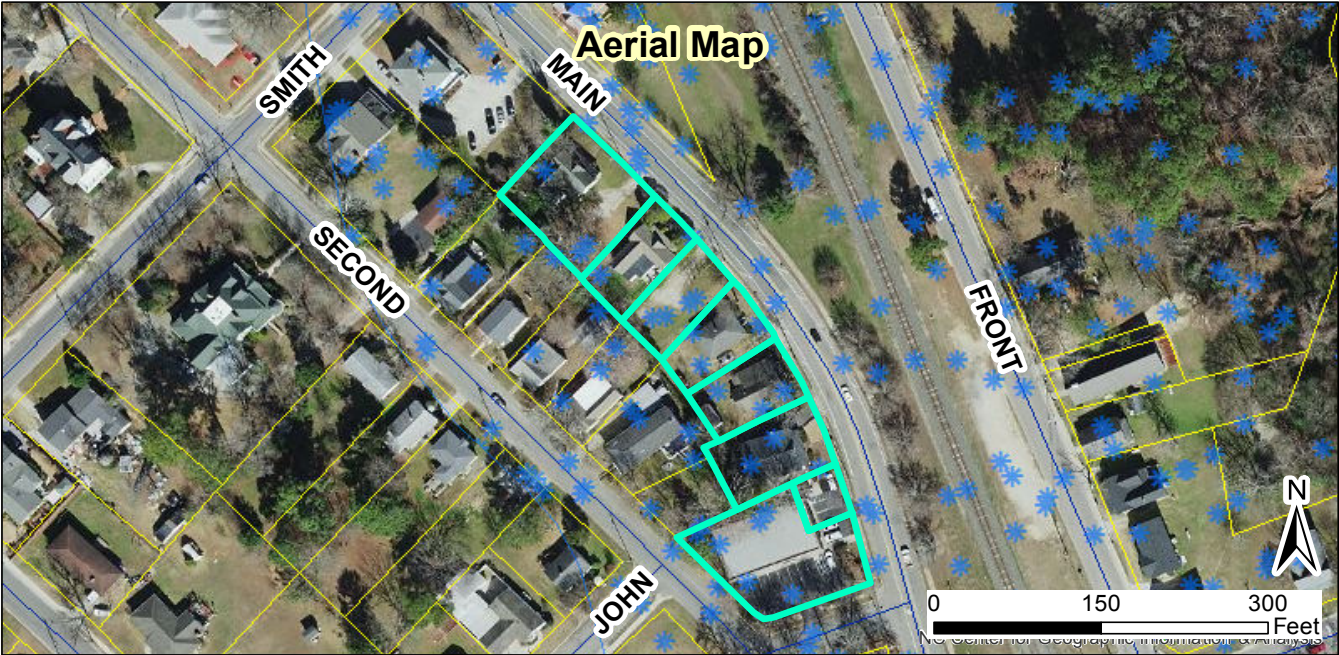
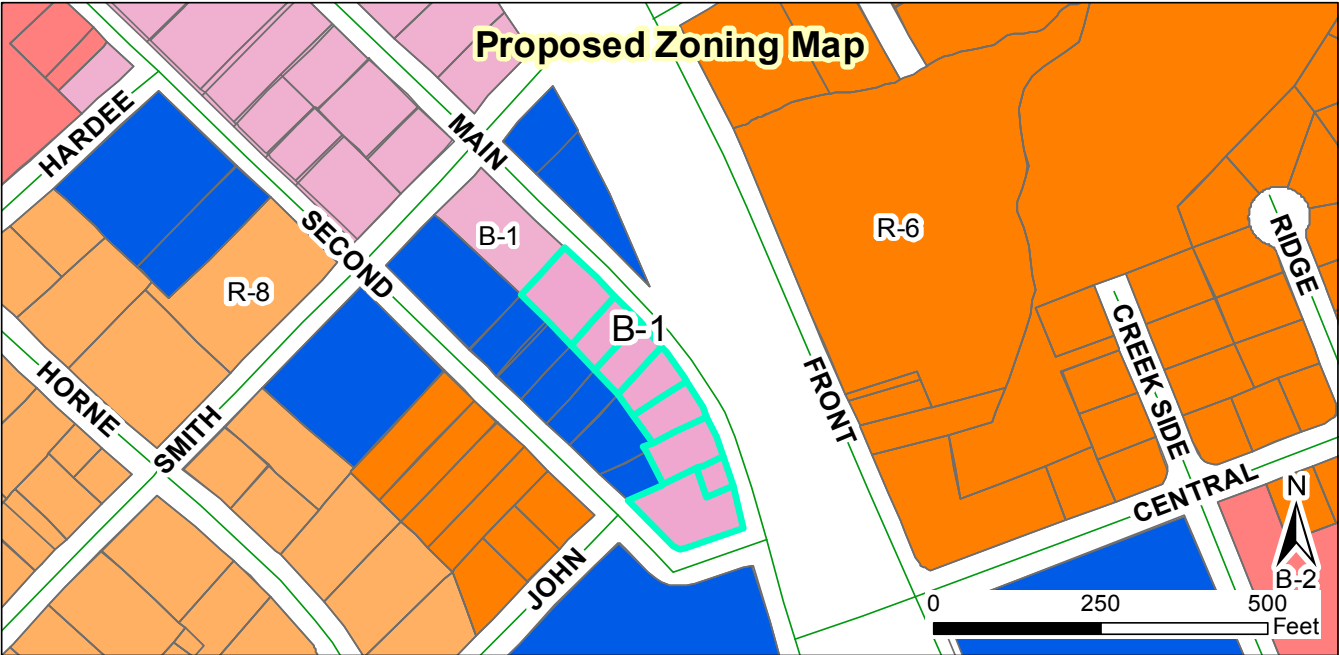
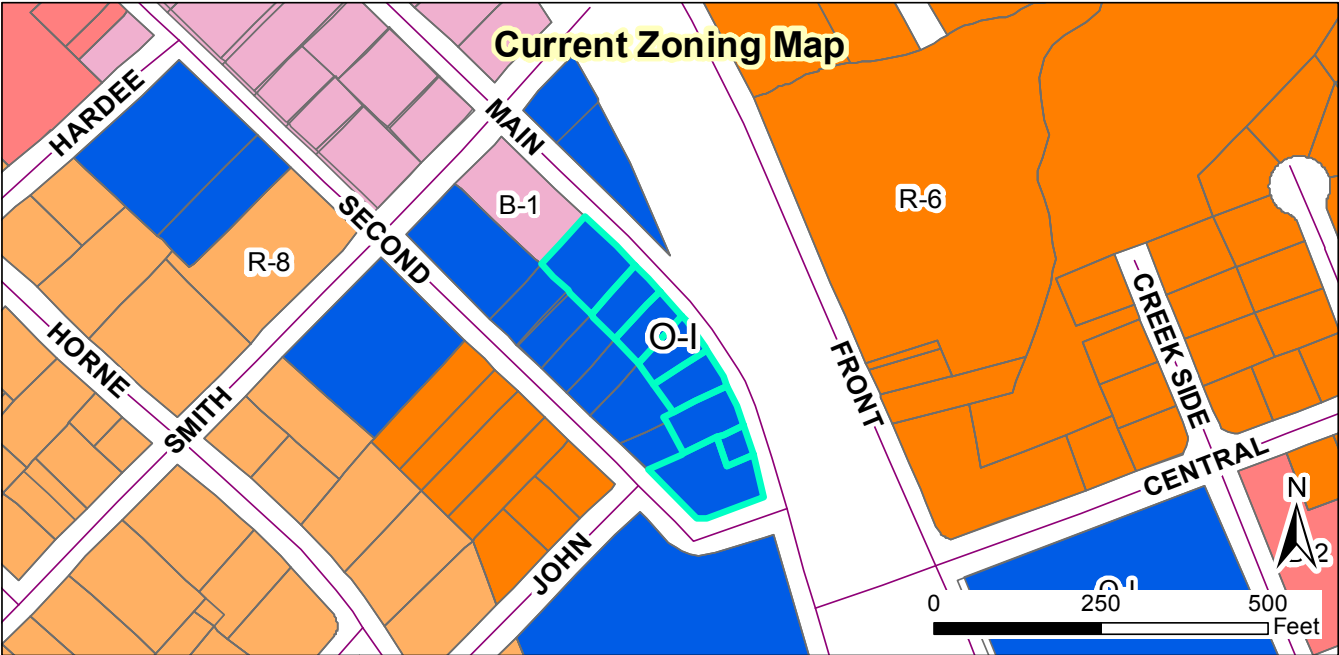
- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining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

