



1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. Draft Minutes
 - April 18, 2018

[April 18 2018 DRAFT Minutes](#)

4. NEW BUSINESS

- a. 2018-104-CUP - Novo Nordisk DAPI Equipment Height
Presenter: Haley Hogg, Planner
[Application](#)
[Staff Report](#)
[Map](#)
[Site Plan](#)
[Sightlines](#)
[Adjacent Property Letter](#)
[Neighborhood Meeting Materials](#)
[Newspaper Ad](#)
[Motion Form](#)
[Approval](#)

POTENTIAL ACTION: Approval of 2018-104-CUP

- b. 2018-118-CUP - Just Like Home Daycare
Presenter: Haley Hogg, Planner
[Application](#)
[Staff Report](#)
[Maps](#)
[Site Plan&Floor Plan](#)
[Additional Questions for Applicant](#)
[Adjacent Property Letter](#)
[Neighborhood Meeting Materials](#)
[Newspaper Ad](#)
[Motion Form](#)
[Approval](#)

POTENTIAL ACTION: Approval of 2018-118-CUP

5. OLD BUSINESS

6. ADJOURN



Town of Clayton
Clayton Board of Adjustment Minutes
Wednesday, April 18, 2018 @ 6:00 PM
Conference Room GS 223 in Town Hall

BOARD MEMBERS PRESENT:

Matt Evans
Mark Helmer
Johnny House
Bill Wenzell

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Kimberly Moffett, Town Clerk
Merrick Parrott, Board Attorney

MEMBERS ABSENT:

Tom Medlin

1 CALL TO ORDER

- a) Mr. Evans called the meeting to order at 6:05 p.m.

2 SWEARING IN OF NEWLY APPOINTED BOARD MEMBER

- a) Swearing of Newly Appointed Board Member
- Mark Helmer

Mr. Helmer was administered the oath of office by Kimberly Moffett, Town Clerk.

3 ELECTION OF CHAIR & VICE CHAIR

- a) 2018 Election of Chair & Vice-Chair

The floor was opened up for discussion and nomination. Matt Evans was nominated to serve as Board Chair and Tom Medlin was nominated to serve as the Vice Chair

ACTION: Approval of 2018 Chair & Vice Chair as above

Motion: Board Member Wenzell
Second: Board Member Helmer
Vote: Unanimous

4 ADJUSTMENT OF THE AGENDA

5 APPROVAL OF MINUTES

- a) Draft Minutes
- September 20, 2018

The minutes were approved as presented.

ACTION: Adoption of Minutes

Motion: Board Member Wenzell

Second: Board Member House

Vote: Unanimous

6 NEW BUSINESS

- a) UNC School of Government Webinar
- Making Quasi-Judicial Decisions

Ms. Parrott provided a brief overview of the different webinars that were available and shared information regarding the webinar, "Making Quasi-Judicial Decisions". She stated the webinar could be stopped at any point for discussions.

The webinar began at 6:15 p.m. It was stopped at several points during the presentation for lengthy discussions. The webinar will be continued at a future date.

7 OLD BUSINESS

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

9 ADJOURN

- a) Adjournment

With there being nothing further, the meeting was adjourned at 7:01 p.m.

Motion: Board Member Helmer

Second: Board Member House

Vote: Unanimous

Duly adopted this the 18th day of July 2018.

Matt Evans
Chairman

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

April 18, 2018
Minutes



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

CONDITIONAL USE APPLICATION

Pursuant to Article 7, Section 155.710 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Application Fee: \$400.00.

Advertisement Fee: \$100.00.

All fees are due when the application is submitted.

APPLICATION TYPE

☒ New Conditional Use Permit

☐ Major Modification to an approved CUP

Permit Modified: _____

SITE INFORMATION

Name of Project: Novo Nordisk DAPI-US Project Acreage of Property: _____

County Tag #: _____ NC PIN: _____

Address/Location: 3611 Powhatan Rd, Clayton, NC 27527

Existing Use: Industrial Proposed Use: Industrial

Is project within a Planned Development? ☐ No ☒ Yes

Planned Development District (if applicable): 2015-82-SP

Is project within an Overlay District?: ☒ No ☐ Yes

Overlay District (if applicable): _____

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

OFFICE USE ONLY

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

01/06/2016

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PROPERTY OWNER INFORMATION

Name: Novo Nordisk Pharmaceutical Industries, LP

Mailing Address: 3612 Powhatan Rd, Clayton, NC, 27527

Phone Number: 919-550-2200 X 2804

Fax:

Email Address: MWKN@novonordisk.com

APPLICANT INFORMATION

Applicant: Novo Nordisk DAPI-US Project

Mailing Address: 3612 Powhatan Rd, Clayton, NC, 27527

Phone Number: 919-437-9691

Fax:

Contact Person: Matthew Kuntz

Email Address: MWKN@novonordisk.com

REQUIRED INFORMATION (to be submitted with the application)

Please fill out the following checklist. The following items must accompany a Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐				
2. Review Fee (\$400) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form	☐	☒			
5. Adjacent property owners list	☒				
6. Wastewater allocation request OR verification of wastewater allocation	☐	☒			
7. Signed and sealed traffic impact analysis (2 copies) <i>Required for projects generating at least 100 vehicle trips at peak hour. See §155.708 of the UDC.</i>	☐	☒			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Set of stamped, addressed envelopes with no return address, using the adjacent property owners list (One set) <i>To be used for Town's public noticing of the Board of Adjustment hearing.</i>	☒				
10. Neighborhood meeting summary form (1 copy) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Board of Adjustment meeting.				

Note: More information may be requested by the Planning Department depending on the project

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EXPLANATION OF PROJECT

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

Novo Nordisk is requesting a height variance to install process equipment with ancillary piping,

support structure and/or equipment in excess of 90 feet but no higher than 130 feet.

The highest structure will be two overpressure discharge vents which will not exceed 130 ft.

These vents will be supported using structural steel required for two 95ft process distillation columns which have been approved as a part of previous equipment permits.

In addition, the site will have an exhaust system for our Fermentation process that will not exceed 120ft in elevation.

See attached site plan for location and details.

REQUIRED FINDINGS OF FACT

Section 155.710(G) of the Unified Land Development Code requires applications for a Conditional Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

The overpressure points have been modeled using EPA approved AirMod software. Results indicate no ground or fence level risk to the public. The ethanol distillation columns have no exhaust structures and pose no impact to public safety.

The fermentation exhaust point contains no potentially harmful substances.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The exhaust points are in alignment with approved use and comply with all codes and ordinances.

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The exhaust points are well within the property lines and in alignment with approved use and will not pose detrimental impact.

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

Proposed changes will not adversely affect the existing approved site master plan.

APPLICANT AFFIDAVIT

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

Matthew Kuntz

Print Name

Signature of Applicant

11 June 2018

Date

01/06/2016

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NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Board of Adjustment meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

Return the following items to the Planning Department at least ten calendar days prior to the Board of Adjustment hearing in electronic or hard copy format:

☐ Neighborhood Meeting Summary Form, signed

☐ Copy of the letter mailed

☐ Mailing list

☐ Meeting Attendance roster

☐ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.*

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 31 May 2018

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: **Matt Kuntz**

Signature:

Date of Meeting: 13 June 2018

Time of Meeting: 6:00 pm

Location of Meeting: Powhatan Center - 139 N. Tech Drive, Clayton, NC 27527

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

The intent of the meeting was to solicit input from adjacent property owners regarding the (3) proposed process exhaust points.

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

ADJACENT PROPERTY OWNERS LIST

Project Name: Novo Nordisk DAPI-US

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

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

PARCEL NUMBER	NAME	ADDRESS
05E99007S, 05E99007H	Gordon Estates, Inc.	PO Box 327 Clayton, NC 27528
05E99006M	James & Sandra Ellis	2007 Ridge Court, Clayton, NC 27520
05E99010G, 0510522A	Novo Nordisk PILP	3612 Powhatan Rd, Clayton, NC 27527
05105006K	Yazan Issa	23 Glen Laurel Rd, Clayton, NC 27527
05105006R	Warren & Sharon Smoot	3248 Powhatan Rd, Clayton, NC 27527
05105010	Powhatan Properties	305 Deerfield Drive, Clayton, NC 27527
05105004A	Larry & Linda Smith	3352 Powhatan Rd, Clayton, NC 27527
05105005	Roger & Ginger Hill	3276 Powhatan Rd, Clayton, NC 27527
05105023	Betty Mitchell	2367 Gordon Rd, Clayton, NC 27520
05105008K	Johnston County Industrial Dev Corp	PO Box 1179 Smithfield, NC 27577
05105006Q	Earl & Nancy Poole	3226 Powhatan Rd, Clayton, NC 27527
05105019O	Builders FirstSource Atlantic Group, LLC	5251DTC Parkway Ste 1045, Greenwood Village, CO 80111
05105004	David & Nicole Orringer	3508 Queen Ann Drive, Clayton, NC, 27527
05105012	Grifols Therapeutics, Inc	PO Box 110526 Durham, NC 27709
05105011D, 05105013	Powhatan Free Will Baptist Church	PO Box 1955 Clayton, NC 27527
05J06001B	Eugene & Betty Woodall	484 Packing Plant Road, Smithfield, NC 27577
05105004C	Teresa Scott	3366 Powhatan Rd, Clayton, NC 27527

SAMPLE NEIGHBORHOOD MEETING LETTER - PLACE ON AGENT OR OWNER LETTERHEAD

Date _____

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application filed with the Town of Clayton for a land use 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: _____

Location: _____

Time: _____

Type of Application: _____

General Description: *[Provide information about the project that could assist those reviewing this letter, such as a brief description, layout or map]*

If you have any questions prior to or after this meeting, you may contact us at **Insert phone number of applicant**

Sincerely,

Applicant

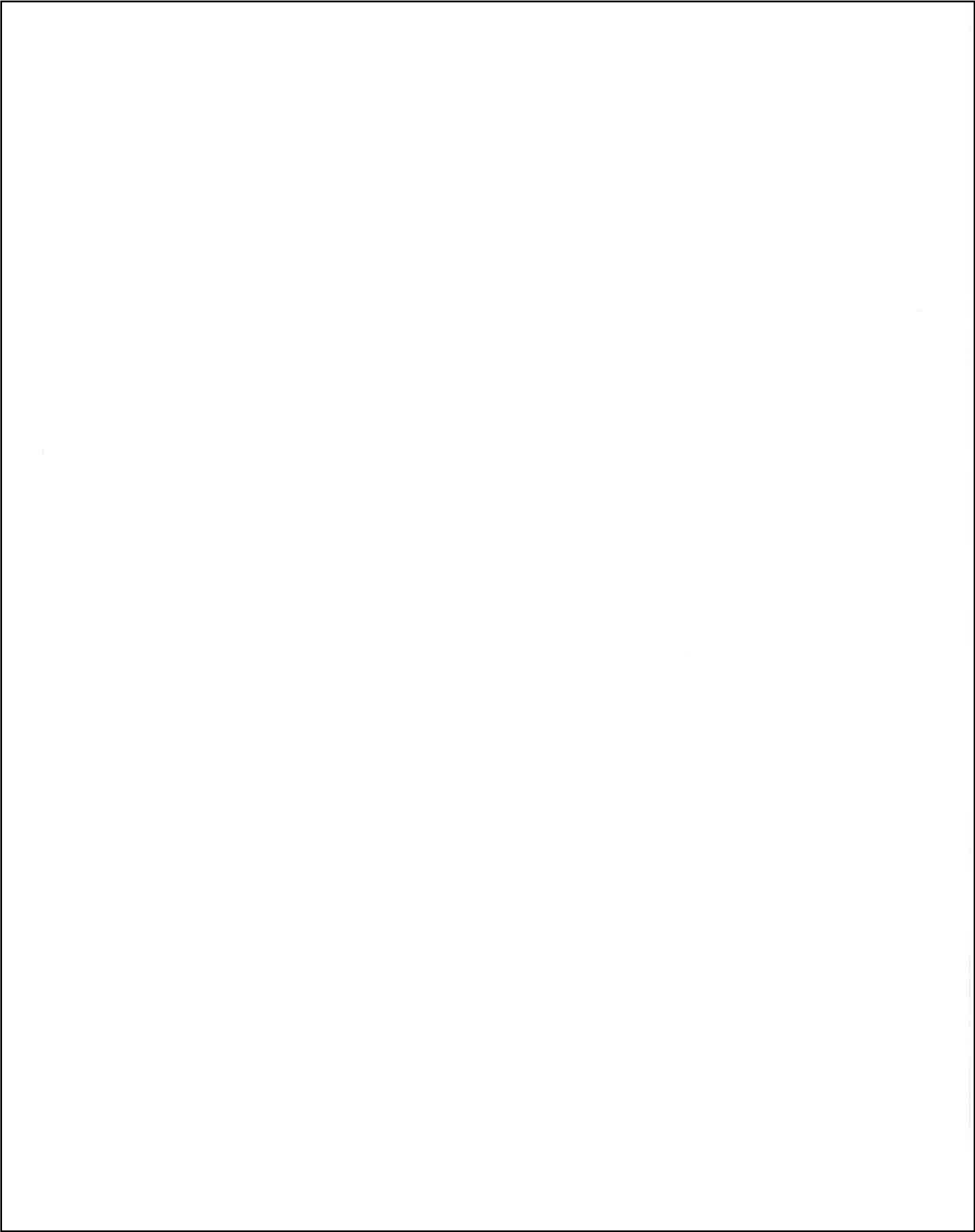
cc: Clayton Planning Dept.

