Town of Clayton
Town of Clayton Planning Board Agenda
Monday, July 24, 2023 @ 6:00 PM
Town Council Chambers

https://www.youtube.com/TownofClaytonNC

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

a. Clayton Planning Board - Jun 26 2023 - Minutes - Pdf

4. PUBLIC COMMENTS

a. 2023-116-OA Yard Encroachments and Screening UDC Text Amendment
Presenter: Ben Howell, Planning Director
2023-116-OA Yard Encroachments and Screening UDC Text Amendment - Planning - Pdf

b. 2023-65-RZ 8175 US HWY 70 Rezoning
Presenter: Bruce Venable, Planner I
2023-65-RZ 8175 US HWY 70 Rezoning - Planning - Pdf

c. 2023-66-RZ Milam Equipment Rezoning
Presenter: Bruce Venable, Planner I
2023-66-RZ Milam Equipment Rezoning - Pdf

5. NEW BUSINESS

6. INFORMAL DISCUSSION AND PUBLIC COMMENT

7. ADJOURN

Town of Clayton
Clayton Planning Board Minutes
Monday, June 26, 2023 at 6:00 PM
Town Council Chambers

Board Members Present: James Moore Stephen Powers Lisa Begley Ronald Williams Jeffery Spence Derek Applewhite **Board Members Absent:** Jodie Dupree Kevin Lee James Lipscomb	**Staff Present:** Ben Howell, Planning Director Love Ott, Land Development Specialist

1 CALL TO ORDER

Chair Moore called the meeting to order at 6:02pm.

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

Motion: Board Member Powers
Second: Board Member Applewhite
Result: Approved, Unanimous

4 PUBLIC COMMENTS

a) 2023-91-OA Downtown Permitted Uses Ordinance Amendment
Presenter: Ben Howell, Planning Director

Allows for “lounge, cocktail” and “entertainment, indoor” uses to be permitted in the B-1 zoning district by-right.

Draft UDO allows for this amendment to be permitted by-right.

The amendment was initiated at request by the Economic Development Department.

Chair Moore asked if “lounge” is also considered a bar.

Director Howell stated that “lounge, cocktail” would be considered a bar.

Chair Moore asked if it would also include “nightclubs”.

Director Howell stated currently it would, however in the new UDO nightclubs and lounges will be separate.

Board Member Applewhite asked how this would affect the economic development of the town?

Economic Development Director for the Town of Clayton Patrick Pierce stated that this amendment will attract more businesses and be responsive to the market. Rather than waiting for the UDO, it can be used now and be used for Economic Development recruitment as well as responsive to the market.

Motion: Board Member Applewhite
Second: Board Member Williams
Result: Approved, Unanimous

5 NEW BUSINESS

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 ADJOURN

Motion: Board Member Powers
Second: Board Member Spence
Result: Approved, Unanimous

Chair Moore adjourned the meeting at 6:18pm.

Clayton Planning Board
Agenda Cover Sheet

Meeting Date	Agenda Location
July 24, 2023	PUBLIC HEARINGS

Item Title

2023-116-OA Yard Encroachments and Screening UDC Text Amendment

Presenter(s)

Ben Howell, Planning Director

Suggested Action

Other - Recommend Approval 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: No

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

Summary

Proposed text amendments to Section 155.201(G)(4) and Section 155.402(G) of the Unified Development Code to address the encroachment of Fire Escapes into required yards (setbacks), to remove the separation requirement for screened dumpsters and loading areas from residentially-zoned properties, and add additional requirements for screening of dumpsters/service areas. The text amendments have been requested by the Economic Development Office and are consistent with proposed language in the Draft UDO being developed through the Codify Clayton process.

Recommendation

Staff recommends that the Planning Board recommend the Town Council approve the proposed text amendments as written, and adopt the proposed Consistency Statement.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

1 2023-116-OA Yard Encroachments and Screening Staff Report

2 2023-116-OA Yard Encroachments and Screening 155.201(G)(4) Current Text

3 2023-116-OA Yard Encroachments and Screening 155.201(G)(4) Redline Text

4 2023-116-OA Yard Encroachments and Screening 155.201(G)(4) Revised Text

5 2023-116-OA Yard Encroachments and Screening 155.402(G) Current Text

6 2023-116-OA Yard Encroachments and Screening 155.402(G) Redline Text

7 2023-116-OA Yard Encroachments and Screening 155.402(G) Revised Text

8 2023-116-OA -Yard Encroachments and Screening Consistency Statement

Meeting Timeline

Planning Board Public Comment Session - July 24, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

Ben Howell, Planning Director	Approved - Jul 21 2023
Love Ott, Land Development Specialist	Approved - Jul 21 2023

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

Planning Board
July 24, 2023

STAFF REPORT

Application Number: 2023-116-OA
Project Name: Yard Encroachments and Screening

Applicant: Town of Clayton
Public Noticing: Newspaper ad to be published August 9 and August 16, 2023 (pending Planning Board action)

REQUEST: Request to revise Sections 155.201(G)(4), to allow Fire Escapes to encroach in a required setback up to 8 feet regardless of Zoning District, and Section 155.402(G), to remove the separation requirements for dumpsters and loading zones from residentially zoned properties. These proposed amendments are in line with the proposed Unified Development Ordinance that is being created through the Codify Clayton project.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 155 and the general description are proposed for amendment:

§155.201(G)(4) – Yard Encroachments
§155.402(G) – Screening

STAFF ANALYSIS AND COMMENTARY:

Overview
These amendments will align certain provisions of the Unified Development Code (UDC) with the Draft Unified Development Ordinance (UDO) being developed through the Codify Clayton project. The revision to Section 155.201(G)(4) removes the prohibition on Fire Escapes encroaching in required yards (setbacks) in the B-1 District; the proposed amendment would treat all zoning districts the same for Fire Escape encroachments, allowing Fire Escapes to encroach up to eight feet into a required Yard, and requiring Fire Escapes to provide at least 7.5 feet of clearance above any public sidewalk, greenway, or right-of-way. The revision to Section 155.402(G) removes the requirement that dumpster enclosures must be at least 50 feet from residentially zoned properties, as well as the requirement that loading areas must be at least 50 feet from residentially zoned properties. The text amendment also includes some additional standards for screening of dumpsters that are proposed in the new UDO. These amendments were initiated at the request of the Economic Development Office.

Approval Criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;

Response: The proposed text amendments are consistent with the remainder of the applicable chapters in the UDC. The amendments meet the intent of the code and are consistent with all approved plans. The primary purpose of the text amendments is to clarify allowable yard encroachments for Fire Escapes and remove some separation requirements for certain site features that make certain areas of Town difficult to develop or redevelop.

2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;

Response: The proposed text amendments will clarify the allowed yard encroachments for Fire Escapes and remove what can be onerous separation requirements for certain site features that can make development or redevelopment of certain areas difficult. These amendments are in line with proposed changes in the new UDO that is being drafted through the Codify Clayton project.

3. Whether or not the proposed text amendment corrects an error in the chapters;

Response: The proposed text amendments do not correct any errors in Sections 155.201 or 155.402.

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law;

Response: The purpose of the proposed text amendments is not to comply with state or federal statutes or case law.

CONSIDERATIONS

- The Planning Board shall make a recommendation to Town Council. The Town Council shall make a final decision regarding revisions to the Town Code.

STAFF RECOMMENDATION:

Staff is recommending approval of the proposed changes to the UDC.

ATTACHMENTS:

1) §155.201(G)(4) Current Text
2) §155.201(G)(4) Redline Text
3) §155.201(G)(4) Revised Text
4) §155.402(G) Current Text
5) §155.402(G) Redline Text
6) §155.402(G) Revised Text
7) Proposed Consistency Statement

ARTICLE 2: ZONING DISTRICTS

CONTENTS:

§ 155.200 DISTRICTS ESTABLISHED 1
§ 155.201 MEASUREMENTS AND EXCEPTIONS 6
§ 155.202 LAND USE REGULATIONS 10
§ 155.203 CONVENTIONAL DISTRICT STANDARDS 10
PART 1.RESIDENTIAL DISTRICTS 14
PART 2. NONRESIDENTIAL DISTRICTS 29
PART 3. CONDITIONAL ZONING DISTRICTS 31
§ 155.204 OVERLAY DISTRICT STANDARDS 33

§ 155.200 DISTRICTS ESTABLISHED

To carry out the provisions of this Chapter, within the jurisdiction of the Town, the following zoning districts are established.

(A) **INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

(1) **Defined**

District boundaries are as shown upon the Official Zoning Map and Future Land Use Map as set forth in § 155.104, and as adopted by Town Council. The provisions of this chapter are hereby established and declared to be in effect upon all land included within the boundaries as shown on the maps.

(2) **Rules for Interpretation**

(a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

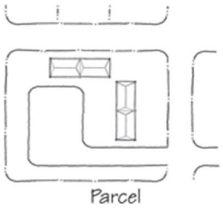
1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.

(a) A parcel may contain multiple buildings or uses.

(b) Parcel area shall be that area required for each individual building in a multi-building project. A parcel may include multiple lots.

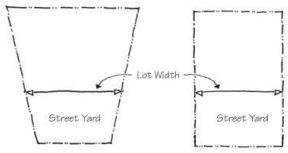


(E) **WIDTH**

(1) **Building Width**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

(2) **Parcel or Lot Width**



Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the rear edge of the front setback (also commonly known as the street yard) along a straight line parallel to the front of the property line or if the front property line is not straight, parallel to the chord of the front property line.

(F) **DENSITY**

(1) The maximum possible density on any parcel of land shall be as follows:

(a) One hundred percent of the district density for the area outside of resource conservation areas; and

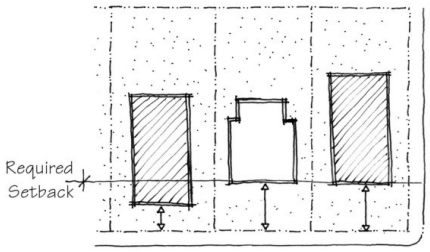
(b) Fifty percent of the district density for any resource conservation areas (see Article 5).

(2) Maximum allowable density for residential development shall be calculated by dividing the acreage of land (in square feet) by the minimum lot area (in square feet) for the district, and then rounding down to the nearest whole number.

(G) **YARDS AND SETBACKS**

(1) **General**

(a) All front yard and side street yard setbacks shall be measured from the edge of the right-of-way.



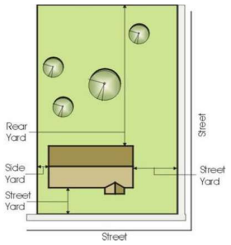
(b) The minimum front yard requirements of this article for residential dwellings shall not apply on any lot where the average front yard of existing dwellings located on either side of the lot in question within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lots may be less than the required front yard, but not less than the adjacent dwelling with the greatest front yard depth.

(c) Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in this section.

(d) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another structure or use.

(2) **Types of Yards**

(a) There are four types of yards – front, side street (also commonly known as street side), side interior, and rear.

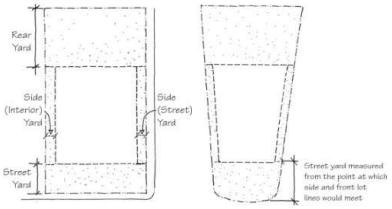


(3) **Measurement of Yards**

(a) Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

(b) Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(c) Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.



(4) **Yard Encroachments**

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

(a) Parking structures may extend into the rear yard of a dwelling unit.

(b) Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.

(c) Building eave or roof overhang may extend up to 24 inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and one-half feet above the ground elevation, and it is located at least five feet from any other building or eave.

(d) Sills and ornamental features may project up to 24 inches into any required yard.

(e) Except in the B-1 District, fire escapes may project up to eight feet into any required yard.

(f) Signs may extend into required yards in conformance with standards found in § 155.403.

(g) Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.

(h) Security gates and guard stations may be located within any required yard.

(i) Unenclosed patios, decks or terraces, including lighting structures, may extend up to four feet into any required side yard, or up to eight feet into any required rear yard.

(j) Covered porches may encroach a maximum of 20% of the required front yard setback depth.

(k) Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.

(l) Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to 18 inches into any required yard, but shall remain at least six feet from the property line.

(m) Structures below and covered by the ground may extend into any required yard.

(n) Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area and may be no closer than two feet from the property line.

(o) Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions.