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials



Request:
2018-165-RZ, 517-549 E Main Street, rezoning

Applicant: James Lipscomb
 Property Owners: Hi Tiders, LLC; Emory T Hughes II, Melody Johnson Thorpe; Richard F Thorpe
 Parcel ID: 116917-21-2039, 166917-21-2093, 166917-20-3939, 166917-20-3966, 166917-20-3991,
 166917-20-4815, 166917-20-4851, 166917-20-4725
 Tag #: 05009002, 05009003, 05009004, 05009005, 05009006, 05009048, 05009007, 05009008

Staff Report Map



10/29/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay
- Site

Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-165-RZ 517-549 E. Main Rezoning\Map\Revised Map 2018-165-RZ 517-549 E Main Street rezoning.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

MAJOR SITE PLAN APPLICATION

Application Fee: \$500.00

☐ New Major Site Plan

☒ Major Modification to an approved site plan

Permit Modified: 2016-32-CUP

SITE INFORMATION

Name of Project: Gatehouse Self Storage

Acreage of Property: 3.106

Zoning District: B-3

County Tag #: 05G01199X

NC Pin #: 164900-87-7925

Address/Location: 12984 US Hwy 70 Bus

Existing Use: Self Storage

Proposed Use:

Is project within a Planned Development? ☐ Yes ☒ No If yes, which:

Is project within an Overlay District? ☐ Yes ☐ No If yes, which:

Is a site plan being concurrently submitted? ☐ Yes ☐ No

APPLICANT INFORMATION

Applicant: Robert Stephenson

Mailing Address: 5540 Yates Mill Pond Road Raleigh, NC 27606

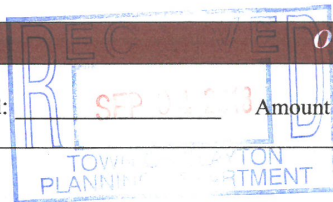
Phone Number: 919-271-1337

Fax:

Contact Person: Robert Stephenson

Email Address: robert.stephenson@cocig.com

Date Received:



Amount Paid:

\$ 500

File Number:

2018-179-SP

July 2018

2 of 15

PROPERTY OWNER INFORMATION

Name: Clayton Self Storage Group, LLC

Mailing Address: 5540 Yates Mill Pond Road Raleigh, NC 27606

Phone Number: 919-271-1337

Fax:

Email Address: robert.stephenson@cocig.com

EXPLANATION OF PROJECT

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

Please see attached sheet.

