



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, January 22, 2024 @ 6:00 PM
Town Council Chambers

<https://www.youtube.com/TownofClaytonNC>

THE PLANNING BOARD MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC IS INVITED TO ATTEND THE MEETING.

THE PUBLIC MAY VIEW THE LIVE MEETING ON THE TOWN'S YOUTUBE CHANNEL:

<https://www.youtube.com/TownofClaytonNC>

1. CALL TO ORDER

a. **SWEARING IN OF BOARD MEMBERS**

Presenter: Heidi Holland, Town Clerk

b. **Vote for new Chair and Vice Chair of the Planning Board.**

Presenter: Conrad Olmedo, Planning Director

POTENTIAL ACTION: Nominate New Chair

POTENTIAL ACTION: Vote on New Chair

POTENTIAL ACTION: Nominate New Vice Chair

POTENTIAL ACTION: Vote on New Vice Chair

2. APPROVAL OF MINUTES

a. **December 19, 2023 Planning Board Minutes**

[Planning Board Minutes 12-19-23](#)

POTENTIAL ACTION: Approve or Deny December's Meeting Minutes.

3. PUBLIC MEETING

a. **2023-185-RZ Southern Wake Property Group Rezoning**

[2023-185-RZ Southern Wake Property Group Rezoning - Planning - Pdf](#)

POTENTIAL ACTION: Provide a recommendation to Town Council.

4. NEW BUSINESS

a. **PLANNING BOARD 2024 BYLAWS**

Presenter: Conrad Olmedo, Planning Director

[Planning Board BY-Laws ADOPTED 12042023](#)

5. ADJOURN



**Town of Clayton Planning Board Minutes
Tuesday, December 19, 2023, at 6:00 PM Town Council
Chamber**

Board Members Present:

James Moore
Stephen Powers
Derrick Applewhite
Jodie Dupree
Kevin Lee
Ronald Williams

Board Members Absent:

James Lipscomb
Jeffery Spence
Lisa Begley

Staff Present:

Conrad Olmedo, Planning Director
Steven Mott, Planner II
Bruce Venable, Planner I

Town Council Liaison:

Andria Archer

1 CALL TO ORDER

Chair Moore called the meeting to order at 6:00pm.

Pledge of Allegiance

Roll Call

Board Members Present:

James Moore
Stephen Powers
Derrick Applewhite
Jodie Dupree
Kevin Lee
Ronald Williams

Board Members Absent:

James Lipscomb
Jeffery Spence
Lisa Begley

There is a Quorum.

2 ADJUSTMENT OF THE AGENDA No Adjustments

APPROVAL OF MINUTES

September 25, 2023, Minutes: Approved

November 27, 2023, Minutes: Approved

4 PUBLIC HEARINGS

a. 2023-1126-CZM Pond St Conditional Zoning With Site Plan

Presenter: Steven Mott, Planner II

Rezone from R Single Family Residential (R-6) to
Conditional Zoning-Residential (CZ-R) Property
Size: .456 acres

Density: 8.77

Units: 4; Multifamily; Duplex

Water/Sewer/Electric:

- Water: Town of Clayton
- Sewer: Town of Clayton

- Electric: Town of Clayton

Existing Use: Vacant

Traffic Generation:

- Daily Trips: 3,937
- AM Peak Trips: 279
- PM Peak Trips: 362

Location: 914 & 916 Pond St, Tax ID # 05005008 & 05005007; Inside of Clayton's Town Limits.

Proposed Uses Include:

Two-Family Residences/Duplexes (Qty. 2)

Planning Staff Recommends: Approval

The applicant is requesting a Conditional Zoning District with an associated Conditional Zoning Plan to allow for 2 two-family units on 0.456 acres, as shown on the Conditional Zoning Plan. The development has requested the following minimum lot dimensional standards:

Minimum Lot Area: 8,000 square feet

Minimum Lot Width: 55 feet

Maximum Impervious Surface: 60%

Minimum Setbacks:

•Front: 25 feet

•Side Interior: 6 feet

•Rear: 20 feet

Maximum Structure Height: 35 feet

Maximum Building Coverage: 35%

Transportation Improvements:

The development will be accessed from local streets adjacent to US 70 Business. Due to the size of the development, no transportation improvements were requested or required.

Stormwater, Water, Sewer and Electricity

Stormwater

The project area is currently vacant. The proposed development will require storm water management measures for quality and quantity treatment in accordance with the Town of Clayton Stormwater Design Manual.

Water Service

Public water is located along Pond Street. All connections will be designed to meet all Town of Clayton Standards and Specifications.

Sanitary Sewer Service

The development will be services by the Town of Clayton's sanitary sewer service. The development is subject to the Town's Wastewater Allocation Policy.

Electricity

The development is proposed to be served by Town of Clayton Electric Utility.

Landscaping, Buffering and Screening:

The proposed development will provide a 15-foot-wide Type C Landscape Buffer with a 6' vinyl privacy fence along the outer most sides and rear, as required by the Unified Development Code, along the project boundaries. The development will also provide a thoroughfare buffer along the US 70 Business frontage, as well as street yard trees and off-street parking screening and landscaping in accordance with the UDC.

Architectural Standards

The applicant has proposed the following architectural standards, which are also included in proposed Condition 11:

Two-Family buildings shall include the using of the following primary exterior materials:

- Brick or Stone on the front façade (25% minimum)
- Siding: Vinyl
- Trim: Vinyl
- Shutters: Vinyl
- Roofing: Shingles



CONSIDERATIONS:

- The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.

- If approved, the conditional zoning district, master plan and narrative will be recorded with Johnston County and shall guide future development for this land. The conditional zoning district, master plan, and narrative shall not expire, and will run with the land.
- The Planning Board may recommend conditions be added or removed. The developer must agree to any imposed conditions.

RECOMMENDED CONDITIONS OF APPROVAL:

If approved, staff is recommending the following conditions of approval be placed upon the application. The applicant has reviewed the proposed conditions and is in agreement with the conditions proposed by staff.

