



Town of Clayton
Regular Town Council Meeting Agenda
Monday, August 5, 2019 @ 6:00 PM
Council Chambers

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. Warranty Acceptance
 - Bristol at Cobblestone - Phase 3
[Bristol at Cobblestone Phase 3](#)
- b. Certificate of Sufficiency - 2019-144-ANX
 - Town of Clayton Regional Waste Water Pre-Treatment Facility
[Certificate of Sufficiency](#)
- c. Draft Minutes
 - June 17, 2019 - Closed Session
 - July 15, 2019 - Regular Session
 - July 15, 2019 - Closed Session
 - [Cover](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Recommendation of Appointments to Parks & Recreation Advisory Board
Presenter: Kimberly Moffett, Town Clerk
 - Ronald Correia
 - Mark Morgan[Cover Applications](#)

POTENTIAL ACTION: Appointment to Fill Unexpired Terms

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Employee Introductions and Promotions
Presenters: Blair Myhand, Police Chief; Samantha Wullenwaber, Planning Director and Robert Yarborough, Senior Building Code Inspector
 - Corey Cedeno - Police Officer

- Morgan McKinney - Police Officer
 - Chad Mallett - Police Officer
 - Josh Cotten - Code Enforcement Officer
 - Pedro Arruda - Building Code Officer
 - Brandon Lee - Building Code Officer
- b. Fire Advisory Board Annual Update
Presenters: Ed Aldridge, Fire Advisory Board & Lee Barbee, Fire Chief
POTENTIAL ACTION: None - Informational Only

6. PUBLIC HEARINGS

- a. 2019-144-ANX - Town of Clayton Regional Wastewater Pre-Treatment Facility
Presenter: Planning Department
[Cover](#)
[Application](#)
[Legal Description](#)
[Map - Aerial](#)
[Map](#)
[Newspaper Ad](#)
POTENTIAL ACTION: Continue to August 19, 2019
- b. 2019-142-RZ - Lots 8 & 9 Southern Regional
Presenter: Planning Department
[Cover](#)
[Application](#)
[Map](#)
[Site Plan](#)
[Neighborhood Meeting Materials](#)
[Planning Board Adjacent Property Letter](#)
[Town Council Adjacent Property Letter](#)
[Staff Report](#)
[Newspaper Ad](#)
[Consistency Statement](#)
[Planning Board Recommendation](#)
[Motion Sheet](#)
[Ordinance](#)
POTENTIAL ACTION: Adoption of Ordinance #2019-08-01
- c. 2019-143-RZ - Rose Street Commercial Development
Presenter: Planning Department
[Cover](#)
[Application](#)
[Owner's Consent](#)
[Map](#)
[Survey](#)
[Neighborhood Meeting Materials](#)
[Planning Board Adjacent Property Letter](#)
[Town Council Adjacent Property Letter](#)

[Staff Report](#)
[Newspaper Ad](#)
[Consistency Statement](#)
[Planning Board Recommendation](#)
[Motion Sheet](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance #2019-08-02

7. OLD BUSINESS

8. NEW BUSINESS

- a. 2019 Governor's Highway Safety Program

Presenter: Blair Myhand

[Cover](#)
[Resolution](#)

POTENTIAL ACTION: Adoption of Resolution #2019-34

9. STAFF REPORTS

- a. Town Manager

- b. Town Attorney

- c. Town Clerk

- d. Other Staff

- Non-Conforming Site Updates

Presenter: Samantha Wullenwaber, Planning Director

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment

- b. Council Comments

11. CLOSED SESSION

- a. Closed Session Pursuant to NCGS § 143-318.11.(a)(4)

"Discuss matters relating to location or expansion of industries or other business in the area served by the public body"

POTENTIAL ACTION: Motion to Go Into Closed Session

12. ADJOURNMENT

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Danny Blackburn, Blackburn Consulting Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: July 15, 2019

Subject: Bristol at Cobblestone, Phase 3

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, all pertinent easements, and the asphalt street sections on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities and roadways will be subject to a one-year warranty period. Following warranty expiration, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.

ANNEXATION PETITION 2019-144-ANX
TOC Regional WWPTF
Parcel Numbers 05I05019E and 05I05021D
Owners: Town of Clayton
Non-Contiguous; 22.02 acres

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Clayton, North Carolina:

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 15th day of July, 2019.

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

August 5 2019

Agenda Location

Consent Agenda

Item Title

Draft Minutes:

June 17, 2019 – Closed Session

July 15, 2019 – Closed Session

July 15, 2019 – Regular Session

Presenter

Kimberly A. Moffett, Town Clerk

Summary/Description

Draft minutes from the June 17 & July 15, 2019 Closed Sessions will be sent under separate cover. The July 15, 2019 Regular Session minutes will be sent via email prior to the August 5, 2019 meeting.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet**Meeting Timeline**



Town Council Agenda Cover Sheet

Meeting Date

August 5 2019

Agenda Location

Administrative

Item Title

Recreation Advisory Board Appointment Recommendations

Presenter

Kimberly Moffett, Town Clerk

Summary/Description

The Recreation Advisory Board is filling two vacancies on the board. These vacancies are both unexpired terms, one expiring December 31, 2020 and the other expiring December 31, 2021. The vacancies were advertised, applications received and interviews conducted by staff and board liaison. Recommendations for appointment to the Recreation Advisory Committee presented for consideration are as follow:

<u>Name</u>	<u>Board Position #</u>	<u>Term Expiration</u>
Ronald Correia (In Town)	REC2	12/31/2020*
Mark Morgan (ETJ)	REC11	12/31/2021*

*Unexpired Term

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Applications

Meeting Timeline

Click or tap here to enter text.



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|---|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☒ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: RONALD CORREIA

Mailing Address: 104 HARDAWAY POINT

Physical HOME Address: 104 HARDAWAY POINT

Phone Number (HOME): NONE (WORK) 919 772 8656

FAX Number: NONE Mobile Number: 919 625 7112

Email Address: RCORREIA@GARNERFIRE.COM

*Female ☐ *Male ☒ *Race WHITE

Employer: GARNER VOLUNTEER FIRE RESCUE INC.

Occupation: FIRE CAPTAIN

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 1 YEAR

Do you live in the Clayton town limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☒ Email ☐ Twitter ☐ Mail ☐ Other _____

Outline your qualifications and why you wish to serve the board/committee you indicated.

PARTICIPATED AND COACHED YOUTH SPORTS FOR 25 YEARS. I
WOULD LIKE TO HELP GROW THE CURRENT ATHLETIC PROGRAMS
FOR THE POTENTIAL GROWTH IN CLAYTON

State why you would be an asset to this board or committee. I HAVE

THE ABILITY TO THINK OUTSIDE THE BOX AND EXPERIENCE
WITH DIFFERENT RECREATION PROGRAMS

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>CLAYTON LITTLE LEAGUE BOARD</u>	<u>8/2018</u>	<u>CURRENT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Signature] Signature 10/19/2018 Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoftett@townofclaytonnc.org)



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

- | | |
|---|--|
| ☐ Planning & Zoning Board | ☐ Board of Adjustment |
| ☐ Downtown Development Assoc. | ☐ Clayton Library Board |
| ☒ Recreation Advisory Committee | ☐ Fire Dept. Advisory Board |
| ☐ Public Arts Advisory Board | |

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: MARK S. Morgan

Mailing Address: 109 Feezor Court Clayton, NC 27527

Physical HOME Address: 109 Feezor Court Clayton, NC 27527

Phone Number (HOME): _____ (WORK) _____

FAX Number: _____ Mobile Number: 816-665-3977

Email Address: shoeguy991@gmail.com

*Female ☐ *Male ☒ *Race White

Employer: Newse River Futbol Alliance ; Riverwood Middle School

Occupation: Executive Director ; Teacher

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 7 years

Do you live in the Clayton town limits: Yes ☐ No ☒ ETJ: Yes ☒ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐

Newspaper ☐ Email ☐ Twitter ☐ Mail ☒ Other Scott Barnard

Outline your qualifications and why you wish to serve the board/committee you indicated.

I've been involved with youth sports in the Clayton Area since we moved here. My involvement at NRFA, JUSA and JCPS gives me a unique view of youth sports in the town of Clayton

State why you would be an asset to this board or committee. I being 27 years of working in youth sports and with young children in my own home, I want to be a part of helping our community grow.

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? No ☒ Yes ☐ If Yes, explain:

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To

Mark Moya

Signature

4-11-19

Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoffett@townofclaytonnc.org)



Town Council Agenda Cover Sheet

Meeting Date

August 5 2019

Agenda Location

Public Hearings

Item Title

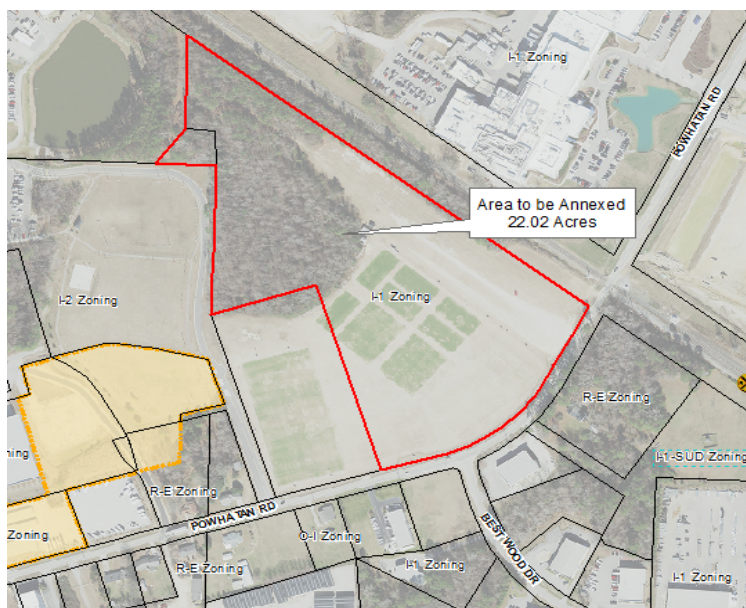
2019-144-ANX-TOC Regional WWPTF

Presenter

Planning Staff

Summary/Description

Annexation Petition 2019-144 Parcel Numbers 05I05019E and 05I05021D, Town of Clayton Regional Waste Water Pretreatment Facility located at 3798 Powhatan Rd. Site Plan 2017-190-SP was approved January 30, 2018.

**Requested Action**

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application, Maps and Deed Descriptions,

Meeting Timeline

July 15, 2019 Consent Agenda, July 15, 2019 Set date for Public Hearing and August 5, 2019 Public Hearing



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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

REQUEST INFORMATION

☐ **Contiguous Annexation**

☒ **Non-Contiguous Annexation**

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☒	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☒	☐
3. Legal Description (metes and bounds)	☒	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

PETITION FOR VOLUNTARY ANNEXATION APPLICATION – PROPERTY INFORMATION
COMPLETE IF A CORPORATION:

Submittal Date: July 1, 2019

Petition No.: 2019-144-ANX

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is contiguous, ☒ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation shall include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 22.02 acres
Existing housing units: NA
Population of acreage to be annexed: NA
Existing Zoning District*: I-1
Proposed Town Zoning District*: I-1 Fire District: Wilsons Mills
Reason for petitioner to annex: Receive Town Services
☒ Other (please specify): Town of Clayton Property

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this 9th day of July, 2019.

Corporate Name: Town of Clayton a North Carolina municipal corporation

SEAL

By:

Nancy Medlin
(Signature)

Attest:

Kimberly M. Schett
Secretary (Signature)

STATE OF NORTH CAROLINA, COUNTY OF JOHNSTON

Sworn and subscribed before me, Nancy Medlin, a Notary Public for the above State and County, this 9th day of July, 2019.

SEAL

JENNIFER PROCTOR
Notary Public
Johnston County
North Carolina

March 2019

Jennifer Proctor
Notary Public

My Commission Expires: 3/1/2020

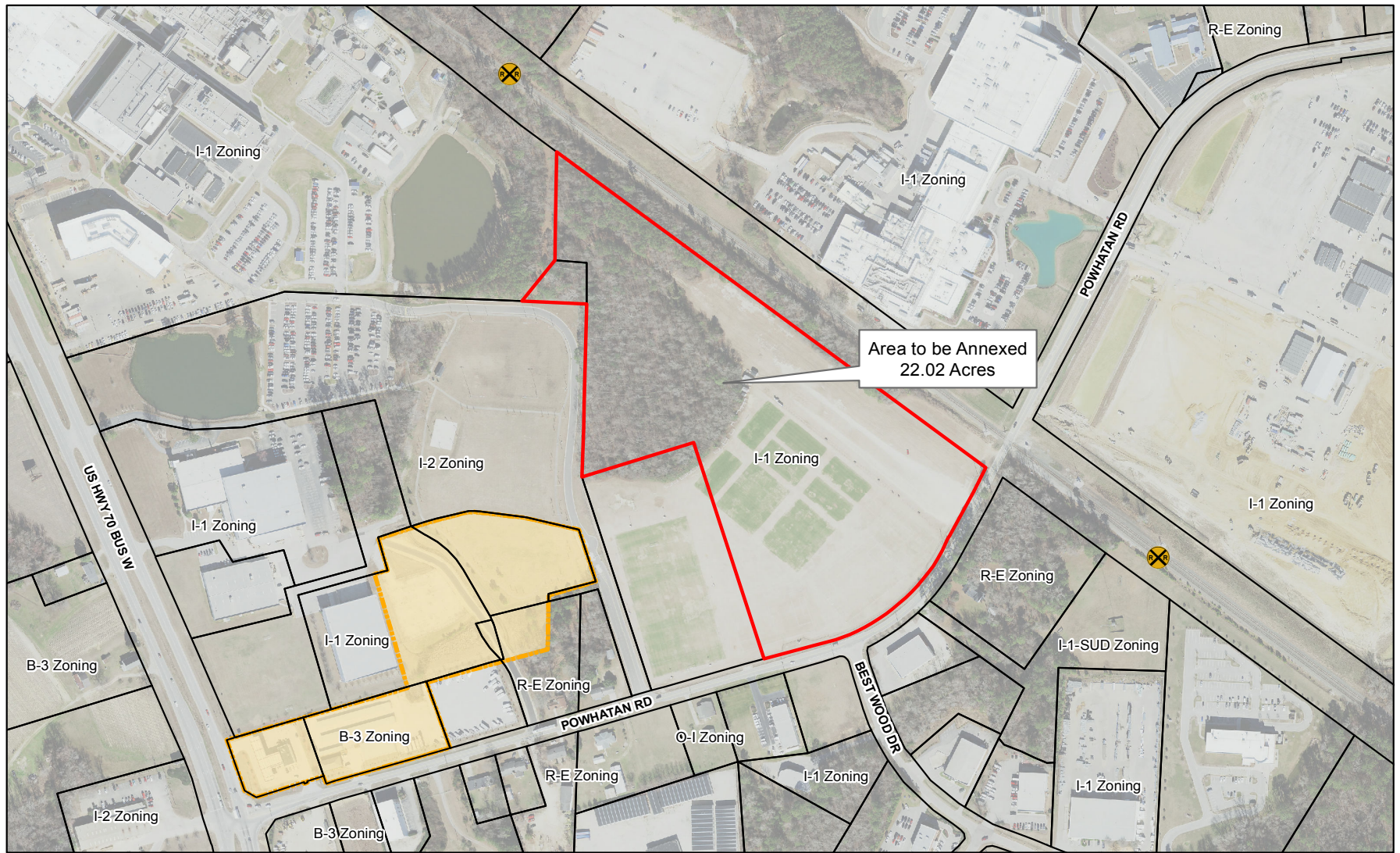
Page 2 of 3

VOLUNTARY ANNEXATION PLAT CHECKLIST

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, Samantha Wullenwaber, MPA, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ Samantha Wullenwaber, MPA
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