(p) Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

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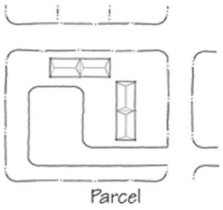

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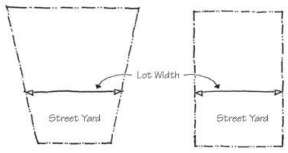

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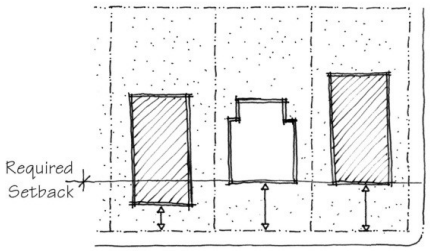

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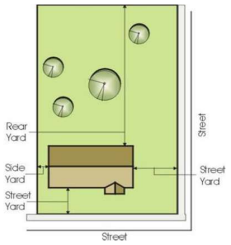

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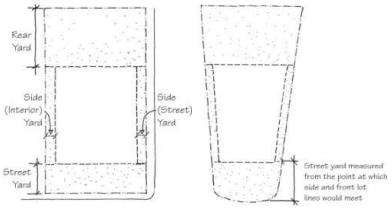

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(e) ~~Except in the B-1 District, f~~Fire escapes may project up to eight feet into any required yard, but must maintain at least seven-and-one-half feet above a sidewalk, greenway, or street.

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(a) The Planning Director shall be responsible for interpretations of the Official Zoning Map and Future Land Use Map in accordance with the standards set forth in this Section. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

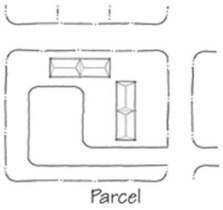
1. Boundaries indicated as approximately following the centerlines of streets, alleys, highways, streams or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, Town limits or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.

(a) A parcel may contain multiple buildings or uses.

(b) Parcel area shall be that area required for each individual building in a multi-building project. A parcel may include multiple lots.

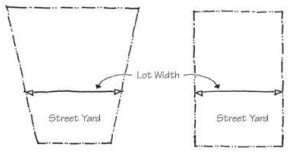


(E) **WIDTH**

(1) **Building Width**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

(2) **Parcel or Lot Width**



Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the rear edge of the front setback (also commonly known as the street yard) along a straight line parallel to the front of the property line or if the front property line is not straight, parallel to the chord of the front property line.

(F) **DENSITY**

(1) The maximum possible density on any parcel of land shall be as follows:

(a) One hundred percent of the district density for the area outside of resource conservation areas; and

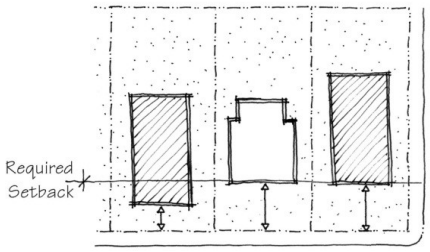
(b) Fifty percent of the district density for any resource conservation areas (see Article 5).

(2) Maximum allowable density for residential development shall be calculated by dividing the acreage of land (in square feet) by the minimum lot area (in square feet) for the district, and then rounding down to the nearest whole number.

(G) **YARDS AND SETBACKS**

(1) **General**

(a) All front yard and side street yard setbacks shall be measured from the edge of the right-of-way.



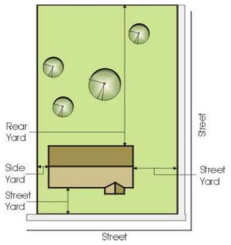
(b) The minimum front yard requirements of this article for residential dwellings shall not apply on any lot where the average front yard of existing dwellings located on either side of the lot in question within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lots may be less than the required front yard, but not less than the adjacent dwelling with the greatest front yard depth.

(c) Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in this section.

(d) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another structure or use.

(2) **Types of Yards**

(a) There are four types of yards – front, side street (also commonly known as street side), side interior, and rear.

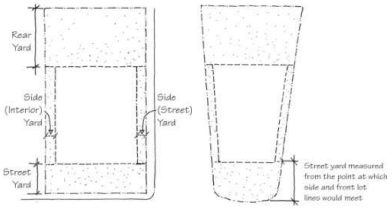


(3) **Measurement of Yards**

(a) Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

(b) Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(c) Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.



(4) **Yard Encroachments**

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

(a) Parking structures may extend into the rear yard of a dwelling unit.

(b) Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.

(c) Building eave or roof overhang may extend up to 24 inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and one-half feet above the ground elevation, and it is located at least five feet from any other building or eave.

(d) Sills and ornamental features may project up to 24 inches into any required yard.

(e) Fire escapes may project up to eight feet into any required yard, but must maintain at least seven-and-one-half feet above a sidewalk, greenway, or street.

(f) Signs may extend into required yards in conformance with standards found in § 155.403.

(g) Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.

(h) Security gates and guard stations may be located within any required yard.

(i) Unenclosed patios, decks or terraces, including lighting structures, may extend up to four feet into any required side yard, or up to eight feet into any required rear yard.

(j) Covered porches may encroach a maximum of 20% of the required front yard setback depth.

(k) Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.

(l) Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to 18 inches into any required yard, but shall remain at least six feet from the property line.

(m) Structures below and covered by the ground may extend into any required yard.

(n) Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area and may be no closer than two feet from the property line.

(o) Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions.

(p) Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-03-01, passed 3-17-14; Am. Ord 2016-04-04, passed 04-04-2016)

ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

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PART 3. LOADING STANDARDS 19
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§155.405 DESIGN STANDARDS- NON-RESIDENTIAL & MULTI-FAMILY 67

§ 155.400 ACCESS

(A) **PURPOSE AND INTENT**

It is the intent of this Section to establish procedures and design standards for driveways and access points to promote efficiency and safety of the connecting street system, support operations of the surrounding pedestrian and bicycle network, ensure safe roadway access to all parcels and lots, and promote a vibrant and attractive streetscape character. These procedures and standards are intended to preserve and enhance the character of the community, and protect the health, safety and general welfare of Clayton's residents.

(B) **ACCESS**

For the purposes of this Section, access means the point or points of ingress and egress from a development or parcel to the existing right-of-way network.

PART 4. SCREENING

(G) **SCREENING**

(1) **Drive-thru Facilities**

Drive-thru windows and lanes shall be designed to adhere to the following standards:

(a) Drive-thru windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-thru lane, located between the drive-thru lane and the adjacent right-of-way.

(b) Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and be maintained at a minimum height of 48 inches within two years of planting.

(c) Drive-thru windows are not permitted on the side of a building adjacent to any residential district.

(2) **Service Areas**

(a) Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from adjacent properties or public rights-of-way.

(b) Service areas shall be fully enclosed by opaque walls, gates, and/or fences at least eight feet high and shall be constructed of the same materials as the primary building.

(c) All service areas are limited to the area shown on an approved site plan.

(d) All service areas shall be located a minimum of 50 feet away from any residentially-zoned property line.

(3) **Loading Areas**

Loading areas shall be subject to the following screening requirements:

(a) A 100% year-round screen of all loading areas visible from residential properties or public rights-of-way is required.

(b) Screening shall consist of berms, walls, fences, plant material or combination thereof totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.

(c) Loading docks not in an I-1 or I-2 District shall be located at the side or rear of buildings a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

(4) **Mechanical Equipment**

(a) All roof, ground and wall mounted mechanical equipment including, but not limited to air handling equipment, vents, compressors, duct work, transformers and elevator equipment) shall be screened from view.

(b) Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.

(c) Wall or ground-mounted equipment screening shall be constructed of:

1. Planting screens;

2. Brick, stone, reinforced concrete, or other similar masonry materials; or

3. Redwood, cedar, preservative pressure treated wood, or other similar materials.

(5) **Utilities**

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required access to these utilities is exempt from the screening provisions.

(6) **Fencing and Walls**

(a) A fence or wall not more than six feet in height may be installed along any side and rear lot line. A fence or wall in any required front yard shall not exceed four feet in height.

(b) Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood, wrought iron and black vinyl coated chain link fence . Black vinyl coated chain link fence is permitted subject to the following additional requirements:

1. <u>Residential Uses</u>

Black vinyl coated chain link fencing is permitted for individual lots from the front façade of the house in the side and/or rear. It may not be used forward of the front façade. It may be used be used along a side street or between the house and the side property line if screened from view by landscape materials maintained at the same height as the fence or higher. Shrubs shall be at least 30

inches in height at planting. Chain link fencing is not permitted for use by a developer for buffering and screening. Black vinyl coated fencing may be used for recreational uses including, but not limited to parks, playgrounds, swimming pools, tennis courts and basketball courts.

2. Non-Residential Uses

Black vinyl coated chain link fencing is permitted for the accessory enclosures of day care facilities, kennels or veterinary clinics. Black vinyl coated chain link fencing is permitted for industrial uses. Vinyl coating is not required for fences when not visible from adjacent property or right-of-way.

3. Public Utilities

Black vinyl coated chain link fencing is permitted for public utility purposes. Vinyl coating is not required for industrial fences when it is not visible from adjacent property or right-of-way.

4. The use of black coated vinyl chain link fencing for uses not listed above is permitted if the use of such material is consistent with, and will not impact the aesthetic appearance of the surrounding area.

(c) Fences topped with razor, concertina, or barbed wire are limited to properties designated for industrial or utility use.

(d) Breaks in the fence or wall may be provided for pedestrian connections to adjacent developments.

(e) The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.

PART 5. GENERAL LANDSCAPING, SCREENING AND BUFFERING PROVISIONS

(H) **GENERAL PROVISIONS**

(1) **Design, Installation and Establishment**

(a) ***Plant Material***

1. Except as otherwise specified in this article, landscaping materials shall conform to the following minimum specifications:
   A. Canopy trees shall have a 2.5 inch caliper and be 8 feet tall following installation.

ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

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§ 155.403 SIGNS 3836
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§155.405 DESIGN STANDARDS- NON-RESIDENTIAL & MULTI-FAMILY 67

§ 155.400 ACCESS

(A) **PURPOSE AND INTENT**

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(G) **SCREENING**

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(b) Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and be maintained at a minimum height of 48 inches within two years of planting.

(c) Drive-thru windows are not permitted on the side of a building adjacent to any residential district.

(2) **Service Areas**

(a) Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from adjacent properties or public rights-of-way.

~~(a)~~(b) Screening material shall be promptly repaired if damaged in a manner that reduces the screening function.

(c) Service areas shall be fully enclosed by opaque walls, gates, and/or fences at least eight feet high but no taller than ten feet high, and shall be constructed of ~~the same materials~~consistent materials and colors to those used on ~~as~~ the primary building.

(d) Masonry walls may incorporate louvers or similar features, provided the screening function is maintained.

(e) All gates shall be comprised of a complimentary material and be opaque, excluding gaps for mounting hardware, latches, and hinges.

~~(b)~~(f) Support columns may exceed the maximum height as necessary for wall construction.

~~(c)~~(g) All service areas are limited to the area shown on an approved site plan.

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PART 5. GENERAL LANDSCAPING, SCREENING AND BUFFERING PROVISIONS

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§155.405 DESIGN STANDARDS- NON-RESIDENTIAL & MULTI-FAMILY 67

§ 155.400 ACCESS

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PART 5. GENERAL LANDSCAPING, SCREENING AND BUFFERING PROVISIONS

(H) **GENERAL PROVISIONS**

(1) **Design, Installation and Establishment**

(a) ***Plant Material***

TOWN OF CLAYTON

ORDINANCE AMENDMENT

CONSISTENCY STATEMENT

[2023-116-OA Yard Encroachments and Screening Text Amendment]

The Planning Board of the Town of Clayton hereby states:

Section 1: The above referenced ordinance amendment IS RECOMMENDED TO BE APPROVED.

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

The Comprehensive Growth Plan 2045, specifically:

- Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas; and
- Strategy LU 1.1.3: Review and update the Unified Development Code within 1-2 years to ensure consistency with the Goals, Policies and Strategies of the Comprehensive Growth Plan; and
- Policy LU 1.2: Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.

The requested ordinance amendment is consistent with the above referenced goal, strategy and policy from the Comprehensive Growth Plan 2045. The proposed amendment seeks to modify the UDC Section 155.201 – Measurements and Exceptions, subsection (G)(4) and Section 155.402 – Landscaping, Screening and Buffering, subsection (G). The proposed amendments seek to clarify how Fire Escapes can encroach into required yards, remove separation requirements for dumpster screening and loading areas from residentially zoned property, and add additional requirements for dumpster screening.

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

that the ordinance amendments are consistent with Chapter 155 of the Town of Clayton's Code of Ordinances and the Comprehensive Growth Plan 2045.

Clayton Planning Board
Agenda Cover Sheet

Meeting Date	Agenda Location
July 24, 2023	PUBLIC COMMENTS

Item Title

2023-65-RZ 8175 US HWY 70 Rezoning

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Other - Provide recommendation for 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: No

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 on Property

Summary

The site is located off US HWY 70 Bus W within Clayton's ETJ. The applicant has requested to rezone the above-referenced parcel that is approximately +/- 15.76 acres in size from Business-Highway (B-3) and Residential- Estate (R-E) zoning district to the Industrial-Heavy (I-2) Zoning District. The site is currently vacant.

Recommendation

Planning staff recommends approval.