1. These Conditions of Approval, and any others included with the associated Site Plan shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and approval.
2. The Development shall be constructed in substantial conformance with the Conditional Zoning approved by the Clayton Town Council and the associated Site Plan as approved by Town staff.
3. Following Town Council approval, an electronic copy of the Site Plan and the Conditions of Approval shall be submitted to the Planning Department for final approval.
4. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved site plan.
5. The Development shall be constructed in substantial conformance with the Site Plan as approved by the Clayton Town Council.
6. Uses in the development shall be limited to Duplexes, and any allowed residential accessory uses within the Town of Clayton Unified Development Code.
7. In accordance with the associated Site Plan, the maximum gross density for the site shall be 8.7 dwelling units per acre.
8. The following standards will apply to the Development:
 - Minimum Lot Area: 8,000 square feet
 - Minimum Lot Width: 55 feet
 - Maximum Impervious Surface: 60%
 - Minimum Setbacks:
 - Front: 25 feet
 - Side Interior: 6 feet
 - Rear: 20 feet
 - Maximum Structure Height: 35 feet
 - Maximum Building Coverage: 35%
9. A 15' Class 'C' Buffer with a 6' vinyl privacy fence will be provided along the outer most sides and rear of the development.
10. Any ground-mounted utility or mechanical equipment shall be screened from view of adjacent public rights-of-way in accordance with the screening requirements under Section 155.402(G)(4)-(5) of the Town of Clayton Unified Development Code.
11. Two-Family buildings shall include the using of the following primary exterior materials:
 - Siding: Vinyl
 - Trim: Vinyl

- Shutters: Vinyl
- Roofing: Shingles
- Brick or Stone on front façade (25% minimum)

Staff Recommendation

Based on the proposed conditions of approval for the rezoning request and consistency with the property's Future Land Use Map classification of "High Density Residential", staff is recommending approval per "Option 1" of the provided Consistency Statements Sheet, subject to the 11 recommended conditions of approval.

Board Member Powers: R-6 is intended for single-family and this proposal suggests a 2 unit duplex is equivalent to that intent. Is that being considered? What is the overall size of the units?

Planner Steven Mott: The applicant can better speak to the size and we do believe that the intent of high density residential is being met with use of the two-family unit duplexes on this site.

Applicant Presentation:

Presenter: Donnie Adams, Adams and Hodge Engineering.

Board Member Powers: R-6 is intended for single-family and this proposal suggests a 2 unit duplex is equivalent to that intent. Is that being considered? What is the overall size of the units?

Applicant Donnie Adams: We do not have current information related to the square footage. But will be happy to provide that information later on. The density is in line with FLUM which allows for a greater density within the R-6 Zoning District.

Chair Member Moore: Will there be additional parking spaces for visitors or is there potential for parking to spill over into the street? There is a concern that there are always too many vehicles, and this leads to complaints from the neighboring property owners. It seems like a challenge that the Town still needs to address and come up with a better approach for these types of projects.

Applicant Donnie Adams: The parking provided fulfills the requirements of the UDC and additional guest parking will not be provided on the site. I understand and appreciate the concern related to the parking issues. We are meeting the requirements of the code and that we are

Public Comment:

Max Neil 913 Pond St.

Recently moved and raised concerns over parking due to the existing duplexes that currently do not have enough parking. And this will affect property values and traffic safety.

Board Discussion:

Board Member Powers: This meets the code and yet it still leaves us to be concerned related to adequate parking. If it meets the code we are supposed to pass it, but if it doesn't work we aren't supposed to pass it. It meets all the codes, and this isn't the first time and won't be the last time.

Planner Steven Mott:

The motion sheet provided to the Board by Staff contains 4 options relating to providing a recommendation to the Town Council. Should the Board wish to there is an option that would allow you to recommend denial of this proposal due to the traffic concerns, even though it is consistent with the Town's Code and Policies.

The motion is option 3 on the sheet and states:

"I make a motion to recommend denial of this rezoning request, while it is consistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan in that:

- Abuts property classified as "Medium Density Residential".
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area."

Board Member Dupree: There is never enough parking. I think it's a code issue that should be looked at and we should punish a developer for attempting to operate within the confines of the code as written.

Motion: Board Member Applewhite

2nd Motion: Board Member Williams

Option 1: Approval – Consistent with the Future Land Use Map

I make a motion to recommend approval of this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “High Density Residential” in the Future Land Use Map.
- GOAL LU 3 Encourages a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- GOAL LU 4 Provides safe, sound, and well-maintained housing and neighborhoods.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Vote: Motion Passes 4:1

b. 2023-176-RZ Clayton ABC Store Rezoning

Presenter: Steven Mott, Planner II

Rezone from Office-Institutional (O-I) to Highway-Business (B-3) Property Size: 15.76 acres

Planner Steven Mott: The applicant is seeking to rezone the property from O-I to B-3. The property is located a 8175 US HWY 70 Bus. And abuts Financial Drive with the Town Limits. The rezoning is consistent with the adjacent zoning in the aware and is consistent with the 2045 Comprehensive Growth Plan as it is within the Community Center Overlay which supports this type of commercial use.

Staff recommends the approval of this rezoning request based on Based on the surrounding commercial types and land uses surrounding the property and seeing that the rezoning request is consistent with the property’s Future Land Use Map classification of “High Density Residential” within the “Community Center” overlay, staff is recommending approval per “Option 1” of the provided Consistency Statements Sheet.

Board Member Williams: How will traffic be affected with the with this rezoning with the previous Townhome development that came before us?

Applicant Presentation:

Gary McCade Engineer of Record for this project. 2 small corrections. The property is 1.63 acres in size. The current ABC is not far down the road is more dangerous location which is why we are pursuing this rezoning. We are currently still negotiating with NCDOT on getting the appropriate access off of HWY 70.

Board Member Williams: This spot is a better spot for a future ABC, my concern was related to all the developments that were involved within that area. I was concerned with the safety of the project.

Chair Member Moore: The access will be off of Financial?

McCade: That is correct as what was presented to Town Staff at a Pre-application meeting held previously this year.