Town of Clayton Legal Description

Beginning at a concrete monument, said monument being the southwest corner of a parcel owned by Town of Clayton (PIN # 167800309377); said point also being the southeast corner of a parcel owned by Grifols Therapeutics Inc. (PIN # 167800215181), having coordinates of N: 680412.56 and E: 2173924.64 (NAD83/2011); thence from said point of beginning, N 41°05'15" E a distance of 160.51' to an iron pipe; thence, N 00°44'27" E a distance of 345.34' to an iron pipe; said iron pipe being located on the southern right of way of the railroad; thence along and with said right of way, S 53°10'17" E a distance of 1647.46' to an iron pipe; said iron pipe being located on the northern right of way line of Powhatan Road; thence leaving said railroad right of way and along and with said road right of way, S 26°49'06" W a distance of 264.20' to an iron pipe; thence, S 27°54'23" W a distance of 45.44' to a point; thence, S 30°30'29" W a distance of 49.04' to a point; thence, S 34°29'40" W a distance of 46.21' to a point; thence, S 40°10'15" W a distance of 47.55' to a point; thence, S 45°32'00" W a distance of 46.88' to a point; thence, S 50°31'57" W a distance of 47.89' to a point; thence, S 55°09'35" W a distance of 47.58' to a point; thence, S 59°45'06" W a distance of 46.78' to a point; thence, S 67°26'24" W a distance of 96.73' to a point; thence, S 72°09'10" W a distance of 63.37' to a point; thence, S 73°33'19" W a distance of 168.47' to an iron pipe; thence leaving said right of way, N 17°36'52" W a distance of 715.23' to an iron pipe; thence, S 72°22'00" W a distance of 359.01' to an iron rod; thence, N 01°20'21" E a distance of 551.13' to an iron pipe; thence, N 87°39'24" W a distance of 199.80' to the **Point of Beginning** containing 959,404.4 SF (22.02 acres) more or less according to a recombination plat for Town of Clayton prepared by Dewberry Engineers Inc. dated November 28, 2017 and recorded in Plat Book 86 Page 30 at the Johnston County Register of Deeds Office.



Legend

- Area to be Annexed
- Clayton Town Limits
- Clayton ETJ
- Parcels

Produced by: TOC Planning
July 2, 2019

Annexation Map

Applicant(s): Town of Clayton

Property Owner(s): Town of Clayton

Parcel Number(s) 05105019E & 05105021D

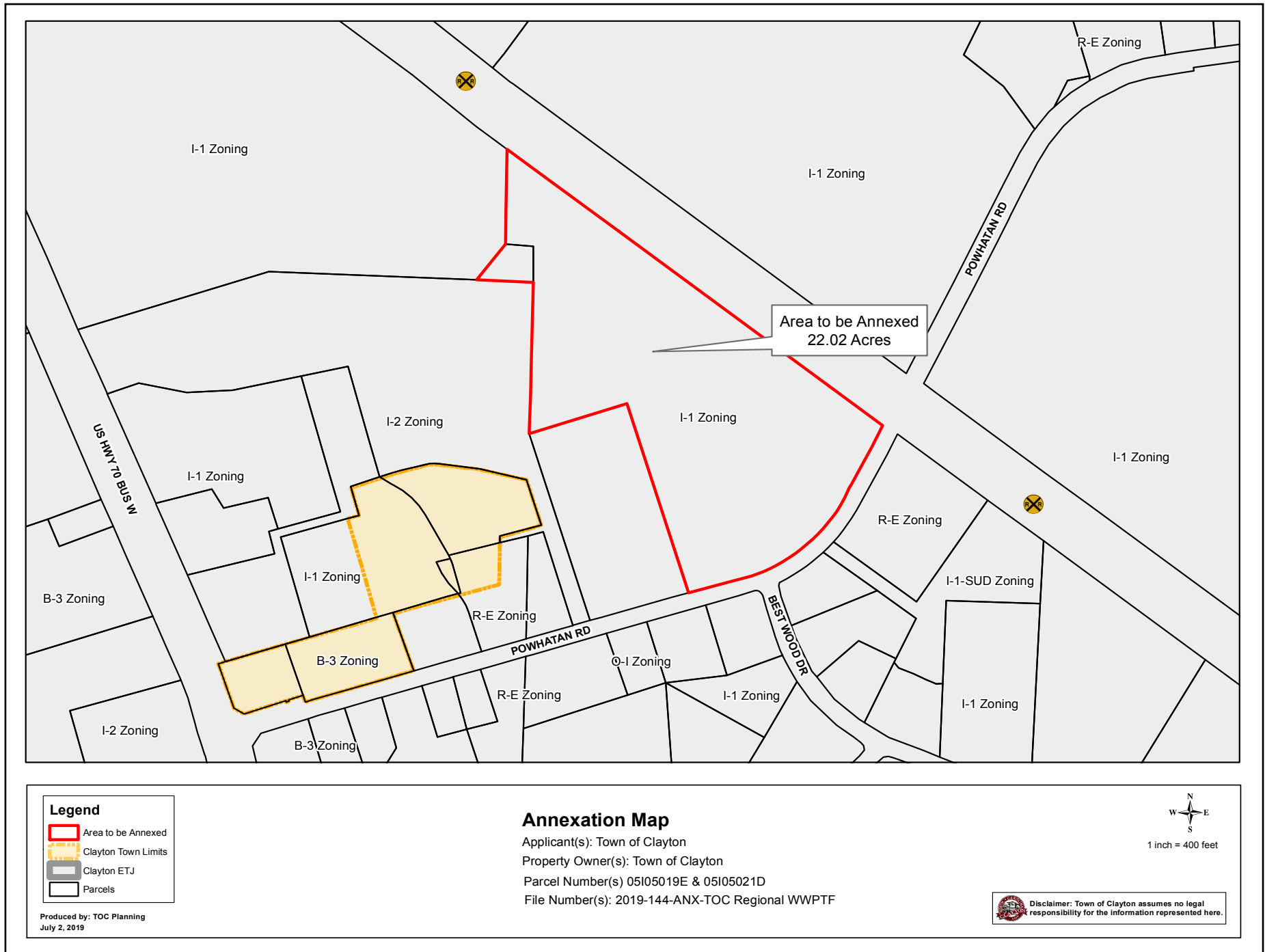
File Number(s): 2019-144-ANX-TOC Regional WWPTF



1 inch = 400 feet



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



PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, August 5, 2019, at Town Hall, 111 E. Second Street, on the question of annexing the following described non-contiguous property owned by the Town of Clayton, requested by annexation petition 2019-144-ANX filed pursuant to G.S. 160A-58.1:

The area proposed for annexation is described as the following: Lying and being all of 22.02- acre tract of land as shown on Recombination Plat for Town of Clayton recorded in Plat Book 86, Page 30, recorded at Johnston County Register of Deeds and being more particularly described as follows:

BEGINNING AT A CONCRETE MONUMENT, SAID MONUMENT BEING THE SOUTHWEST CORNER OF A PARCEL OWNED BY TOWN OF CLAYTON (PIN # 167800309377); SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OWNED BY GRIFOLS THERAPEUTICS INC. (PIN # 167800215181), HAVING COORDINATES OF N: 680412.56 AND E: 2173924.64 (NAD83/2011); THENCE FROM SAID POINT OF BEGINNING, N 41°05'15" E A DISTANCE OF 160.51' TO AN IRON PIPE; THENCE, N 00°44'27" E A DISTANCE OF 345.34' TO AN IRON PIPE; SAID IRON PIPE BEING LOCATED ON THE SOUTHERN RIGHT OF WAY OF THE RAILROAD; THENCE ALONG AND WITH SAID RIGHT OF WAY, S 53°10'17" E A DISTANCE OF 1647.46' TO AN IRON PIPE; SAID IRON PIPE BEING LOCATED ON THE NORTHERN RIGHT OF WAY LINE OF POWHATAN ROAD; THENCE LEAVING SAID RAILROAD RIGHT OF WAY AND ALONG AND WITH SAID ROAD RIGHT OF WAY, S 26°49'06" W A DISTANCE OF 264.20' TO AN IRON PIPE; THENCE, S 27°54'23" W A DISTANCE OF 45.44' TO A POINT; THENCE, S 30°30'29" W A DISTANCE OF 49.04' TO A POINT; THENCE, S 34°29'40" W A DISTANCE OF 46.21' TO A POINT; THENCE, S 40°10'15" W A DISTANCE OF 47.55' TO A POINT; THENCE, S 45°32'00" W A DISTANCE OF 46.88' TO A POINT; THENCE, S 50°31'57" W A DISTANCE OF 47.89' TO A POINT; THENCE, S 55°09'35" W A DISTANCE OF 47.58' TO A POINT; THENCE, S 59°45'06" W A DISTANCE OF 46.78' TO A POINT; THENCE, S 67°26'24" W A DISTANCE OF 96.73' TO A POINT; THENCE, S 72°09'10" W A DISTANCE OF 63.37' TO A POINT; THENCE, S 73°33'19" W A DISTANCE OF 168.47' TO AN IRON PIPE; THENCE LEAVING SAID RIGHT OF WAY, N 17°36'52" W A DISTANCE OF 715.23' TO AN IRON PIPE; THENCE, S 72°22'00" W A DISTANCE OF 359.01' TO AN IRON ROD; THENCE, N 01°20'21" E A DISTANCE OF 551.13' TO AN IRON PIPE; THENCE, N 87°39'24" W A DISTANCE OF 199.80' TO THE **POINT OF BEGINNING** CONTAINING 959,404.4 SF (22.02 ACRES) MORE OR LESS ACCORDING TO A RECOMBINATION PLAT FOR TOWN OF CLAYTON PREPARED BY DEWBERRY ENGINEERS INC. DATED NOVEMBER 28, 2017 AND RECORDED IN PLAT BOOK 86 PAGE 30 AT THE JOHNSTON COUNTY REGISTER OF DEEDS OFFICE.

This is an open meeting and the public is invited to attend.

Kimberly A. Moffett, CMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper

Please advertise on the following date:

Wednesday, July 24, 2019

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

August 5 2019

Agenda Location

Public Hearings

Item Title

2019-142-RZ Lots 8 & 9 Southern Regional Rezoning

Presenter

Planning Department

Summary/Description

The applicant is requesting to rezone two abutting properties, each respectively 1.60 and 2.76 acres of land, from Highway-Business (B-3) to Industrial-Light (I-1). The properties are currently vacant and are generally surrounded by properties with commercial, industrial, and vacant land uses. The proposed rezoning is consistent with the development pattern in this area, which includes industrial zoning designations and uses to the east.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Owner's Consent Form
Staff Report Maps
Neighborhood Meeting Materials
Site Plan
PB Adjacent Property Letter – Public Notice
TC Adjacent Property Letter – Public Notice
Newspaper Ad – Public Notice
Consistency Statement

Meeting Timeline

July 22, 2019 – Planning Board Meeting
August 5, 2019 – Town Council Meeting



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

REZONING APPLICATION COVER SHEET

Name of Project: LOTS 8&9 SOUTHERN REG. Date: 06/30/2019

Applicant Name: WALTHOM 3 LLC NORWOOD THOMPSON

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 6/19/2019
- [☒] Review Fee
- [☒] Advertisement Fee
- [☒] Completed Application
- [☐] Owner's Consent Form
- [☒] Adjacent Property Owner's List
- [☒] Neighborhood Meeting Notice Letter (1 copy)
- [☒] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- [☒] Signed & Sealed Boundary Survey
- [☒] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____



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

REZONING APPLICATION

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

SITE INFORMATION

Name of Project: LOTS 8&9 SOUTHERN REGIONAL
Acreage of Property: 1.60 AC & 2.76 AC Zoning District: B-3
County Tag #: 05I05001G & 05I05011H NC Pin #: 167800-03-3444 167800-03-5248
Address/Location: 8801 US HWY 70 BUS CLAYTON NC 27520
Existing Zoning District: B3 Proposed Zoning District: 11

APPLICANT INFORMATION

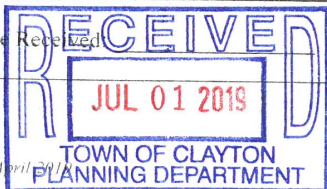
Applicant: WALTHOM 3 LLC
Mailing Address: 442 1/2 EAST MAIN ST. CLAYTON NC 27520
Phone Number: 919-553-5400 Fax: _____
Contact Person: F NORWOOD THOMPSON AND ALSEY J. GILBERT PLS
Email Address: NTHOMPSON@WALTHOMGROUP.COM & ALSEYGILBERT@YMAIL.COM

PROPERTY OWNER INFORMATION

Name: WALTHOM 3 LLC
Mailing Address: 442 1/2 EAST MAIN ST. CLAYTON NC 27520
Phone Number: 919-553-5400 Fax: _____
Email Address: NTHOMPSON@WALTHOMGROUP.COM

OFFICE USE ONLY

Date Received:



Amount Paid: _____

File Number: _____

EXPLANATION OF PROJECT

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

FLEX SPACE FOR LEASE ENABLES MORE OPTIONS FOR APPLICANTS AND OWNERS. OPTIONS MORE SUITED FOR AREA IN WHICH PROPERTY IS LOCATED. IT WILL ALSO ENABLE FOR TENANTS MORE SUITED TO NOVO, NATVAR AND GRIFOLS NEEDS AS PHARMACUTICAL COMPANIES CONTINUE TO EXPAND.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
PROPERTY IS CONSISTENT WITH THE ADOPTED PLANS OF THE TOWN. THIS PROPERTY IS AT THE BEGINNING OF THE I1 CORRIDOR (GRIFOLS, NATVAR, NOVO AND BAKER).
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
REZONING WILL ALLOW LIGHT MANUFACTURING AND LIMITED OUTDOOR STORAGE.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
SITE OR SITES CAN BE USED FOR SUPPORT OF PHARMACUTICAL PLANTS OR STAND ALONE MANUFACTURING
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.
PROPERTY CAN BE ADEQUATELY SERVED BY EXISTING FACILITIES. GENERAL RULE OF THUMB MANUFACTURING USES LESS WATER AND SEWER THAN RESIDENTIAL DEPENDING ON THE MANUFACTURING PROCESS. SUCH A MATTER WILL BE DEALT WITH ON SITE BY SITE AS USES BECOME KNOWN. MANUFACTURING WILL HAVE LITTLE OR NO IMPACT ON RECREATION SCHOOLS OR ROADS
5. It has been determined that the legal purposes for which zoning exists are not violated.
USE IS CURRENTLY NOT IN VIOLATION.
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.
PROPERTY WILL HAVE FACADES SIMILAR TO EXISTING SOUTHERN REGIONAL BUILDINGS AND WILL BE SIMILAR REZONING TO NATVAR AND GRIFOLS. PROPERTY WILL NOW ALLOW LIGHT MANUFACTURING.