MAJOR SITE PLAN REQUIREMENT CHECKLIST

PLAN FORMAT

These standards are established to provide information pertaining to the graphic and format presentation of plans. The following is required for all types of plans, except where otherwise noted:

- All plans and architectural elevations shall be limited to 24" x 36" in size, and folded to an 8.5" x 11" format.
- Plans are to be drawn at the same engineering scale of 1" = 20'; 30'; 40'; 50'; 60' (architectural elevations and details are exempt from this requirement) with north oriented in the same direction.
- Plans may be drawn at an engineering scale of 1" = 100', if approved by the Planning Department or the Technical Review Committee (TRC).

Provided		
Yes	N/A	
☐		Provide a landscape maintenance note which states: "All landscaped areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion".
☐		Identify and list any existing plant material which will be used to satisfy landscape requirements.

LIGHTING PLAN

Provided		
Yes	N/A	
☐	☐	Conceptual Lighting Plan
☐	☐	Identify the light source and provide a detail of the fixture.
☐		Identify the proposed height of fixtures.

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

Provided		
Yes	N/A	
☐		Provide floor plans, elevations, construction materials, finishes and colors, along with type of construction of all buildings per North Carolina Building Code prepared by a professional architect registered in North Carolina.
☐		Indicate the height and number of stories for each structure.
☐		Indicate the location and screening method for all roof mounted structures or equipment.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Planning Board of the Town of Clayton to approve the subject Major Site Plan. 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 E. Stephenson, Jr. *Robert E. Stephenson, Jr.*

Print Name

Signature of Applicant

9-4-18

Date

Manager,

Clayton Self Storage Group, LLC

**Major Site Plan Application
Major Modification to Permit #2016-32-CUP**

Explanation of Project

The following modifications have been made to the building design and artist renderings:

- **East Side Faux Barn Doors Removed.** See attached letter of explanation dated 7/12/18 from Spencer Terry of Carolina Land Development Group.
- **East Side Access Door Relocated.** See attached letter of explanation dated 7/12/18 from Spencer Terry of Carolina Land Development Group.
- **Eye Brow Vents Removed from Clock Tower Roofs.** See attached letter of explanation dated 7/12/18 from Adrian Creech of Hauser Creech.
- **Rear West Clock Tower Removed.** This feature was removed because it would have had no visibility from Highway 70 from either the east or west approaches. Removal resulted in significant cost savings.
- **EFIS and Stone Colors Changes.** The colors in the artist renderings were intended to be preliminary. The final colors give the building a much brighter hue, making it stand out from the surrounding site rather than disappearing into the woodlands.



CAROLINA
Land Development Group

1000 Nortonbridge Road
Raleigh, N.C. 27603
Phone: (919) 608-9390

July 12, 2018

Samantha Wullenwaber
Town of Clayton Planning Director
111 E. 2nd Street
Clayton, N.C. 27520

Explanation of site and building changes associated with the Gatehouse Self Storage project located at 12984 US 70 Bus Hwy West as it relates to Planning Board Major Site Plan 2016-31-SP and Conditional Use Permit 2016-32-CUP.

Dear Mrs. Wullenwaber:

A grading conflict became apparent during construction between the curb line and the double door proposed on the east side of the building (side facing Waffle House). The site slopes toward the back of the building at approximately 4.9% and the double door provides a full ADA access to the first floor from the parking area. The grade between the curb and door (across the sidewalk) exceeded an acceptable cross slope for entering the building.

The solution was to move the door to south (toward the office on the corner of the building) and align it with the interior hallway. This reduced the grade between the door and the curb line providing an acceptable cross slope for entering the building.

Moving the double door entrance reduced the area for the main distribution panel (electric service) necessitating the removal of the faux door originally in that location.

Additionally, metal stairs were added at the emergency exit door at the northeast corner of the building to provide access from the first floor to the sidewalk. The grade change was created from the site sloping toward the back of the building.

Sincerely,

Spencer B. Terry III, P.E.
Principal





HAUSER-CREECH, INC.

4506 PEARCES RD.
ZEBULON, NC
27597

P. 919.817.7579
F. 919.404.2427

HAUSER-CREECH.COM

July 12, 2018

Mr. Tim Kurmaskie
AKAI, Inc.
1030 Washington Street
Raleigh, NC 27605

Re: **Project: Gatehouse Self-Storage – Clayton**
Subject: **Tower Construction and Dormer Features**

Dear Mr. Kurmaskie:

We reviewed the tower roof assembly and roof substrate for your above referenced Gatehouse Self-Storage project located in Clayton, NC. Per the owner/contractor request, we were asked to provide a review and comment, for the roof dormer features on the three towers at corners of the building.

The installed roof at the tower features is a 24 Ga metal (Battenlok 2" Rib), standing seam, structural roof panel, designed to span 5'-0" O.C. without the use of a separate metal decking substrate. The overall design is based on a fixed eave and floating 2" clips, free to move at the hips. This means that the thermal response (expansion and contraction from ever changing elements) is designed to slip toward the top of the roof. It is our professional opinion, that this installation would not create a water tight configuration to a ventilation/false dormer, and may also create an instability from the perforation in the structural roof panel. During thermal expansion or contraction, the metal roof would move at different rates from the dormer.

We do not believe that there is an effective installation method for the false dormer given the in-situ roof and associated framing. We do not recommend the installation of the dormer features on the tower roofs.