Funding Source

N/A

Corresponding Documentation

1 2023-65-RZ Staff Report 8175 US HWY 70 Bus

2 2023-65-RZ Application and Owners Consent

3 2023-65-RZ Neighborhood Meeting Materials

4 2023-65-RZ Survey 8175 US 70 Bus

5 2023-65-RZ Staff Report Maps

Submitted By: Bruce Venable, Planning

Reviewed By:

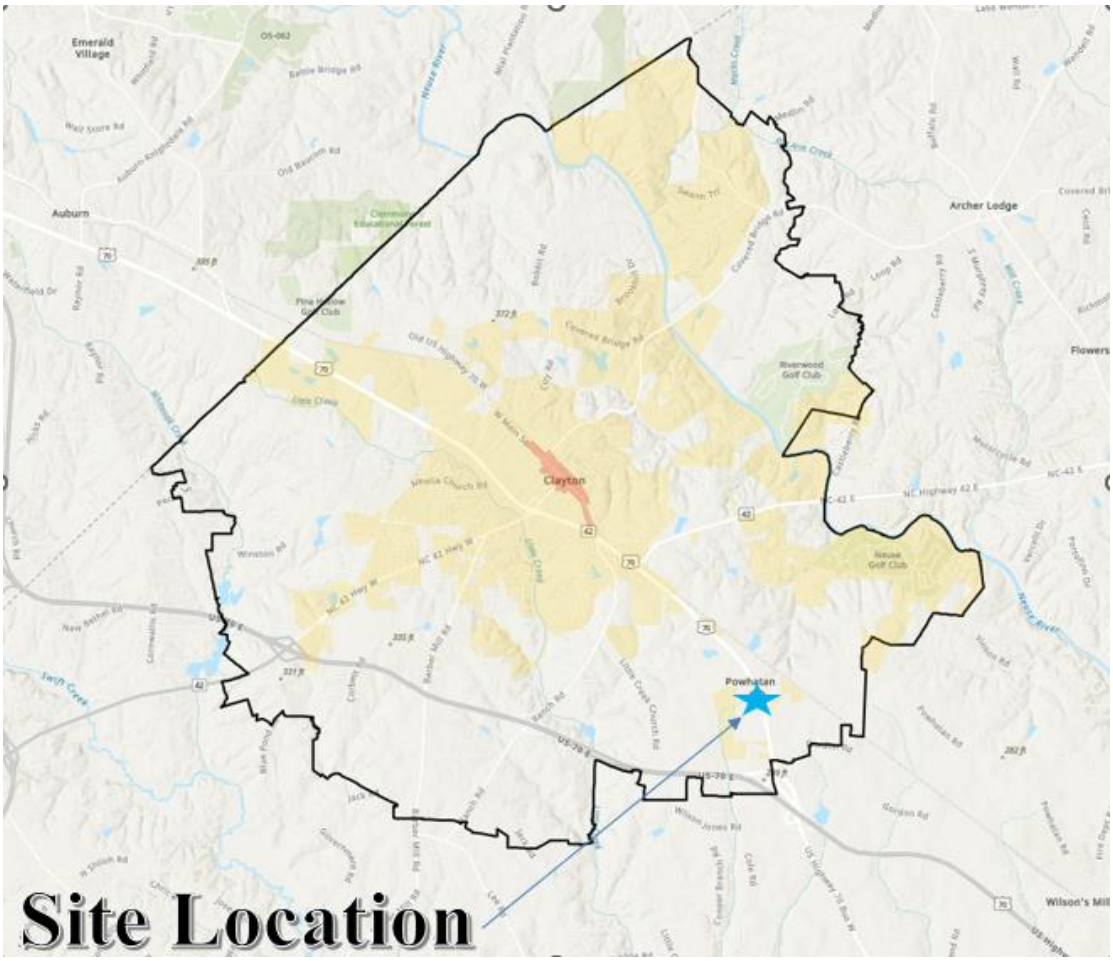
Ben Howell, Planning Director	Approved - Jul 21 2023
Love Ott, Land Development Specialist	Approved - Jul 21 2023

PLANNING DEPARTMENT

PLANNING BOARD STAFF REPORT
July 24, 2023

8175 US 70 BUS REZONING

Project #:	2023-65-RZ	**Location:**	8175 US HWY 70 BUS. CLAYTON, NC, 27520
Applicant:	Wiley Capital	**Project Type:**	Rezoning
Property Owner:	Robert Neal Doster, Jr.	**Proposed Use:**	Industrial
Staff Planner:	Bruce Venable, Planner I	**TAG #(s):**	05E99001Z



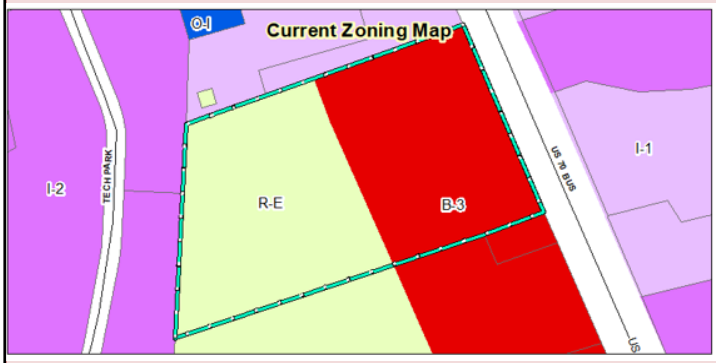
PROJECT SUMMARY

The site is located off US HWY 70 W, just south of Gordon Road within Clayton's ETJ. The applicant has requested to rezone the above-referenced parcel that is approximately +/- 15.76 acres in size from Business-Highway (B-3) and Residential-Estate (R-E) zoning districts to the Industrial-Heavy (I-2) Zoning District. The site is currently vacant.

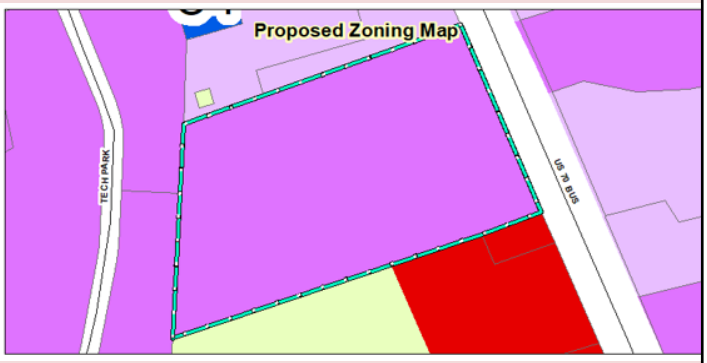
LAND USE REVIEW

SITE DATA:
Acreage: +/- 15.76 acres
Existing Use: Vacant

CURRENT ZONING MAP



PROPOSED ZONING MAP



AERIAL MAP

TABLE 1: COMPARISON OF SURROUNDING PROPERTIES		
Direction	Zoning	Existing Use
North	I-1(Industrial-Light)	Industrial
South	R-E (Residential-Estate) & B-3 (Highway-Business)	Residential: Single Family Homes; Vacant.
East	I-1 (Industrial-Light) & I-2 (Industrial-Heavy)	Industrial: R&D, Manufacturing.
West	I-2 (Industrial-Heavy)	Industrial

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as "Employment Center" (see map above). Page 21 of the Comprehensive Growth Plan states that Employment Center areas are designated "to provide locations for primary employment and economic development opportunities" and are "located along a major transportation corridor..." These guidelines are consistent with the purpose and function of I-2 zoning, as stated above. The rezoning request would be consistent with the Employment Center Future Land Use designation.

Comprehensive Growth Plan Goals supporting the rezoning request:

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 1.1:** 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.

Strategy LU 1.1.1: Review development proposals for consistency with the Future Land Use Map.

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

Strategy LU 1.3.1: Ensure the scale of non-residential uses are 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.

Strategy LU 1.4.3: Allow for integration of compatible uses in Employment Centers including commercial development as a supporting use.

Goal ED 1: Increase opportunities for companies that provide well-paid jobs.

Policy ED 1.5: Continue business retention efforts and support existing commercial corridors.

Strategy ED 1.5.1: Continue business retention and expansion strategies to engage with existing businesses to support existing operations and expansions.

Strategy ED 1.5.2: Increase employment and redevelopment opportunities along key corridors including 70 Bus and NC 42 and at 70 Bypass interchanges.

REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Planning Board 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 industrial zoning request is consistent with the town's comprehensive plan for the area as an employment center. The properties to the west and north of the site and most of the properties to the east across US 70 Bus are zoned industrial.

Staff Commentary: Staff believe that the current zoning and the proposed zoning changes are consistent with currently adopted plans for this project.

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

Applicant's Response: The property is better suited for industrial development, which will coexist better with the existing utility easements running through the site than an other or residential use would.

Staff Commentary: Staff believes that this request is appropriate and achieves the best use and practice for this site.

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

Applicant's Response: Demand for industrial space is strong. Also, the proposed development can provide additional space to service existing businesses in Clayton needing expansion space, or for businesses needing space to support existing customers located in Clayton.

Staff Commentary: Staff believe that this use is consistent with similar uses and may address a need for warehouse and freight services that will assist current and future businesses.

(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: The existing public facilities and utilities are adequate to serve the proposed zoning for the site.

Staff Commentary: The rezoning should not affect the Town's compacity of public facilities, services nor will it negatively affect the current infrastructure. The applicant will be required to complete a WWA application prior to final approval from the TRC.

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

Applicant's Response: Correct. The legal purposes for which the Town's zoning exists are not violated.

Staff Commentary: Staff believe that this request is not contravened and is aligned with the comprehensive future land use plan of 2045 and will serve the community under the proposed I-2 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: Adjoining owners are either currently zoned industrial, or if not, are already adjacent to industrially zoned property, so there is no adverse effect. Also, the proposed zoning change is a step forward in meeting Clayton's comprehensive plan for the area as an employment center.

Staff Commentary: There should be no adverse effect upon any of the adjoining property owners due to this rezoning proposal.

(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: Correct. The general public benefits because changing to I-2 zoning allows the site to participate in uses consistent with its' Employment Center designation under Clayton's comprehensive plan.

Staff Commentary: No one property owner or small group will benefit materially from this change.

Staff Recommendation

- Staff recommends ***APPROVAL*** of the proposed rezoning request.

Consistency and Reasonableness Statement:

"We find this rezoning action is consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.3, Strategy LU 1.3.1, Policy LU 1.4, Strategy 1.4.1 & 1.4.3, Goal ED 1 Strategy ED 1..1 of the Town of Clayton's 2045 Comprehensive Growth Plan."

And

The proposed zoning amendment is reasonable and in the public interest because it supports the Town of Clayton 2045 Comprehensive Growth Plan's policies above and because:

1. It continues the development of vacant land along a major corridor within the "Employment Center" of the Town's Future Land Use Map; and
2. This rezoning is consistent with the zoning of adjacent parcels and developments near this site.

ATTACHMENTS:

1) Staff Report
2) Application/Owner's Consent Form
3) Neighborhood Meeting Materials
4) Survey
5) Staff Report Maps

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: 8175 US 70 Bus Industrial **Address or PIN #:** 8175 US 70 Bus W

AGENT/APPLICANT INFORMATION:

Wylie Capital c/o Jason Simon
(Name - type, print clearly)

10 Parkway North Blvd., suite 120
(Address)
Deerfield, IL 60015
(City, State, Zip)

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

Annexation of 15.76 acres

Rezoning of 15.76 acres

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:

Robert Neal Doster, Jr.
(Name - type, print clearly)

Robert Neal Doster
(Owner's Signature)

146 Sunset Dr.
(Address)

Cedar Point, NC 28584
(City, State, Zip)

STATE OF NC
COUNTY OF ~~Carteret~~ Onslow

Sworn and subscribed before me Beckie P Street, a Notary Public for the above State and County, this the 27 day of April, 2023.

BECKIE P. STREET NOTARY PUBLIC ONSLOW COUNTY, NC July 2018

Beckie P Street
Notary Public

My Commission Expires: 1.22.2028

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: 8175 US 70 Bus Industrial **Date:** 5/1/2023

Applicant Name: Wylie Capital

The following checklist to be completed by applicant:

[ ] Pre-Application Meeting on: April 11, 2023
[ ] Review Fee
[ ] Advertisement Fee
[ ] Completed Application
[ ] Owner's Consent Form
[ ] Adjacent Property Owner's List
[ ] Neighborhood Meeting Notice Letter (1 copy)
[ ] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
[ ] Signed & Sealed Boundary Survey
[ ] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____

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

REZONING APPLICATION

☐ **Rezoning Fee: $750 + $10 per acre**

SITE INFORMATION

Name of Project: 8175 US 70 Bus Industrial

Acreage of Property: 15.76 **Zoning District:** B-3 / R-E

County Tag #: 05E99001Z **NC Pin #:** 167700-29-0735

Address/Location: 8175 US HYW 70 Bus W, Clayton, NC

Existing Zoning District: B-3 / R-E **Proposed Zoning District:** I-2

APPLICANT INFORMATION

Applicant: Wylie Capital

Mailing Address: 10 Parkway North Blvd., Suite 120, Deerfield, IL 60015

Phone Number: 312-343-8100 **Fax:**

Contact Person: Ernie Reinstein

Email Address: ernie@wyliecap.com

PROPERTY OWNER INFORAMTION

Name: Robert Neal Doster, Jr.