Chair Member Moore: The Charter school potentially creates a choke point. Especially during the holiday season. It could be a nightmare for people trying to use these roads. We don't coordinate projects within the Town and that creates potential issues.

Councilwoman Archer: If I may offer a point of correction the project referenced by the Board was never brought before the Town Council for approval and thus will not be affected by this rezoning.

Chad Stewart Johnston County ABC General Manager:

We chose this location due to its opportunity provide a safer location when compared to the current ABC Store location and believe that the AM peak hours will affect the potential store nor will the busiest hours for the ABC coincide with the high traffic hours related to the nearby charter school.

Motion: Board Member: Dupree

2nd Motion: Board Member: Applewhite

Option 1: Approval – Consistent with the Future Land Use Map

I make a motion to recommend approval of this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The property is classified as “High Density Residential” with a “Community Center” overlay in the Future Land Use Map.
- Policy LU 1.1 indicates that the Town will, “Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.”
- Policy LU 1.6 indicates that the Town will, “Promote location and intensity of development that mitigates impacts to the transportation network and leads to reduced vehicle trips and/or shorter trip lengths, enhanced circulation, and increased public safety.”

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages commercial uses in this area. The request is compatible with existing zoning and land uses in the area.

Vote: Motion Passes 5:0

New Business:

2024 Planning Board Meeting Schedule

Presenter Conrad Olmedo, Planning Director

Planning Director Olmedo: In your packets you will have the 2024 schedule and I wanted to point out there are two meetings that will alter the normal schedule due to holidays in December and November. The Town Clerk would like the schedules to be approved by the Board. Those meetings will take place on the 3rd Tuesday of the month and not the 4th Monday as is typical.

Motion: Board Member: Applewhite

2nd Motion: Board Member: Powers

Vote: Motion Passes 5:0

Planning Director Olmedo: I would like to take the opportunity to thank Vice Chair Powers for their service to the Town as this is their last meeting on the Board and the Town is very grateful for all that you have done as a member of this Board.

Chair Member Moore: Board Member Begley will also be stepping down from the Board.

Adjournment

Motion: Board Member: Dupree

2nd Motion: Board Member: William

Vote: Motion Passes 5:0



Planning Board Agenda Cover Sheet

Meeting Date

January 22, 2024

Agenda Location

NEW BUSINESS

Item Title

2023-185-RZ Southern Wake Property Group Rezoning

Suggested Action

Other - Recommendation to Town Council

Strategic Priorities Alignment



☐
Think Clayton
(Administrative)



☐
Think Arts &
Culture



☐
Think
Downtown



☐
Think
Economic
Development



☒
Think Land
Use &
Housing



☐
Think
Mobility



☐
Think Parks,
Recreation
& Natural
Resources



☐
Think Public
Services &
Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)

☐ Newspaper Notice (Required by GS)

☐ Public Forum/Input Session

☐ E-News Distribution

☐ Social Media

☒ Special Mailing

☐ Public Hearing (Not Required by GS)

☐ Newspaper Notice (Not Required by GS)

☐ Press Release

☐ Website

☐ Survey

☐ None Required

Other/Special Instructions: Signs posted at subject parcel.

Summary

Recommendation to Town Council regarding the rezoning of the subject parcel located at 4008 Powhatan Rd. from Residential Estate (R-E) Zoning District to Industrial Light (I-1) Zoning District

Funding Source

N/A

Corresponding Documentation

[01 - 2023-185-RZ Southern Wake Property Group Rezoning - Staff Report](#)

[02.1 - Application 2023-185-RZ Southern Wake Property](#)

[02.2 - Owner Consent 2023-185-RZ](#)

[03 - Neighborhood Meeting Letter 2023-185-RZ Southern Wake](#)

[04 - Survey 2023-185-RZ Southern Wake Property](#)

[05 - Staff Report Maps - Southern Wake Property Group](#)

[06 - Consistency Statements Sheet - PB - 2023-185-RZ Southern Wake Property Group](#)

Submitted By: Steven Mott, Planning

Reviewed By:

Conrad Olmedo, Planning Director

Approved - Jan 11 2024

Steven Mott, Planner II

Approved - Jan 11 2024

Bruce Venable, Planner

Approved - Jan 11 2024



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

STAFF REPORT

Application Number: 2023-185-RZ
Project Name: Southern Wake Property Group - Rezoning

TAG #(s): 05I05020A
Town Limits/ETJ: ETJ
Applicant: Adams & Hodge Engineering, PC
Owner: Southern Wake Property Group, LLC
Location: 4008 Powhatan Rd.
Project Planner: Steven Mott, Planner II

Public Noticing Dates:

- **Neighborhood Meeting:** Thursday, December 7, 2023
- **Sign posted:** January 10, 2024
- **PB Adjacent Property Letters Mailed:** January 10, 2024

REQUEST: Rezoning from Residential Estate (R-E) to Industrial Light (I-1), to be Light Industrial (LID) as of 1/2/24