This report is for the exclusive use of our client. Our report is based on information/direction made at the time and date this report. Should additional information become available, we reserve the right to determine the impact, if any, of the new information and to revise our report if necessary and warranted by the discovery of additional information.

Sincerely

Hauser-Creech, Inc.

Adrian L. Creech, PE
Vice President





**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

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: Gatehouse Self Storage Address or PIN #: 12984 US Hwy 70 Bus
Clayton, NC

AGENT/APPLICANT INFORMATION:

Robert Stephenson
(Name - type, print clearly)

5540 Yates Mill Pond Rd
(Address)
Raleigh, NC 27606
(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):

Major Modification to approved site plan. Permit Modified: 2016-32-CUP

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:

Clayton Self Storage Group, LLC
(Name - type, print clearly)

5540 Yates Mill Pond Road
(Address)

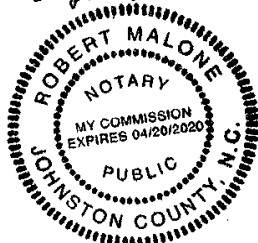
Robert E. Stephenson, Jr., Manager
(Owner's Signature)

Raleigh, NC 27606
(City, State, Zip)

STATE OF North Carolina
COUNTY OF WAKE

Sworn and subscribed before me ROBERT MALONE, a Notary Public for the above State and County, this
the 7 day of September, 2018.

SEAL



July 2018

[Signature]
Notary Public

My Commission Expires: 04/20/2020



REAR
elevation
SCALE: N.T.S.

02



FRONT
elevation
SCALE: N.T.S.

01

akai

ARCHITECT
URMASIE
ASSOCIATES,
INC.

1030 WILMINGTON
Raleigh, NC 27605
P: 919-846-1600
F: 919-846-9404
ARCHITECTS@T.COM

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PRELIMINARY
NOT FOR
CONSTRUCTION

2016-31-SP
GATEHOUSE
SELF-STORAGE
HIGHWAY 70
CLAYTON, NC

Project Reference Numbers

Architect's Project No. 150047
Drawn By: TM & SZ

REVISIONS

DATES

PHASE	ISSUED
TOWN OF CLAYTON	02/01/2016
TOWN OF CLAYTON	02/29/2016
TOWN OF CLAYTON	04/04/2016

FRONT & REAR
ELEVATIONS

SHEET NUMBER

A2.1



akai

ARCHITECT
URMASIE
ASSOCIATES,
INC.