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Adjacent Property Owners List- Continued

Parcel Number	Name	Address
05I05022C	New Bethel Church	1814 Gordon Road, Clayton NC 27520



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Novo Nordisk DAPI-US

Location/Date: Powhatan Center 139 N Tech Drive, Clayton, NC 27527 6:00PM

	NAME	ADDRESS
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**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

PROPERTY 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: _____ **Address or PIN #:** _____

AGENT/APPLICANT INFORMATION:

(Name - type, print clearly)

(Address)

(City, State, Zip)

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

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

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

OWNER AUTHORIZATION:

(Name - type, print clearly)

(Address)

(Owner's Signature)

(City, State, Zip)

STATE OF _____
COUNTY OF _____

Sworn and subscribed before me _____, a Notary Public for the above State and County, this the _____ day of _____, 20____.

SEAL

Notary Public
My Commission Expires: _____

01/06/2016

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Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

*Board of Adjustment
July 18, 2018*

STAFF REPORT

Application Number: 2018-104-CUP
Project Name: Novo Nordisk Equipment Height Conditional Use Permit
NC PIN/Tag: 167800-70-2011 / 05E99010N
Applicant: Novo Nordisk Pharmaceutical Industries, LP
Owner: Novo Nordisk DAPI-US Project
Location: 3612 Powhatan Road

Neighborhood Meeting:

Public Noticing: Property posted July 6, 2018
Letters mailed July 2, 2018
Newspaper Ad published July 6, 2018 and July 13, 2018

REQUEST: The applicant is requesting a Conditional Use Permit to install equipment with a maximum height of 130', which exceeds the typical height permitted in the zoning district (50 feet).

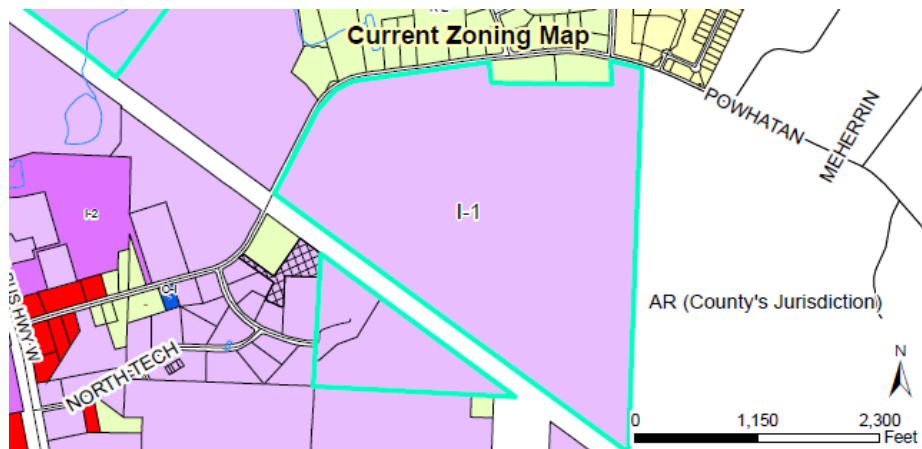


SITE DATA:

Acreage: 193.04 acres
Present Zoning: Industrial-Light (I-1)
Existing Use: Industrial

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Single-family residential
South	Residential-Estate (R-E), Agricultural and Residential (AR, County Zoning)	Single-family residential, agriculture
East	Agricultural-Residential (County Zoning)	Agriculture/Undeveloped
West	Industrial-Light (I-1), Highway Business (B-3), and Residential-Estate (R-E)	Industrial

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

The applicant is requesting a Conditional Use Permit to allow the installation of equipment that exceeds the typical height limitation for the I-1 zoning district (50 feet). The applicant is requesting the maximum height allowed to be 130 feet for the equipment outlined in this application and noted as follows:

1. Two over pressure discharge vents (120' tall)
2. Fermentation exhaust system (120' tall)

Per 155.201 of the Unified Development Code, the Board of Adjustment may grant a Conditional Use Permit for structures not intended for human occupancy, which, by design or function, must exceed established height limits of the district in which it is to be located. It is worth noting that while the maximum building height is limited to 50' in the I-1 zoning district, Novo Nordisk did obtain a Special Use Permit from Town Council in 2016 to allow a deviation from the maximum building height. The tallest building approved for the site was the fermentation building with a maximum height of 90 feet.

Associated Site Plan

The applicant has provided a site plan to show the location, height, and setbacks of the proposed equipment. The discharge vents will be located within the previously approved utility strip on-site, while the fermentation exhaust system will be located adjacent to the fermentation building. All equipment within this application is proposed to be setback 1,200 feet from Powhatan Road. The Fire Department and Inspections department have both reviewed this application and are comfortable with the proposed equipment height.

Findings of Fact

The applicant has adequately addressed the Findings of Fact, and these are found in their completed application.

CONSIDERATIONS:

- The Board of Adjustment approves Conditional Use Permits.
-

FINDINGS:

When considering a Conditional Use Permit application, The Board of Adjustment shall consider specific Findings of Fact. A Conditional Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.710 (G) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff recommends **approval with conditions** of the conditional use permit (2018-104-CUP).

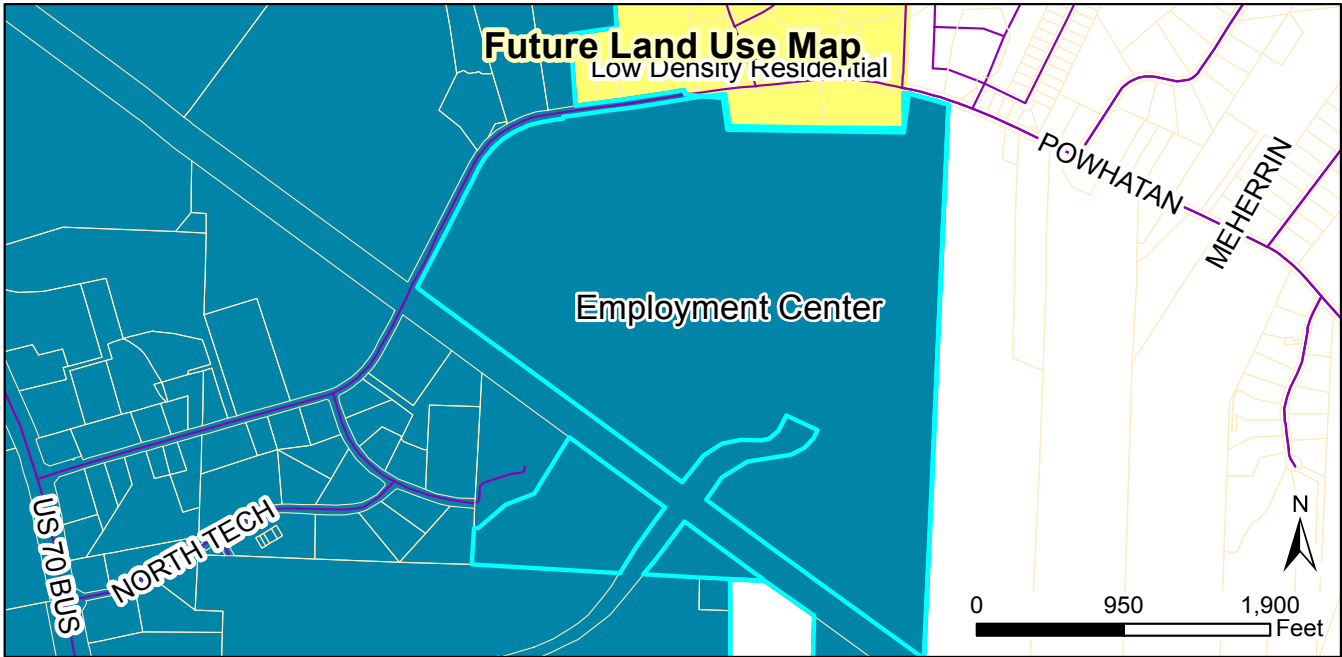
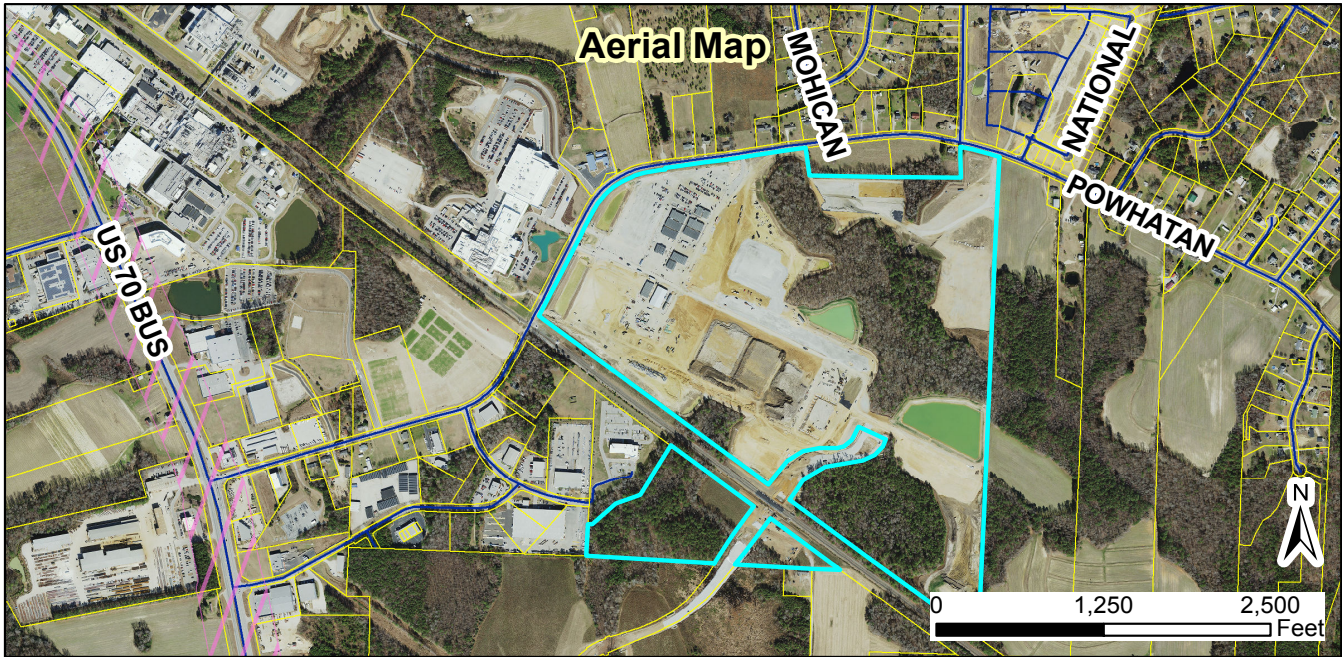
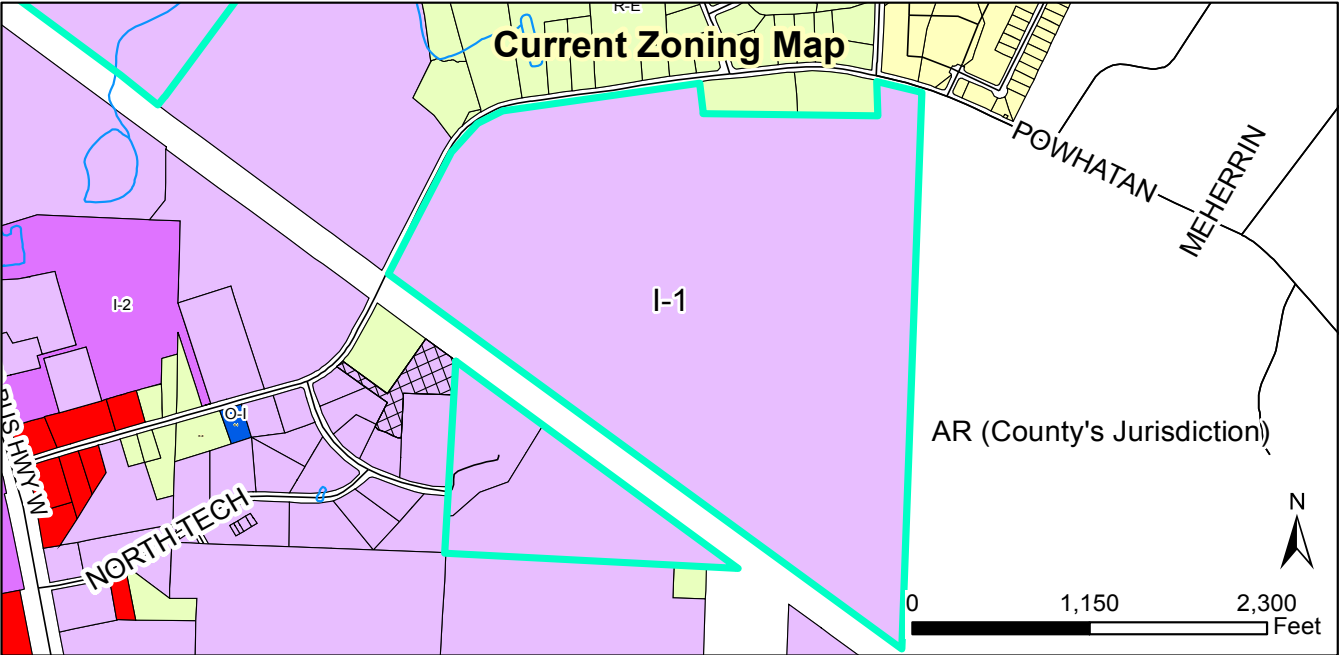
CONDITIONS:

Staff recommends that if the Board of Adjustment reaches positive conclusions on the required findings of fact, the approval of the petition be subject to the following conditions:

1. The maximum equipment height of 130 feet shall only be applicable to the equipment outlined within this application and associated site plan. Any additional equipment proposed to exceed the maximum height permitted in the I-1 zoning district (50 feet) shall be required to obtain a Conditional Use Permit.
-

ATTACHMENTS:

- 1) Application
- 2) Maps
- 3) Neighborhood Meeting Materials
- 4) Site Plan
- 5) Renderings/Sight Lines



2018-104-CUP Novo Nordisk Equipment Height Conditional Use Permit Report Map
Request: install equipment that exceeds the standard height permitted in the I-1 zoning district

Applicant: Novo Nordisk DAPI
Property Owners: Novo Nordisk DAPI
Parcel ID: 167800-70-2011
Tag #: 05E99010N



07/03/2018

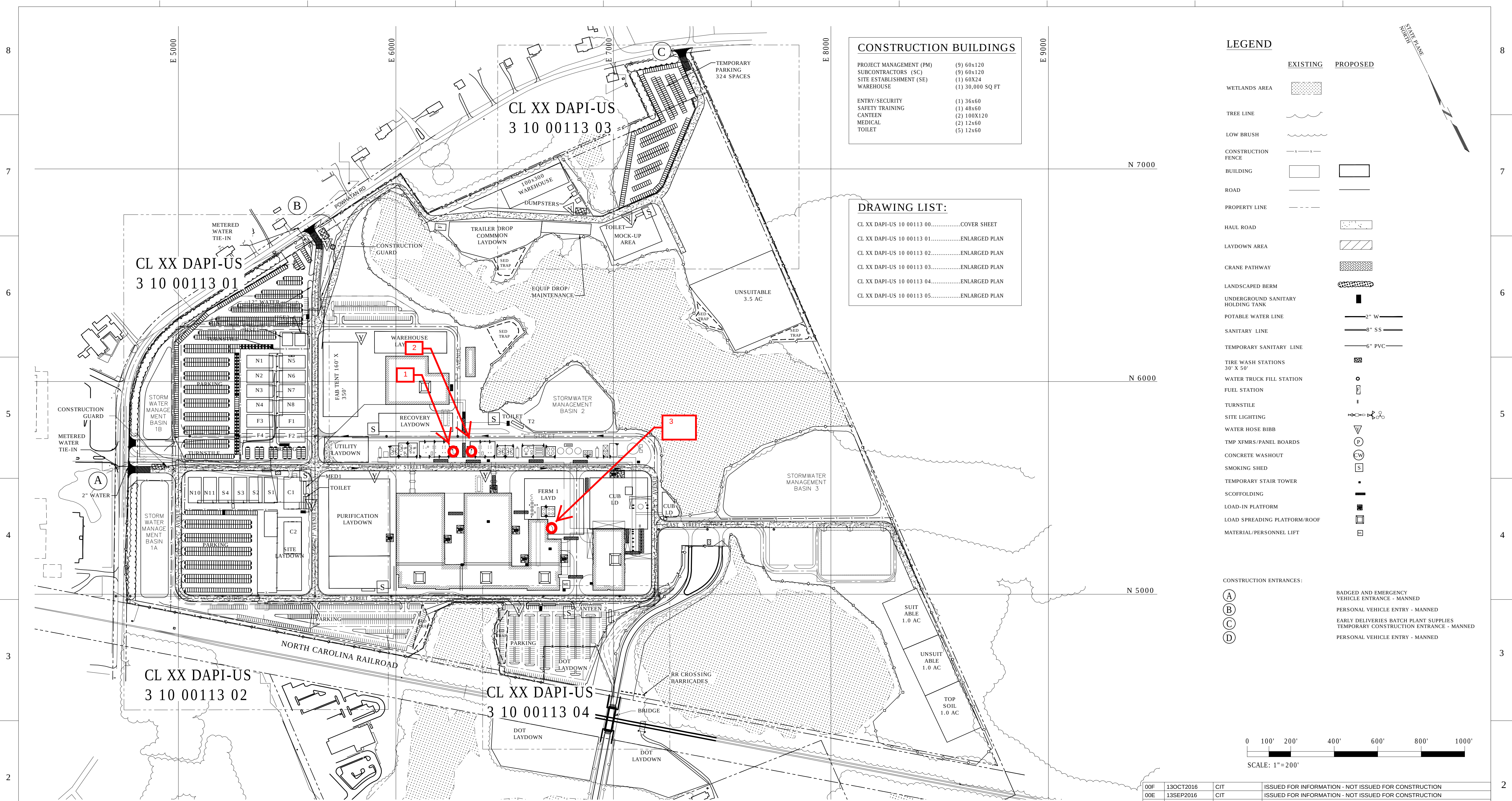
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Scenic Highway Overlay
- Site

Document Path: O:\PLANNING\CONDITIONAL USE\2018\2018-104-CUP Novo Nordisk DAPI-US Project Equipment Height\Maps\2018-104-CUP Map.mxd

DATE: P:\CAD\110\DWG\CL XX DAPI-US 3 10 00113 00.dwg 12-14-16 1:50 pm Printed By: hea21065



1. Over pressure discharge vent (120ft) supported by structural steel of process distillation column (95ft). Set back -- 1200' from GLP1Way (DOT). 1200' from Powhatan Rd
2. Over pressure discharge vent (120ft) supported by structural steel of process distillation column (95ft). Set back -- 1200' from GLP1Way (DOT). 1200' from Powhatan Rd
3. Exhaust system (120ft) for Fermentation process. Set back -- 600' from GLP1Way (DOT). 1200' from Powhatan Rd

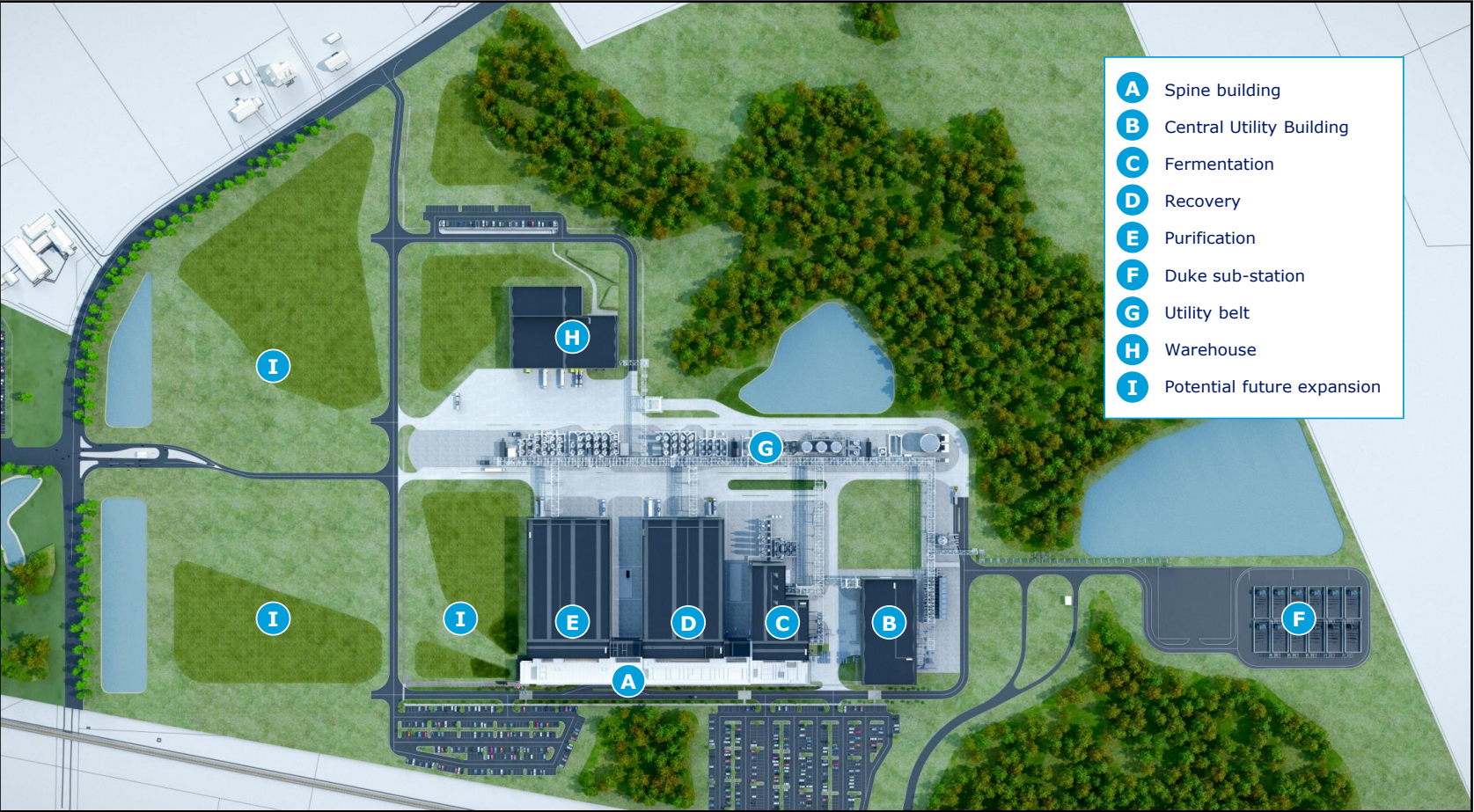
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00D	09AUG2016	CIT	ISSUED FOR PUMP & HAUL PERMIT - NOT ISSUED FOR CONSTRUCTION
00C	28JUN2016	CIT	ISSUED FOR INFORMATION
00H	14DEC2016	JWH	ISSUED FOR BD UPDATE
00G	02DEC2016	CIT	ISSUED FOR INFORMATION - NOT ISSUED FOR CONSTRUCTION
Rev.	Rev. date	Design init.	Revisions:

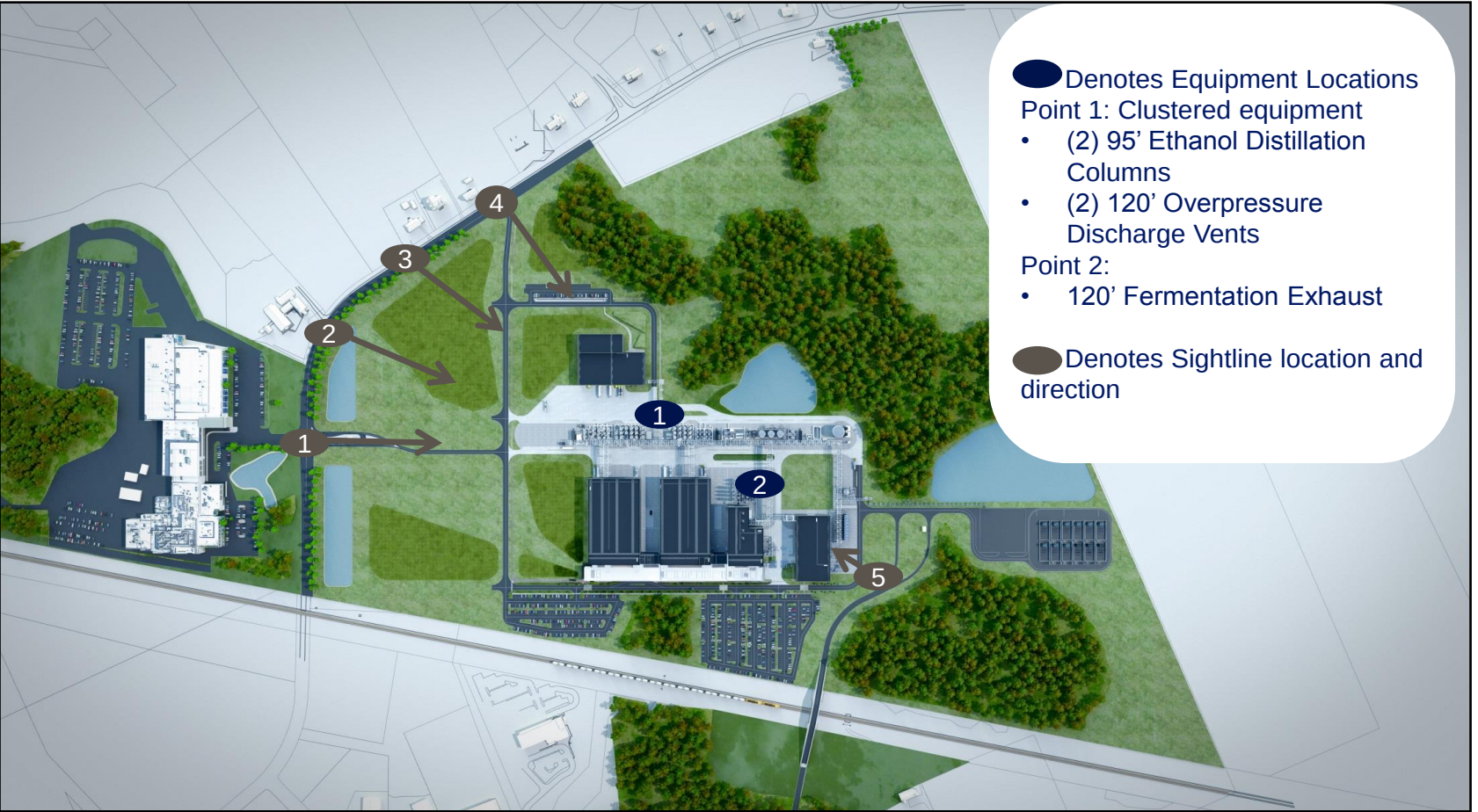
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Drawing checked:	Drawing approved:	Document classification
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novo nordisk Novo Nordisk A/S Powhatan Road Clayton, North Carolina USA	Novo Nordisk Diabetes API-US Creation date: 03NOV2015 Revision date: Drawn By: C. TAYLOR Design By: A.ZUENDT Scale: 1"=300' Page no.:	CIVIL TEMPORARY CONSTRUCTION FACILITIES COVER SHEET
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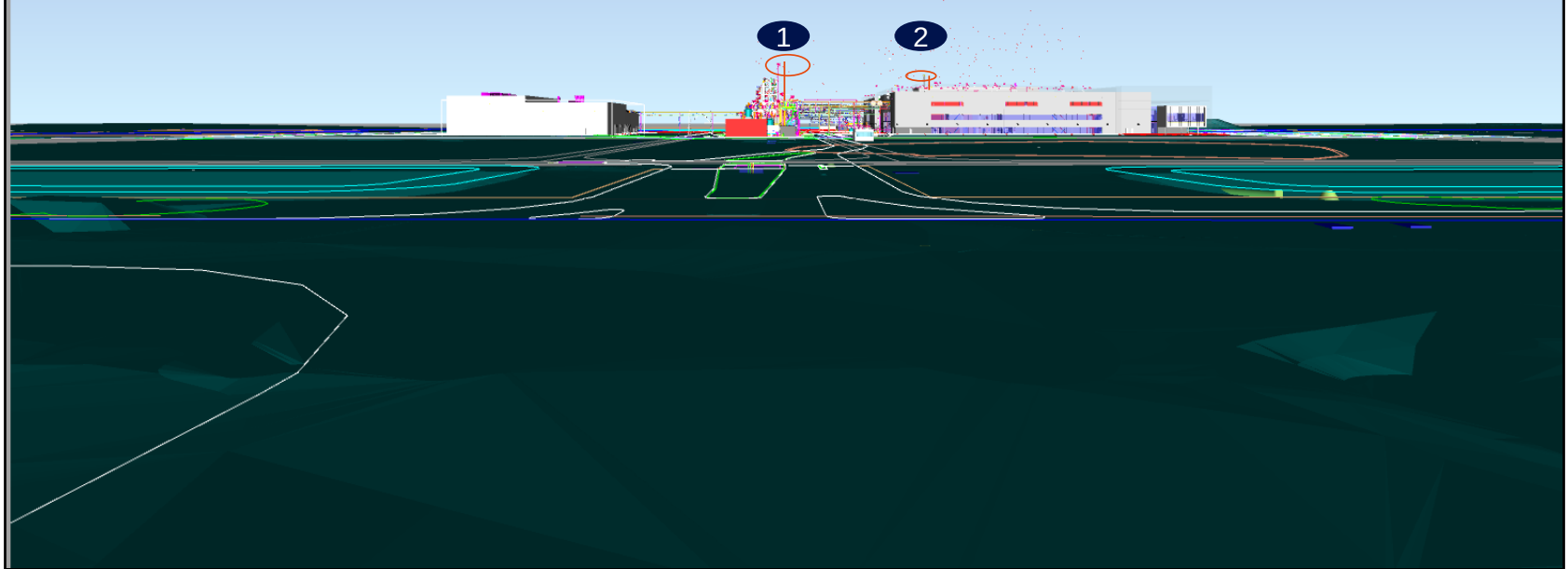
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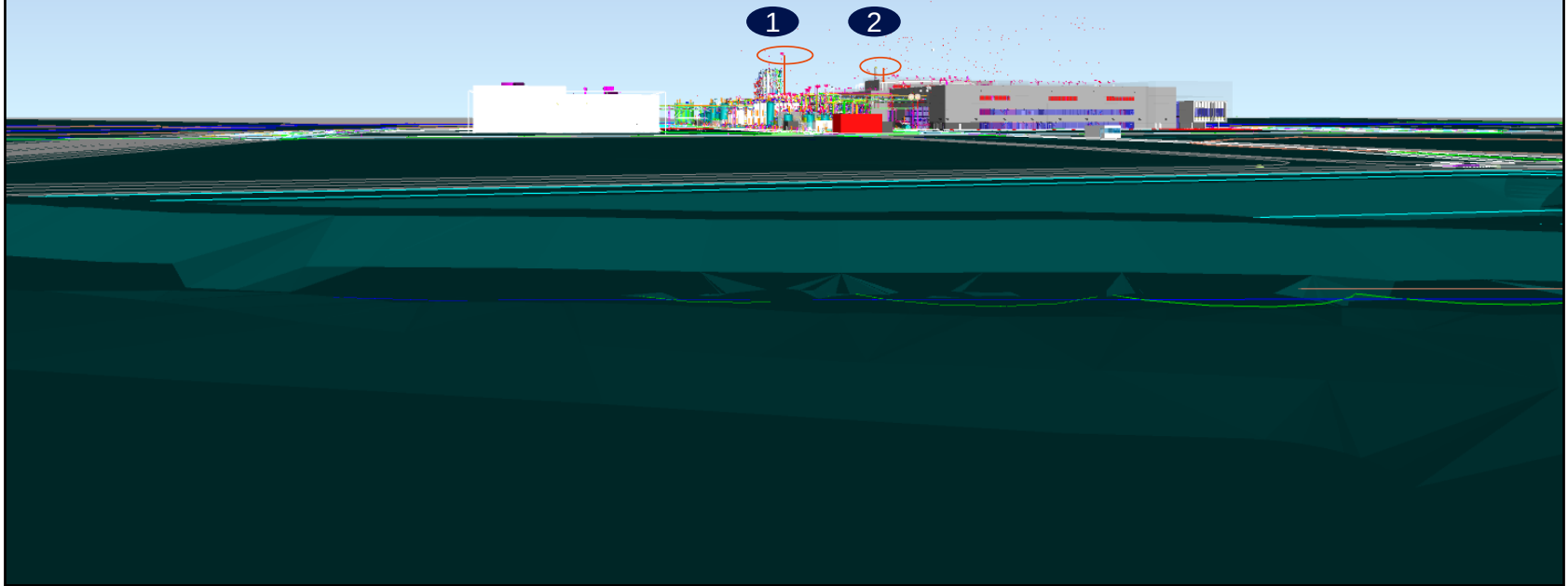
Sightline 1 – Existing Novo Nordisk Property Entrance

1. (2) 95' Ethanol Columns and (2) 120' Overpressure Discharge Vents (located on same equipment stack)
 2. 120' Fermentation Exhaust
- Red Lines highlight equipment location.



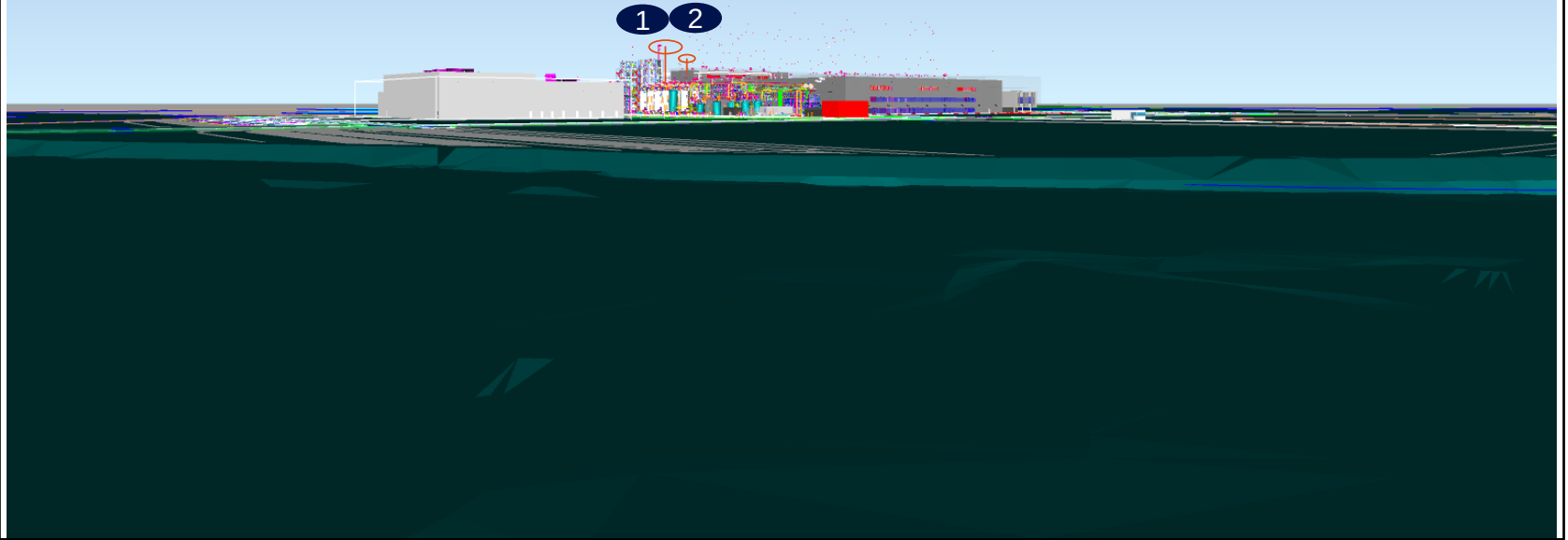
Sightline 2 – Freewill Baptist Church

1. (2) 95' Ethanol Columns and (2) 120' Overpressure Discharge Vents (located on same equipment stack)
 2. 120' Fermentation Exhaust
- Red Lines highlight equipment location.
Red Lines highlight equipment location.



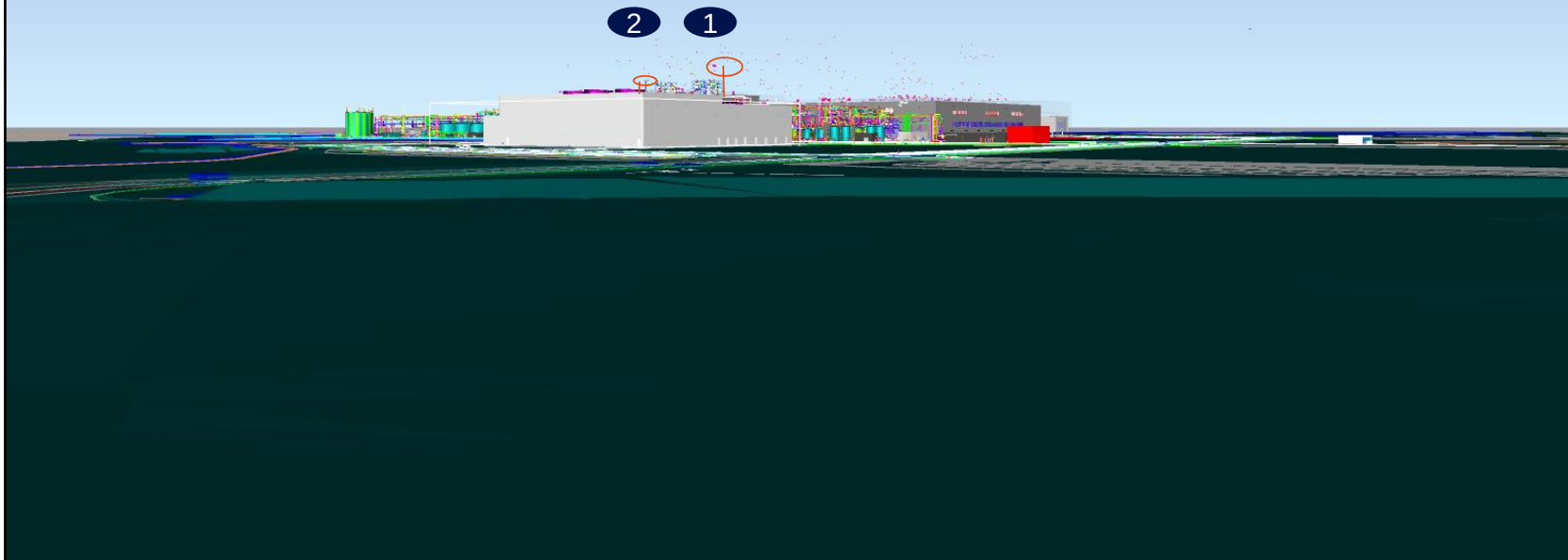
Sightline 3 – 3352 Powhatan Road

1. (2) 95' Ethanol Columns and (2) 120' Overpressure Discharge Vents (located on same equipment stack)
 2. 120' Fermentation Exhaust
- Red Lines highlight equipment location.