Mailing Address: 146 Sunset Drive, Cedar Point, NC 28584

Phone Number: **Fax:**

Email Address: rdoster39@gmail.com

OFFICE USE ONLY

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

EXPLANATION OF PROJECT

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

Development of a 160,000 sf industrial building with truck trailer parking, docks, drive in doors, car parking, up to 36' clear height, and associated curb cuts for access.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

   The industrial zoning request is consistent with the town's comprehensive plan for the area as an employment center.

   The properties to the west and north of the site and most of the properties to the east across US 70 Bus are zoned industrial.

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

   The property is better suited for industrial development, which will coexist better with the existing utility easements running through the site than an other or residential use would.

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

   Demand for industrial space is strong. Also, the proposed development can provide additional space to service existing businesses in Clayton needing expansion space, or for businesses needing space to support existing customers located in Clayton.

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.

   The existing public facilities and utilities are adequate to serve the proposed zoning for the site.

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

   Correct. The legal purposes for which the Town's zoning exists are not violated.

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

   Adjoining owners are either currently zoned industrial, or if not, are already adjacent to industrially zoned property, so there is no adverse effect. Also, the proposed zoning change is a step forward in meeting Clayton's comprehensive plan for the area as an employment center.

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.

Correct. The general public benefits because changing to I-2 zoning allows the site to participate in uses consistent with its' Employment Center designation under Clayton's comprehensive plan.

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.

Jason Simon		9/28/23
Print Name	***Signature of Applicant***	***Date***

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held prior to the 1st scheduled public meeting date. It is recommended to hold the meeting at least 10 days prior to the 1st scheduled public meeting date, however, it is **not** a requirement.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

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

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- [x] Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- [ ] Copy of the letter mailed *Should be submitted with original application packet*
- [ ] Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- [ ] Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting date*

ADJACENT PROPERTY OWNERS LIST

Project Name: 8175 US 70 Bus Industrial

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
05I05040B	Klopfer Associates	14359 Miramar Pkwy #325, Miramar, FL 33027-4134
05I05040	Twiford Pony Farm LLC	429 S. Hughes Blvd., Elizabeth City, NC 27909-4526
05I05039I	Twiford Pony Farm LLC	429 S. Hughes Blvd., Elizabeth City, NC 27909-4526
05I05039C	Pony Farm Associates LLC	8636 Vintage Club Dr., Wilmington, NC 28411-7685
05I05040C	Johnston County	PO Box 1049, Smithfield, NC 27577-0000
05I05199D	Michael Wilson Little	8173 US 70 Bus W, Clayton, NC 27520-9459
05I05039	Stephan Grady Wood	40 Warrens Way, Chocowinity, NC 27817-9546
05I05001D/05I05017F	Grifols Therapeutics	8368 US HWY 70 W, Clayton, NC 27520
05I05017/05I05017E	Walthom Group III LLC	8184 US HWY 70 W, Clayton, NC 27520

SAMPLE NEIGHBORHOOD MEETING LETTER
(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

Dear Clayton Area Property Owner:

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

Meeting Date: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

_____

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

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

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

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

If you have any questions prior to or after this meeting, you may contact us at ***<Insert phone number of applicant>***. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 8175 US HWY 70 BUS INDUSTRIAL

Application: Land Use Change / rezoning

Location/Date: _____

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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: _____

Date of Mailing: _____

Date of Meeting: _____ Time of Meeting: _____

Location of Meeting: _____

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

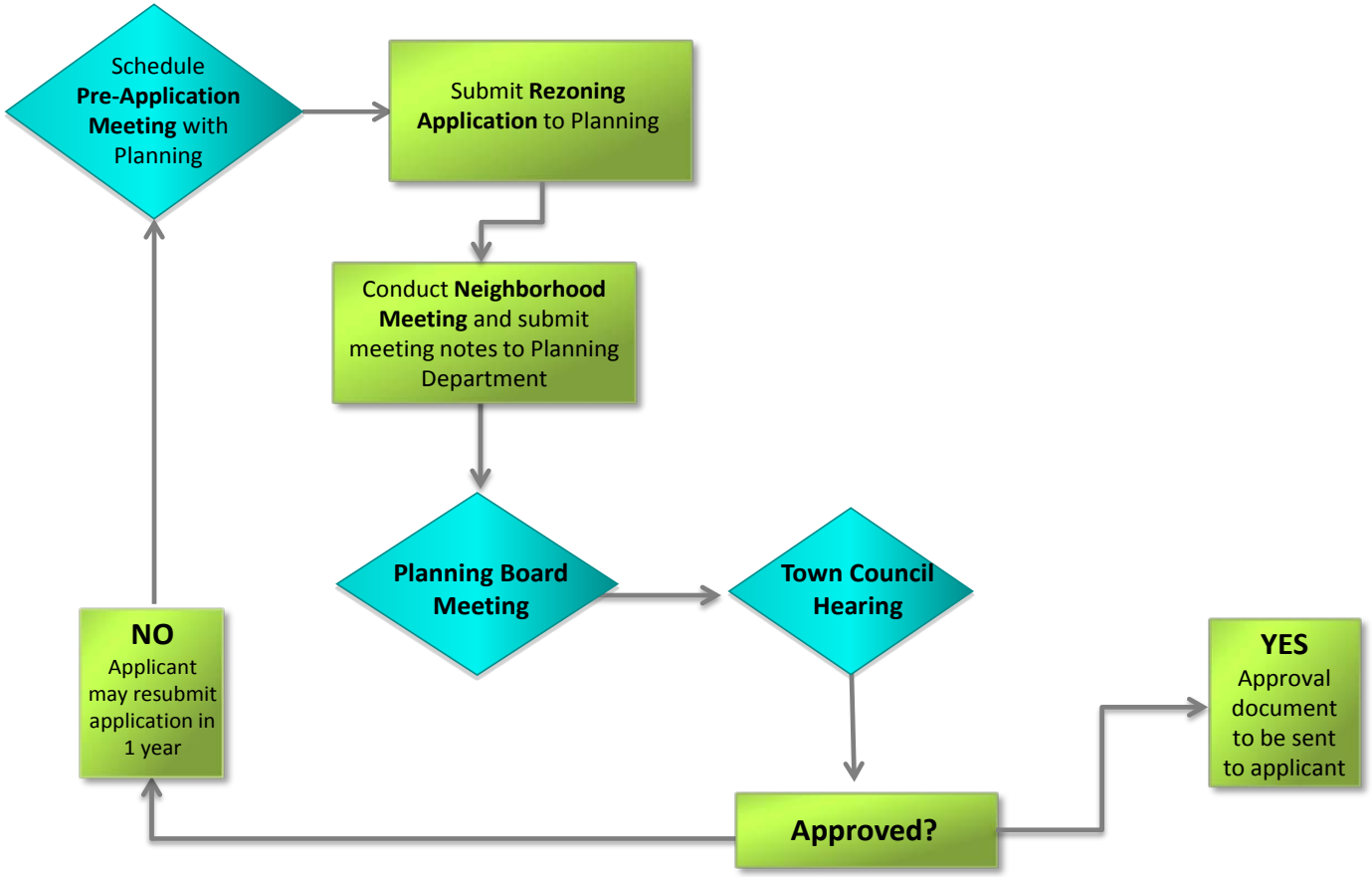
Printed Name: _____ Signature: _____

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

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

Town of Clayton Rezoning Process Flow Chart

This is the same process for a Planned Development Rezoning



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 8175 US HWY 70 BUS INDUSTRIAL

Application: Land Use Change / rezoning

Location/Date: Virtual Mtg / Tuesday June 6, 2023

	NAME	ADDRESS
1	Gary Davis - Klopfer	8325 US Hwy 70 bus
2	Michael Little & wife	8173 US Hwy 70 bus
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Rezoning

Date of Mailing: May 12, 2023

Date of Meeting: June 6, 2023 Time of Meeting: 6 pm

Location of Meeting: Virtual - online

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

Printed Name: Ernie Reinstein Signature: E R

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

The meeting began promptly at 6 pm with two adjacent property owners in attendance. An introduction to the project was provided including the location of the subject property in relation to each property owner's site in attendance and the zoning change being sought for the subject property. Additionally, each owner looked at the conceptual development plan and was given the opportunity to ask about the project. Other than timing (Q2 2024), neither owner had any questions about the zoning change or the project but were given developer's contact information should anything come up.

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

May 12, 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 near property shown in your ownership by Johnston County tax records. Per Town of Clayton regulations, a Neighborhood Meeting will be held to provide information to area residents about the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: **Tuesday, June 6** Meeting Time: **6 pm (eastern)**

Meeting Location: **Virtual Meeting via Teams Call-In: 1-323-792-6360**
Conference ID: 424325561#

Type of Application: **Land use change / rezoning**

Project/proposal property address: **8175 US HWY 70 W, Clayton, NC**

Description of project: **Development of a 160,000 sf industrial building with 32' clear height, docks, drive-in-doors, and car and truck trailer parking.**

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

TBD

The following will be available for your inspection at the Neighborhood Meeting:

1. A copy of the project application.
2. A schedule of upcoming public meetings for the application.
3. A map showing the neighboring properties and roads.
4. A plan of the proposed development.

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

If you have any questions prior to or after this meeting, you may contact us as shown below. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Wylie Capital

Jason Simon, Founder
jason@wyliecap.com
312-259-8207

Wylie Capital

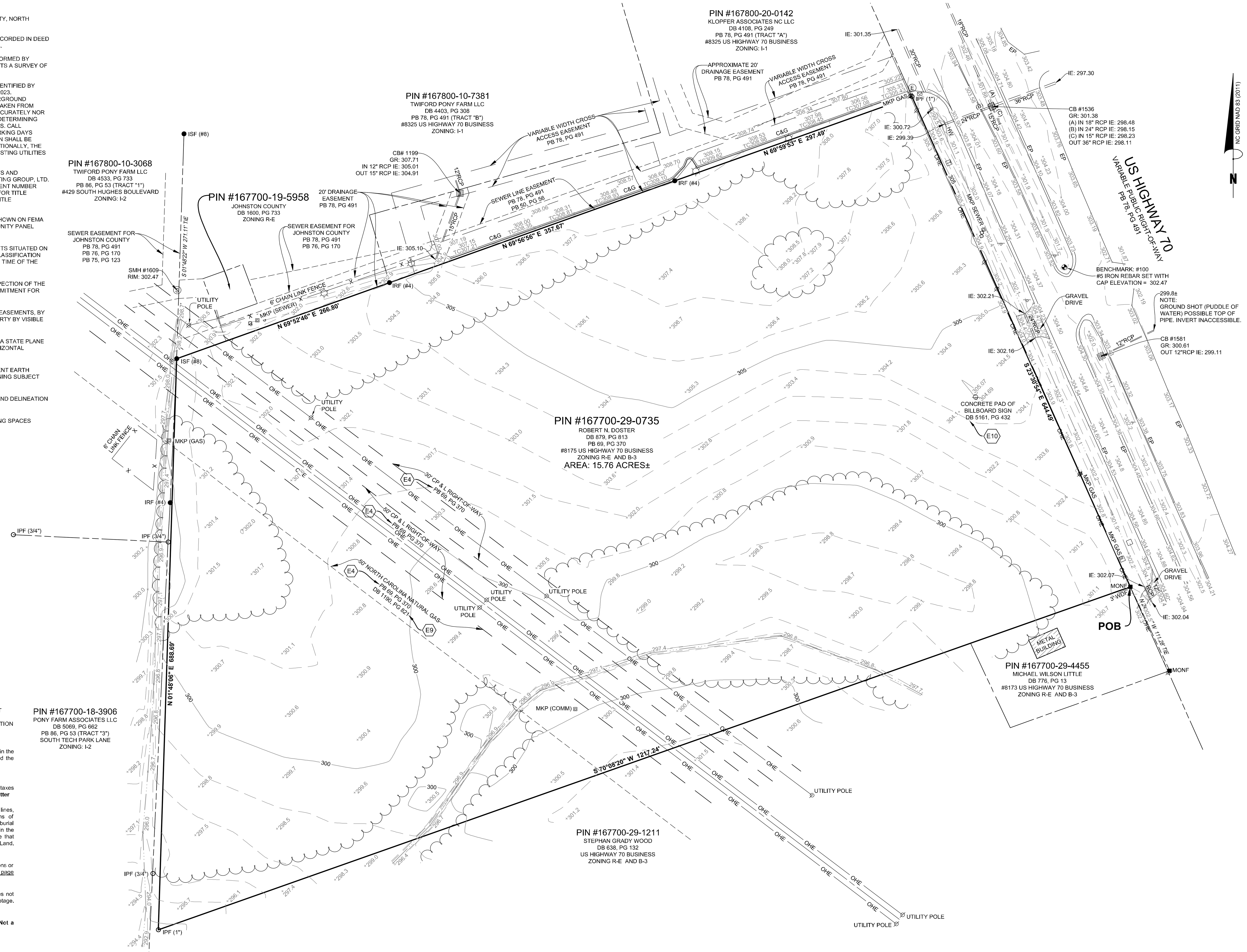
Ernie Reinstein, Development Manager
ernie@wyliecap.com
312-343-8100