1030 WILMINGTON ST.
Raleigh, NC 27605
P: 919-846-1600
F: 919-846-9604
ARCHITECTS@T.COM

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NOT FOR
CONSTRUCTION

2016-31-SP
GATEHOUSE
SELF-STORAGE
HIGHWAY 70
CLAYTON, NC

Project Reference Numbers

Architect's Project No. 150047
Drawn By: TM & SZ

REVISIONS

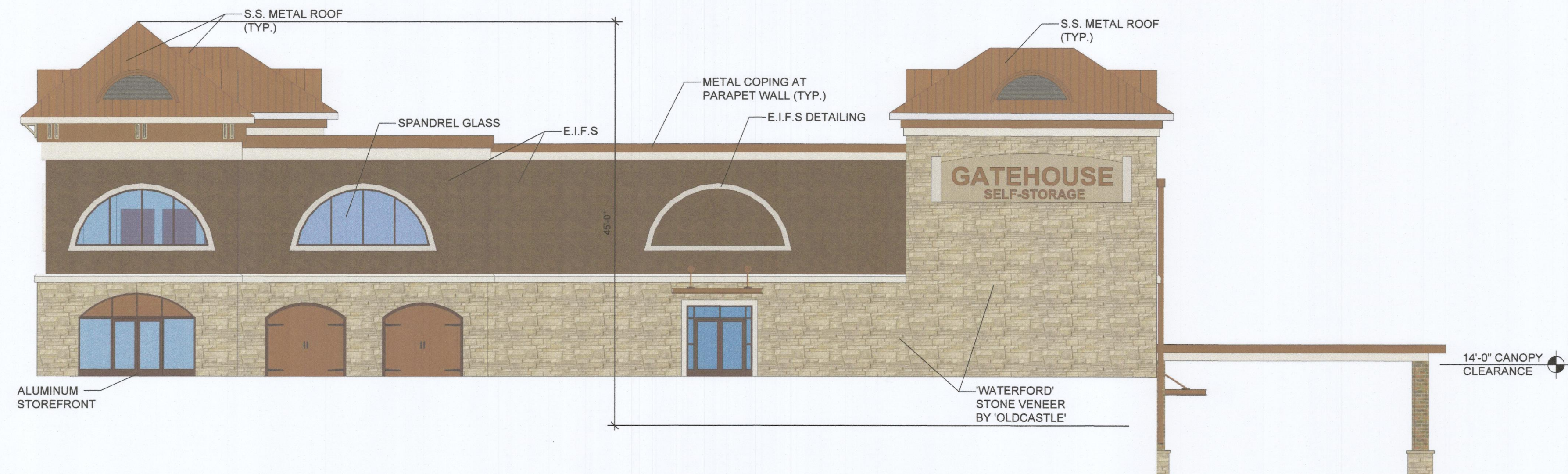
DATES

PHASE	ISSUED
TOWN OF CLAYTON	02/01/2016
TOWN OF CLAYTON	02/29/2016
TOWN OF CLAYTON	04/04/2016

RIGHT & LEFT
ELEVATIONS

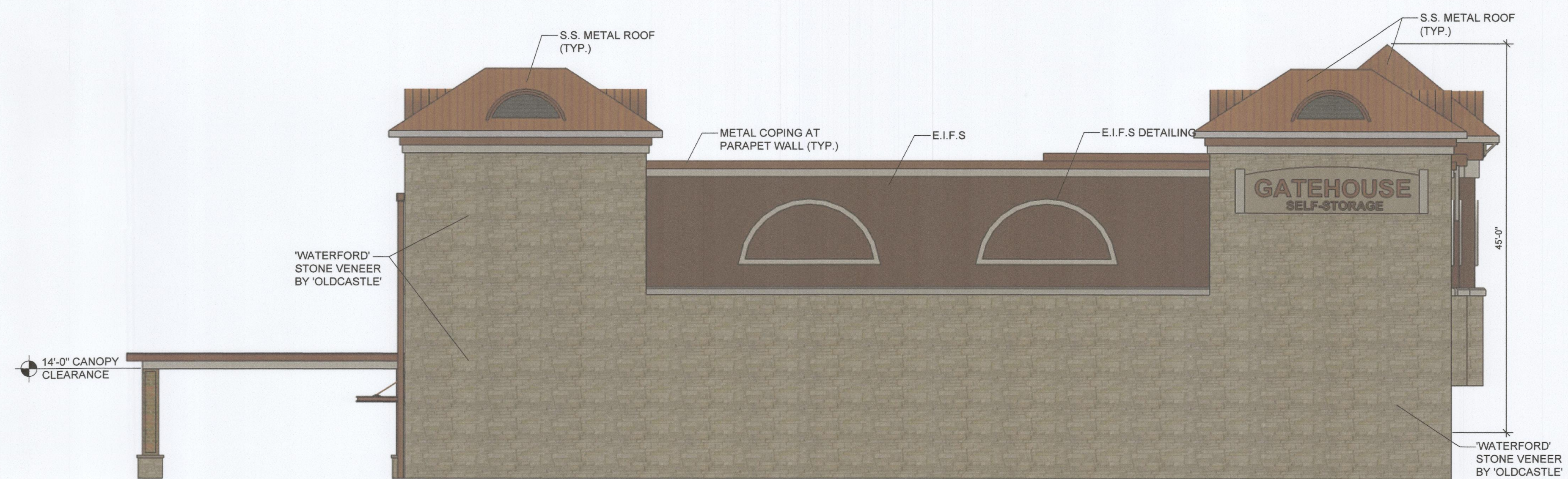
SHEET NUMBER

A2.2



RIGHT
elevation
SCALE: 1/8" = 1'-0"

02



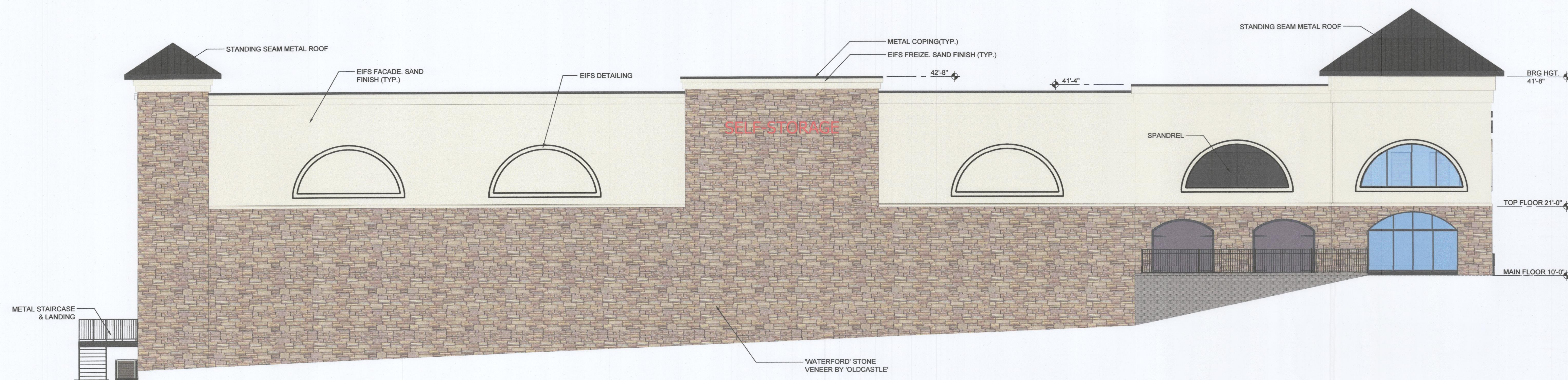
LEFT
elevation
SCALE: 1/8" = 1'-0"

01



REAR
elevation
SCALE : 1/8" = 1'-0"

02



FRONT
elevation
SCALE : 1/8" = 1'-0"

01

akai

ARCHITECT
KURMASKIE
ASSOCIATES,
INC.

1030 Washington St.
Raleigh, NC 27605
Phone: 919-846-1600
Fax: 919-846-9404
ARCHITECTSKT.COM
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(ARCHITECT KURMASKIE ASSOCIATES INC.)

AS-BUILT

GATEHOUSE
SELF-STORAGE
12984 US 70 BUS HWY
CLAYTON, NC

Project Reference Numbers

Architect's Project No. 150047
Drawn By: JGM

REVISIONS

DATES

PHASE ISSUED

ELEVATIONS

SHEET NUMBER

A5.1

akai

ARCHITECT
KURMASKIE
ASSOCIATES,
INC.