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.

PROPERTY WILL NOT BE A DETRIMENT TO THE GENERAL PUBLIC AS IT IS ALREADY SURROUNDED BY LIGHT MANUFACTURING AND APPEARS TO BE THE TRENDING USE IN THIS AREA.

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.

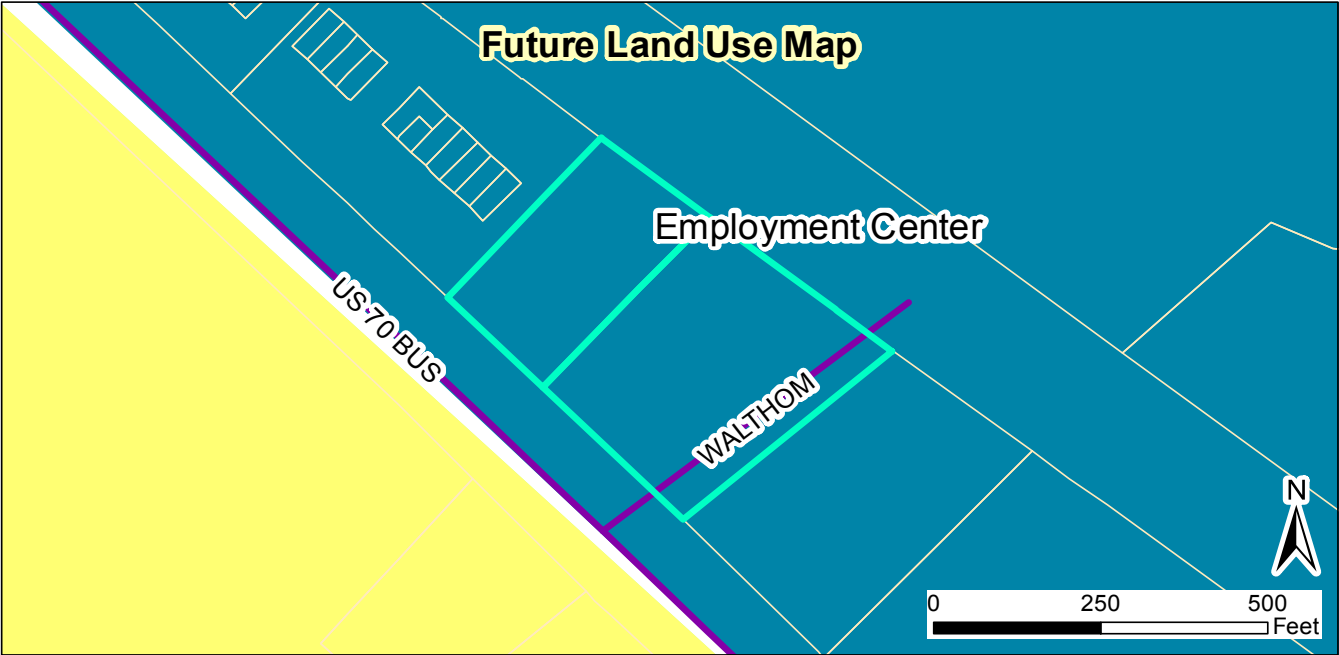
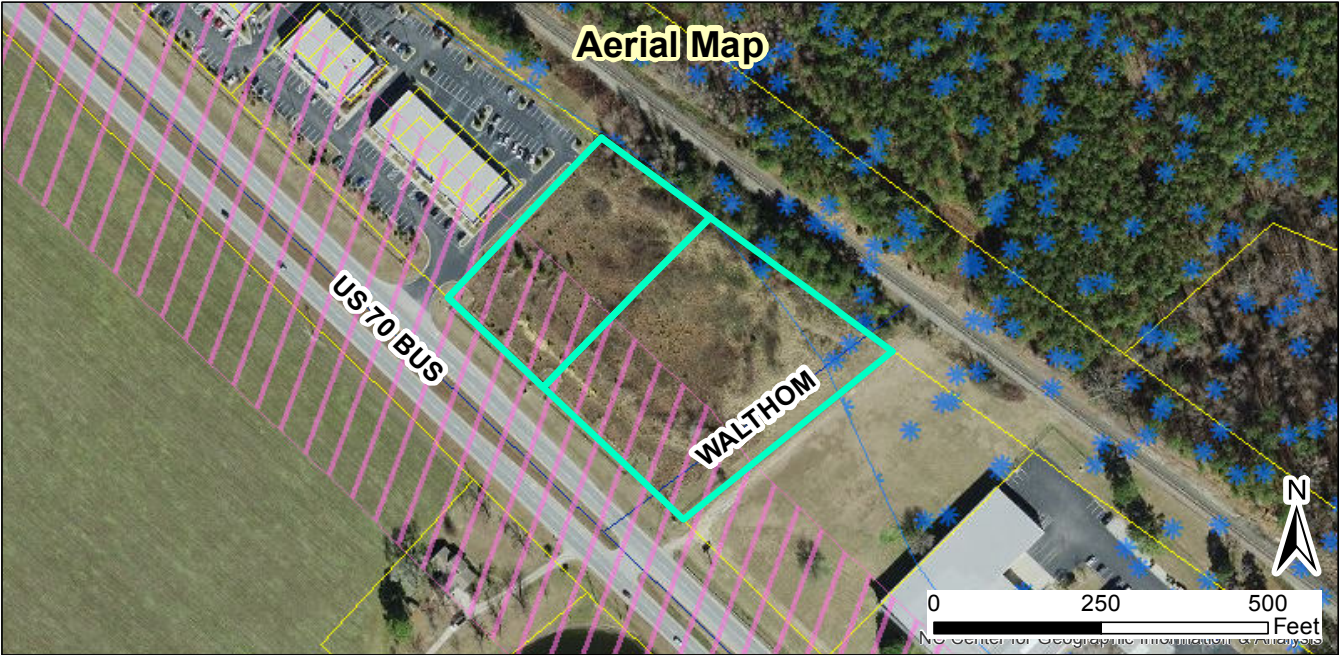
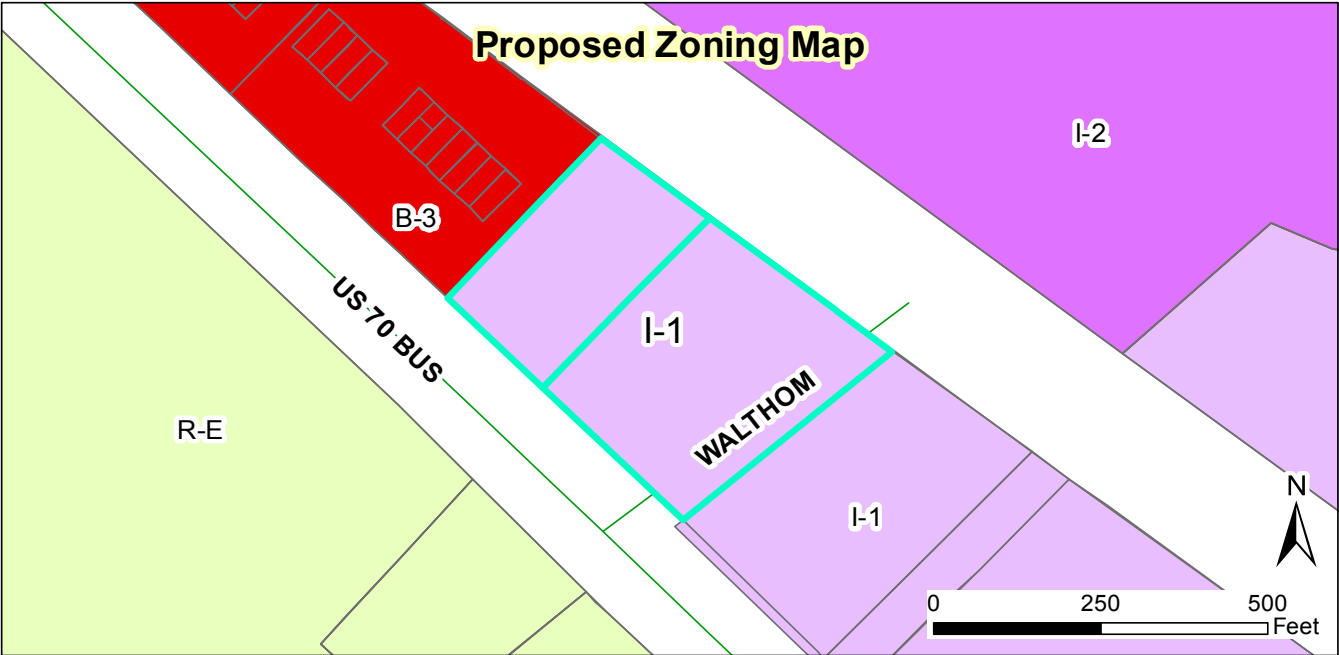
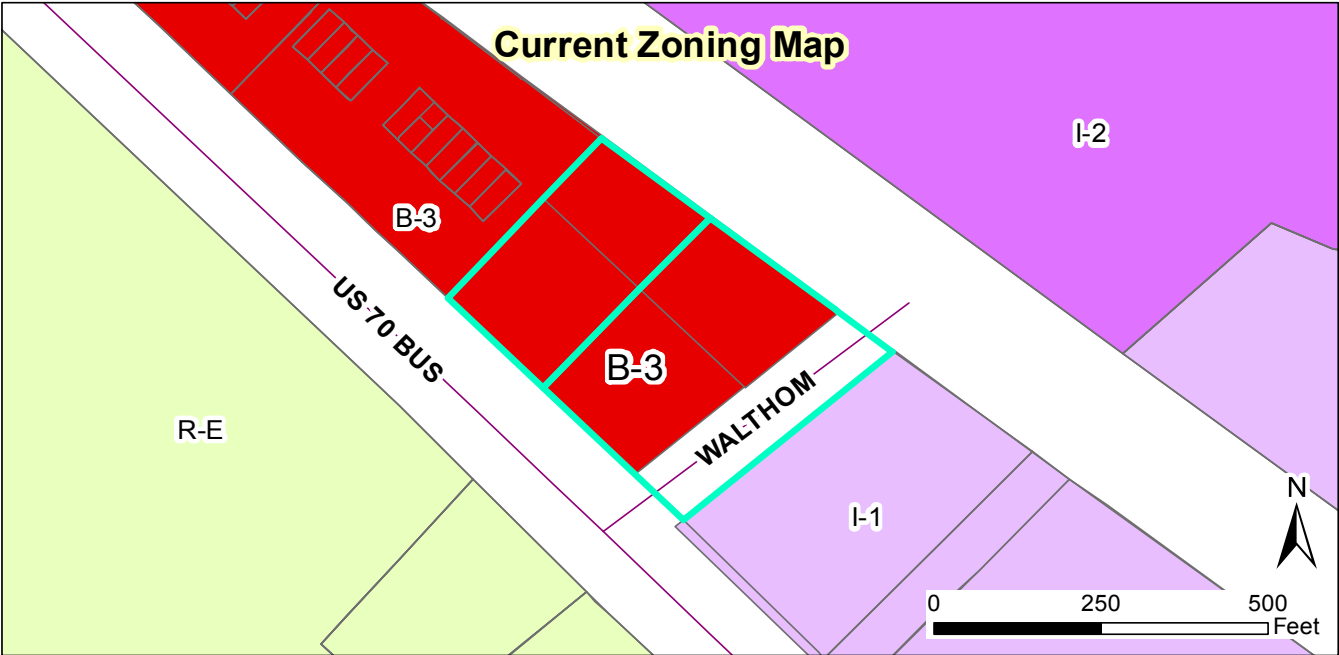
Nancy Thompson

Print Name

Signature of Applicant

7-1-19

Date



Request:
2019-142-RZ, Lots 8 & 9 Rezoning
Request to Rezone Existing B-3 Zoning to I-1

Applicant: Walthom 3 LLC
 Property Owner: Walthom 3 LLC
 Tag #: 05I05001G & 05I05001H