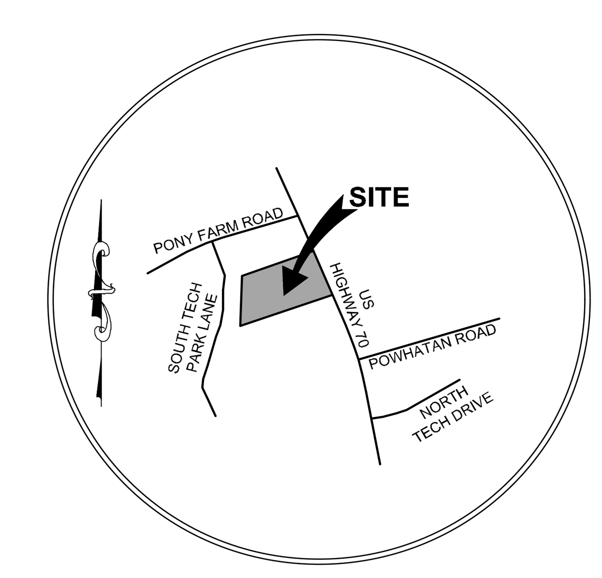
NOTES

1. THE SURVEYED PROPERTY DELINEATED HEREON IS LOCATED IN JOHNSTON COUNTY, NORTH CAROLINA AS TMS #167700-29-0735.
2. THE SURVEYED PROPERTY IS CURRENTLY IN THE NAME OF ROBERT N. DOSTER RECORDED IN DEED BOOK 879, PAGE 813 IN THE ROD OFFICE OF JOHNSTON COUNTY, NORTH CAROLINA.
3. BOUNDARY INFORMATION AS SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY BOWMAN CONSULTING GROUP, LTD. ON 04/05/2023 - 04/19/2023. SURVEY REPRESENTS A SURVEY OF OCCUPATION USING EVIDENCE FOUND AND REFERENCES SHOWN.
4. UNDERGROUND UTILITY INFORMATION SHOWN IS BASED ON FIELD EVIDENCE AS IDENTIFIED BY NC811 AND FIELD SURVEY BY BOWMAN CONSULTING GROUP ON 04/05/2023 - 04/19/2023. CONSIDERABLE EFFORT HAS BEEN MADE TO DETERMINE THE LOCATION OF UNDERGROUND UTILITIES. SOME LOCATIONS ARE ACTUAL FIELD MEASUREMENTS AND SOME ARE TAKEN FROM UTILITY RECORDS. THIS PLAN DOES NOT WARRANT THAT UTILITIES ARE SHOWN ACCURATELY NOR THAT ALL UTILITIES ARE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES PRIOR TO BEGINNING DIGGING OPERATIONS. CALL PALMETTO UTILITIES PROTECTION SERVICE AT 1-888-721-7877 A MINIMUM OF 3 WORKING DAYS BEFORE DIGGING. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE. ADDITIONALLY, THE CONTRACTOR SHALL CONFIRM THE CONNECTION POINTS OF NEW UTILITIES TO EXISTING UTILITIES PRIOR TO BEGINNING NEW CONSTRUCTION.
5. THE SURVEYED PROPERTIES AS SHOWN HEREON ARE SUBJECT TO ALL COVENANTS AND RESTRICTIONS OF RECORD AND THOSE RECORDED HEREWITH. BOWMAN CONSULTING GROUP, LTD. WAS PROVIDED WITH A COPY OF CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 22-15472RA, EFFECTIVE OCTOBER 3, 2022, AT 5:00 PM, LAST REVISED ___________, FOR TITLE INSURANCE, AND SCHEDULE B - SECTION II EXCEPTIONS ARE ADDRESSED IN THE TITLE COMMITMENT REVIEW.
6. THE SURVEYED PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN ZONE X AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR JOHNSTON COUNTY, NORTH CAROLINA, COMMUNITY PANEL NUMBER 3720167700K AND 3720167800K, EFFECTIVE DATE JUNE 20, 2018.
7. THE LOCATION OF ALL VISIBLE BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SURVEYED PROPERTY, WHICH HAS BEEN CAREFULLY ESTABLISHED BY THE CLASSIFICATION AND SPECIFICATIONS FOR CADASTRAL SURVEYS, ARE CORRECTLY SHOWN AT THE TIME OF THE SURVEY.
8. ALL EASEMENTS AND RIGHTS-OF-WAY APPARENT FROM A CAREFUL PHYSICAL INSPECTION OF THE SURVEYED PROPERTY, OR AS IDENTIFIED IN SCHEDULE B - SECTION II OF THE COMMITMENT FOR TITLE INSURANCE ARE CORRECTLY SHOWN UNLESS OTHERWISE NOTED.
9. THERE ARE NO VISIBLE ENCROACHMENTS ON ADJOINING PREMISES, STREETS OR EASEMENTS, BY VISIBLE BUILDINGS, STRUCTURES, NOR VISIBLE ENCROACHMENTS ON SAID PROPERTY BY VISIBLE STRUCTURES SITUATED ON ADJOINING PREMISES EXCEPT AS SHOWN.
10. NORTH MERIDIAN INFORMATION AS SHOWN HEREON IS BASED ON NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83 INTERNATIONAL FEET, DISTANCES SHOWN ARE HORIZONTAL "GROUND DISTANCES".
11. AS OF THE DATE OF THE SURVEY, THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE REMAINING SUBJECT PROPERTIES.
12. AS OF THE DATE OF THE SURVEY, THERE WAS NO OBSERVED EVIDENCE OF WETLAND DELINEATION WITHIN THE PROPERTY.
12. AS OF THE DATE OF THE SURVEY, THERE WAS NO OBSERVED EVIDENCE OF PARKING SPACES WITHIN THE PROPERTY.
13. AS OF THE DATE OF THE SURVEY, A ZONING REPORT HAS NOT BEEN PROVIDED.
14. ADDRESS: 8175 US HIGHWAY 70 BUSINESS,CLAYTON, NC

REFERENCES

1. PLAT PREPARED BY: BENTON W. DEWAR
   RECORDED: DECEMBER 29, 2006
   PLAT BOOK 69, PAGE 370
2. PLAT PREPARED BY: ALSEY J. GILBERT
   RECORDED: AUGUST 15, 2013
   PLAT BOOK 78, PAGE 491
3. PLAT PREPARED BY: ALSEY J. GILBERT
   RECORDED: DECEMBER 04, 2017
   PLAT BOOK 86, PAGE 53
4. DEED BOOK 879, PAGE 813





VICINITY MAP
SCALE: "NOT TO SCALE"

LEGEND

- INDEX CONTOUR
- INTERMEDIATE CONTOUR
- EP — EDGE OF PAVEMENT
- C&G — CURB AND GUTTER
- PROPERTY LINE
- ADJOINER PROPERTY LINE (NOT SURVEYED)
- X — FENCE LINE
- SWALE / DITCH LINE
- S — SANITARY SEWER
- STORM SEWER
- W — UNDERGROUND WATER LINE
- C — UNDERGROUND COMMUNICATION SERVICE
- G — UNDERGROUND GAS SERVICE
- E — UNDERGROUND ELECTRIC SERVICE
- OHE — OVERHEAD ELECTRIC
- GUARD RAIL
- TREE LINE
- BUILDING
- CONCRETE
- GRAVEL
- ISF — IRON STAKE FOUND (SIZE NOTED)
- IPF — IRON PIPE FOUND (SIZE NOTED)
- IRS — #5 IRON REBAR SET
- PKF — PK NAIL FOUND
- MONF — MONUMENT FOUND
- CALCULATED POINT (NO MONUMENT SET)
- BENCHMARK
- BOLLARD / POST
- MAILBOX
- MISCELLANEOUS ITEM (AS NOTED)
- SIGN
- HVAC UNIT
- TELEPHONE PEDESTAL
- GAS METER
- GAS VALVE
- POWER / UTILITY POLE
- GUY ANCHOR WIRE
- ELECTRIC BOX
- ELECTRIC METER
- STREET LIGHT / LAMP
- ELECTRIC MANHOLE
- CATCH BASIN (CB)
- STORM DRAIN MANHOLE (SDMH)
- SANITARY SEWER MANHOLE (SMH)
- SANITARY SEWER CLEAN-OUT
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- MARKER WITNESS POST

CONC. - CONCRETE
DB - DEED BOOK
GR - GRATE
HW - HEAD WALL
IE - INVERT ELEVATION
PB - PLAT BOOK
PG - PAGE
PIN # - PARCEL IDENTIFICATION NUMBER
RCP - REINFORCED CONCRETE PIPE
TC - TOP OF CURB
WDF - WOOD FENCE

TITLE COMMITMENT SCHEDULE B-SECTION II REVIEW

I FURTHER CERTIFY THAT (I) I HAVE EXAMINED TITLE DOCUMENTS FOR THE PROPERTY HEREIN DESCRIBED PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 22-15472RA, EFFECTIVE DATE OCTOBER 3, 2022 AT 5:00 PM, LAST REVISED ___________ AND (II) WITH RESPECT TO THE ITEMS IDENTIFIED IN SCHEDULE B - SECTION II WITH RESPECT TO THE PROPERTY.

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
   ***Response: Not a survey matter**
2. Taxes or assessments for the year 2022 due or payable, unpaid but not yet delinquent; and taxes or assessments for subsequent years, not yet due or payable. ***Response: Not a survey matter**
3. Any discrepancy, conflict, matters regarding access, shortage in area or boundary lines, encroachment, encumbrance, violation, variation, overlap, setback, easement or claims of easement, riparian right, and title to land within roads, ways, railroads, watercourses, burial grounds, marshes, dredged or filled areas or land below the mean highwater mark or within the bounds of any adjoining body of water, or other adverse circumstance affecting the Title that would be disclosed by a current inspection and accurate and complete land survey of the Land. ***Response: Does not affect.**

E4. Any right, easement, setback, interest, claim, encroachment, encumbrance, violation, variations or other adverse circumstance affecting the Title disclosed by plat(s) recorded in Plat Book 69, page 370. ***Response: As shown on Survey.**

5. This policy affords insurance as to the location of the boundary lines of the Land, but does not insure the engineering calculations in computing the exact amount of acreage/square footage. ***Response: Not a survey matter**
6. Rights of tenants in possession, as tenants only, under unrecorded leases. ***Response: Not a survey matter**
7. Access by way of US Hwy 70, a controlled access highway, is not insured.
8. Right of Way Easements to Southern Bell Telephone and Telegraph Company recorded in Book 1025, page 68; Book 1025, page 71; and Book 1035, page 69. ***Response: the access easement is blanket in nature and not plottable.**

E9. Grant of Easement to North Carolina Natural Gas Corporation recorded in Book 1190, page 821. ***Response: As shown on Survey.**

E10. Lease and terms and provisions thereof by and between Robert N. Doster and FMO Real Estate, LLC, a memorandum of which is recorded in Book 5161, page 432. ***Response: As shown on Survey.**

60 30 0 60 120
GRAPHIC SCALE
1" = 60'

LEGAL DESCRIPTION PER TITLE COMMITMENT 22-15472RA

BEGINNING at an existing concrete monument in the western right of way line of U. S. Highway #70 at the northeast corner of theAlton Wood tract of land, and the line runs thence along the northern property line of Alton Wood South 72 degrees 59 minutes 43 seconds West 1217.40 feet to an iron stake in the eastern property line of the property of Joe Mitchiner: thence along the eastern property line of the property of Joe Mitchiner North 4 degrees 42 minutes 58 seconds East 689.31 feet to an iron stake; thence North 72 degrees 48 minutes 36 seconds East 923 feet along the southern property line of the property of Nelson Mclamb to an iron stake in the western right of way line of U. 5. Highway #70: thence along the western right of way line of U. S. Highway #70, South 20 degrees 30 minutes East 644.25 feet to the) point of BEGINNING, and being the southern partion of that tract of land devisec to Alma W. Mclamb Doster and Nelson Mclamb by Will of Lula Webb Mclamb as recorded in File 79 E 236, Office of Clerk of the Superior Court of Johnston County.