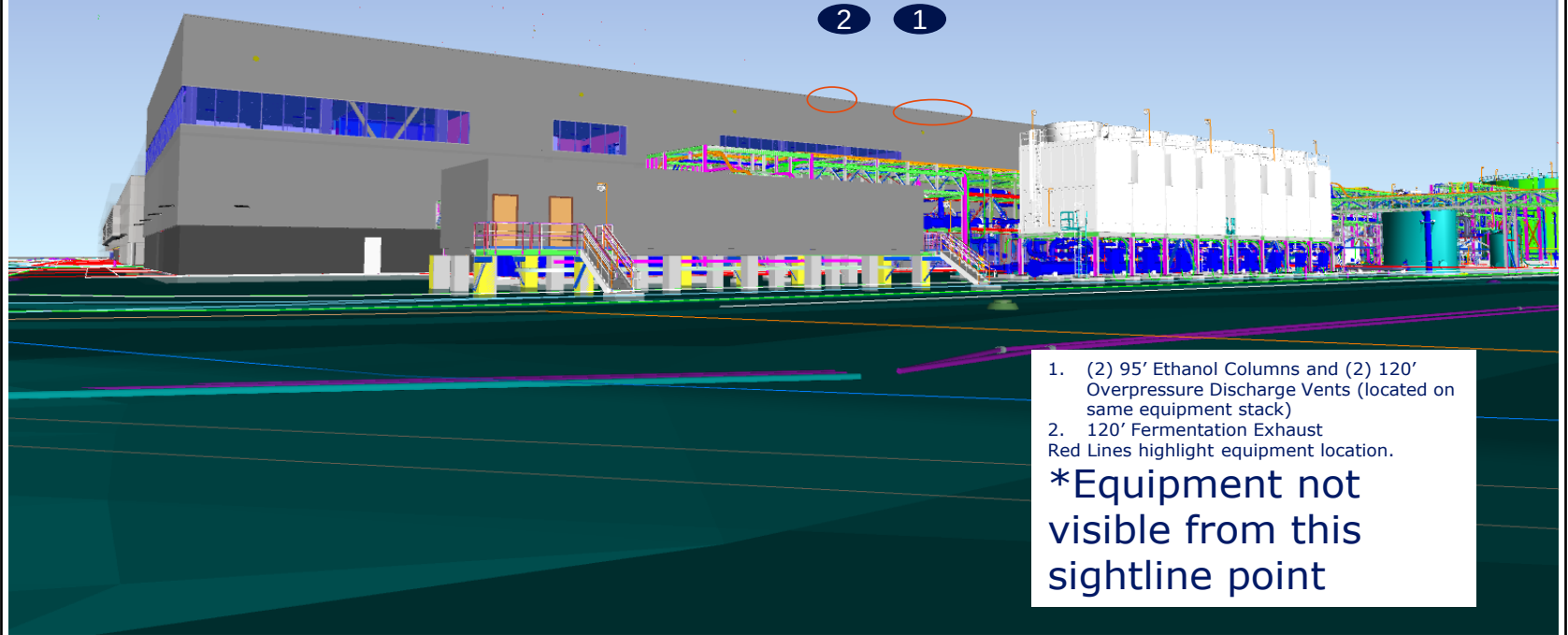


Sightline 4 – 3276 Powhatan Road

1. (2) 95' Ethanol Columns and (2) 120' Overpressure Discharge Vents (located on same equipment stack)
 2. 120' Fermentation Exhaust
- Red Lines highlight equipment location.



Sightline 5 – Base of DOT Gradient, GLP-1 Way



1. (2) 95' Ethanol Columns and (2) 120' Overpressure Discharge Vents (located on same equipment stack)
 2. 120' Fermentation Exhaust
- Red Lines highlight equipment location.

***Equipment not visible from this sightline point**



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC
P.O. Box 879, Clayton, NC
Phone: 919-555-1111
Fax: 919-555-1112

July 2, 2018

NOTICE

SUBJECT: Project #: 2018-104-CUP Novo Nordisk DAPI Equipment Height Conditional Use Permit
Location: 3611 Powhatan Road
PIN #/TAG ID: 167800-70-2011 / 05E99010N
Applicant: Novo Nordisk DAPI-US Project

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Board of Adjustment will hold an evidentiary hearing on **Wednesday, July 18, 2018 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above-referenced Conditional Use Application. The applicant is requesting a Conditional Use Permit to install equipment with a maximum height that exceeds the typical height permitted within the property's zoning district (I-1). Per Section 155.201 of the Unified Development Code, a Conditional Use Permit is required for this type of equipment to exceed the height limits of the district in which it is located. The property is located off Powhatan Road. 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 request. You are invited to attend this meeting and express your opinions on this request. During an evidentiary hearing, the Board of Adjustment must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and all interested persons are invited to attend.

For more information, please contact me by phone (919) 359-2102 or email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO
Town Planner



Subject Property

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Board of Adjustment meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

Return the following items to the Planning Department at least ten calendar days prior to the Board of Adjustment hearing in electronic or hard copy format:

- ☐ Neighborhood Meeting Summary Form, signed
- ☐ Copy of the letter mailed
- ☐ Mailing list
- ☐ Meeting Attendance roster

- ☐ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.*

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 31 May 2018

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Matt Kuntz

Signature: 

Date of Meeting: 13 June 2018

Time of Meeting: 6:00 pm

Location of Meeting: Powhatan Center - 139 N. Tech Drive, Clayton, NC 27527

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

The intent of the meeting was to solicit input from adjacent property owners regarding the proposed over height structures.

The meeting began with a brief introduction period and agenda overview by Novo Nordisk employees. Property owners in attendance were then presented with an overview of Novo Nordisk's history, objectives and role in combating diabetes. Information and statistics on diabetes followed along with a presentation on Novo Nordisk site Clayton. Details of the proposed Conditional Use adjustment were then presented for local property owners. This included a reminder of the current structural height approval of 90ft and the request of structural height approval up to 130ft. Process exhaust points needing additional height approval include a 120ft fermentation exhaust system, two ethanol distillation columns at 95ft high and two overpressure relief vents at 120ft high. Drone views from the proposed height adjustment have been presented.

The remainder, and majority, of the meeting consisted of a question and answer period between property owners and Novo Nordisk employees. Please see attached for the question and answer discussion.

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

Conditional Use Application Questions from Neighborhood Meeting 13 June 2018:

Q: Where is Powhatan on the model? Locate Glen Laurel?

A: NN rep showed them.

Q: Will the parking facing Powhatan Road stay or go away?

A: Yes, it will go away.

Q: What are the future plans of the Gate C property?

A: The gate will be locked, some soil will be removed for final grading.

Q: Would the road from the temporary warehouse be through Gate C?

A: No, we would come through the site and maintain an interior road; all truck traffic will come through Gordon Road.

Q: Will that site interior road continue to be used once you are in production?

A: Yes

Q: Are the structures going up for the conditional use permit mostly pipe?

A: They are structures and stainless steel.

Q: Will you see smoke or plumes?

A: You should not see anything.

Q: Is this a change from the original design? In the original design did you not realize you would need them?

A: Yes, it is. We did not realize we would need the height exhausting out of the building.

Q: Is there no odor coming out of the exhaust? Is everything filtered?

A: There is no odor. Everything is filtered.

Q: Is the temporary warehouse temporary or staying?

A: We are looking at options to keep it.

Q: Is the green area wetlands? Can you not go through that?

A: Yes, our permits do not allow us to go through wetlands.

Q: Is Grifols property across the street due to wetland restoration?

A: No, restoring wetland creates more wetland.

Q: When is this supposed to complete?

A: Our goal for completion is the end of next year. We will go through 2.5 year qualification process and the FDA inspection.

Q: Will Powhatan Road change or widen?

A: Turn lanes will go in.

Q: Is the lighting in the current parking lots staying?

A: No, that is just during construction. Our goal is to keep permanent lighting within the boundary of our campus.

Q: If the temporary warehouse stays, will it be a busy building?

A: No, it is not a production area.

Q: Is the [chain link] fence that is up now going to stay?

A: Yes, that area is the permanent fence for the Gate C area. Along Powhatan we will use the same decorative fencing that Novo Nordisk DFP uses along the road. We will also have vegetation along the road for visual effects. A guard house will be located at the Powhatan entrance.

Q: Is the guard house a pedestrian entrance only, or for automobile?

A: The entrance will be for automobiles only, not for pedestrians.

Q: Is the Powhatan entrance going to be the main employee entrance?

A: Yes, it will be the main employee entrance.

Q: Is the Gordon Road entrance the main employee entrance?

A: No, it is the truck entrance. Powhatan is the main employee entrance.

Q: Is the next step approval from the town?

A: Yes, the board of adjustment meeting will be the next step on July 18.



Attn.: Clayton Area Property Owner

30 May 2018

Neighborhood Meeting Letter

Dear Clayton Area Property Owner,

The purpose of this letter is to notify you that Novo Nordisk has filed an application with the Town of Clayton for a land use proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. As such, you are invited to a neighborhood meeting to provide information to area residents about the nature of the proposal. A representative of Novo Nordisk will be present to explain the application, answer questions, and solicit comments.

Meeting Date: 13 June 2018

Location: Powhatan Center - 139 N Tech Drive, Clayton, NC 27527

Time: 6:00pm

Type of Application: Conditional Use Permit

General Description: Novo Nordisk is applying for a Conditional Use Permit for equipment/structures on site that will exceed 90 feet limit per the Special Use Permit building height variance.

If you have any questions prior to or after this meeting, you may contact us at 919-437-9691.

Matthew Kuntz
EHS Manager

**Novo Nordisk Pharmaceutical
Industries, LP**
Site Services

3612 Powhatan Road
Clayton, NC 27527-9217
USA

Telephone:
+1 919-550-2200

E-mail:
MWKN@novonordisk.com
Internet:
www.novonordisk-clayton.com

ADJACENT PROPERTY OWNERS LIST

Project Name: Novo Nordisk DAPI-US

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

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

PARCEL NUMBER	NAME	ADDRESS
05E99007S, 05E99007H	Gordon Estates, Inc.	PO Box 327 Clayton, NC 27528
05E99006M	James & Sandra Ellis	2007 Ridge Court, Clayton, NC 27520
05E99010G, 0510522A	Novo Nordisk PILP	3612 Powhatan Rd, Clayton, NC 27527
05105006K	Yazan Issa	23 Glen Laurel Rd, Clayton, NC 27527
05105006R	Warren & Sharon Smoot	3248 Powhatan Rd, Clayton, NC 27527
05105010	Powhatan Properties	305 Deerfield Drive, Clayton, NC 27527
05105004A	Larry & Linda Smith	3352 Powhatan Rd, Clayton, NC 27527
05105005	Roger & Ginger Hill	3276 Powhatan Rd, Clayton, NC 27527
05105023	Betty Mitchell	2367 Gordon Rd, Clayton, NC 27520
05105008K	Johnston County Industrial Dev Corp	PO Box 1179 Smithfield, NC 27577
05105006Q	Earl & Nancy Poole	3226 Powhatan Rd, Clayton, NC 27527
05105019O	Builders FirstSource Atlantic Group, LLC	5251DTC Parkway Ste 1045, Greenwood Village, CO 80111
05105004	David & Nicole Orringer	3508 Queen Ann Drive, Clayton, NC, 27527
05105012	Grifols Therapeutics, Inc	PO Box 110526 Durham, NC 27709
05105011D, 05105013	Powhatan Free Will Baptist Church	PO Box 1955 Clayton, NC 27527
05J06001B	Eugene & Betty Woodall	484 Packing Plant Road, Smithfield, NC 27577
05105004C	Teresa Scott	3366 Powhatan Rd, Clayton, NC 27527

Adjacent Property Owners List- Continued

Parcel Number	Name	Address
05105022C	New Bethel Church	1814 Gordon Road, Clayton NC 27520

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Novo Nordisk DAPI-US

Location/Date: Powhatan Center 139 N Tech Drive, Clayton, NC 27527 6:00PM

	NAME	ADDRESS
1	Jackie Bunn	305 Deerfield Dr.
2	Roy & Helen	3296 Powhatan Rd.
3	Craig Morgan	Grifols
4	Terry Ellis	2007 Ridge Ct. Clayton NC 27520
5	DAVID ORRINGER	3508 QUEEN AVE 27527
6		
7		
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Public Notice

In accordance with NC GS 160A-364, the Clayton Board of Adjustment will conduct the following evidentiary hearings on Wednesday, July 18, 2018, at 6:00 PM in the Town Council Chambers in Town Hall located at 111 East Second Street:

- 2018-104-CUP Novo Nordisk DAPI Equipment Height Conditional Use Permit. Request for a Conditional Use Permit to install equipment with a maximum height that exceeds the typical height permitted within the property's zoning district (I-1). Per Section 155.201 of the Unified Development Code, a Conditional Use Permit is required for this type of equipment to exceed the height limits of the district in which it is to be located. The property is located off Powhatan Road. Parcel Number 167800-70-2011.
- 2018-118-CUP Just Like Home Daycare Conditional Use Permit. Request for a Conditional Use Permit to operate an in-home daycare as a Class B Home Occupation. Per 155.308 of the Unified Development Code, Class "B" Home Occupations require a Conditional Use Permit to be permitted. The property is located at 46 Brandywine Way; parcel number 168800-05-6543.