1030 Washington St.
Raleigh, NC 27605
Phone: 919-846-1600

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AS-BUILT

**GATEHOUSE
SELF-STORAGE**
12984 US 70 BUS HWY
CLAYTON, NC

Project Reference Numbers

Architect's Project No. 150047
Drawn By : JGM

REVISIONS

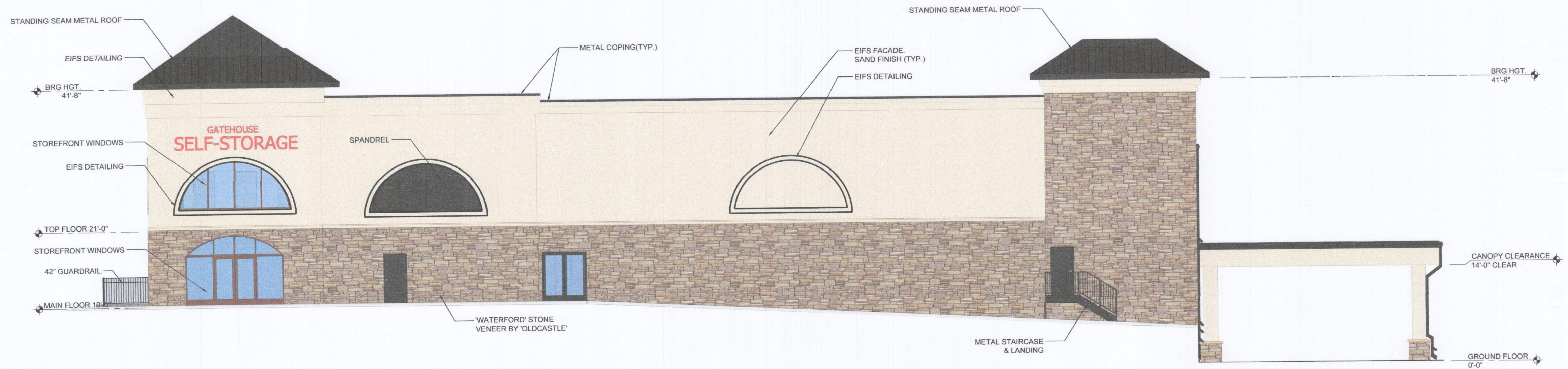
DATES

PHASE ISSUED

ELEVATIONS

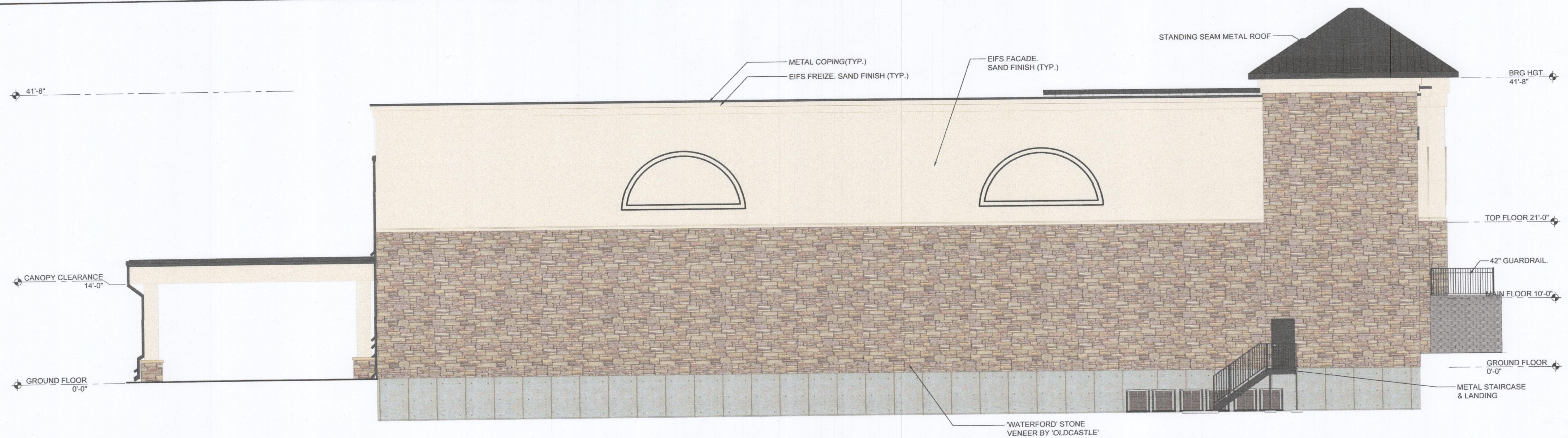
SHEET NUMBER

A5.2



RIGHT
elevation
SCALE: 1/8" = 1'-0"

02



LEFT
elevation
SCALE: 1/8" = 1'-0"