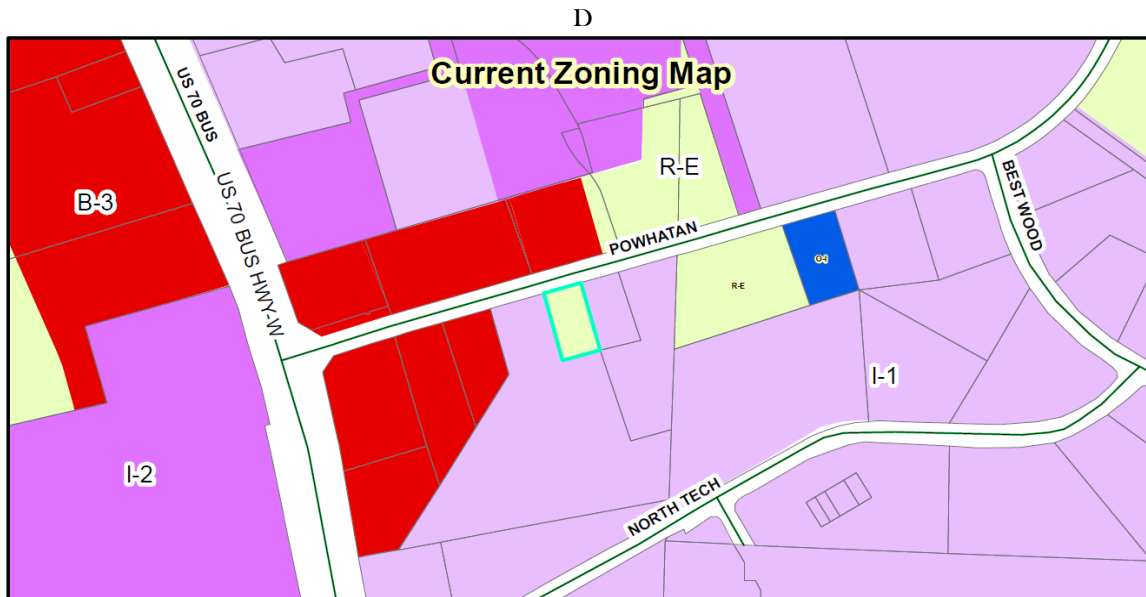


SITE DATA:

Acreage: +/- 0.53 acres
Existing Use: Vacant Single Family Home

ADJACENT ZONING AND LAND USES:

Direction	UDC Zoning / New UDO Zoning	Existing Use
North	B-3 (Highway-Business)/CRM (Corridor Commercial)	Self-Storage
South	Industrial Light (I-1)/Light Industrial (LID)	Vacant
East	Industrial Light (I-1)/Light Industrial (LID)	Residential
West	Industrial Light (I-1)/Light Industrial (LID)	Vacant

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

The site is within the Town of Clayton's ETJ, located at 4008 Powhatan Road, Clayton, NC, 27520. The applicant is requesting to rezone the property from Residential Estate (R-E) to Industrial Light (I-1). Currently, there is a vacant single-family home on the property. Should this rezoning request be approved, the Town of Clayton's new Unified Development Ordinance, effective January 2, 2024, will establish this property as Light Industrial (LID).

REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Town Council may consider factors including, but not limited to, the following:

(1) Consistency with the adopted plans and policies of the Town;

Applicant's Response: The proposed project is consistent with the adopted plans of the town.

Staff Commentary: Staff believe that the proposed zoning changes are consistent with currently adopted plans for this project, especially Land Use Policy LU-4: Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map. Furthermore, Strategy LU 1.4.1 states that we should "encourage a mix of non-residential land use in Employment Centers including industrial, warehouse, office, research and development, tech-flex, renewable energy, recycling, fabrication, assembly, and technology uses."

(2) Suitability of the subject property for uses permitted by the current versus the proposed district;

Applicant's Response: The project parcel is currently zoned R-E, which is not suitable for the proposed use. The proposed zoning of I-1 will allow the property to be suitable for the proposed use and consistent with the current future land use plan. In addition, the proposed zoning is consistent with immediate area and adjacent parcels.

Staff Commentary: Staff believes that this request is appropriate and achieves the best use potential and practice for this site and agrees with the reasons listed by the applicant on suitability of the subject property.

(3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;

Applicant's Response: The proposed zoning improves the balance of uses.

Staff Commentary: Staff believes that this will address the need for industrial space near like-uses within the Town's ETJ.

(4) The capacity of adequate public facilities and services including schools, transportation infrastructure, recreation facilities, wastewater treatment, water supply facilities, and stormwater drainage facilities for the proposed use;

Applicant's Response: There are adequate public facilities and services available to meet the needs of the proposed use.

Staff Commentary: The rezoning should not affect the Town's compacity of public facilities or services, nor will it negatively affect the current infrastructure.

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

Applicant's Response: The proposed zoning does not violate any legal standards.

Staff Commentary: Staff believes that this request is not contravened and will serve the community under its zoning district.

(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;

Applicant's Response: There are no perceived adverse effects on adjacent properties. The proposed zoning is consistent with the adjacent parcels.

Staff Commentary: There should be no adverse effect upon any of the 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.

Applicant's Response: This project is not anticipated to have any detrimental effects on the general public or specific property owners in any way. All buffers and design standards of the Town of Clayton will be met during site plan review and approval.

Staff Commentary: Though the property owner or applicant may benefit from the rezoning, staff believes that request will not be a detriment to the general public.

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as being classified as "Employment Center" (see map below). The Comprehensive Growth Plan's Policy LU 1.4 provides guidance that the Town should "encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map." With the Town's Land Use Policy in mind, the proposed rezoning will continue to concentrate industrial development in a more central area. Staff believes that the rezoning of this parcel as I-1 would create continuity with adjacent parcels, would be agreeable with the existing surrounding land uses, and is in line with guidance found within the Comprehensive Growth Plan 2045.

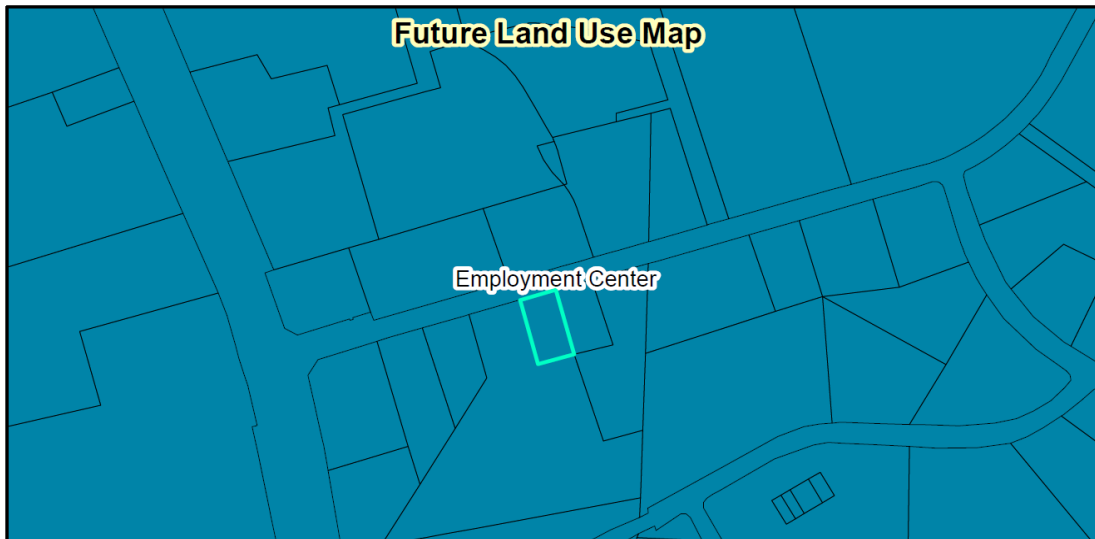
Comprehensive Growth Plan Goals supporting the rezoning request include:

Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.