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

Haley Hogg, Planner
919-553-5002

Clayton News- Star

Please advertise on the following dates:

July 6, 2018

July 13, 2018

Affidavit of publication required.

**Town of Clayton
Board of Adjustment
CUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

☐

Approve

☐

Deny

☐

Approve with Conditions

CUP Application **2018-104-CUP**.

This motion is based on the following findings:

1. The application **WILL NOT** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

OR

The application **WILL** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. The application **MEETS** all required specifications and **CONFORMS** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

3. The application **WILL NOT** substantially injure the value of adjoining or abutting property, and **WILL NOT** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

The application **WILL** substantially injure the value of adjoining or abutting property, and **WILL** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding.)

4. The application **WILL NOT** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

OR

The application **WILL** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

**Town of Clayton
Board of Adjustment
Conditional Use Permit
#2018-104-CUP
GRANTED**

On the date listed below, the Board of Adjustment for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Novo Nordisk Pharmaceutical Industries, LP

Property Owner: Novo Nordisk DAPI – US Project

Property Location: 3612 Powhatan Road

Brief Property Description: 193.04 acres

Tax Parcel Number: 167800-70-2011 / 05E990101N

Proposed Use of Property: Install Equipment that Exceeds Typical Height Permitted

Hearing Date: July 18, 2018

Having heard all the evidence and argument presented at the hearing, the Board of Adjustment makes the following findings:

- (1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.
- (2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.
- (3) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- (4) That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The Board of Adjustment also finds the Conditional Use Permit is subject to the following conditions:

- (1) The maximum equipment height of 130 feet shall only be applicable to the equipment outlined with the application and associated site plan. Any additional equipment proposed to exceed the maximum height permitted in the I-1 zoning district (50 feet) shall be required to obtain a Conditional Use Permit.

TOWN OF CLAYTON

BY: _____
Chair of Board of Adjustment

DATE: _____
[Note: within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)
Board Clerk



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

CONDITIONAL USE APPLICATION

Pursuant to Article 7, Section 155.710 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Board of Adjustment to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Application Fee: \$400.00.

Advertisement Fee: \$100.00.

All fees are due when the application is submitted.

APPLICATION TYPE

☒ New Conditional Use Permit

☐ Major Modification to an approved CUP

Permit Modified: _____

SITE INFORMATION

Name of Project: Just Like Home Daycare Acreage of Property: 0.23

County Tag #: _____ NC PIN: _____

Address/Location: 46 Brandywine Way Clayton, NC 27527

Existing Use: Residence Proposed Use: Home Daycare

Is project within a Planned Development? ☒ No ☐ Yes

Planned Development District (if applicable): _____

Is project within an Overlay District?: ☒ No ☐ Yes

Overlay District (if applicable): _____

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

OFFICE USE ONLY		
Date Received: <u>01/02/2018</u>	Amount Paid: <u>\$600 -</u>	File Number: <u>2018-118-CUP</u>

01/06/2016

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Melanie Davis
 Mailing Address: 46 Brandywine Way Clayton NC 27527
 Phone Number: 919 270 5737 Fax: _____
 Email Address: melandavis524@gmail.com

APPLICANT INFORMATION

Applicant: Melanie J Davis
 Mailing Address: 46 Brandywine Way Clayton, NC 27527
 Phone Number: 919-270-5737 Fax: _____
 Contact Person: Melanie J Davis
 Email Address: melandavis524@gmail.com

REQUIRED INFORMATION (to be submitted with the application)

Please fill out the following checklist. The following items must accompany a Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>6/20/18</u>	☒				
2. Review Fee (\$400) and Advertisement Fee (\$100)	☒				
3. Completed application	☒				
4. Owner's Consent Form	☐	☒			
5. Adjacent property owners list	☒				
6. Wastewater allocation request OR verification of wastewater allocation	☐	☒			
7. Signed and sealed traffic impact analysis (2 copies) <i>Required for projects generating at least 100 vehicle trips at peak hour. See §155.708 of the UDC.</i>	☐	☒			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Set of stamped, addressed envelopes with no return address, using the adjacent property owners list (One set) <i>To be used for Town's public noticing of the Board of Adjustment hearing.</i>	☒				
10. Neighborhood meeting summary form (1 copy) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Board of Adjustment meeting.				

Note: More information may be requested by the Planning Department depending on the project

01/06/2016

Page 2 of 10

EXPLANATION OF PROJECT

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

I would like the opportunity to provide quality childcare for four non-related children within the community. My home daycare would meet all North Carolina home daycare license requirements and regulations.

Currently I do not need to advertise because I already have interested applicants who live within the Stone Ridge development. Drop off and pick up for children will not cause traffic congestion or inconvenience. Since all interested applicants live within walking distance of the premise, I have dedicated the master suite of my home for the daycare. This space provides the required square feet to meet regulations as well as a bathroom that will be used for the daycare operation. All the children will remain on the first floor per NC license regulations. Thank you for the consideration of my proposal.

REQUIRED FINDINGS OF FACT

Section 155.710(G) of the Unified Land Development Code requires applications for a Conditional Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the application will not materially endanger the public health or safety if located where proposed and ultimately developed according to the plans as submitted.

The application will not materially endanger the public health or safety if located where proposed and ultimately developed because it would be a small licensed home daycare providing childcare for children.

2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses because I do not need to advertise and will keep my property clutter free of any appearance of a home daycare on the exterior.

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties because no exterior of my home will be changed to ~~accommodate~~ ^{etc} in a negative way to accommodate my small home daycare. We will follow all town policies and NC daycare licensed regulations and requirements.

APPLICANT AFFIDAVIT

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

Melanie Davis
Print Name

Melanie Davis
Signature of Applicant

7/2/18
Date

Kohn-Ell

Association Management Services, LLC
Residential and Commercial
Community Association Management

www.KohnEll.com

Offices in Wake and Johnston Counties

June 19, 2018

Brendon & Melanie Davis
46 Brandywine Way
Clayton, NC 27527

Re: Stone Ridge Homeowners Association, Inc.
Daycare Request

Dear Brendon & Melanie,

This letter is for your records and to confirm that your request for NC State licensed small home daycare has been approved as submitted. Per the developer he has approved the business as long as the people coming to home/community follow the rules of the HOA and you are responsible for the people coming to the home for the daycare.

Feel free to begin your project. Please contact us if there are any alterations to the plans you submitted. Thank you for your cooperation in this process. Please do not hesitate to contact our office if we can be of further assistance.

This decision represents only Homeowners Association approval based on HOA Covenants and By-Law guidelines and does not grant approval for any city/state/federal guidelines. It is always the homeowner's sole responsibility to get all permits and follow all guidelines as may be set by other governing entities.

Sincerely,

Stone Ridge Board of Directors
Kohn-Ell Association Management Services, LLC
Zach Tyndall- Association Manager
Zach@kohnell.com

205 West Millbrook Road, Suite 210, Raleigh, NC 27609
Office: 919-856-1844

Fax: 919-571-8290



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545
Fax: 919-553-1720

*Board of Adjustment
July 18, 2018*

STAFF REPORT

Application: 2018-118-CUP
Project Name: Just Like Home Daycare Conditional Use Permit

NC PIN/Tag: 168800-05-6543 / 05J05009S
Town Limits/ETJ: Town Limits
Applicant: Melanie Davis
Owners: Melanie Davis
Project Location: 46 Brandywine Way (Stone Ridge Subdivision)

Neighborhood Meeting: July 9, 2018
Public Noticing: Property posted prior to July 6, 2018
Letters mailed July 3, 2018
Newspaper Ad published July 6, 2018 and July 13, 2018

REQUEST: The applicant is requesting a Conditional Use Permit to operate an in-home daycare, as a Class "B" home occupation, within an existing single-family residence.



SITE DATA:

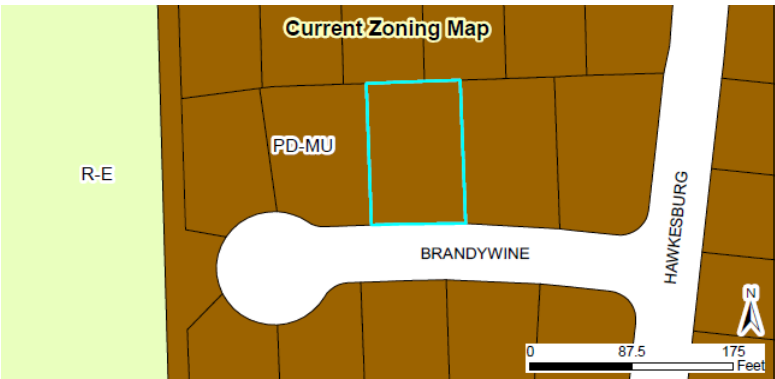
Acreage: .23 acres
Present Zoning: Planned Development-Mixed Use (PD-MU)
Existing Use: Single-family residence

DEVELOPMENT DATA:

Proposed Uses: Class “B” Home Occupation (In-home daycare)
Square footage: 2,700 square feet (504 square feet proposed to be utilized for home occupation)
Proposed Parking: The applicant is not proposing any employees as a part of this home occupation. The driveway will be utilized for drop-off.
Access/Streets: The site is accessed via an existing driveway located off Brandywine Way.

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Planned Development-Mixed Use (PD-MU)	Vacant
South	Planned Development-Mixed Use (PD-MU)	Single-Family Residence
East	Planned Development-Mixed Use (PD-MU)	Single-Family Residence
West	Planned Development-Mixed Use (PD-MU)	Single-Family Residence



STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval of a Conditional Use Permit to operate an in-home daycare as a Class “B” Home Occupation within an existing single-family residence. Per section 155.302(E)(3) of the Unified Development Code, in-home daycare facilities shall be subject to the requirements of a Class “B” Home Occupation. Per 155.308(C)(b) of the Unified Development Code, any business, occupation, or trade conducted within a residential

dwelling that requires employees or customers to visit the home is considered to be a Class “B” Home Occupation and must obtain a Conditional Use Permit in order to be permitted. The applicant has received approval from the Stone Ridge HOA to operate an in-home daycare on the property. The daycare will also be required to meet all NC license requirements and regulations for an in-home daycare (see recommended condition #5).

The applicant is proposing to operate the in-home daycare Monday through Friday from 7:00 am until 6:00 pm. The daycare will not have any employees and the applicant is requesting to supervise up to four unrelated children on-site during business hours. Per UDC requirements, up to six unrelated children are permitted within an in-home daycare. A total of 504 square feet of the overall 2,700 square foot home is proposed to be utilized for the daycare operations (see attached floor plan). An existing driveway located off Brandywine Way will be utilized as a drop-off and pick-up area. Due to the limited size of the existing driveway, staff recommends a condition of approval be placed upon the application requiring the applicant to obtain a new Conditional Use Permit prior to the addition of children or employees (see recommended conditions #3 and #4).

Access

The applicant is proposing to utilize the home’s driveway, located off Brandywine Way, to provide parents space to drop-off/pick-up their children in the mornings and evenings. Staff is comfortable with this location due to the number of children being supervised. The area to be utilized for drop-off/pick-up is noted on the attached site plan.

Findings of Fact

The applicant has adequately addressed the Findings of Fact, and were accepted as part of their completed application.

Consistency with the Unified Development Code

The proposed use is consistent with and meets the applicable requirements of the Unified Development Code (UDC).

Compatibility with Surrounding Land Uses

The use is compatible with the surrounding uses since the primary use of the subject property will remain single-family residential.

Signs

No signage is proposed at this time. Signage for Class “B” Home Occupations are limited to one unlighted wall sign no larger than three square feet in area, attached to the structure housing the home occupation, or one yard sign of the same size not to exceed three feet in height. Any proposed signage shall be required to obtain a sign permit from the Town of Clayton.

CONSIDERATIONS:

- The Board of Adjustment approves Conditional Use Permits.
-

FINDINGS:

When considering a Conditional Use Permit application, The Board of Adjustment shall consider specific Findings of Fact. A Conditional Use failing to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.710 (G) of the UDC. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff recommends approval with conditions of 2018-118-CUP.