Staff Report Map

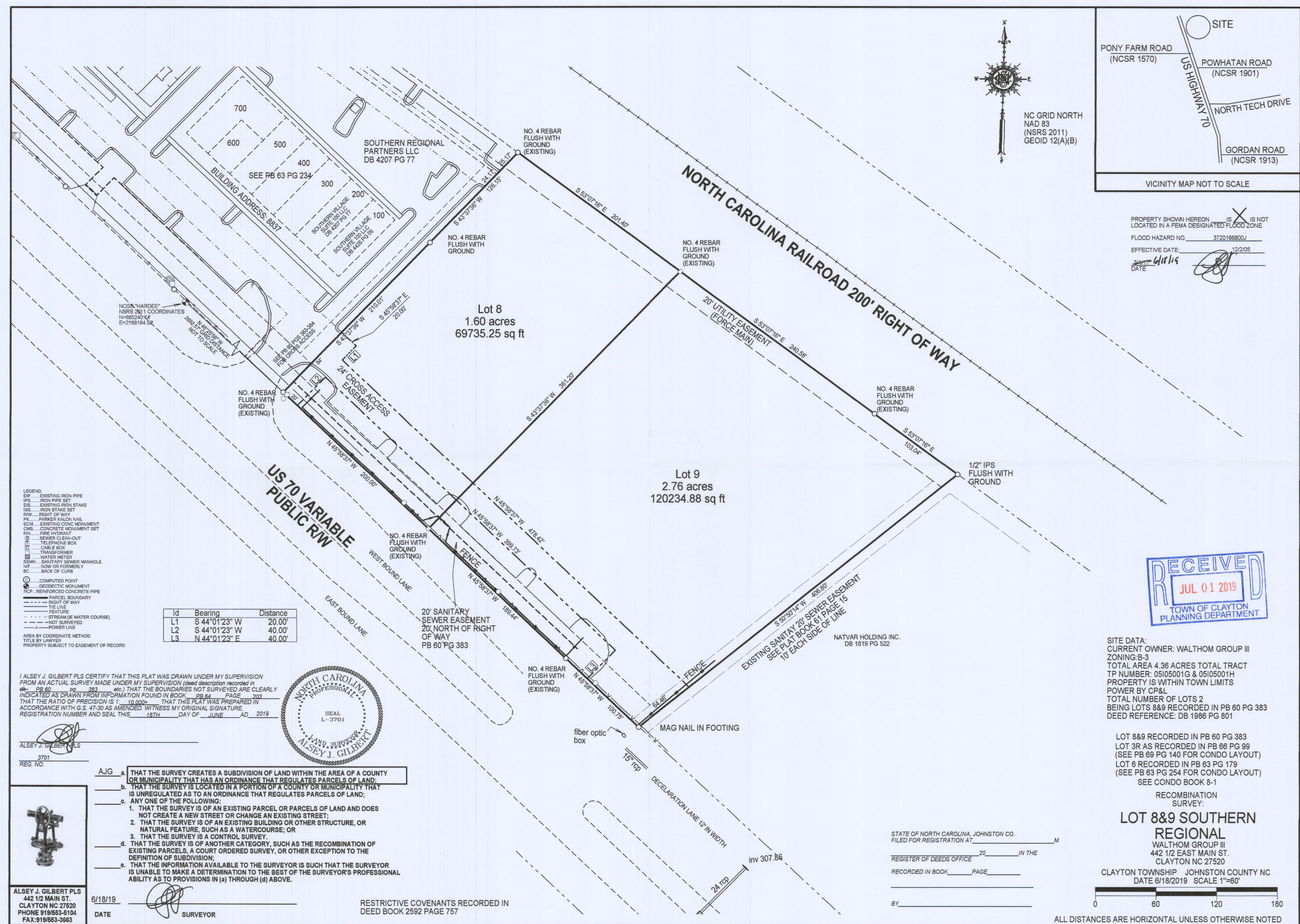


Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-142-RZ- Lots 8 & 9 Southern Regional\Map\Staff Report Map - 2019-142-RZ - Lot 8 & 9 Southern Regional.mxd

Legend

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

07/08/2019
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



ADJACENT PROPERTY OWNERS LIST

Project Name: _____

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

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

[illegible]

A blue ink stamp with the word "RECEIVED" in large, outlined capital letters at the top. Below it, the date "JUL 01 2019" is stamped in red. At the bottom, the text "TOWN OF CLAYTON" and "PLANNING DEPARTMENT" is stamped in blue, stacked vertically. The stamp is tilted slightly to the right.



BOHLERTM
ENGINEERING NC, PLLC

4130 ParkLake Avenue, Suite 130
Raleigh, NC 27612
PHONE 919.578.9000



Date: July 1, 2019

Dear Clayton Area Property Owner:

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

Meeting Date: **7-17-19**

Meeting Time: **5:30 PM**

Meeting Location: **9811 US HWY 70 BUS CLAYTON, NC 27520**

Type of Application: **Rezoning**

Project/proposal property address: **9811 US HWY 70 BUS CLAYTON, NC 27520**

Description of project/proposal: **We are planning to develop a 5,000 square foot quick serve restaurant and a 2,000 square foot quick serve restaurant requiring a rezoning.**

Upcoming public meeting for this application (Planning Board and/or Town Council): **Planning Board July 22, 2019**

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

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

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

If you have any questions prior to or after this meeting, you may contact us at **919-578-9000**. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Wyatt L. Bone, P.E.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: _____ Date of Mailing: 7/1/19
Date of Meeting: 7/19/19 Time of Meeting: 6 PM
Location of Meeting: 9811 US 70 Business Hwy W.

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

Printed Name: Will Swaringen

Signature: _____

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

Concerned with added development existing drainage issue would be made worse.

Don't want an exit to the rear of the site onto Tulip St. If so would like the road to be improved.

Mentioned at previous rezoning meeting for sheetz. Town Council said if this block was to be rezoned to commercial the entire block would need to be rezoned.

Worried about commercial blocking them off

RECEIVED

JUL 27 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Rose St. Commercial Development

Application: _____

Location/Date: 9801 US 70 Business Hwy, W 7/19/19 @ 6pm

	NAME	ADDRESS
1	Tommy B. TSENHUR	9861 US 70 Bus. Hwy WET Clayton, NC
2	Brenda + Mike Benson	1233 Tulip St. Clayton N.C
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		



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

July 10, 2019

NOTICE

SUBJECT: **Project:** 2019-142-RZ Lots 8 & 9 Southern Regional Rezoning
 Address: 8801 US HWY 70 BUS, Clayton, NC 27520
 TAG #: 05I05001G & 05I05001H
 Applicant: Walthom 3 LLC

Dear Clayton Area Property Owner:

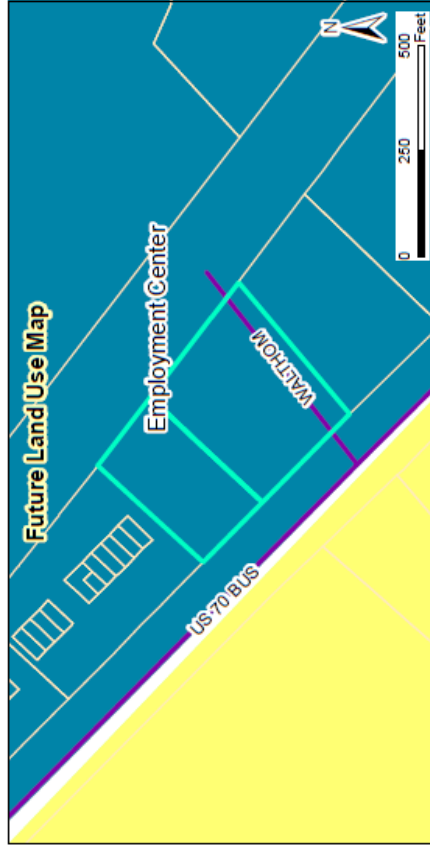
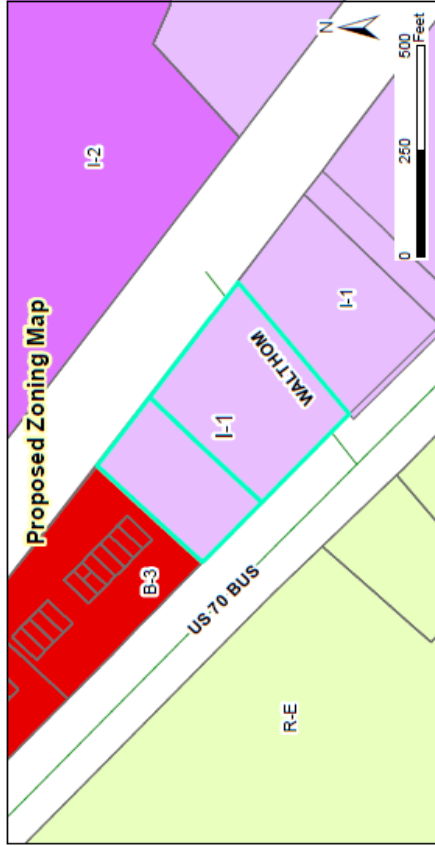
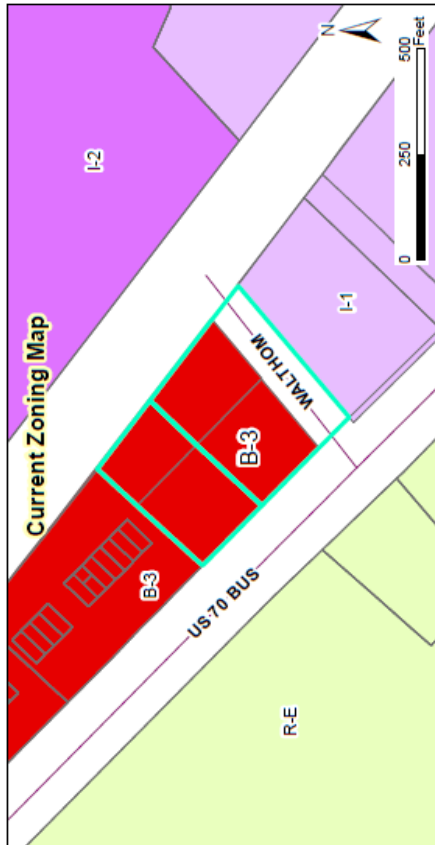
Notice is hereby given that the Clayton Planning Board will hold a public meeting on **Monday, July 22nd, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a recommendation on the above referenced Rezoning application. This application will proceed to Town Council for a public hearing following Planning Board recommendation. Another notice will be sent prior to the date of the scheduled public hearing. The applicant is requesting to rezone 1.60 and 2.76 acres from Highway-Business (B-3) to Industrial-Light (I-1). Please see the map on the back of this letter.

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

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

Sincerely,

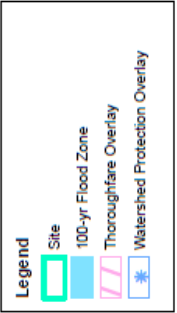
Damiere Powell
Planner



Request:
2019-142-RZ, Lots 8 & 9 Rezoning
Request to Rezone Existing B-3 Zoning to I-1

Applicant: Walthorn 3 LLC
 Property Owner: Walthorn 3 LLC
 Tag #: 05105001G & 05105001H

Staff Report Map



07/08/2019
 Produced by: TDC Planning
 Checked by: TDC Planning
 Disclaimer: TDC Planning is not responsible for the quality of the data represented here.
 Document Path: C:\PLANNING\ZONING\Rezoning\2019\2019-142-RZ-Lots 8 & 9 Southern Regional Map\Staff Report Map - 2019-142-RZ-Lots 8 & 9 Southern Regional.docx



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

July 15th, 2019

NOTICE

SUBJECT: **Project:** 2019-142-RZ Lots 8 & 9 Rezoning
 Address: 8801 US HWY 70 BUS, Clayton, North Carolina, 27520
 TAG #: 05I05001G & 05I05001H
 Applicant: Walthom 3 LLC

Dear Clayton Area Property Owner:

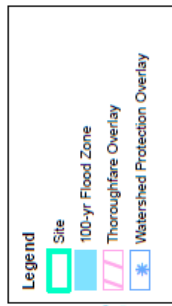
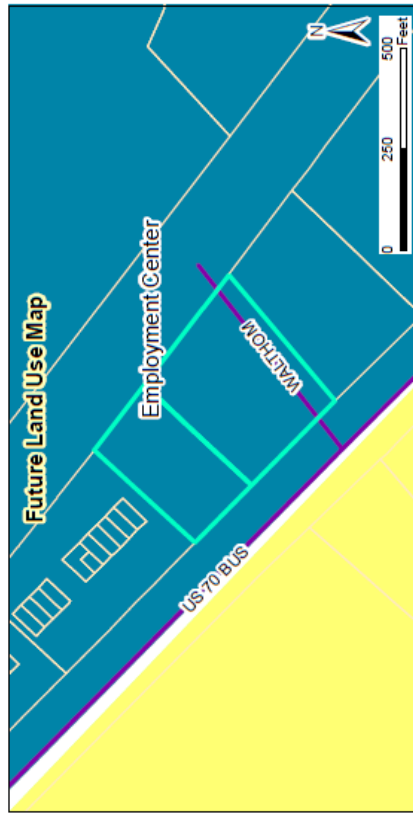
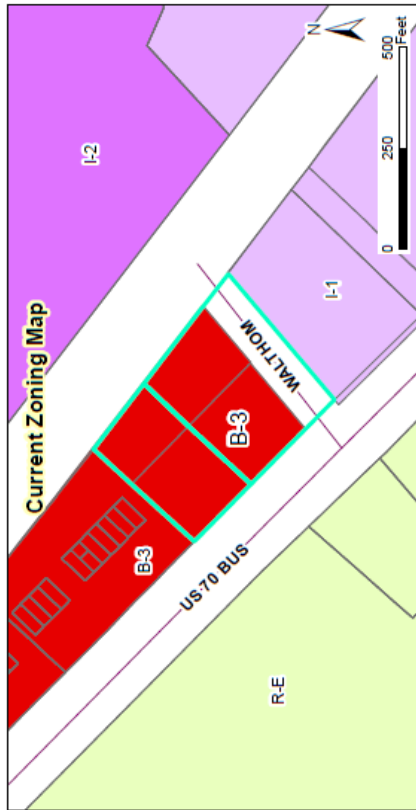
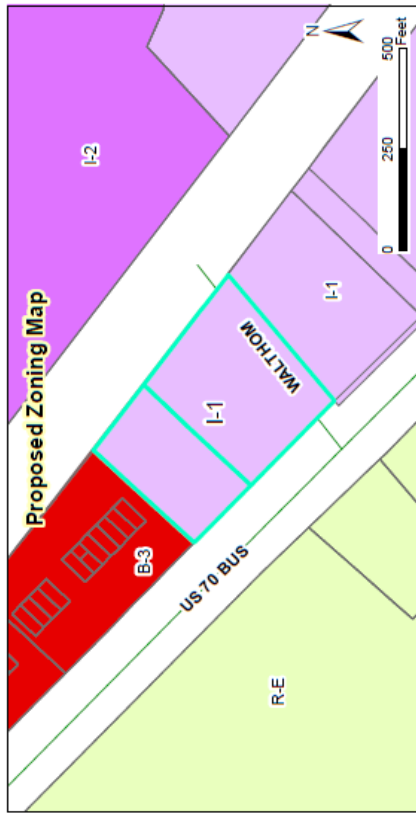
Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, August 5th, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a decision on the above referenced Rezoning application. The applicant is requesting to rezone 1.60 & 2.76 acres of land from Highway-Business (B-3) to Industrial-Light (I-1). Please see the map on the back of this letter.