Policy LU 1.3: Encourage non-residential land uses in areas consistent with the Future Land Use Map.

Policy LU 1.4: Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

Strategy LU 1.4.1: Encourage a mix of non-residential land use in Employment Centers including industrial, warehouse, office, research and development, tech-flex, renewable energy, recycling, fabrication, assembly, and technology uses.



CONSIDERATIONS:

- ◆ Approval of the rezoning would allow any permitted use within the Light Industrial (LID) Zoning District, formerly the I-1 Zoning District, to occur on the site. Planning Board should consider all potential uses of the site when giving their recommendation for this rezoning. With the Town of Clayton's new Unified Development Ordinance coming into effect on January 2, 2024, the I-1 Zoning District will be established as Light Industrial (LID). Potential uses on the site will therefore be regulated to those permitted in the Light Industrial (LID) zoning district.

STAFF RECOMMENDATION:

- ◆ Based on the surrounding commercial types land uses surrounding the property, with the rezoning request being consistent with the property's Future Land Use Map classification of "Employment Center", staff is recommending approval per "Option 1" of the provided Consistency Statements Sheet.

ATTACHMENTS:

- 1) Staff Report
- 2) Application
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) Staff Report Maps
- 6) Consistency Statements Sheet



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

☒ **Rezoning Fee: \$750 + \$10 per acre**

Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.

Mailed Notice: \$1.00 per mailed notice
Public Notice Signs: \$20.00 per posted sign

SITE INFORMATION

Name of Project: Southern Wake Property Group Powhatan Rd
Acreage of Property: .53 AC Zoning District: R-E
County Tag #: 05105020A NC Pin #: 167700-38-7739
Address/Location: 4008 Powhatan Road
Existing Zoning District: R-E Proposed Zoning District: I-1

APPLICANT INFORMATION

Applicant: Adams & Hodge Engineering, PC
Mailing Address: 314 E. Main Street, Clayton, NC 27520
Phone Number: 919-243-1332/919-812-2654 Fax: N/A
Contact Person: Amy Stancil
Email Address: info@adamsandhodge.com/amy@adamsandhodge.com

PROPERTY OWNER INFORMATION

Name: Southern Wake Property Group, LLC
Mailing Address: 5540 Centerview Dr., Suite 204, Raleigh, NC 27606
Phone Number: 919-356-9686 Fax: N/A
Email Address: will@southernwakeproperty.com

RECEIVED

OFFICE USE ONLY

Date Received: DEC 01 2023 Amount Paid: \$76000 File Number: 2023-185-RZ

July 2023

TOWN OF CLAYTON
PLANNING DEPARTMENT

(\$ 23 Due
for Mailing)

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
The proposed project is consistent with the adopted plans of the town.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The project parcel is currently zoned R-E, which is not suitable for the proposed use. The proposed zoning of I-1 will allow the property to be suitable for the proposed use and also consistent with the current future land use plan. In addition, the proposed zoning is consistent with the adjacent parcels.

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

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.
There are adequate public facilities and services available to meet the needs of the proposed use.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The proposed zoning does not violate any legal standards.

6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
There are no perceived adverse affects on adjacent properties. The proposed zoning is consistent with the adjacent parcels.

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

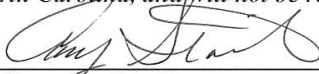
No single owner or group of property owners will benefit from the change in zoning to the detriment of the general public.

APPLICANT AFFIDAVIT

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

Amy Stancil

Print Name


Signature of Applicant

11/30/2023
Date



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

REZONING APPLICATION COVER SHEET

Name of Project: Southern Wake Property Group Powhatan Road Date: 11/30/2023
Applicant Name: Adams & Hodge Engineering, PC

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: July, 2023
- ☒ Review Fee
- ☒ Completed Application
- ☒ Owner's Consent Form
- ☒ Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- ☒ Neighborhood Meeting Notice Letter (1 copy)
- ☒ Signed & Sealed Boundary Survey
- ☒ One printed copy of all required items must be submitted with application and payment

Reviewed by: _____

July 2023



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

OWNER'S CONSENT FORM

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

Project Name: Southern Wake Property Group Powhatan Office **Address or PIN #:** 4008 Powhatan Rd

AGENT/APPLICANT INFORMATION:

Adams & Hodge Engineering, PC
(Name - type, print clearly)

314 E Main Street
(Address)
Clayton, NC 27520
(City, State, Zip)

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

Rezoning
Planning Documents

Construction Documents

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:

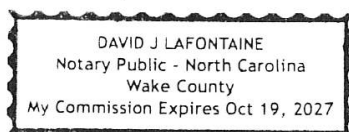
Southern Wake Property Group, LLC
(Name - type, print clearly)
William Ramsay
(Owner's Signature)

5540 Centerview Dr, Ste 204
(Address)
Raleigh, NC 27606
(City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me William Ramsay, a Notary Public for the above State and County, this the 28 day of November, 2023.

SEAL



David J. Lafontaine
Notary Public

My Commission
Expires: 10/19/27

July 2018



November 27, 2023

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: Thursday, December 7, 2023

Meeting Time: 6:00 p.m.

Meeting Location: 314 E. Main St. (Adams & Hodge Engineering – Entrance and Parking in the back of building)

Type of Application: Rezoning Application

Project/proposal property location: 4008 Powhatan Rd. Clayton, NC 27520

Description of project/proposal: We are proposing a rezoning from R-E to I-1 to match adjacent properties in this area.