LEGAL DESCRIPTION AS NOW SURVEYED

Beginning at an existing concrete monument in the western right of way line of U. S. Highway #70 at the northeast corner of Pin #167700-29-1211 and the line runs thence along the northern property line of Pin #167700-29-1211 South 70° 08' 20" West 1217.24 feet to an iron pipe found (IPF 1") in the eastern property line of Pin #167700-18-3906; Thence along the eastern property line of Pin #167700-18-3906 and Pin #167800-10-3068 North 01° 48' 06" East 688.69 feet to an iron stake found (ISF #8); Thence along the southern property line of Pin #167800-10-7381 Three (3) courses and Distances: (1) North 69° 52' 46" East 266.80 feet to an iron rebar found (IRF #4); Thence (2) North 69° 56' 56" East 357.67 feet to an iron rebar found (IRF #4); Thence (3) North 69° 59' 53" East 297.49 feet to an iron pipe found (IPF 1"); Thence in the western right of way line of U. S. Highway #70; Thence along the western right of way line of U. S. Highway #70, South 23° 30' 54" East 644.49 feet to the **Point Of Beginning.**

Said described parcel contains (15.76 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

SURVEYOR'S CERTIFICATION

TO: CHICAGO TITLE INSURANCE COMPANY AND WYLIE CAPITAL

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 7(a), 8, 9, 11(a), 13, 14, and 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 04/05/2023 - 04/19/2023.

I ALSO CERTIFY THAT THIS MAP OR PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS AS SHOWN ON PLAT), THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1: 10000 +; THAT THIS MAP OR PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

ADVANCE COPY

WILLIAM T. ROBBINS, II — DATE
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR
LICENSE NO. L - 4192

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR No. L-4192 WILLIAM T. ROBBINS, II
ADVANCED COPY

ALTA AND TOPOGRAPICAL SURVEY OF:
15.76 ACRES±
PROPERTY OWNED BY
ROBERT N. DOSTER
TMS #167700-29-0735
TOWN OF CLAYTON
JOHNSTON COUNTY, NORTH CAROLINA
PREPARED FOR
WYLIE CAPITAL

SCALE: 1" = 60' DATE: 04/24/2023

	REVISION

Bowman
BOWMAN NORTH CAROLINA LTD.
4006 BARRETT DRIVE, SUITE 104
RALEIGH, NC 27609
PHONE: (919) 553-6570
Phone: (919) 553-6570
F-1445
www.bowman.com

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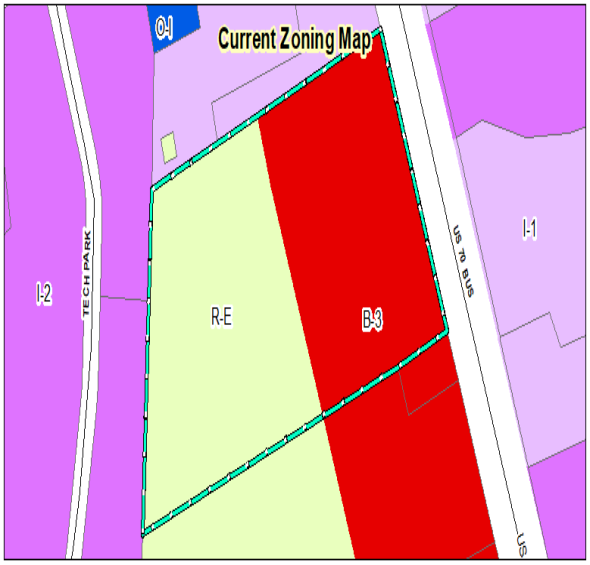
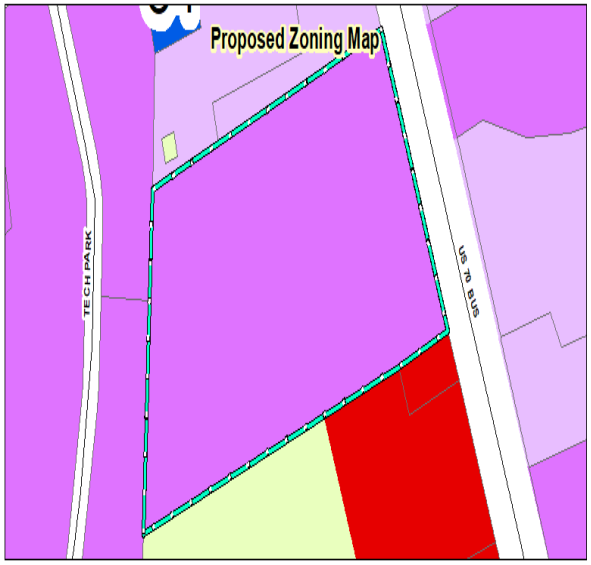
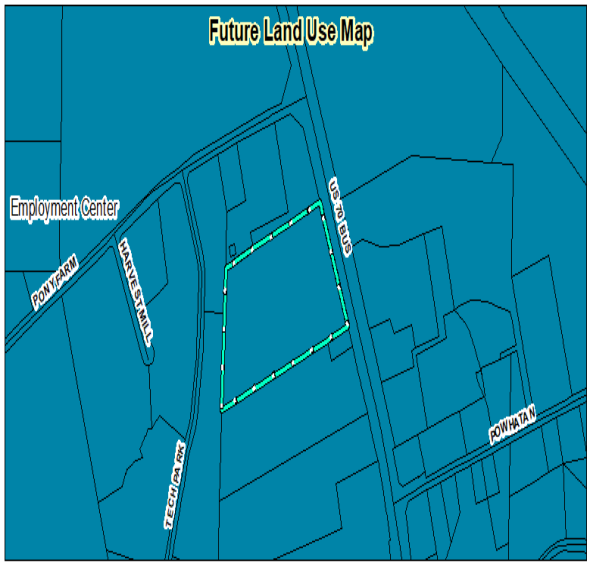
DWG: V:\030789 - Selma Johnston County Mixed\030789-01-007 (SUR) - 15.76 Acre Johnston County, Clayton, NC\Survey\Plats\Boundary\030789-01-007 ALTA-Topo	BY: WTC	CHK: WTR	QC:
BCG PROJECT NO: 030789-01-007	TASK: 00001	SURVEY DATE: 04/05/2023 - 04/19/2023	SHEET 1 OF 1







Request: Rezoning from B-3/R-E to I-2
Project Name 8175 US HWY 70 BUS Rezoning
Project Number: 2023-65-RZ

Applicant: Wylie Capital
Property Owner: Robert Neal Doster, Jr.
Tag #: 05E99001Z

Site

0 0.1 0.2 Miles

N

Staff Report Map
Prepared by: TOC Planning Department
June 29, 2023

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

Document Path: P:\PLANNING\REZONING\Rezoning\2023\2023-65-RZ 8175 US 70 Bus\Staff Report Map\Staff Report Maps - 2023-65-RZ 8175 US HWY 70 BUS W Rezoning.mxd

Clayton Planning Board
Agenda Cover Sheet

Meeting Date	Agenda Location
July 24, 2023	PUBLIC COMMENTS

Item Title

2023-66-RZ Milam Equipment Rezoning

Presenter(s)

Bruce Venable, Planner I

Suggested Action

Other - Provide recommendation for 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: No - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)	☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)	☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website
☐ Social Media	☐ Survey
☒ Special Mailing	☐ None Required

Other/Special Instructions: Public Meeting Notice Signs Placed On Property.

Summary

The site is located off US HWY 70 W, just south of Gordon Road within Clayton's ETJ. The applicant has requested to rezone the above-referenced parcels that are approximately 9.80 acres in combined size from Business-Highway (B-3) zoning district to the Industrial-Light (I-1) Zoning District. The site is currently vacant.

Recommendation

Planning Staff Recommends Approval

Funding Source

N/A

Corresponding Documentation

1 2023-66-RZ Staff Report Milam Staff Report

2 2023-66-RZ Application 2023-66-RZ Milam Equipment Rezoning

3 2023-66-RZ Neighborhood Meeting Materials

4 2023-RZ Survey 2023-66-RZ Milam Equipment Rezoning REDACTED

5 2023-66-RZ Staff Report Maps -

Submitted By: Bruce Venable, Planning

Reviewed By:

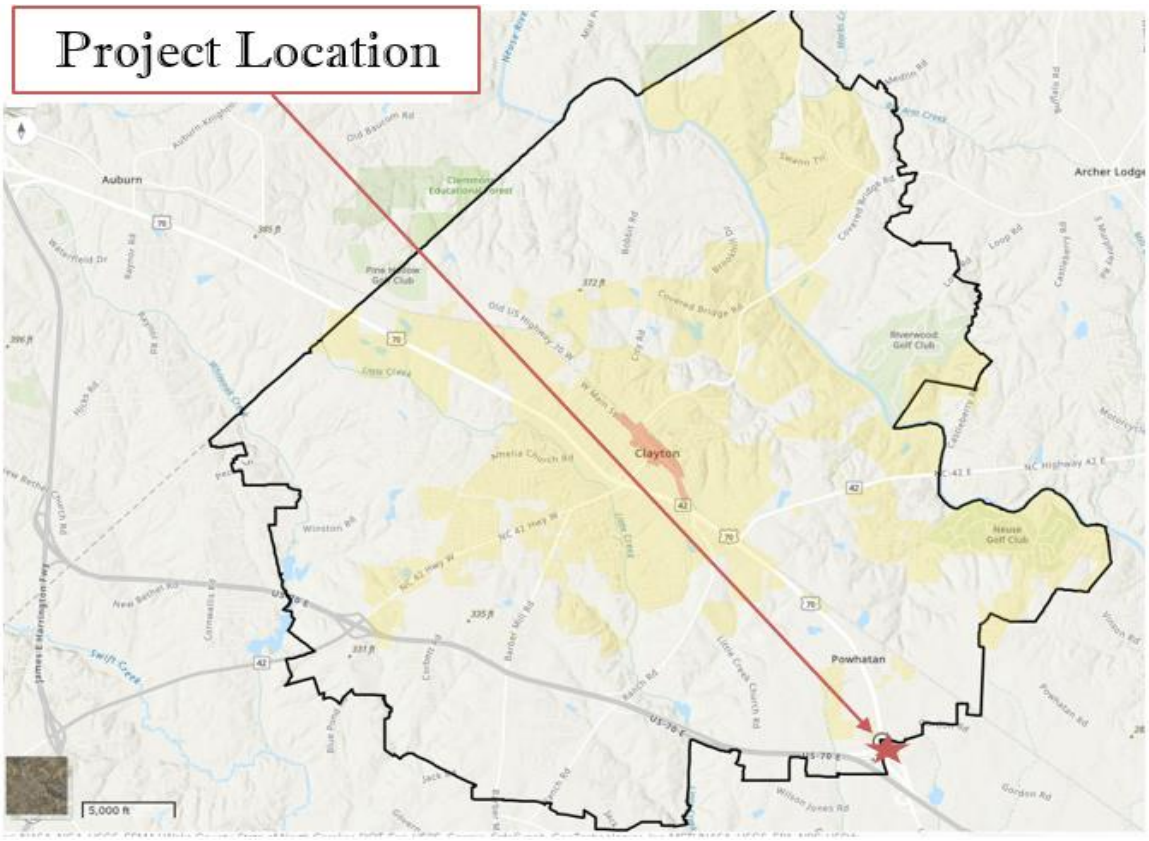
Ben Howell, Planning Director	Approved - Jul 21 2023
Love Ott, Land Development Specialist	Approved - Jul 21 2023

PLANNING DEPARTMENT

PLANNING BOARD STAFF REPORT
July 24, 2023

MILAM EQUIPMENT REZONING

Project #:	2023-66-RZ	**Location:**	7581 & 7531 US HWY 70 BUS. CLAYTON, NC, 27520
Applicant:	Milam Equipment Rental, LLC	**Project Type:**	Rezoning
Property Owner:	ETM JR. Property, LLC	**Proposed Use:**	Construction Equipment Rentals
Staff Planner:	Bruce Venable, Planner I	**TAG #(s):**	05105034 & 05105034A

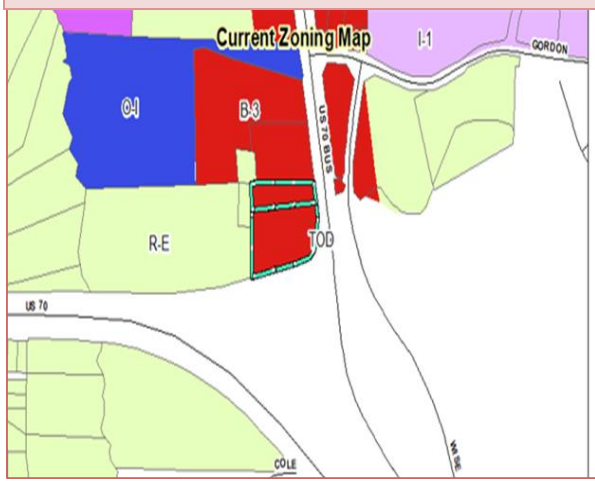
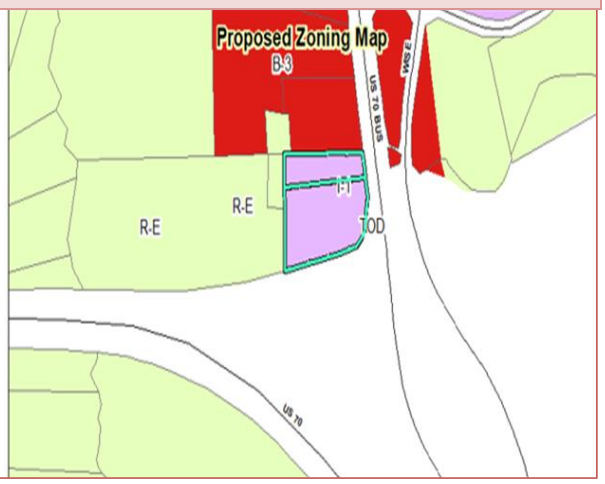


PROJECT SUMMARY

The site is located off US HWY 70 W, just south of Gordon Road within Clayton's ETJ. The applicant has requested to rezone the above-referenced parcels that are approximately 9.80 acres in combined size from Business-Highway (B-3) zoning districts to the Industrial-Light (I-1) Zoning District. The site is currently vacant.