01



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

Planning Board
October 22, 2018

STAFF REPORT

Application Number: 2018-179-SP

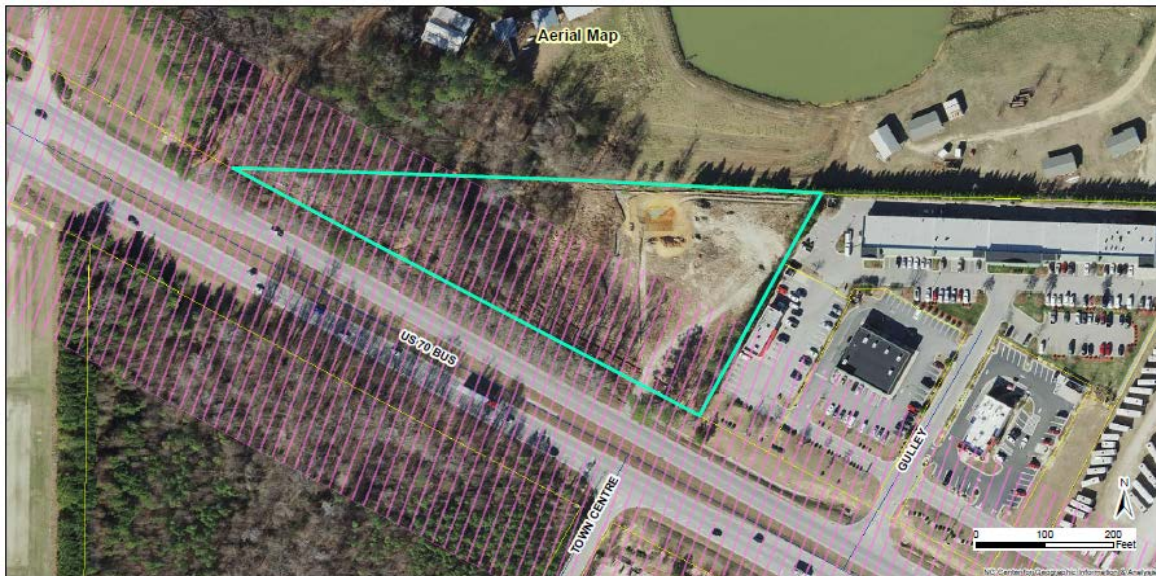
Project Name: Gatehouse Self Storage Major Modification, Site Plan

NC PIN / Tag #: 164900-88-7093 / 05G01199X
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: Robert Stephenson
Owner: Clayton Self Storage Group, LLC
Location: The property is located at 12984 US Hwy 70 Bus.

Public Noticing:

- Site posted October 10, 2018

REQUEST: The applicant is requesting a major modification to the building design approved for the major site plan 2016-31-SP Gatehouse Self-Storage Facility. The approved site plan was accompanied by a conditional use permit 2016-32-CUP to allow for the use of a self-storage facility at this location.



SITE DATA:

Acreage: 3.106
Existing Use: Self Storage Facility

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting a modification of the major site plan to make the following changes to the building design:

- **Removal of East Side Faux Barn Doors**
- **Relocation of East Side Access Door**
- **Removal of Eye Brow Vents from Clock Tower Roofs**
- **Removal of Rear West Clock Tower**
- **EFIS and Stone Color Changes**

Upon inspection of the site after the original approval, it was noted that there were different features on the building than those approved in the site plan. Subsequently, an application was submitted for a modification to the approved site plan that incorporate the new changes. The applicant has provided letters from professional engineers which indicate structural conflicts that warrant the changes in the design of the building. The applicant also stated that EFIS and stone color changes were made to help the building stand out from the woodlands surrounding the site.

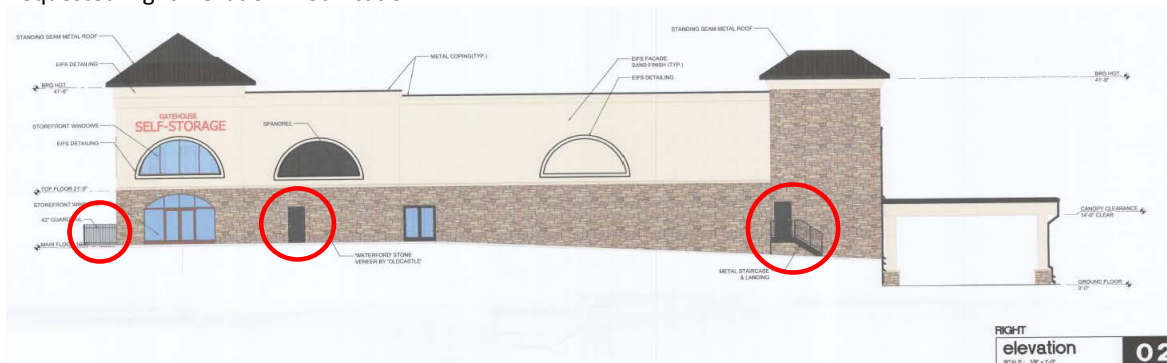
Architecture**Approved Rear Elevation****Requested Rear Elevation Modification**

Staff Report
2018-179-SP Gatehouse Self Storage – Major Modification

Approved Right Elevation



Requested Right Elevation Modification

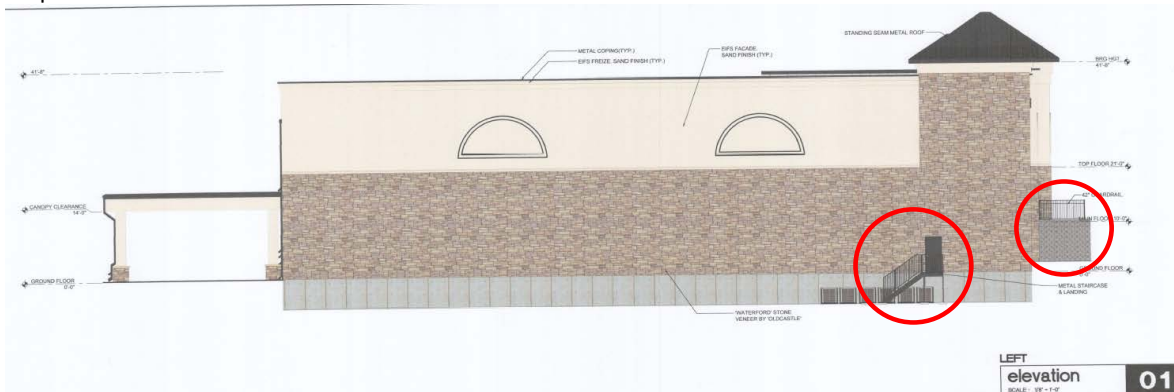


Staff Report
2018-179-SP Gatehouse Self Storage – Major Modification

Approved Left Elevation



Requested Left Elevation Modification



APPROVAL CRITERIA

When considering a Site Plan application, the Planning Board shall consider specific Approval Criteria, as outlined in §155.707(F). These criteria include the following:

1. Consistency with the adopted plans and policies of the Town;
2. Compliance with all applicable requirements of this chapter;
3. Compliance with site construction specifications;
4. Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood.