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

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

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

If you have any questions prior to or after this meeting, you may contact us at (919)763-7278.

You may also contact the Planning Department at 919-553-5002.

Sincerely,

Donald C. Adams, Jr., PE





November 30, 2023

Lori Bryant
Development Services Coordinator
Town of Clayton
111 E. Second Street
Clayton, NC 27527

Subject: Rezoning Application
Southern Wake Property Group – Powhatan Rd

Dear Ms. Bryant,

Please see below for a list of the enclosed information. I have emailed a copy of everything as well.

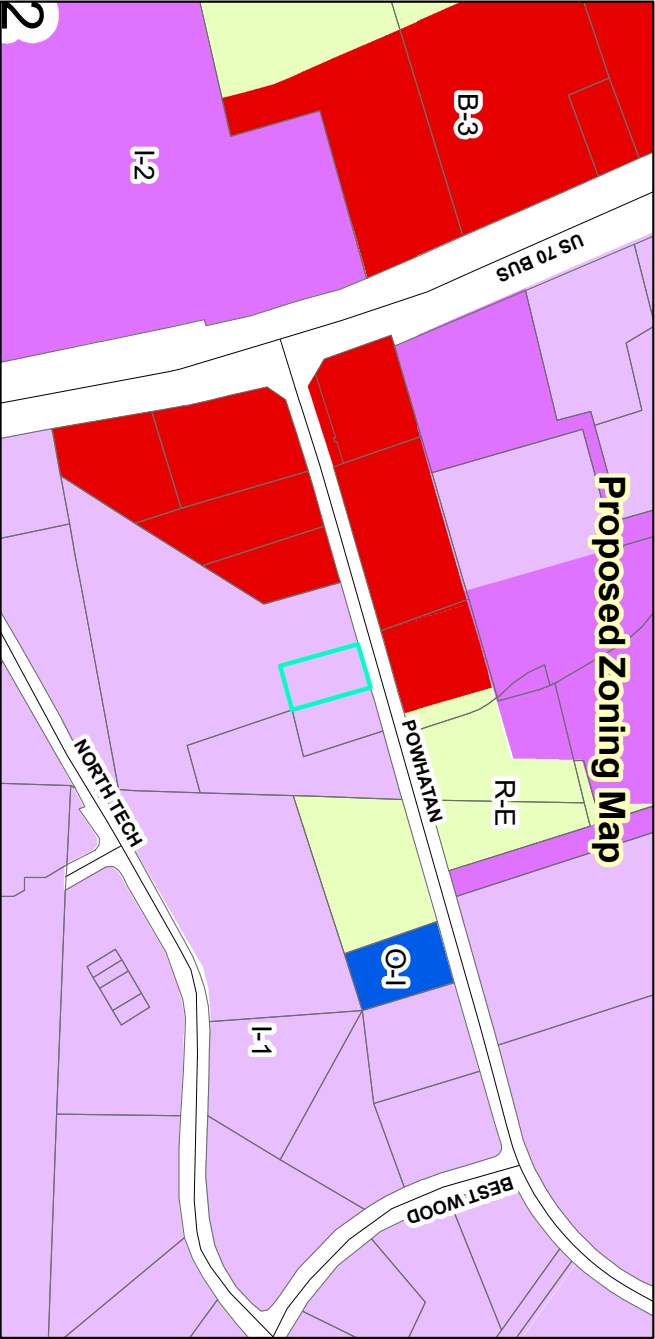
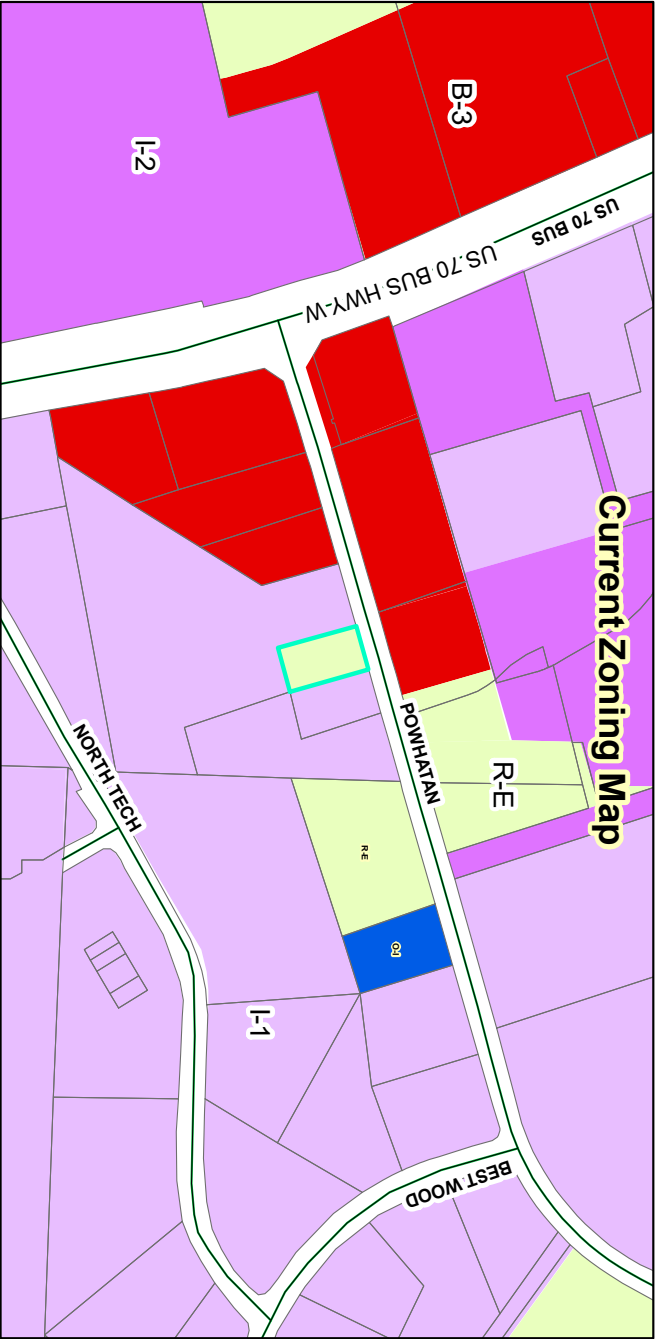
- Check fee of \$760
- Rezoning Application
- Owner's Consent signed
- Adjacent Property Owner's List
- Neighborhood Meeting Letter
- Signed & Sealed Boundary

Please let me know if there are any questions.