LAND USE REVIEW

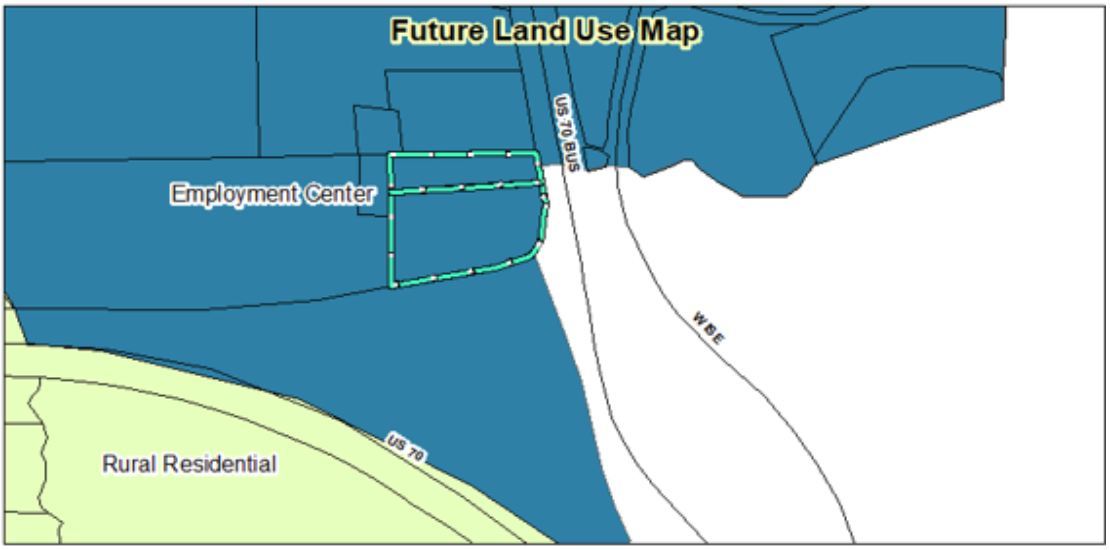
SITE DATA:
Acreage: +/- 9.80 acres
Existing Use: Vacant

CURRENT ZONING MAP	PROPOSED ZONING MAP
	

AERIAL MAP

TABLE 1: COMPARISON OF SURROUNDING PROPERTIES		
Direction	Zoning	Existing Use
North	B-3 (Business-Highway)	Service Garage
South	R-E (Residential-Estate)	Residential: Single Family Homes
East	B-3 (Highway-Business) & R-E (Residential-Estate)	Vacant; Vacant
West	R-E (Residential-Estate)	Single-Family Home

Consistency with the Comprehensive Growth Plan 2045



The Future Land Use Map identifies this area as "Employment Center" (see map above). Page 21 of the Comprehensive Growth Plan states that Employment Center areas are designated "to provide locations for primary employment and economic development opportunities" and are "located along a major transportation corridor..." These guidelines are consistent with the purpose and function of I-1 zoning, as stated above. The rezoning request would be consistent with the Employment Center Future Land Use designation.

Comprehensive Growth Plan Goals supporting the rezoning request:

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 1.1:** 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.

Strategy LU 1.1.1: Review development proposals for consistency with the Future Land Use Map.

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

Strategy LU 1.3.1: Ensure the scale of non-residential uses are 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.

Strategy LU 1.4.3: Allow for integration of compatible uses in Employment Centers including commercial development as a supporting use.

Goal ED 1: Increase opportunities for companies that provide well-paid jobs.

Policy ED 1.5: Continue business retention efforts and support existing commercial corridors.

Strategy ED 1.5.1: Continue business retention and expansion strategies to engage with existing businesses to support existing operations and expansions.

Strategy ED 1.5.2: Increase employment and redevelopment opportunities along key corridors including 70 Bus and NC 42 and at 70 Bypass interchanges.

REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Planning Board 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 current zoning and the proposed zoning changes are consistent with currently adopted plans for this project.

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

Applicant's Response: Town staff advised the applicant that the proposed rezoning to Light-Industrial was most suitable and appropriate for the project.

Staff Commentary: Staff believes that this request is appropriate and achieves the best use and practice for this site.

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

Applicant's Response: There is a market in the Town and its surrounding area for the proposed use (Construction Equipment Rentals), and the property is ideally suited for the use.

Staff Commentary: This use is consistent with other uses within the area and may address a need for future project development within the Towns Jurisdiction.

(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: The proposed use will not require many services, and water is available to the site.

Staff Commentary: The rezoning should not affect the Town's compacity of public facilities, services nor will it negatively affect the current infrastructure. The applicant will be required to complete a WWA application prior to Town Council approval of any potential development on the site.

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

Applicant's Response: The purpose of the rezoning and the proposed use of the property are lawful.

Staff Commentary: Staff believe that this request is not contravened and is aligned with the comprehensive future land use plan of 2045 and will serve the community under the proposed I-1 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: The property abuts a thoroughfare on two sides, and is adjacent to a very similar use (See Batt Rentals).

Staff Commentary: There should be no adverse effect upon any of the adjoining property owners due to this rezoning proposal.

(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: Yes. The proposed zoning of the property is consistent with uses in the area and with the Comprehensive Plan.

Staff Commentary: No one property owner or small group will benefit materially from this change.

Staff Recommendation

- Staff recommends ***APPROVAL*** of the proposed rezoning request.

Consistency and Reasonableness Statement:

"We find this rezoning action is consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.3, Strategy LU 1.3.1, Policy LU 1.4, Strategy 1.4.1 & 1.4.3, Goal ED 1 Strategy ED 1.5.1 of the Town of Clayton's 2045 Comprehensive Growth Plan."

And

The proposed zoning amendment is reasonable and in the public interest because it supports the Town of Clayton 2045 Comprehensive Growth Plan's policies above and because:

1. It continues the development of vacant land along a major corridor within the "Employment Center" of the Town's Future Land Use Map; and
2. This rezoning is consistent with the zoning of adjacent parcels and developments near this site.

ATTACHMENTS:

1) Staff Report
2) Application/Owner's Consent Form
3) Neighborhood Meeting Materials
4) Survey
5) Staff Report Maps

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**

SITE INFORMATION

Name of Project: Milam Equipment Rezoning

Acreage of Property: 9.80 **Zoning District:** B-3; R-E

County Tag #: 05105034; 05105034A **NC Pin #:** 167700-35-1710; 167700-36-1001

Address/Location: 7581/7531 US Highway Business, Clayton, NC

Existing Zoning District: B-3 and R-E **Proposed Zoning District:** I-1

APPLICANT INFORMATION

RECEIVED
MAY 3 2023
TOWN OF CLAYTON
PLANNING DEPARTMENT

Applicant: Milam Equipment Rental, LLC

Mailing Address: 10 Sloan Road, Leland, NC 28451

Phone Number: **Fax:**

Contact Person: Brittany Roberts

Email Address: Brittany@Milamequipmentrental.com

PROPERTY OWNER INFORAMTION

Name: ETM Jr. Property LLC

Mailing Address: 495 Coventry Drive, Ringgold VA 24586

Phone Number: (434) 251-1580 **Fax:**

Email Address: emilam@Milamequipmentrental.com

OFFICE USE ONLY

Date Received: 5/3/2023 Amount Paid: File Number: 2023-66-RZ

EXPLANATION OF PROJECT

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

Applicant seeks rezoning to the I-1 Light Industrial District in connection with its plan to build a store for equipment rental/sales on the property.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

   The proposed rezoning and use is consistent with the Town's plans and with the area.

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

   Town Staff advised Applicant that the proposed rezoning to Light Industrial was most suitable and appropriate for the project.

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

   There is a market in the Town and its surrounding area for the proposed use, and the property is ideally suited for the use.

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.

   The proposed use will not require many services, and water is available to the site.

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

   The purpose of the rezoning and the proposed use of the property are lawful.

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

   The property abuts a thoroughfare on two sides, and is adjacent to a very similar use (see Batt Rentals).

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.

Yes. The proposed zoning of the property is consistent with uses in the area and with the Comprehensive Plan.

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.

EDMOND T. MILAM JR.		05/02/2023
Print Name	*Signature of Applicant*	*Date*

ADJACENT PROPERTY OWNERS LIST

Project Name: Milam Equipment Rental Rezoning

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
05105033	Smooch, LLC	PO Box 2346, Smithfield, NC 27577
05105033A	Smooch, LLC	PO Box 2346, Smithfield, NC 27577
05105035	Wayne M. and Patricia C. Jordan	2033 Stan Sapphire Drive, Raleigh NC 27610
05105035A	M&B Properties, LLC	PO Box 860, Clinton, NC 28329

RECEIVED
MAY 3 2023
TOWN OF CLAYTON
PLANNING DEPARTMENT

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Milam Equipment Rezoning

Application:

Location/Date: At the site - 7591/7531 US Hwy 70 Business

	NAME	ADDRESS
1	Bob Hornik	1521 E Franklin Street Chapel Hill, NC 27514
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

CERTIFICATE OF MAILING

This is to certify that the undersigned has this date served the attached Neighborhood Meeting Notice upon all parties to this cause by first class mail to the following:

Smooch, LLC
Post Office Box 2346
Smithfield, NC 27577

Wayne M. Jordan
Patricia C. Jordan
2033 Stan Sapphire Drive
Raleigh, NC 27610

M&B Properties, LLC
Post Office Box 860
Clinton, NC 28329

This the 19th day of May, 2023.

Robert E. Hornik, Jr.

THE BROUGH LAW FIRM, PLLC

G. Nicholas Herman	herman@broughlawfirm.com
Robert E. Hornik, Jr.	hornik@broughlawfirm.com
T.C. Morphis, Jr.	morphis@broughlawfirm.com
Albert M. Benshoff	benshoff@broughlawfirm.com
S. Ellis Hankins	hankins@broughlawfirm.com
Kevin R. Hornik	khornik@broughlawfirm.com
Brady N. Herman	bherman@broughlawfirm.com

May 19, 2023

Wayne M. Jordan
Patricia C. Jordan
2033 Stan Sapphire Drive
Raleigh, NC 27610

Dear Clayton Area Property Owner,

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Meeting Date: Tuesday, May 30, 2023

Meeting Time: **6:00 p.m.**

Meeting Location: **At the site – 7581/7531 U.S. Highway Business, Clayton, NC**

Type of Application: **Rezoning of 9.80 acres from B-3 and RE to I-1 Light Industrial**

Upcoming Public Meetings for this application: To be determined.

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 meeting 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) 929-3905.