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

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

Sincerely,

Damiere Powell
Planner



Staff Report Map

07/06/2019
 Prepared by: TDC Planning
 Reviewed by: TDC Planning
 Disclaimer: Town of Waltham assumes no responsibility for the quality of the data represented here.
 Document Path: C:\PLANNING\REZONING\Rezonning\2019\2019-142-RZ-Lots 8 & 9 Southern Regional Map Site Report Map - 2019-142-RZ-Lots 8 & 9 Southern Regional.docx

Request:
 2019-142-RZ, Lots 8 & 9 Rezoning
 Request to Rezone Existing B-3 Zoning to I-1

Applicant: Waltham 3 LLC
 Property Owner: Waltham 3 LLC
 Tag #: 061050013 & 06105001H



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, July 22, 2019
Town Council, August 5, 2019*

STAFF REPORT

Application Number: 2019-142-RZ
Project Name: Lots 8 & 9 Southern Regional Rezoning

TAG #s: 05I05001G & 05I05001H
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay District
Applicant: Walthom 3 LLC
Owner: Walthom 3 LLC
Location: 8801 US HWY 70 BUS Clayton, NC, 27520
Project Planner: Damiere Powell, Planner

Public Noticing:

- Neighborhood meeting held on July 19, 2019
- Sign posted July 3, 2019
- Planning Board letters mailed July 10, 2019
- Town Council letters mailed July 15, 2019
- Newspaper Ad to be published July 24, 2019 & July 31, 2019

REQUEST: Request to rezone from Highway-Business (B-3) to Industrial-Light (I-1).



SITE DATA:**Acreage:** 1.60 & 2.76 acres**Existing Use:** Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Industrial-Heavy (I-2)	Vacant
South	Residential-Estate (R-E)	Single-Family Residential
East	Industrial-Light (I-1) & Industrial-Heavy (I-2)	Manufacturing
West	Highway-Business (B-3)	Retail

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

The applicant is requesting to rezone two abutting properties, each respectively 1.60 and 2.76 acres of land, from Highway-Business (B-3) to Industrial-Light (I-1). The properties are currently vacant and are generally surrounded by properties with commercial, industrial, and vacant land uses. The proposed rezoning is consistent with the development pattern in this area, which includes industrial zoning designations and uses to the east.

Consistency with the Comprehensive Plan 2040

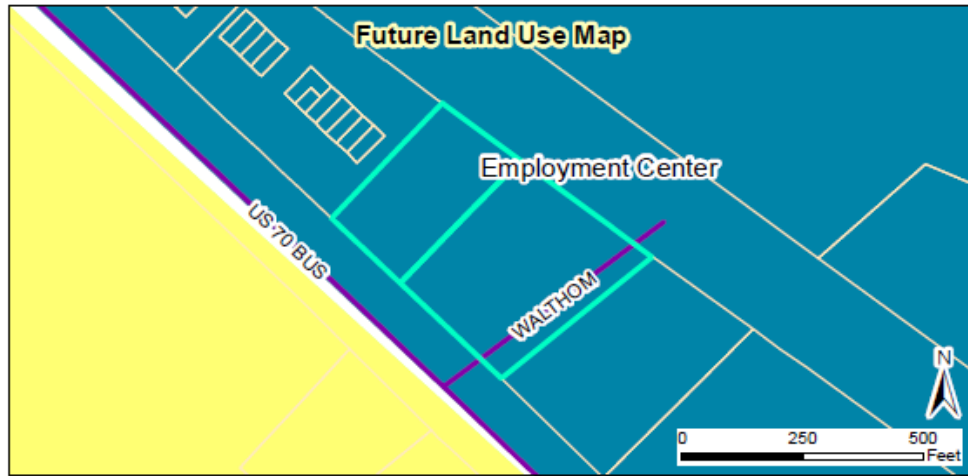
The subject property is located in an area that has been designated as “Employment Center” in the Future Land Use Map of the Comprehensive Plan. The Employment Center land use designation is designed to encourage uses such as industrial, warehouse, office, research and development, fabrication, assembly, and technology uses. The designation may also include limited amounts of supporting commercial uses, such as restaurants and convenience retailers to serve employees.

Comprehensive Plan Goals supporting the rezoning request include:

- LU1.1.1 – Review development proposals for consistency with the Future Land Use Map.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



CONSIDERATIONS:

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

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Site Plan
- 4) Neighborhood Meeting Materials
- 5) PB Adjacent Property Letter

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday August 5, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider the following:

- 2019-142-RZ Lots 8 & 9 Southern Regional Rezoning; request to rezone the subject properties from Highway-Business (B-3) to Industrial-Light (I-1). The properties are 1.60 and 2.76 acres, and are located within town limits at 8801 US HWY 70 BUS. Tag # 05I05001G & 05I05001H.
- 2019-143-RZ Rose Street Commercial Development Rezoning; request to rezone the subject properties from Residential-8 (R-8) to Highway-Business (B-3). The properties are 0.82, 0.92, 0.39, and 0.42 acres, and are located within town limits at the intersection of US HWY 70 BUS W and Rose St. Tag # 05001024, 05001048B, 05001049, & 05001050.

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

This is an open meeting and the public is invited to attend.

Damiere Powell, Planner
919-553-5002

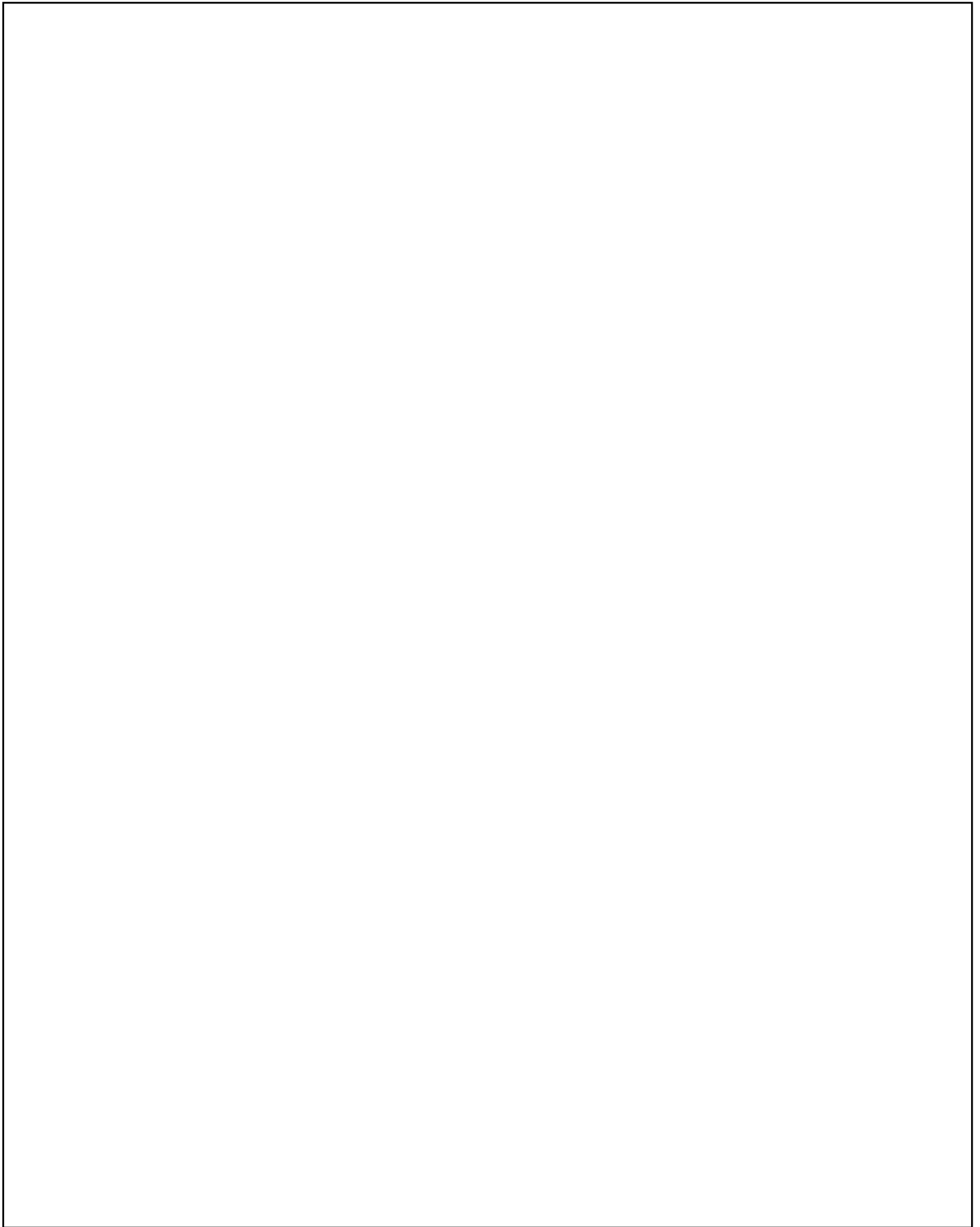
The Johnstonian Newspaper

Please advertise on the following dates:

July 24, 2019

July 31, 2019

Affidavit of publication required.



TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2019-142-RZ Lots 8 & 9 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:

- LU1.1.1 – Review development proposals for consistency with the Future Land Use Map.

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

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates these properties as Employment Center. Properties within this designation may include uses such as industrial, warehouse, office, research and development, fabrication, assembly, and technology uses, as well as limited supporting commercial uses. The proposed rezoning will allow industrial uses to be permitted on the subject properties in order to accommodate future economic and employment opportunities.

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 BOARD WRITTEN RECOMMENDATION
REZONING**

2018-142-RZ Lots 8 & 9 Southern Regional Rezoning

On July 22, 2019 the Planning Board heard the above-referenced request and made the following vote:

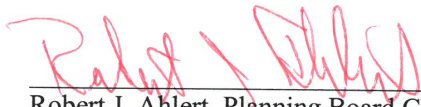
Recommendation to the Town Council to:

☒ Approve the request.

☐ Deny the request.

Recommendation(s) made this 22nd day of July, 2019 while in regular session.

Signed:



Robert J. Ahlert, Planning Board Chair

**Town of Clayton
Town Council
Zoning Ordinance Amendment Motion Sheet
(Rezoning)**

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] Case # 2019-142-RZ – Lots 8 & 9 Southern Regional**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

**MOTION FORM
Item 6b
2019-142-RZ
Lots 8 & 9 Southern Regional**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND
ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Industrial Light (I-1) zone the property described below, said property formerly being zoned Highway Business (B-3) and

WHEREAS said property is owned by Walthom 3 LLC and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160A-364 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on August 5, 2019 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Industrial Light (I-1) zone the following described property:

General Description:

Property is located 8801 US HWY 70 BUS

Specific Description:

NC Parcel Identification Numbers: 05I05001G & 05I05001H

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Industrial Light (I-1) zone the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED by the Clayton Town Council this 5th day of August, 2019 while in regular session.

Michael Grannis
Mayor Pro Tem

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

August 5 2019

Agenda Location

Public Hearings

Item Title

2019-143-RZ Rose Street Commercial Development Rezoning

Presenter

Planning Department

Summary/Description

The applicant is requesting to rezone four abutting properties, each respectively 0.42, 0.39, 0.8, and 0.92 acres of land, from Residential-8 (R-8) to Highway-Business (B-3). The properties are currently single-family residential and are surrounded by properties with single-family residential and commercial land uses.

Requested Action

Approval/Denial

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Owner's Consent Form
Staff Report Maps
Neighborhood Meeting Materials
Site Plan
PB Adjacent Property Letter – Public Notice
TC Adjacent Property Letter – Public Notice
Newspaper Ad – Public Notice
Consistency Statement

Meeting Timeline

July 22, 2019 – Planning Board Meeting
August 5, 2019 – Town Council Meeting



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

REZONING APPLICATION COVER SHEET

Name of Project: Rose Street Commercial Development Date: 6/27/19
Applicant Name: ACW Development, LLC

The following checklist to be completed by applicant:

- ☐ [✓] Pre-Application Meeting on: _____
- ☐ [✓] Review Fee - *Coming in the Mail*
- ☐ [✓] Advertisement Fee - *Coming in the Mail* *→ Received 7/2/19*
- ☒ [✓] Completed Application
- ☒ [✓] Owner's Consent Form
- ☒ [✓] Adjacent Property Owner's List
- ☒ [✓] Neighborhood Meeting Notice Letter (1 copy)
- ☒ [✓] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- ☐ [✓] Signed & Sealed Boundary Survey *will be mailed to us*
- ☐ [✓] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: *BB*





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

REZONING APPLICATION

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

SITE INFORMATION

Name of Project: Rose Street Commercial Development
Acreage of Property: 2.28 **Zoning District:** Single-Family Residential: 8000 S.F.
County Tag #: 05001024,05001048B,05001049,05001050 **NC Pin #:** 166811-56-3724,166811-56-5964,166811-57-4090,166811-57-3084
Address/Location: 9811 US HWY 70 BUS CLAYTON, NC 27520
Existing Zoning District: Single-Family Residential: 8000 S.F. **Proposed Zoning District:** _____

APPLICANT INFORMATION

Applicant: Andrew Wilson
Mailing Address: 2220 Magnolia Ave. S Suite 100
Phone Number: 205-905-5709 **Fax:** 205-313-3677
Contact Person: Andrew Wilson
Email Address: drew@retailspecialists.com

PROPERTY OWNER INFORMATION

Name: NUISE, LLC, LINDA POUNDS ADAMS, MARK A DAUGHTRY
Mailing Address: 104 THORNDAL CT CLAYTON, NC 27527-8330, 960 SWAN POINT REEF RD WASHINGTON, NC 27889-7578, 9825 HWY 70 BUSINESS WESTCLAYTON, NC 27520-0000
Phone Number: _____ **Fax:** _____
Email Address: _____

OFFICE USE ONLY

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

EXPLANATION OF PROJECT

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

We are planning to develop a 5,000 square foot quick serve restaurant and a 2,000 square foot quick serve restaurant.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The programing for this site is consistent with the Town's long range plans as these parcels are planned for commercial use.

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

Since the long range plans for these parcels is commercial use, the proposed rezoning is consistent.

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

This change more quickly brings these parcels into conformance with the long range plan for these parcels.

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.

To the best of our knowledge the public facilities available to the property are adequate.

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

To the best of our knowledge the legal purposes for which zoning exists are not violated.

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

To the best of our knowledge this change will cause no adverse effect to 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.

This change will not benefit only one owner or one small group of property owners. This change would not be to the detriment of the public,

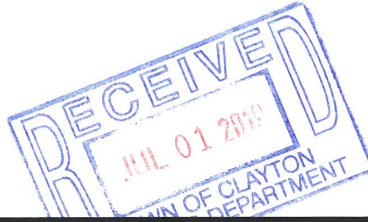
APPLICANT AFFIDAVIT

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.