Sincerely,

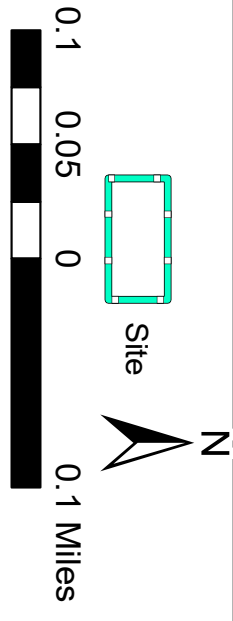
Amy D. Stancil
919-812-2654

amy@adamsandhodge.com



Request: Rezoning from R-E to I-1
Project Name: Southern Wake Property Group Rezoning
Project Number: 2023-185-RZ

Applicant: Adams & Hodge Engineering, PC
Property Owner: Southern Wake Property Group, LLC
Tag #: 05105020A



Staff Report Map
Prepared by: TOC Planning Department
January 10, 2024

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

Document Path: C:\Users\smott\Town of Clayton, NC\Planning - Development Projects\Rezoning\2023\2023-185-RZ Southern Wake Property Group\Maps\Staff Report Maps - Southern Wake Property Group.mxd

Motions for Consistency Statements

The Planning Board may choose from one of the four suggested motions below.

Staff Recommends the Motion in Red Bold Text

Motion 1: Approval – Consistent with the Future Land Use Map

I make a motion to recommend approval of this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- **Goal LU 1 moves to preserve Clayton’s character while allowing for growth and development in appropriate areas.**
- **Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.**
- **Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.**

This action is reasonable and in the public interest, in that:

- **The Comprehensive Growth Plan encourages industrial uses in this area.**
- **The request is compatible with existing zoning and land uses in the area.**

Motion 2: Approval – Inconsistent with the Future Land Use Map

I make a motion to recommend approval of this rezoning request. While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- Goal LU 1 moves to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages industrial uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Motion 3: Denial – Consistent with the Future Land Use Map

I make a motion to recommend denial of this rezoning request. While the request is consistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- Goal LU 1 moves to preserve Clayton’s character while allowing for growth and development in appropriate areas.

- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.

Motion 4: Denial – Inconsistent with the Future Land Use Map

I make a motion to recommend denial of this rezoning request based on inconsistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- Goal LU 1 moves to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- Policy LU 1.3 seeks to encourage non-residential land uses in areas consistent with the Future Land Use Map.
- Policy LU 1.4 seeks to encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.

**TOWN OF CLAYTON
BY-LAWS GOVERNING THE
PLANNING BOARD**

ARTICLE I

NAME

- (a) Created was an Advisory Board, created by the Town Council for the Town of Clayton, to be known as the Planning Board (hereinafter referred to as the "Board"). The Board shall continue to serve unless official action is taken by the Town Council to abolish or modify the Board. No action other than majority vote of the Clayton Town Council shall have the effect of abolishing or otherwise ending the purposes, duties, responsibilities, or authorities of the Board.

ARTICLE II

PURPOSE/MISSION

- (a) The Planning Board shall review and/or make recommendations on studies of present and future development of the Town and its ETJ. These studies may include, but shall not be limited to, land use surveys; population studies; economic studies; school, park, and recreation studies; traffic and parking studies; urban renewal studies, housing and market analysis, and annexation studies.
- (b) The Planning Board shall review and make recommendations on the Town's Comprehensive Plan to the Town Council. The purpose of the Comprehensive Plan is to establish a vision of the future with long range goals, objectives and strategies to manage growth and guide the future actions of the Town. The Comprehensive Plan consists of a number of elements which may include, but is not be limited to land use, downtown development, economic development, recreation and open space, housing, mobility, utilities, intergovernmental coordination, natural resources, and arts and culture.
- (c) The Planning Board shall review and make recommendations to the Town Council on matters pertaining to zoning and subdivision of land. The Planning Board shall have final approval authority over major site plans.
- (d) The Planning Board shall not make a recommendation that requires Town Council approval unless the applicant (or a representative of the applicant knowledgeable about the applicant's proposal) is present at the meeting and answers the Board's and staff's questions about the applicant's proposal, except by a unanimous vote of the Board members present.
- (e) The Planning Board shall perform any other related duties assigned or directed by Town Council.

('71 Code, § 2-154) (Ord. passed 11-6-72; Am. Ord. passed 1-16-01; Am. Ord. 2006-10-02, passed 10-17-06; Am. Ord. 2016-11-01, passed 11-7-16; Am. Ord. 2018-07-02, passed 7-16-18; Am. Ord. 2021-06-04, passed 6-7-21)

Statutory reference:

Duties of planning agency, see G.S. § 160A-361

ARTICLE III

§ 32.075 MEMBERSHIP

- (a) Appointments. Board Members shall be selected from applicants submitted to the Town of Clayton. Membership shall consist of eleven (11) members. Five of the regular members shall be citizens and residents of the town, four shall be residents of the county who reside in the Town's Extraterritorial Jurisdiction (ETJ) and two (2) shall be alternates. One alternate shall be a citizen and resident of the town and one shall be a resident of the county who reside in the Town's Extraterritorial Jurisdiction (ETJ). Appointments will be made for this Board through the established procedures in the Appointment to Advisory Boards Procedures policy. All members residing outside the corporate limits, but within the Town's ETJ, shall be recommended for approval by the County Board of County Commissioners. In the event the County Board of County Commissioners fails to make the requested appointments within 90 days of receipt of the request, the Town Council shall make the appointments.
- (b) Interviews. Interviews for this Board shall follow the established procedures in the Appointment to Advisory Boards Procedures policy.
- (c) Ex-officio Member. The Town Council shall appoint a Council Member to serve as an ex-officio member. The ex-officio member will not have a vote on items coming before the Board. The Town Council shall also appoint a staff member (liaison) to this Board.
- (d) Alternates. The process for appointing alternates shall follow the procedures in the Appointment to Advisory Boards Procedures policy. The alternates appointed to the Board will fill the position of Board Members that are absent at a meeting. The alternates will not have a vote on items coming before the Board unless they are filling in for a Board Member. Alternates are required to attend each scheduled meeting. In the case there is a resignation, death or otherwise, an alternate will fill that vacancy automatically. The Board Chair will nominate an alternate to fill the vacancy; Board Members shall approve this nomination.