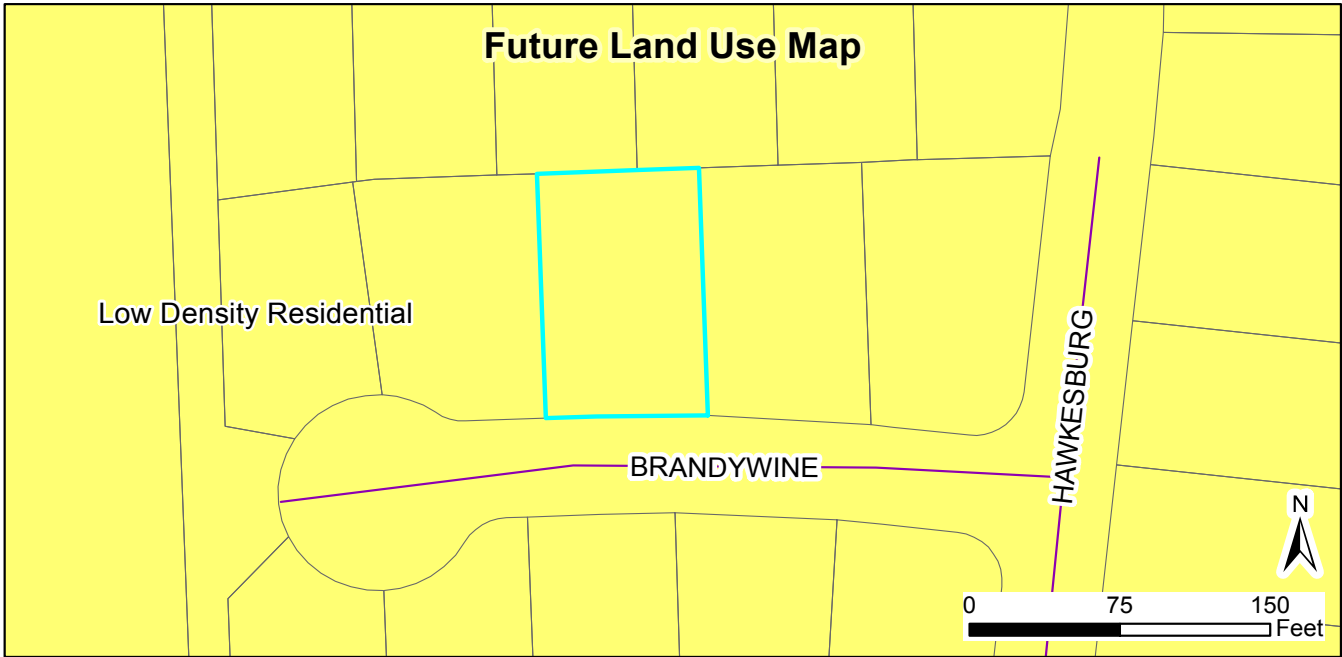
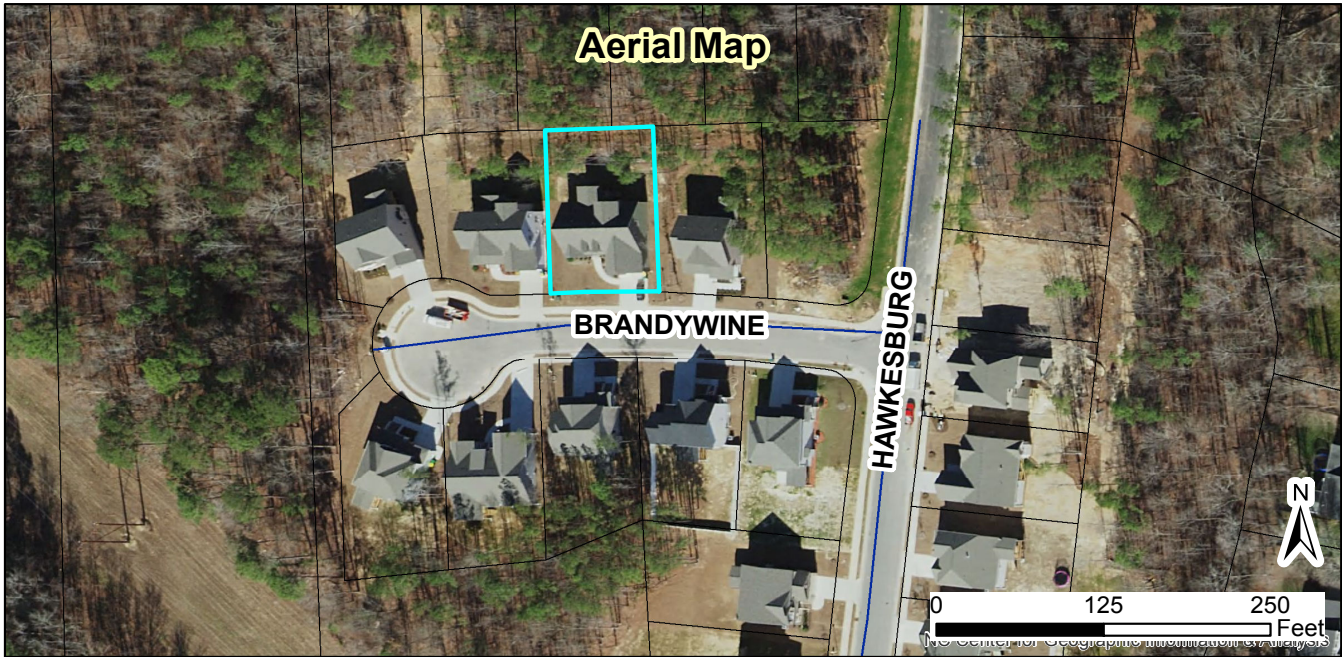
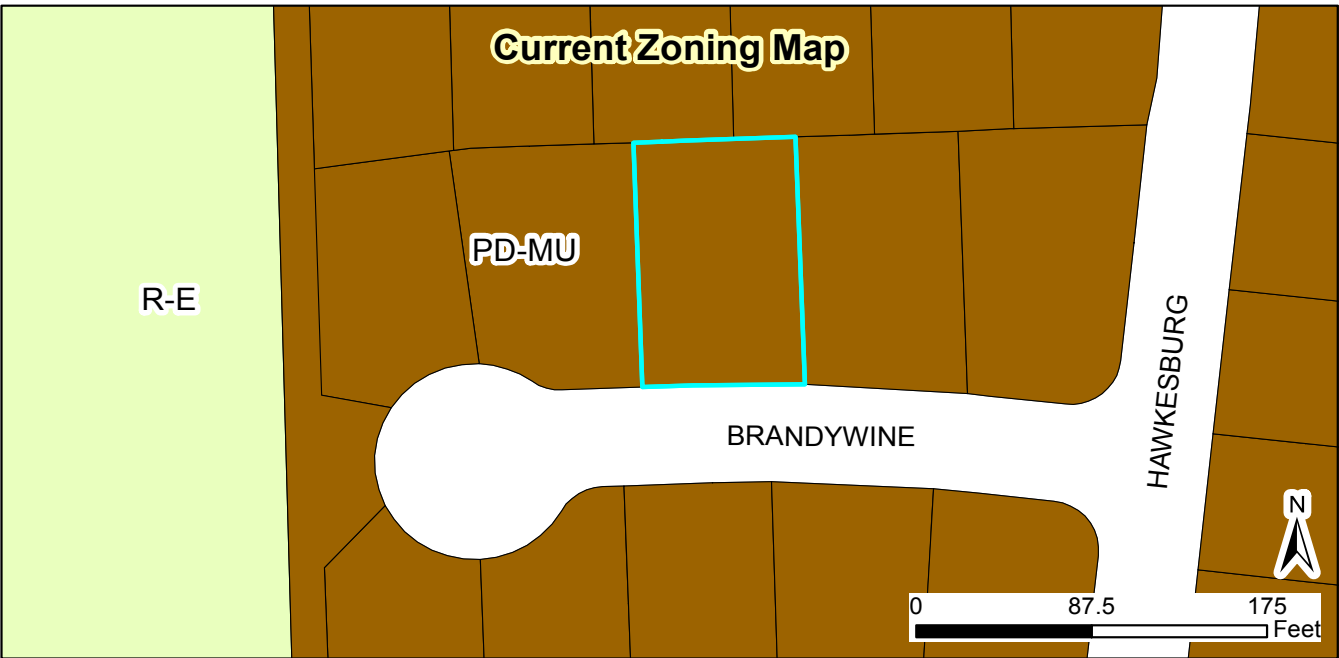
CONDITIONS:

Staff recommends that if the Board of Adjustment reaches positive conclusions on the required findings of fact, the approval of the petition be subject to the following conditions:

1. Hours of operation for the day care are limited to Monday thru Friday, 7 AM to 6PM.
 2. A maximum of 20% of the total floor area of the dwelling may be used for day care purposes, per UDC requirements.
 3. This permit is only valid for the supervision of up to four (4) unrelated children. Prior to the addition of any children to be supervised, a major modification to this conditional use permit shall be submitted for review.
 4. Prior to the addition of any employees to the in-home daycare, a major modification to this conditional use permit shall be submitted for review.
 5. Prior to issuance of a Zoning Compliance Permit, the applicant shall provide proof of licensing and/or compliance with North Carolina state requirements for an in-home daycare facility.
-

ATTACHMENTS:

- 1) Application
- 2) Maps
- 3) Neighborhood Meeting Materials
- 4) Site Plan/Floor Plan



2018-118-CUP
Just Like Home Daycare Conditional Use Permit
Request: Operate an in-home daycare as a Class "B" Home Occupation
Applicant: Melanie Davis
Property Owners: Melanie Davis
Parcel ID: 168800-05-6543
Tag #: 05J05009S

Staff Report Map

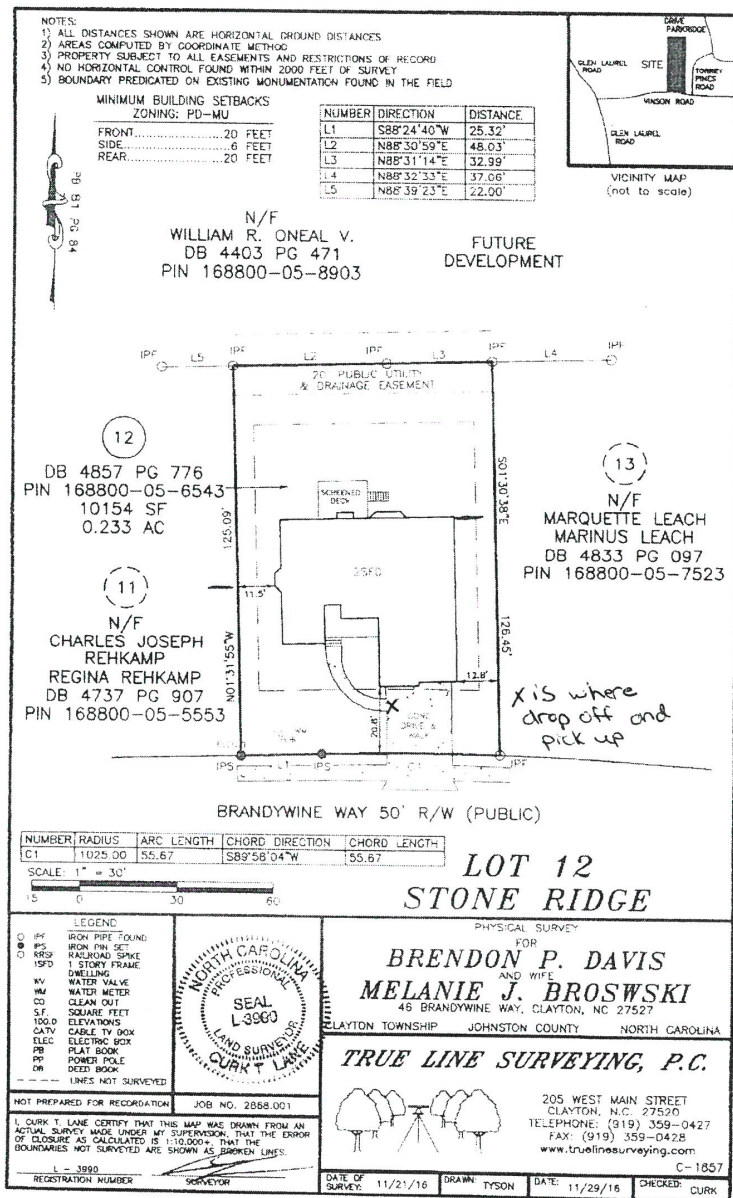


Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

Legend

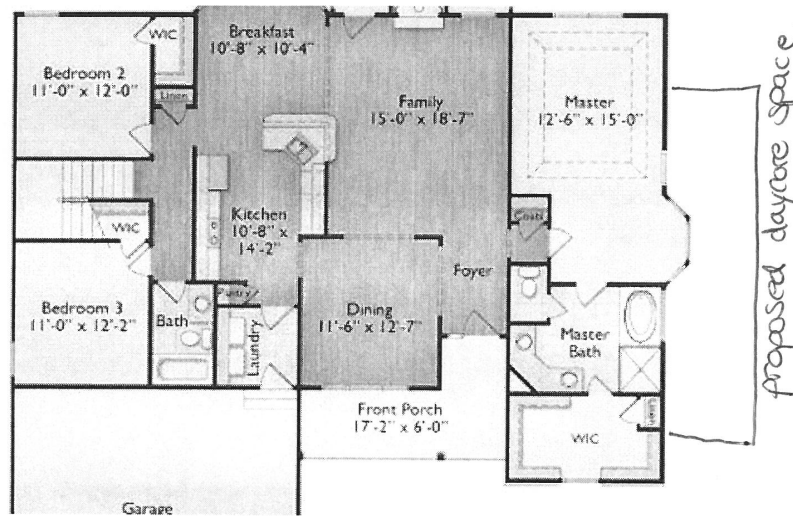
- 100-yr Flood Zone
- Thoroughfare Overlay
- Scenic Highway Overlay
- Site

Document Path: O:\PLANNING\CONDITIONAL USE\2018\2018-118-CUP Just Like Home Daycare\2018-118-CUP.mxd



6/26/2018

aHR0cDovL3d3dy53eW5uaG9tZXMuY29tL2ltYWdlcy91cGxvYWRlZC8yMTgwNjUxLjI0LmpwZw== (400x300)



From: [Melanie Davis](#)
To: [Haley Hogg](#)
Subject: Re: Town of Clayton- 2018-118-CUP Questions
Date: Thursday, July 05, 2018 8:06:45 AM

Good morning Haley,

To answer your questions:

- 1) the square footage of my home is 2700.
- 2) 504 SQ feet will be utilized for my home daycare. 189sq in the master suite, 50sq in the master bathroom w/ 2 hand washing stations and a toilet for potty training, 112sq in the breakfast area for meals and art projects and lastly the kitchen to prepare snacks and lunch (even though all families will supply their own meals and snacks I will just be using the refrigerator for storing them and the microwave to heat them up.) The kitchen is 153sq for a total of 504 and 20% of our house would be 540sq so I will NOT be using 20% of my home for the business as directed. So the short answer is 504sq for the use of my business.
- 3) my hours of operation will be Monday thru Friday 7:00am til 6:00pm. (All my applicants currently need 8am to 5pm but for the future I'll have the established 7am to 6pm hours.)
- 4) I will be the only employee at my business.