CONSIDERATIONS:

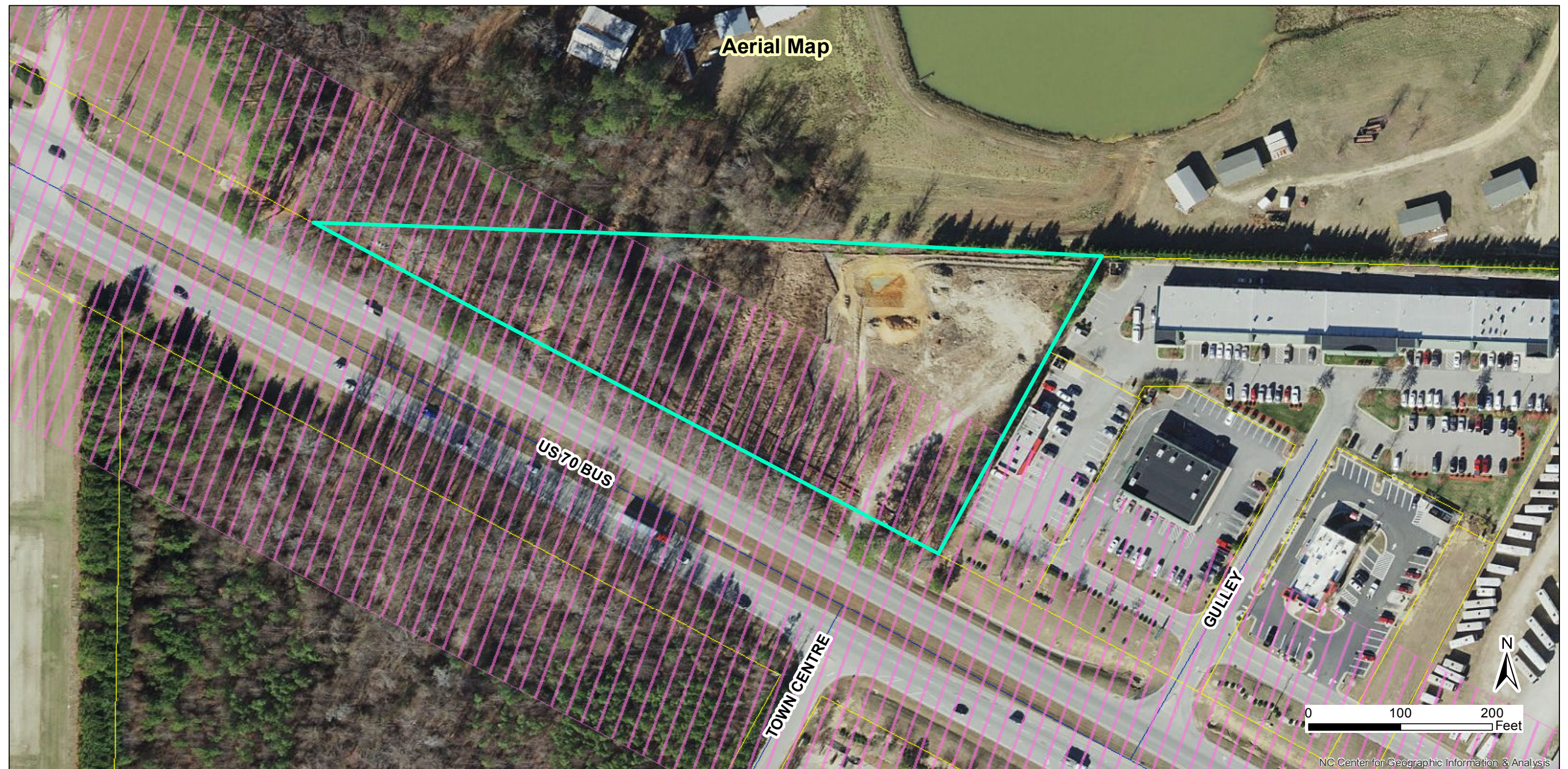
- The Planning Board approves site plans.
-

RECOMMENDATION:

Staff recommends approval of the modification to the site plan.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Associated site plan (2018-179-SP)



Request:
2018-179-SP Gatehouse Self Storage Major Modification, Site Plan

Staff Report Map

Applicant: Robert Stephenson
 Property Owners: Clayton Self Storage Group, LLC
 Parcel ID: 164900-88-7093
 Tag #: 05G01199X



Document Path: O:\PLANNING\SITE PLANS\Major Site Plans\2018\2018-179-SP Gatehouse Self Storage - Major Modification\Maps\Map 2018-179-SP Gatehouse Self Storage - Major Modification.mxd

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay
- Site

10/29/2018

Produced by: TOC Planning
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