Andrew Wilson
Print Name

[Signature]
Signature of Applicant

2/1/19
Date



**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: Andrew Wilson **Address or PIN #:** 166811-56-3724, 166811-56-5964, 166811-57-4090

AGENT/APPLICANT INFORMATION:

ANDREW WILSON
(Name - type, print clearly)

220 MAGNOLIA AVE. S - SUITE 100
(Address)
BIRMINGHAM, AL 35205
(City, State, Zip)

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

Rezoning Application

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:

CHERYL H DAUGHTRY
(Name - type, print clearly)

9825 HWY 70 BUS W
(Address)

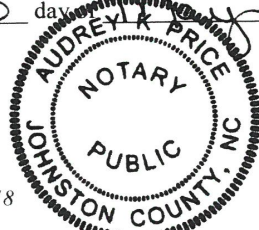
Cheryl H Daughtry
(Owner's Signature)

CLAYTON, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Audrey K Price, a Notary Public for the above State and County, this the 20 day of July, 2019.

SEAL



July 2018

Audrey K Price
Notary Public

My Commission Expires: November 22, 2023



**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: ANDREW WILSON Address or PIN #: 166811-56-3724, 166811-56-5964, 166811-57-4090

AGENT/APPLICANT INFORMATION:

ANDREW WILSON 220 MAGNOLIA AVE. S. SUITE 100
(Name - type, print clearly) (Address)
BIRMINGHAM, AL 35205
(City, State, Zip)

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

Rezoning Application

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:

Mark Daughtry 9825 Hwy 70 W
(Name - type, print clearly) (Address)
Mark Daughtry Clayton N.C. 27520
(Owner's Signature) (City, State, Zip)

STATE OF NC
COUNTY OF WAKE

Subscribed before me Colton Pierce, a Notary Public for the above State and County, this
the 22 day of MAY, 20 19.



[Signature]
Notary Public

My Commission Expires: Dec 2, 2023



**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: Andrew Wilson

Address or PIN #: 166811-56-3724, 166811-56-5964, 166811-57-4090

AGENT/APPLICANT INFORMATION:

Andrew Wilson

(Name - type, print clearly)

2220 Magnolia Ave. S Suite 100

(Address)

Birmingham, Alabama 35205

(City, State, Zip)

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

Rezoning Application

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:

Linda Pounds Adams

(Name - type, print clearly)

960 SwanPoint Reef Road

(Address)

Linda Pounds Adams

(Owner's Signature)

Washington, N.C. 27889

(City, State, Zip)

STATE OF North Carolina
COUNTY OF Beaufort

Sworn and subscribed before me Linda Pounds Adams, a Notary Public for the above State and County, this the 15 day of May, 2019.

SEAL

Ann Hodges John
Notary Public

My Commission Expires: May 11, 2022

July 2018



**Town of Clayton
Planning Department**

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

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: Andrew Wilson **Address or PIN #:** 166811-56-3724, 166811-56-5964, 166811-57-4090

AGENT/APPLICANT INFORMATION:

Andrew Wilson 2220 Magnolia Ave. S Suite 100
(Name - type, print clearly) (Address)
Birmingham, Alabama 35205
(City, State, Zip)

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

Rezoning Application

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.

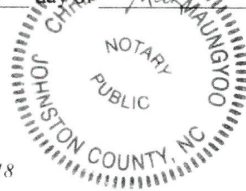
OWNER AUTHORIZATION:

KUMROB MAUNGYOO 158 Stockbridge Drive
(Name - type, print clearly) (Address)
Selma, NC 27576
(Owner's Signature) (City, State, Zip)

STATE OF Johnston
COUNTY OF North Carolina

Sworn and subscribed before me Christopher Maungyoo, a Notary Public for the above State and County, this the 21 day of July, 2019.

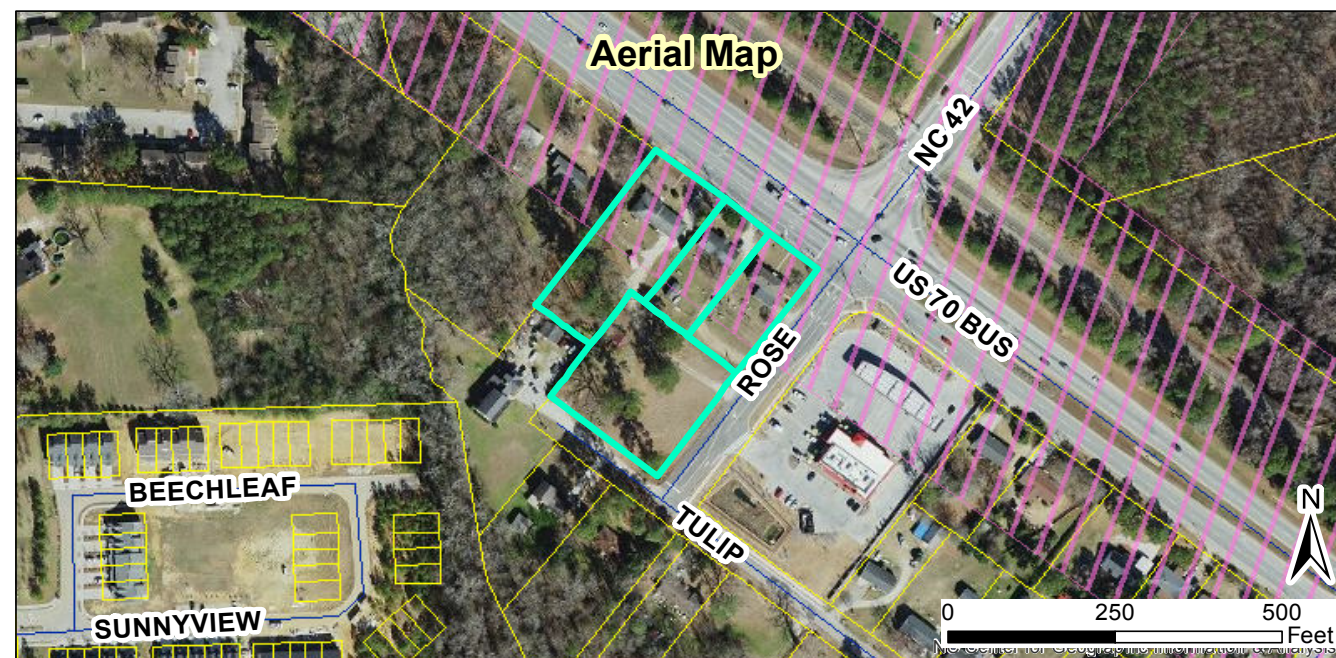
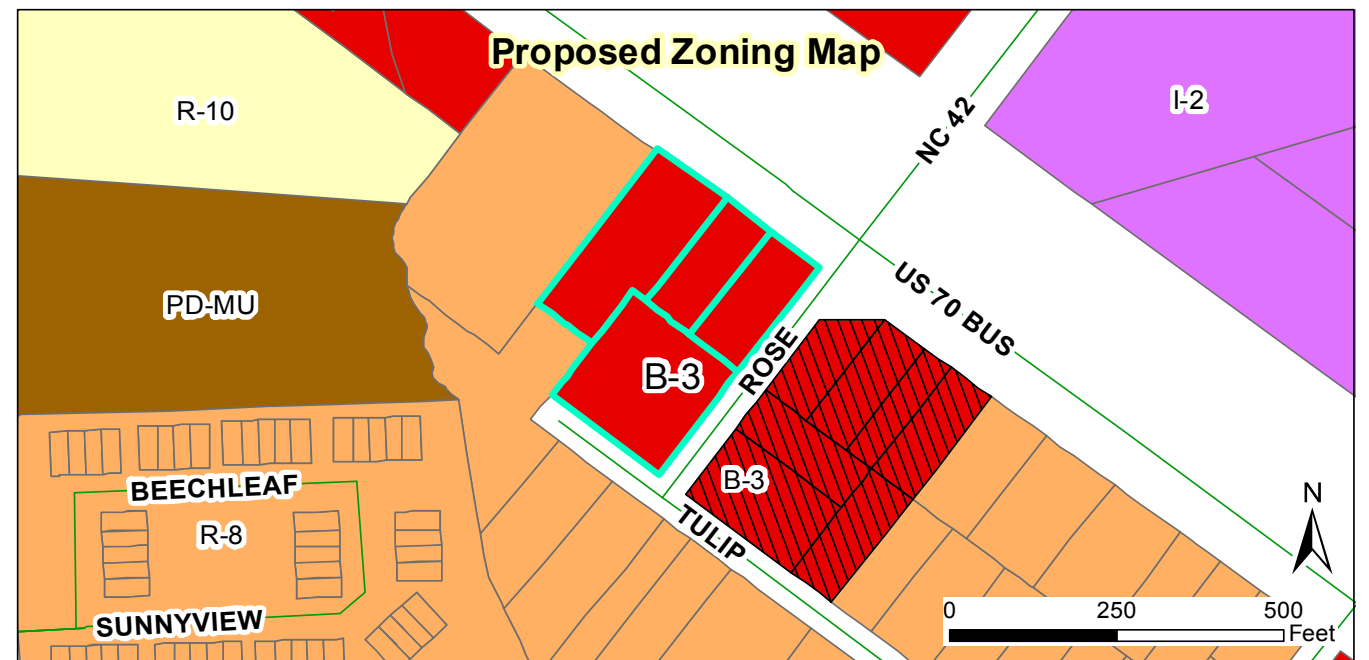
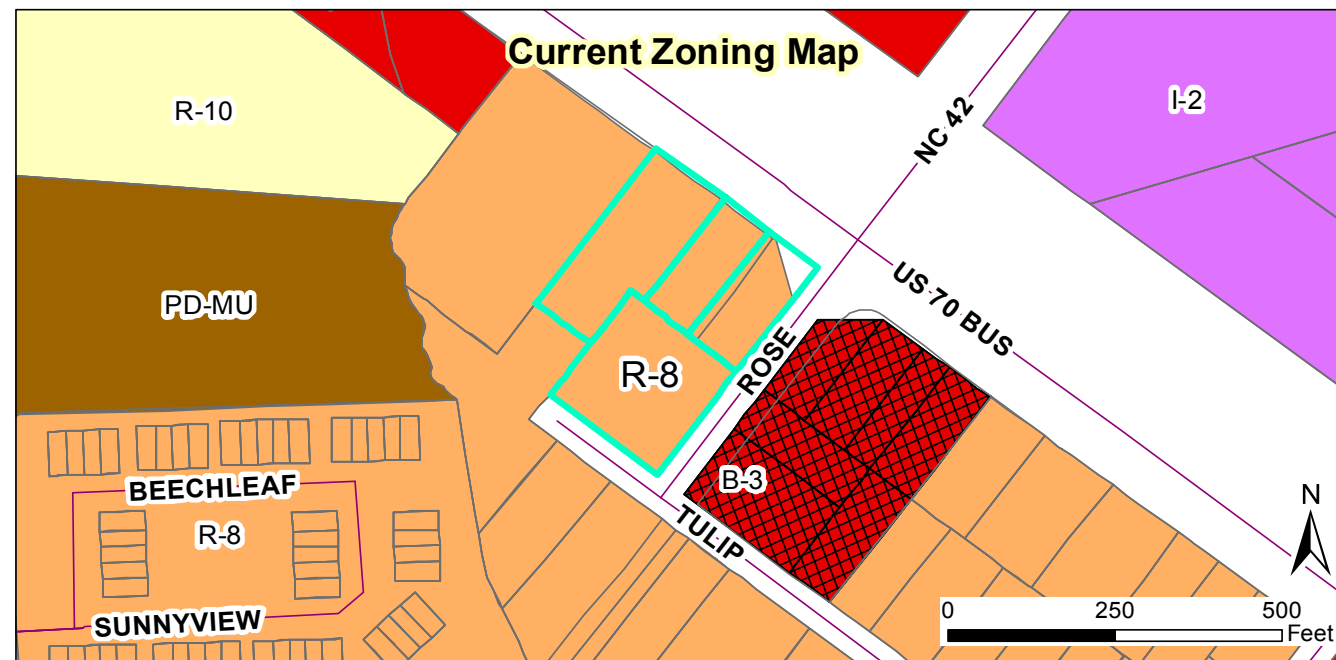
SEAL



Notary Public

My Commission Expires: Oct 5th 2019

July 2018



Request:
2019-143-RZ, Rose Street Com. Development Rezoning
Request to Rezone Existing R-8 Zoning to B-3

Applicant: Andrew Wilson
 Property Owner: Nuise, LLC, Linda Pounds Adams, Mark A Daughtry
 Tag #: 05001024, 05001048B, 05001049, & 05001050

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2019\2019-143-RZ - Rose Street Com. Development\Map\Staff Report Map - 2019-143-RZ - Rose Street Com Development\mxd

Legend

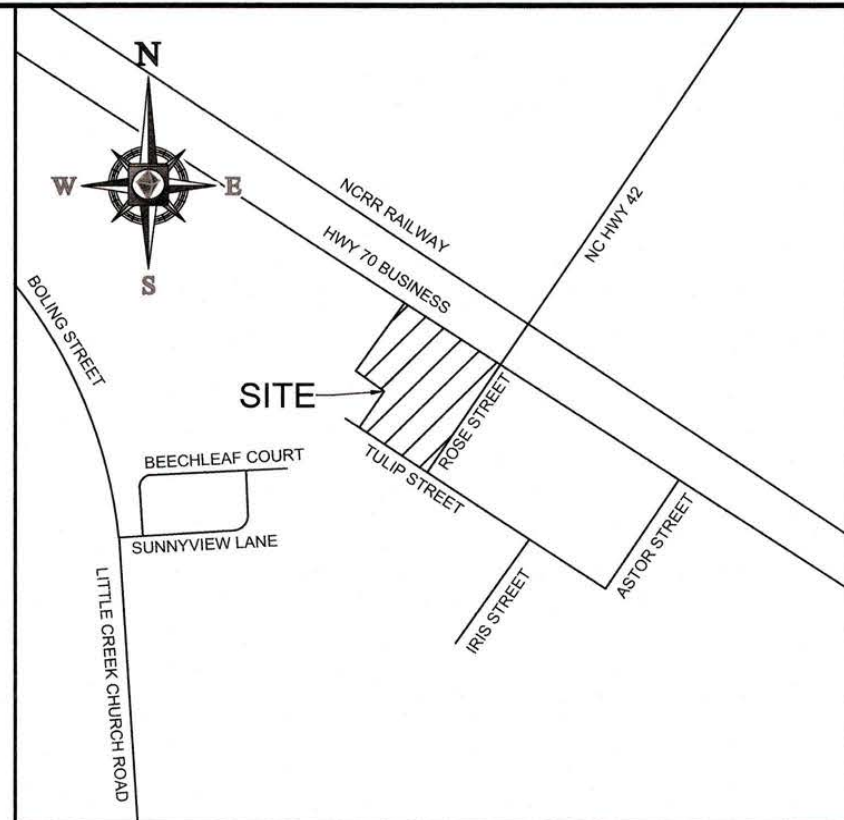
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay
- Site

07/10/2019

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

NOTES:

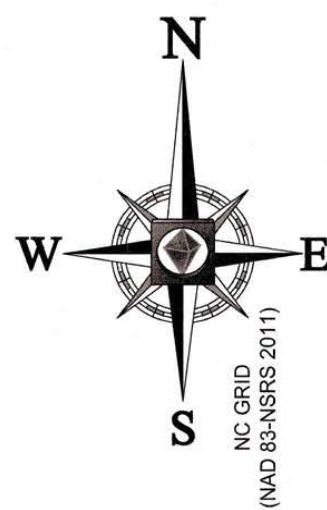
- 1) NO TITLE REPORT FURNISHED.
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- 5) THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY THIS FIRM.
- 6) RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
- 7) NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PRE THE NCVRS NETWORK.
- 8) BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
- 9) VERTICAL DATUM SHOWN HEREON IS NAVD88.
- 10) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X". AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP 3720166800K, PANEL 1668 EFFECTIVE DATE JUNE 20, 2018.