Anything else feel free to email me! Thanks again for all your help I really appreciate it!!

Sincerely,
Melanie Davis

On Jul 3, 2018 3:03 PM, "Haley Hogg" <hhogg@townofclaytonnc.org> wrote:

Melanie,

After our phone conversation I had a couple more questions for you so I thought I'd just email you. Please reply back with the following information so that I may include it within the correspondence for the application.

1. What are your hours of operation? What days of the week will you operate?
2. How many square feet is your home?
3. How many square feet will be utilized for the day care operations?
4. Will there be any employees working on-site with you as a part of the daycare?

Thank you!

Haley Hogg, CZO

Town Planner

Town of Clayton

111 East Second Street | PO Box 879 | Clayton, NC 27528

Office: (919) 553-5002

hhogg@townofclaytonnc.org



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC
P.O. Box 879, Clayton, NC
Phone: 919-551-1111
Fax: 919-551-1112

July 3, 2018

NOTICE

SUBJECT: Project #: 2018-118-CUP Just Like Home Daycare Conditional Use Permit
Location: 46 Brandywine Way
PIN #/TAG ID: 168800-05-6543 / 05J05009S
Applicant: Melanie Davis

Dear Clayton Area Property Owner:

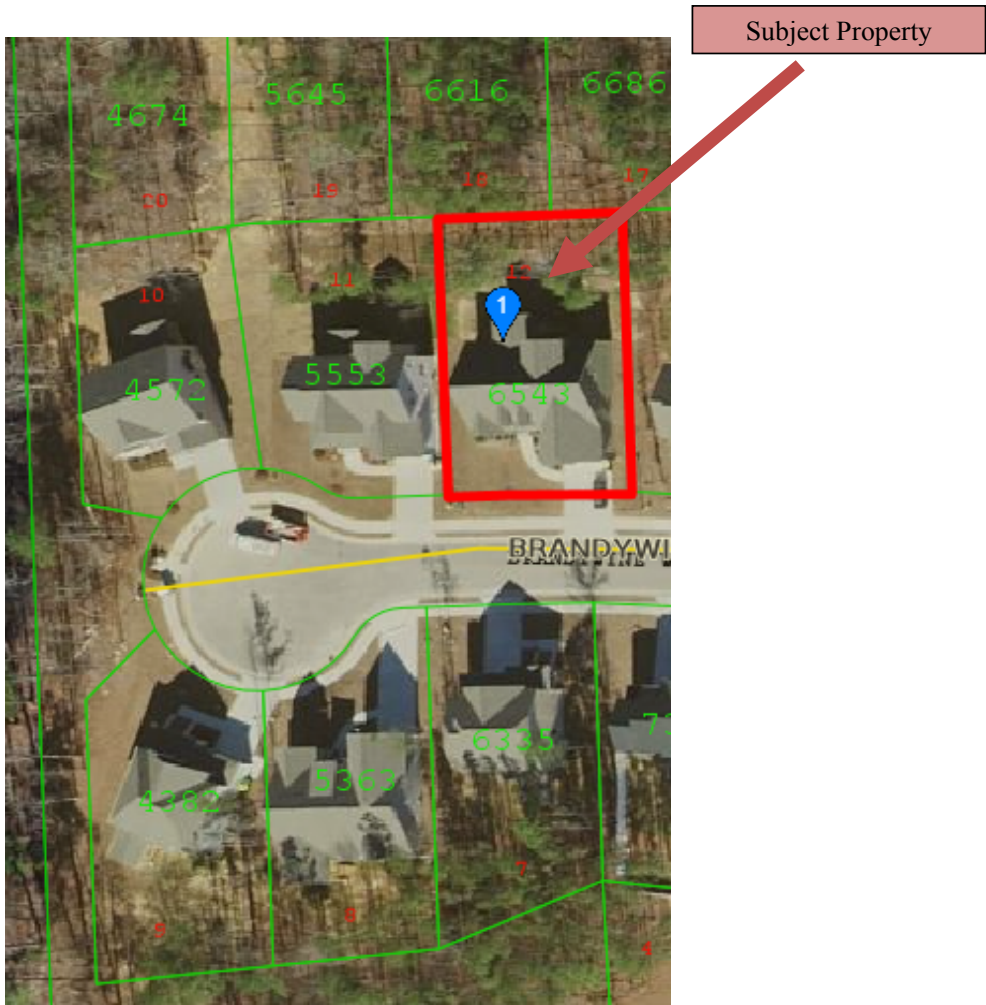
Notice is hereby given that the Clayton Board of Adjustment will hold an evidentiary hearing on **Wednesday, July 18, 2018 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above-referenced Conditional Use Application. The applicant is requesting a Conditional Use Permit to operate an in-home daycare as a Class "B" Home Occupation on the subject property. The applicant is proposing supervision of up to 4 children at a time. Per 155.308 of the Unified Development Code, a Class "B" Home Occupation is only permitted through the issuance of a Conditional Use Permit from the Board of Adjustment. The property is located at 46 Brandywine Way. 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 request. You are invited to attend this meeting and express your opinions on this request. During an evidentiary hearing, the Board of Adjustment must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and all interested persons are invited to attend.

For more information, please contact me by phone (919) 359-2102 or email at hhogg@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO
Town Planner



ADJACENT PROPERTY OWNERS LIST

Project Name: Just Like Home Daycare

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

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

PARCEL NUMBER	NAME	ADDRESS
	Jennifer Meekins	89 Saddleback Way Clayton NC 27527
	Silvia Wilkinson	
	Cheryl Roberts	51 Saddleback Way Clayton NC 27527
	Esther Sanchez	69 Saddleback Way Clayton NC 27527
	Wynn Construction Inc.	2205 Capitol Dr Suite 105 Creedmoor NC 27527
	Taylor and Chadley Lane	81 Brandywine Way Clayton NC 27527
	Matt and Terri Phillips	51 Brandywine Way Clayton NC 27527
	Alex and Brandy Ives	69 Brandywine Way Clayton NC 27527
	Chris and Julia Troxell	31 Brandywine Way Clayton NC 27527
	Rgina and Joe Rehkomp	66 Brandywine Way Clayton NC 27527
	Aaron and Jen Bernabi	78 Brandywine Way Clayton NC 27527
	William O'Neal	5 Nicklaus Way Clayton NC 27527
	Silvia Wilkinson	
	Charles Roberts	15 Saddleback Way Clayton NC 27527
	Marquette and Marinus Leach	28 Brandywine Way Clayton NC 27527
	Garfield Martin JR	12 Brandywine Way Clayton NC 27527
	Nicholaus Floersch and Francesca Regier	31 Saddleback Way Clayton NC 27527
	Philip and Alexandra	15 Brandywine Way Clayton, NC 27527

6/22/2018

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 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: Monday July 9th

Location: 46 Brandywine Way

Time: 6:30pm

Type of Application: Conditional Use

General Description: Operate a small licensed home daycare that provides quality childcare for children within the community.

If you have any questions prior to or after this meeting, you may contact Melanie Davis at 919-270-5737.

Thank you for your time.

Sincerely,

Melanie Davis

cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: June 22nd 2018

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached):

Printed Name: Melanie Davis

Signature: Melanie Davis

Date of Meeting: July 9th

Time of Meeting: 6:30pm

Location of Meeting: 46 Brandywine Way Clayton NC 27527

Meeting Summary/Minutes: provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.

Meeting began at 6:30pm on Monday July 9th.
No issues were raised by any of the attendees.
Meeting lasted a full thirty minutes and
ended at 7:00pm on Monday July 9th.

Please write clearly (or submit a typed summary), and use additional sheets if necessary.

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: Melanie Davis

Location/Date: 46 Brandywine Way Clayton NC 27527 at 6:30pm 7/9/18

	NAME	ADDRESS
1	Matthew + Teresa Phillips	51 Brandywine Way ^{clayton} NC 27527
2	Charley + Taylor Lane	81 Brandywine Way, Clayton 27527
3	Brandy + Alex Ives	69 Brandywine Way, Clayton 27527
4	Jennifer + Aaron Bernabi	78 Brandywine Way, Clayton 27527
5	ADAM + MEKEISHA SMITH	135 HAWKESBURG Dr. CLAYTON 27527
6	Garfield + Deschelle Martin	12 Brandywine Way, Clayton NC 27527
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Public Notice

In accordance with NC GS 160A-364, the Clayton Board of Adjustment will conduct the following evidentiary hearings on Wednesday, July 18, 2018, at 6:00 PM in the Town Council Chambers in Town Hall located at 111 East Second Street:

- 2018-104-CUP Novo Nordisk DAPI Equipment Height Conditional Use Permit. Request for a Conditional Use Permit to install equipment with a maximum height that exceeds the typical height permitted within the property's zoning district (I-1). Per Section 155.201 of the Unified Development Code, a Conditional Use Permit is required for this type of equipment to exceed the height limits of the district in which it is to be located. The property is located off Powhatan Road. Parcel Number 167800-70-2011.
- 2018-118-CUP Just Like Home Daycare Conditional Use Permit. Request for a Conditional Use Permit to operate an in-home daycare as a Class B Home Occupation. Per 155.308 of the Unified Development Code, Class "B" Home Occupations require a Conditional Use Permit to be permitted. The property is located at 46 Brandywine Way; parcel number 168800-05-6543.

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

Haley Hogg, Planner
919-553-5002

Clayton News- Star

Please advertise on the following dates:

July 6, 2018

July 13, 2018

Affidavit of publication required.

**Town of Clayton
Board of Adjustment
CUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

☐

Approve

☐

Deny

☐

Approve with Conditions

CUP Application **2018-118-CUP**.

This motion is based on the following findings:

1. The application **WILL NOT** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

OR

The application **WILL** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. The application **MEETS** all required specifications and **CONFORMS** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

3. The application **WILL NOT** substantially injure the value of adjoining or abutting property, and **WILL NOT** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

The application **WILL** substantially injure the value of adjoining or abutting property, and **WILL** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding.)

4. The application **WILL NOT** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

OR

The application **WILL** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

**Town of Clayton
Board of Adjustment
Conditional Use Permit
#2018-118-CUP
GRANTED**

On the date listed below, the Board of Adjustment for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Melanie Davis

Property Owner: Melanie Davis

Property Location: 46 Brandywine Way (Stone Ridge Subdivision)

Brief Property Description: .23 acres – Single Family Residence

Tax Parcel Number: 168800-05-6543 / 05J05009S

Proposed Use of Property: In-Home Daycare

Hearing Date: July 18, 2018

Having heard all the evidence and argument presented at the hearing, the Board of Adjustment makes the following findings:

- (1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.
- (2) That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.
- (3) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- (4) That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

The Board of Adjustment also finds the Conditional Use Permit is subject to the following conditions:

- (1) Hours of operation for the daycare are limited to Monday thru Friday, 7:00 a.m. – 6:00 p.m.
- (2) A maximum of 20% of the total floor area of the dwelling may be used for daycare purposes, per UDC requirements.
- (3) This permit is only valid for the supervision of up to four (4) unrelated children. Prior to the addition of any children to be supervised, a major modification to this conditional use permit shall be submitted for review.
- (4) Prior to the addition of any employees to the in-home daycare, a major modification to this conditional use permit shall be submitted for review.
- (5) Prior to issuance of a Zoning Compliance Permit, the applicant shall provide proof of licensing and/or compliance with North Carolina State requirement for an in-home daycare facility.

TOWN OF CLAYTON

BY: _____
Chair of Board of Adjustment

DATE: _____
[Note: within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)
Board Clerk