- (e) Length of Appointment. Terms for all members shall be three (3) years. The terms will begin on January 1st and expire on December 31st, except for the ex-officio from the Town Council who will serve concurrent with his/her term of office.
- (f) Terms of Office. Board Members may serve for no more than two consecutive terms. Board Members may be appointed to the Board once a single year has passed since last serving on the Board. Board Members appointed to fill a vacancy may serve two consecutive terms after the expiration of their term.
- (g) Vacancies. Whenever a vacancy occurs by resignation, death or otherwise, this vacancy shall be filled in June of each year by the Town Council, following the procedures in the Appointment to Advisory Boards Procedures policy. The appointee shall serve for the duration of the unexpired term.
- (h) Removal of Members. Any member of the Board may be removed with or without cause, at any time, through a request from the Board to the Town Council or directly by the Town Council.
- (i) Resignation. The resignation of Board Members must be provided in writing to the Clerk's Office.
- (j) Changes to By-Laws. With majority vote of the membership, proposed changes to the By-Laws shall be submitted to the Town Council for review and approval. Changes to the By-Laws do not take effect until final approval is granted by Town Council.
- (k) Conduct. Members of appointed boards shall, at all times during the course of their board membership, conduct themselves in a professional and ethical manner. Board members shall be respectful to other board members, public officials, and members of the public. They further shall abide by any rules of procedures or other guidelines for the conduct of their boards. Board members shall not use their official positions for personal gain.
- (l) Conflict of Interest. A Board Member must publicly disclose any potential conflict of interest and shall not participate in deliberation or vote on any item where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Board Member.

ARTICLE IV

§ 32.076 APPOINTMENT OF CHAIR AND VICE-CHAIR

- (a) Officers. The appointment of a Board Chair and Vice-Chair, for the ensuing year, shall take place at the pleasure of the Board such that they are named at the August meeting each year. The mention of new officers shall be on the July agenda of each year; no action will be taken at this meeting. The Chair and Vice-Chair shall be appointed upon majority vote of the Board. Nominations may be made by any Board member. Officers shall serve a one-year appointment with eligibility for reappointment. In the event an officer's appointment to the Board is terminated, a replacement to this office shall be appointed by the Board at the next meeting.

ARTICLE V

§ 32.078 DUTIES

- (a) Chair. The Chair shall preside at meetings and shall retain full voting rights. The Chair may call a special meeting with a minimum of forty-eight hours written notice to the Board. It shall be the duty of the Chair to provide information for the meeting agendas to the Clerk to the Board, or designee.
- (b) Vice-Chair. The Vice-Chair will serve in the absence of the Chair with all the same authority/rights of the Chair. Should the Chair resign or otherwise become unable to fulfill the duties of office during an elected term, the Vice-Chair shall assume the post.
- (c) Clerk to the Board. It shall be the duty of the Clerk to the Board, or designee, to record the minutes of each meeting. In accordance with G.S. § 143-318.10(e), the Board shall keep full and accurate minutes of all official meetings.

ARTICLE VI

§ 32.077 MEETINGS

- (a) Meetings. Regular meetings shall be held by the Board on a date and time based on a calendar adopted annually by the Board and filed with the Town Clerk. This calendar shall be created by the Clerk to the Board or designee. This calendar shall be on the November agenda and voted on by a majority of the Board. In the event no business is pending and no agenda is developed, a meeting may be canceled. In accordance with NC GS 143-318.10, these are official meetings and are open to the public.
- (b) Business of the Board. Business of the Board shall take place in the course of an official meeting. An official meeting shall only take place in the presence of a quorum at regular scheduled or properly called special meetings.

(c) Special Meetings. Special meetings may be called by the Board Chair or upon written request from a majority of the Board.

(d) Quorum. A quorum shall consist of a simple majority of the total membership of the Board. A quorum of the Board shall be in attendance before action of an official nature can be taken.

(e) Order of Business. The order of business, unless otherwise noted by the Board Chair, or designee, shall include:

1. Call to Order
2. Adjustment of the Agenda
3. Approval of Minutes
4. Public Hearings
5. New Business
6. Informal Discussion and Public Comment
7. Adjourn

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 1-23-95; Am. Ord. passed 11-4-96; Am. Ord. 98-01-02, passed 1-20-98; Am. Ord. 2003-07-01, passed 7-21-03; Am. Ord. 2008-06-04, passed 6-16-08; Am. Ord. 2016-11-01, passed 11-7-16; Am. Ord. 2018-07-02, passed 7-16-18)

ARTICLE VII

ATTENDANCE

(a) Absences. All Board Members are expected to attend regular and special called meetings. An appointed Board Member who misses more than (3) unexcused consecutive regular meetings, or a total of four (4) such meetings during the year, loses his status as a member of the Board. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Board, except that in the event of a long illness or other such prolonged absence, the member may be replaced. After a Board Member misses more than four unexcused meetings, the Clerk's Office will send a letter of termination to the Board Member and will notify the Town Council Liaison, Planning Director, Clerk to the Board and Board Chair.

(b) Attendance Record. The Clerk to Board, or designee, shall maintain the attendance record, including attendance at regular meetings, work sessions, and special called meetings.

('71 Code, § 2-152) (Ord. passed 11-6-72; Am. Ord. passed 11-4-96; Am. Ord. 2018-07-02, passed 7-16-18), Resolution #2023-96 passed 12/4/2023