LOCATION MAP
NOT TO SCALE

REFERENCES:

- DB 1278, PG 521
- DB 4337, PG 465
- DB 5329, PG 235
- DB 3554, PG 262
- DB 5329, PG 235



SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1:10,000; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH TITLE 21, CHAPTER 56, NCAC, AS AMENDED.

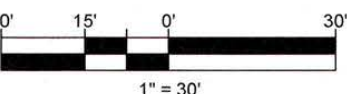
I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: "CLASS A"
(2) POSITIONAL ACCURACY: 0.04'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
(4) DATES OF SURVEY: 06/14/19
(5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
(6) PUBLISHED/FIXED-CONTROL USE: NCVRS
(7) GEOID MODEL: 2015 (CONUS)
(8) COMBINED GRID FACTOR(S): 0.999884513
(9) UNITS: US SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 25TH DAY OF JULY A.D., 2019.

Thomas E. Teabo
SURVEYOR NC L-3920



LEGEND			
	LINE SURVEYED		WATER METER
	LINE NOT SURVEYED		SIGN
	WATER VALVE		MAIL BOX
	OVERHEAD WIRES		CLEAN OUT
	UTILITY POLE		HYDRANT
	SANITARY MANHOLE		IRON REBAR SET
	GUY WIRE		IRON PIPE FOUND
	PAINTED ARROWS		IRON REBAR FOUND
	TREE LINE		COMPUTED POINT
	TREE (SIZE AS NOTED)		



REVISED 07/25/19 - ADDED BOUNDARY & TOPOGRAPHY OF PIN:166811-57-3084

BOUNDARY & TOPOGRAPHIC SURVEY

FOR
DREW WILSON

PINS: 166811-57-4090, 166811-56-5964, 166811-56-3724, 166811-57-3084

CITY OF CLAYTON
CLAYTON TOWNSHIP
JOHNSTON COUNTY, NORTH CAROLINA

FILE NO. NSR192051		4130 PARKLAKE AVENUE SUITE 100 RALEIGH, NORTH CAROLINA 27612 919.578.8000 • 919.703.7665 FAX www.bohlerengineering.com
DATE 07/12/19	CREW CHIEF RJ	DRAWN DET
FIELD DATE 06/14/19	REVIEWED TET	APPROVED TET
	SCALE 1" = 30'	DWGS. NO. 1 OF 1



BOHLERTM
ENGINEERING NC, PLLC

4130 ParkLake Avenue, Suite 130
Raleigh, NC 27612
PHONE 919.578.9000

Date: July 9, 2019

Dear Clayton Area Property Owner:

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

Meeting Date: **7-19-19**

Meeting Time: **6:00 PM**

Meeting Location: **9811 US HWY 70 BUS CLAYTON, NC 27520**

Type of Application: **Rezoning**

Project/proposal property address: **Parcel 1: 9825 US HWY 70 BUS CLAYTON, NC 27520, Parcel 2: 9811 US HWY 70 BUS CLAYTON, NC 27520, Parcel 3: NCPin: 166811-57-3084 and Parcel 4: NCPin: 166811-56-3724.**

Description of project/proposal: **We are planning to develop a 5,000 square foot quick serve restaurant and a 2,000 square foot quick serve restaurant requiring a rezoning.**

Upcoming public meeting for this application (Planning Board and/or Town Council): **Planning Board July 22, 2019 and Town Council Meeting August 5th.**

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

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

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

If you have any questions prior to or after this meeting, you may contact us at **919-578-9000**. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Wyatt L. Bone, P.E.



BOHLER[™]
ENGINEERING NC, PLLC

CIVIL AND CONSULTING ENGINEERS • PROJECT MANAGERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS
WWW.BOHLERENGINEERING.COM



*** DISCLAIMER ***

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

Result 3

id: 05001022
Tag: 05001022
Owner Name 1: FEREZ, NICHOLAS J
Owner Name 2: FEREZ, KIMBERLY D
Mail Address 1: 780 LIGHTFOOT DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2136
Book: 02644
Page: 0077

Result 4

id: 05001056
Tag: 05001056
Owner Name 1: ESTES, MYRTLE A ISENHOUR
Owner Name 2:
Mail Address 1: 1303 TULIP ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 00620
Page: 0560

Result 5

id: 05001049
Tag: 05001049
Owner Name 1: DAUGHTRY, MARK A
Owner Name 2: DAUGHTRY, CHERYL H
Mail Address 1: 9825 HWY 70 BUSINESS WEST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01278
Page: 0521

Result 6

id: 05001048B
Tag: 05001048B
Owner Name 1: ADAMS, LINDA POUNDS
Owner Name 2:
Mail Address 1: 960 SWAN POINT REEF RD
Mail Address 2:
Mail Address 3: WASHINGTON, NC 27889-7578
Book: 04337
Page: 0465

Result 7

id: 05001057
Tag: 05001057
Owner Name 1: MERCER, JENNIFER C
Owner Name 2: MERCER, JOEL R
Mail Address 1: 1229 TULIP STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 03554
Page: 0262

Result 8

id: 05001051
Tag: 05001051
Owner Name 1: ISENHOUR, JOHNNY BOLAN
Owner Name 2:
Mail Address 1: 9861 US 70 BUS HWY WEST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01598
Page: 0707

Result 9

id: 05001045
Tag: 05001045
Owner Name 1: PTM LP
Owner Name 2:
Mail Address 1: 5700 6TH AVE
Mail Address 2:
Mail Address 3: ALTOONA, PA 16602-1199
Book: 04538
Page: 0549

Result 10

id: 05001050
Tag: 05001050
Owner Name 1: NUISE, LLC
Owner Name 2:
Mail Address 1: 104 THORNDAL CT
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-8330
Book: 05329
Page: 0235

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: _____ Date of Mailing: 7/1/19
Date of Meeting: 7/19/19 Time of Meeting: 6 PM
Location of Meeting: 9811 US 70 Business Hwy W.

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

Printed Name: Will Swaringen

Signature: _____

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

Concerned with added development existing drainage issue would be made worse.

Don't want an exit to the rear of the site onto Tulip St. If so would like the road to be improved.

Mentioned at previous rezoning meeting for sheetz. Town Council said if this block was to be rezoned to commercial the entire block would need to be rezoned.

Worried about commercial blocking them off

RECEIVED

JUL 27 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Rose St. Commercial Development

Application: _____

Location/Date: 9801 US 70 Business Hwy, W 7/19/19 @ 6pm

	NAME	ADDRESS
1	Tommy B. TSENHUR	9861 US 70 Bus. Hwy WET Clayton, NC
2	Brenda + Mike Benson	1233 Tulip St. Clayton N.C
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		



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

July 10, 2019

NOTICE

SUBJECT: **Project:** 2019-143-RZ Rose Street Com. Development Rezoning
 Address: 9811 US HWY 70 BUS, Clayton, NC 27520
 TAG #: 05001024, 05001048B, & 05001049
 Applicant: Andrew Wilson

Dear Clayton Area Property Owner:

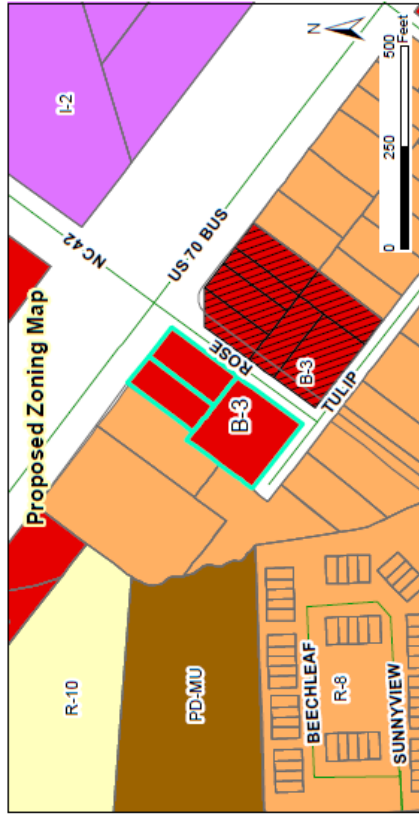
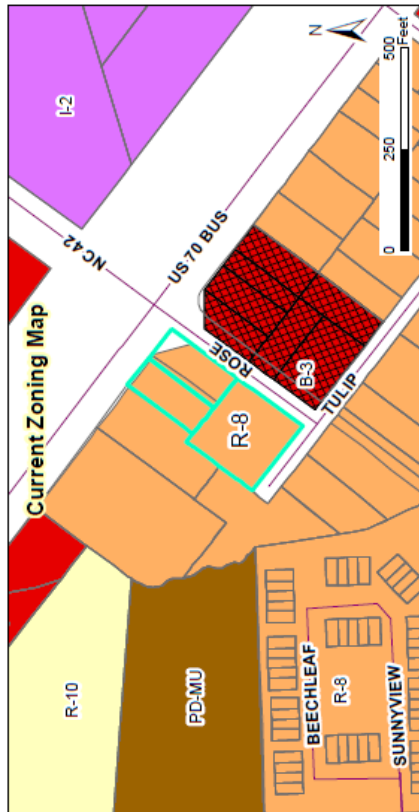
Notice is hereby given that the Clayton Planning Board will hold a public meeting on **Monday, July 22nd, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a recommendation on the above referenced Rezoning application. This application will proceed to Town Council for a public hearing following Planning Board recommendation. Another notice will be sent prior to the date of the scheduled public hearing. The applicant is requesting to rezone 2.28 acres from Single-Family Residential (R-8) to Highway-Business (B-3). Please see the map on the back of this letter.

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

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

Sincerely,

Damiere Powell
Planner



Staff Report Map



Request:
 2019-143-RZ, Rose Street Com. Development Rezoning
 Request to Rezone Existing R-8 Zoning to B-3

Applicant: Andrew Wilson
 Property Owner: Nulise, LLC, Linda Pounds Adams, Mark A Daughtry
 Tag #: 05001024, 05001048B, 05001049

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

07/10/2019
 Produced by: TCC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data.
 Document Path: C:\P\ANNOUNCE\ZONING\2019-143-RZ - Rose Street Com. Development Rezoning Staff Report Map - 2019-143-RZ - Rose Street Com. Development Rezoning.dwg



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

July 15th, 2019

NOTICE

SUBJECT: **Project:** 2019-143-RZ Rose Street Commercial Development Rezoning
Address: 9811 US HWY 70 BUS, Clayton, North Carolina, 27520
TAG #: 05001024, 05001048B, 05001049, & 05001050
Applicant: Andrew Wilson

Dear Clayton Area Property Owner:

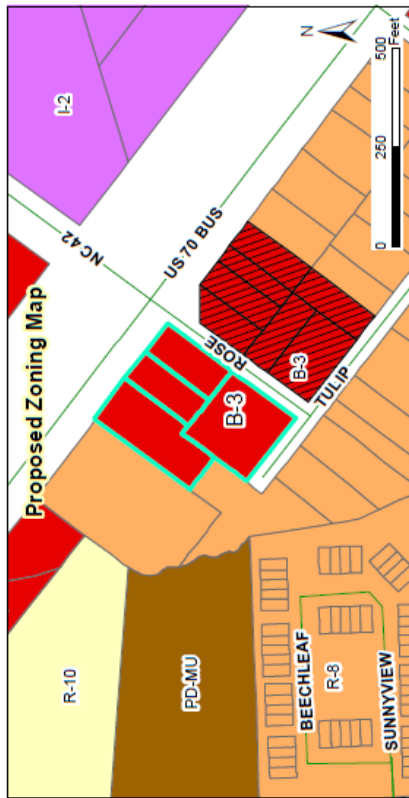
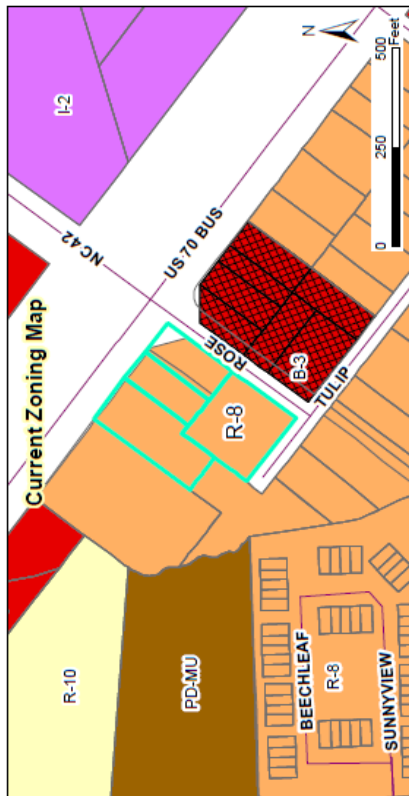
Notice is hereby given that the Clayton Town Council will hold a public hearing on **Monday, August 5th, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a decision on the above referenced Rezoning application. The applicant is requesting to rezone 2.28 acres of land from Residential-8 (R-8) to Highway-Business (B-3). Please see the map on the back of this letter.

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

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

Sincerely,

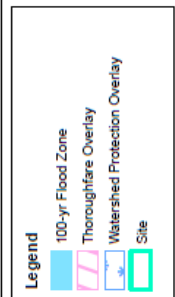
Damiere Powell
Planner



Staff Report Map

Request:
 2019-143-RZ, Rose Street Com. Development Rezoning
 Request to Rezone Existing R-8 Zoning to B-3

Applicant: Andrew Wilson
 Property Owner: Nurse, LLC, Linda Pounds Adams, Mark A Daughtry
 Tag #: 05001024, 05001048B, 05001049, & 05001050



071002019
 Produced by: TOD Planning
 Date: 07/10/2019
 Disclaimer: Town of Cary Planning Department is not responsible for the accuracy of the information presented here.
 Document Path: C:\P\JANINGORE\ZONING\2019-143-RZ - Rose Street Com. Development\Map\Staff Report Map - 2019-143-RZ - Rose Street Com Development.mxd



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

*Planning Board, July 22, 2019
Town Council, August 5, 2019*

STAFF REPORT

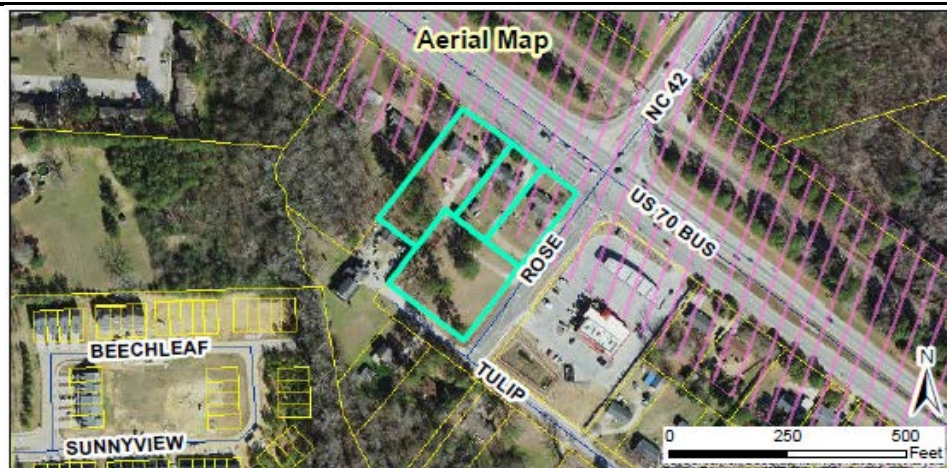
Application Number: 2019-143-RZ
Project Name: Rose Street Commercial Development Rezoning

TAG #s: 05001024, 05001048B, 05001049, & 05001050
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay District
Applicant: Andrew Wilson
Owner: Nuise, LLC, Linda Pounds Adams, Mark A Daughtry
Location: 9811 US HWY 70 BUS Clayton, NC
Project Planner: Damiere Powell, Planner

Public Noticing:

- Neighborhood meeting held on July 19, 2019
- Sign posted July 3, 2019
- Planning Board letters mailed July 10, 2019
- Town Council letters mailed July 15, 2019
- Newspaper Ad to be published July 24, 2019 & July 31, 2019

REQUEST: Request to rezone from Residential-8 (R-8) to Highway-Business (B-3).

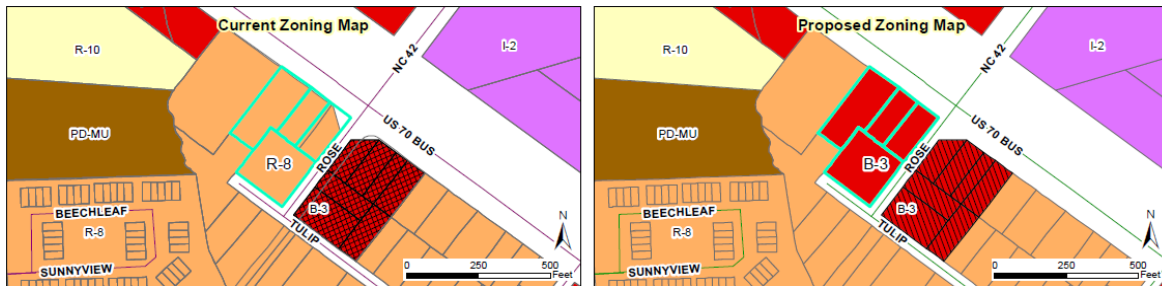


SITE DATA:

Acreage: 2.28 acres
Existing Use: Single-Family Residential

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Highway-Business (B-3)	Retail
South	Residential-8 (R-8)	Single-Family Residential
East	Highway-Business (B-3) – Special Use District (SUD)	Convenience Store with Gas Sales
West	Residential-8 (R-8)	Single-Family Residential



STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone four abutting properties, each respectively 0.42, 0.39, 0.8, and 0.92 acres of land, from Residential-8 (R-8) to Highway-Business (B-3). The properties are currently single-family residential and are surrounded by properties with single-family residential and commercial land uses.

Consistency with the Comprehensive Plan 2040

The subject property is located in an area that has been designated as “Community Mixed-Use” in the Future Land Use Map of the Comprehensive Plan. The Community Mixed-Use land use designation is an overlay above the High Density Residential land use designation, which is designed to include all housing types with a density of up to 12 dwelling units per acre. The overlay and underlying land use designation allows for a large local population with community-serving commercial uses as well as office, civic, institutional, and multi-family residential uses.

Comprehensive Plan Goals supporting the rezoning request include:

- LU1.1.1 – Review development proposals for consistency with the Future Land Use Map.
- LU1.3 – Encourage a mix of residential and non-residential land uses within Neighborhood and Community Centers identified on the Future Land Use Map.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



CONSIDERATIONS:

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

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Site Plan
- 4) Neighborhood Meeting Materials
- 5) PB Adjacent Property Letter

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday August 5, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider the following:

- 2019-142-RZ Lots 8 & 9 Southern Regional Rezoning; request to rezone the subject properties from Highway-Business (B-3) to Industrial-Light (I-1). The properties are 1.60 and 2.76 acres, and are located within town limits at 8801 US HWY 70 BUS. Tag # 05I05001G & 05I05001H.
- 2019-143-RZ Rose Street Commercial Development Rezoning; request to rezone the subject properties from Residential-8 (R-8) to Highway-Business (B-3). The properties are 0.82, 0.92, 0.39, and 0.42 acres, and are located within town limits at the intersection of US HWY 70 BUS W and Rose St. Tag # 05001024, 05001048B, 05001049, & 05001050.

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

This is an open meeting and the public is invited to attend.

Damiere Powell, Planner
919-553-5002

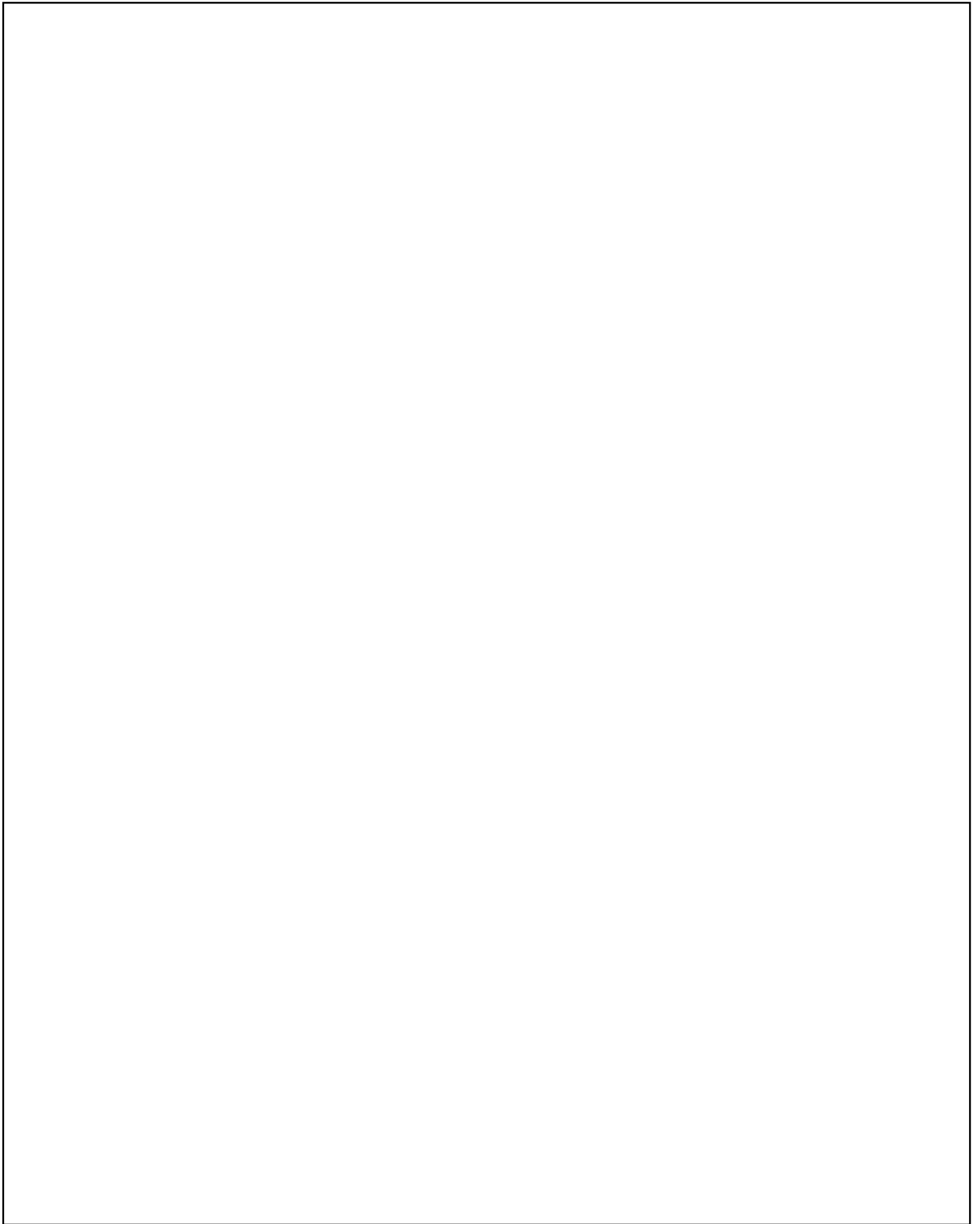
The Johnstonian Newspaper

Please advertise on the following dates:

July 24, 2019

July 31, 2019

Affidavit of publication required.



TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
[2019-143-RZ Rose Street Commercial Development 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:

- LU1.1.1 – Review development proposals for consistency with the Future Land Use Map.
- LU1.3 – Encourage a mix of residential and non-residential land uses within Neighborhood and Community Centers identified on the Future Land Use Map.

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

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates these properties as Community Mixed-Use. Properties within this designation may include community-serving commercial uses, as well as office, civic, institutional, and multi-family residential uses. The requested rezoning will allow these community-serving uses in a primary thoroughfare along US HWY 70 BUS.

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 BOARD WRITTEN RECOMMENDATION
REZONING**

2019 .143-RZ Rose Street Commercial Development Rezoning

On July 22, 2019 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☒ Approve the request.

☐ Deny the request.

Recommendation(s) made this 22nd day of July, 2019 while in regular session.

Signed:



Robert J. Ahlert, Planning Board Chair

**Town of Clayton
Town Council
Zoning Ordinance Amendment Motion Sheet
(Rezoning)**

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] Case # 2019-143-RZ – Rose Street Commercial Development**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

**MOTION FORM
Item 6c
2019-143-RZ
Rose Street Commercial Development**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE AND
ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Highway Business (B-3) zone the property described below, said property formerly being zoned Residential 8 (R-8) and

WHEREAS said property is owned by Andrew Wilson and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160A-364 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on August 5, 2019 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Highway Business (B-3) zone the following described property:

General Description:

Property is located 9811 US HWY 70

Specific Description:

NC Parcel Identification Numbers: 05001024, 05001048B, 05001049, & 05001050

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Highway Business (B-3) zone the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED by the Clayton Town Council this 5th day of August, 2019 while in regular session.

Michael Grannis
Mayor Pro Tem

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

August 5 2019

Agenda Location

New Business

Item Title

NC Governor's Highway Safety Program (GHSP)

Presenter

Blair Myhand, Police Chief

Summary/Description

PD is requesting council to enter into an agreement with the Governor's Highway Safety Program for continued consideration for the 2019 GHSP Grant awardable at the end of September, 2019.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☐

Additional Documents to be Included in Agenda Packet

Resolution #2019-34

Meeting Timeline

Click or tap here to enter text.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

June 27, 2019

James Herring
TOWN OF CLAYTON POLICE DEPT
PO Box 879
CLAYTON NC 27520-2403
Application #: 1000007617
Program: GHSP 2020-PERSONNEL/EQUI
Project : TOWN OF CLAYTON POLICE DEPT

Ref : Application Approval

Dear James Herring,

Congratulations! The NC Governor's Highway Safety Program (GHSP) has approved your agency to begin the next phase of GHSP's FY 2019 funding process.

This phase allows your agency to complete a grant agreement with NC GHSP to provide the outcomes outlined in the final grant application. Although your application has been approved, this does not assure funding. Final approval of funds will not be made until late September, once your Agreement is finalized.

The next step of the funding process is the submission of several key documents via the Grants Management System. Please contact your Highway Safety Specialist if you have any questions about completing these documents.

The GHSP appreciates your dedication and contribution to highway safety.

Sincerely,

Mark Ezzell
Director, GR

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
GOVERNOR'S HIGHWAY SAFETY PROGRAM
1508 MAIL SERVICE CENTER
RALEIGH, NC 27699-1508

Telephone: (919) 814-3650
Website: www.ncdot.gov/programs/GHSP/

Location
750 NORTH GREENFIELD PARKWAY
GARNER, NC 27529

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

Resolution
#2019-34

WHEREAS, the Clayton Police Department (herein called the
"Agency")
(The Applicant Agency)
has completed an application contract for traffic safety funding; and that Clayton Town Council
(The Governing Body of the Agency)
_____ (herein called the "Governing Body") has thoroughly considered the problem
identified and has reviewed the project as described in the contract;
THEREFORE, NOW BE IT RESOLVED BY THE Clayton Town Council IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Clayton, NORTH CAROLINA,
THIS 5th DAY OF August, 20 19, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Blair Myhand, Chief of Police is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$ 47,364.00 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 20,298.00 as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

ATTESTED BY _____
(Clerk)

SEAL

DATE _____