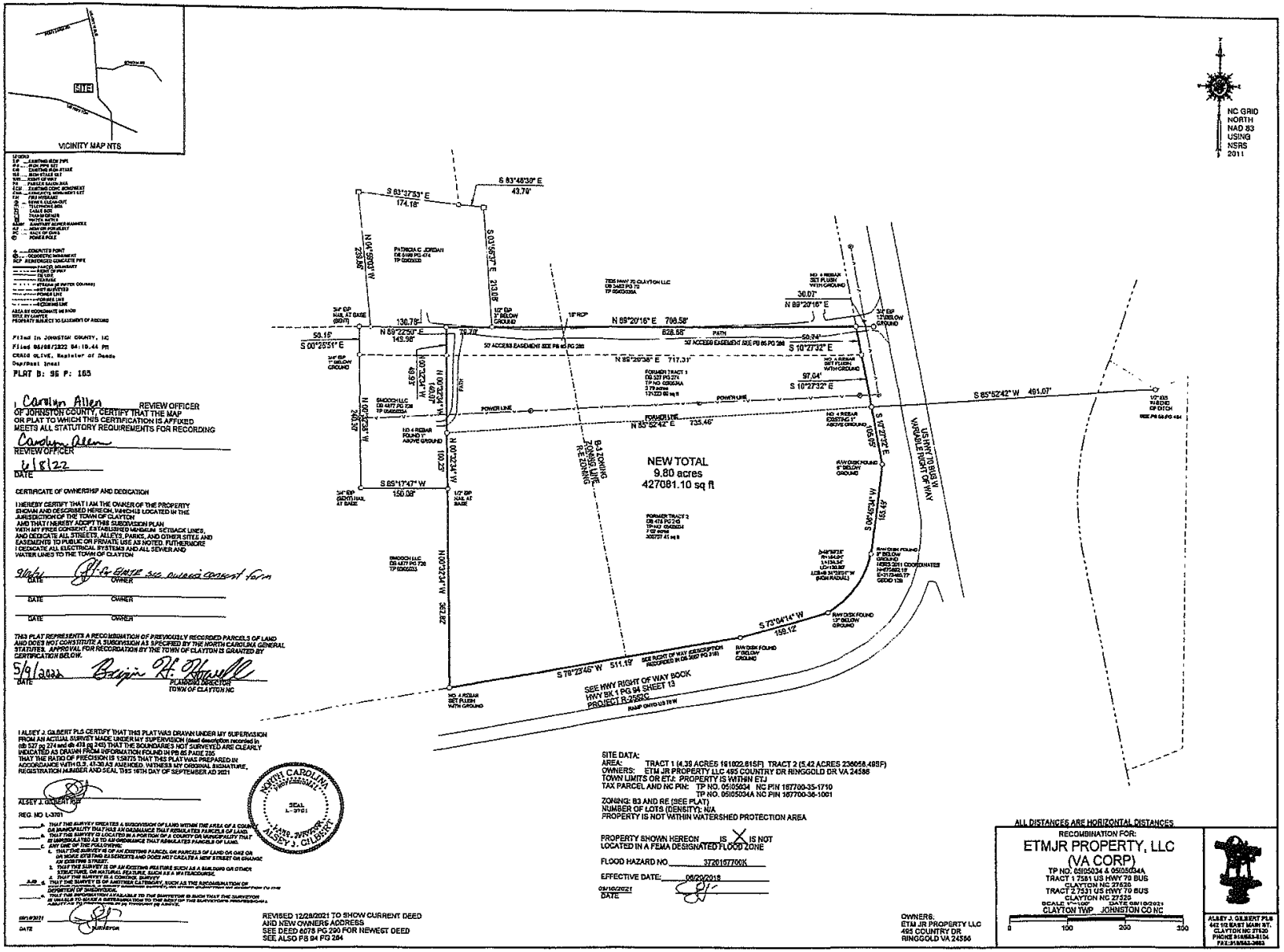
You may also contact the Planning Department at (919) 553-5002.

Sincerely,

THE BROUGH LAW FIRM, PLLC

Robert E. Hornik, Jr.

REHjr:las
Enclosure



LEGEND
EIP — EXISTING IRON PIPE
PIN — PUNCH PIN SET
ESM — EXISTING IRON STAKE
ISS — IRON STAKE SET
ROW — RIGHT OF WAY
PS — PARKER KALON NAIL
ECM — EXISTING CONC MONUMENT
CMS — CONCRETE MONUMENT SET
FH — FIRE HYDRANT
SCO — SEWER CLEAN-OUT
TB — TELEPHONE BOX
CB — CABLE BOX
WM — WATER METER
WVO — WATER VALVE
HAMMER — HAMMER SLIDING HAMMOCK
OHL — HEIGHT OF LINES
PP — POWER POLE
CP — CONCRETE POINT
GM — GEODETIC MONUMENT
RCP — REINFORCED CONCRETE PIPE
PROPERTY BOUNDARY
EASEMENT OF WAY
RW LINE
FENCE
STREAM OR WATER COURSE
EDGE OF PAVING
POWER LINE
OVERHEAD LINE
ZONING LINE
AREA BY COORDINATE METHOD
TITLE BY SURVEYOR
PROPERTY SUBJECT TO EASEMENT OF RECORD

Filed in JOHNSTON COUNTY, NC
Filed 06/08/2022 04:10:44 PM
CRAIG OLIVE, Register of Deeds
Deputized Ineal
PLAT B: 96 P: 165

I, Carolyn Allen REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING
Carolyn Allen
REVIEW OFFICER
6/8/22
DATE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE JURISDICTION OF THE TOWN OF CLAYTON AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISHED MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE I DEDICATE ALL ELECTRICAL SYSTEMS AND ALL SEWER AND WATER LINES TO THE TOWN OF CLAYTON

5/9/2022 DATE — OWNER — see owners consent form
DATE — OWNER
DATE — OWNER

THIS PLAT REPRESENTS A RECOMBINATION OF PREVIOUSLY RECORDED PARCELS OF LAND AND DOES NOT CONSTITUTE A SUBDIVISION AS SPECIFIED BY THE NORTH CAROLINA GENERAL STATUTES. APPROVAL FOR RECORDATION BY THE TOWN OF CLAYTON IS GRANTED BY CERTIFICATION BELOW.

5/9/2022 DATE — PLANNING DIRECTOR TOWN OF CLAYTON NC

I ALSEY J. GILBERT PLS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (deed description recorded in DB 537 pg 274 and DB 478 pg 245) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PB 85 PAGE 286 THAT THE RATIO OF PRECISION IS 1:58075 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 16TH DAY OF SEPTEMBER AD 2021

ALSEY J. GILBERT PLS
REG. NO. L-3701

NORTH CAROLINA PROFESSIONAL SEAL L-3701 LAND SURVEYOR ALSEY J. GILBERT

a. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
b. THAT THIS SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
c. ANY ONE OF THE FOLLOWING;
i. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
ii. THAT THE SURVEY IS OF AN EXISTING FEATURE SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
iii. THAT THE SURVEY IS A CONTROL SURVEY
d. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED DEFINITION OF BOUNDARIES OR OTHER EXEMPTION TO THE DEFINITION OF SUBDIVISION;
e. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE PRECISION SPECIFIED BY THE SUBDIVISION ORDINANCE WITH RESPECT TO THE PROPERTY SHOWN ABOVE.

5/9/2021 DATE — Surveyor

REVISED 12/28/2021 TO SHOW CURRENT DEED AND NEW OWNERS ADDRESS
SEE DEED 6078 PG 290 FOR NEWEST DEED
SEE ALSO PB 84 PG 284

SITE DATA:
AREA: TRACT 1 (4.39 ACRES 191022.815F) TRACT 2 (5.42 ACRES 236058.495F)
OWNERS: ETMJR PROPERTY LLC 495 COUNTRY DR RINGGOLD GA VA 24586
TOWN LIMITS OR ETJ: PROPERTY IS WITHIN ETJ
TAX PARCEL AND NC PIN: TP NO. 05050034 NC PIN 167700-35-1710
TP NO. 05050034A NC PIN 167700-36-1061
ZONING: B3 AND RE (SEE PLAT)
NUMBER OF LOTS (DENSITY): N/A
PROPERTY IS NOT WITHIN WATERSHED PROTECTION AREA

PROPERTY SHOWN HEREON IS X IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE
FLOOD HAZARD NO 3720157700K
EFFECTIVE DATE: 06/20/2018
09/16/2021 DATE

OWNERS:
ETMJR PROPERTY LLC
495 COUNTRY DR
RINGGOLD VA 24586

ALL DISTANCES ARE HORIZONTAL DISTANCES

RECOMBINATION FOR:
ETMJR PROPERTY, LLC
(VA CORP)
TP NO. 05050034 & 05050034A
TRACT 1 7381 US HWY 70 BUS
CLAYTON NC 27520
TRACT 2 7331 US HWY 70 BUS
CLAYTON NC 27520
SCALE: 1"=100'
DATE: 09/16/2021
CLAYTON TWP JOHNSTON CO NC
0 100 200 300

ALSEY J. GILBERT PLS
442 1/2 EAST MAIN ST.
CLAYTON NC 27520
PHONE 919.553.4104
FAX 919.553.3983

THE BROUGH LAW FIRM, PLLC

G. Nicholas Herman herman@broughlawfirm.com
Robert E. Hornik, Jr. hornik@broughlawfirm.com
T.C. Morphis, Jr. morphis@broughlawfirm.com
Albert M. Benshoff benshoff@broughlawfirm.com
S. Ellis Hankins hankins@broughlawfirm.com
Kevin R. Hornik khornik@broughlawfirm.com
Brady N. Herman bherman@broughlawfirm.com

May 19, 2023

M & B Properties, LLC
Post Office Box 860
Clinton, NC 28329

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Sincerely,

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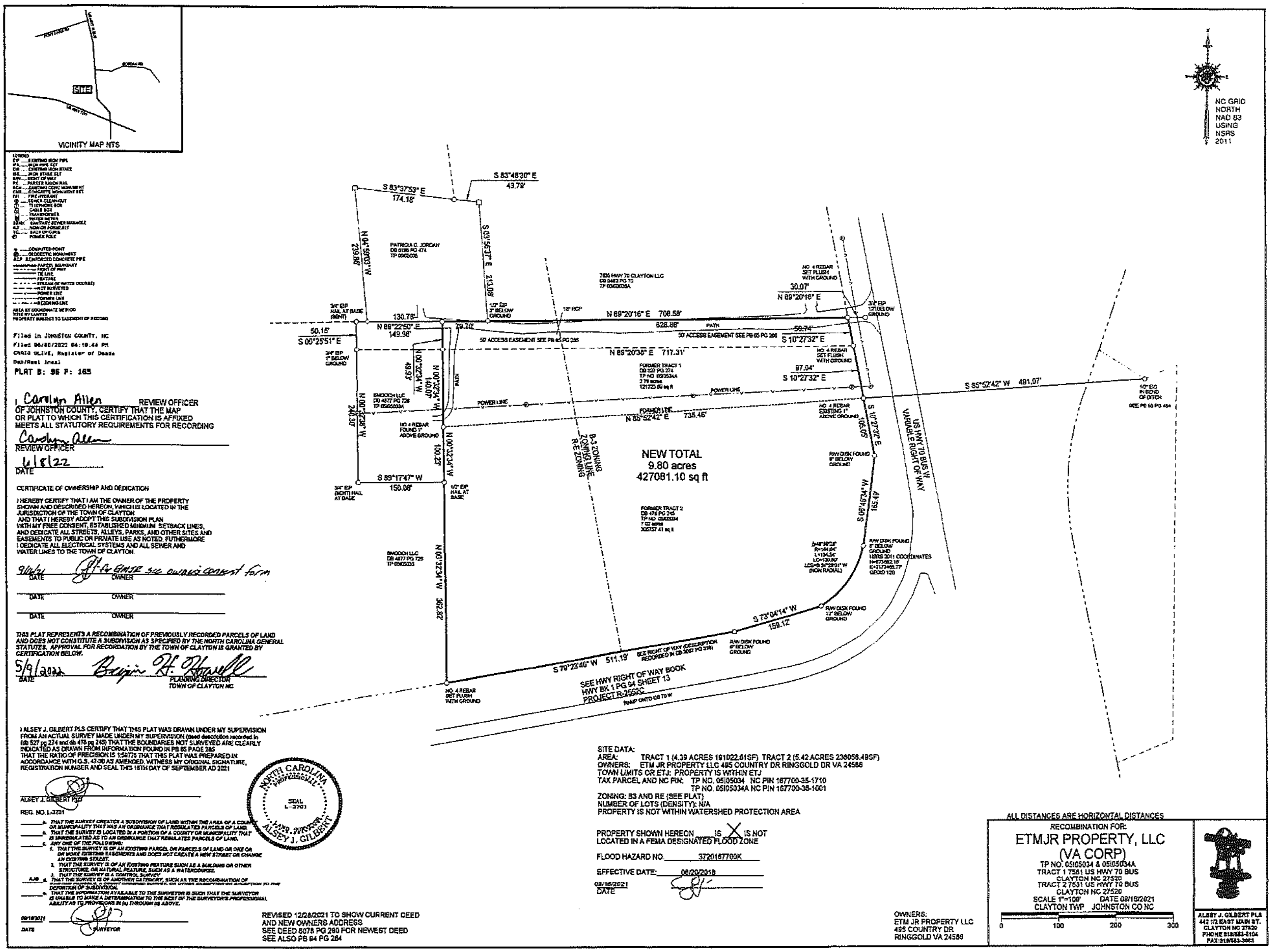
Robert E. Hornik, Jr.

REHjr:las
Enclosure



VICINITY MAP NTS
SITE
NC GRID
NORTH
NAD 83
USING
NSRS
2011
Filed in JOHNSTON COUNTY, NC
Filed 06/08/2022 04:10:44 PM
CRAIG OLIVE, Register of Deeds
PLAT B: 96 P: 163
I, Carolyn Allen REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING
REVIEW OFFICER
6/8/22
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PLANNING DIRECTOR
TOWN OF CLAYTON NC
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ALSEY J. GILBERT PLS
REG. NO. L-3701
NORTH CAROLINA
PROFESSIONAL
SEAL
L-3701
LAND SURVEYOR
ALSEY J. GILBERT
REVISED 12/28/2021 TO SHOW CURRENT DEED AND NEW OWNERS ADDRESS
SEE DEED 6078 PG 290 FOR NEWEST DEED
SEE ALSO PB 64 PG 284
S 83°37'53" E 174.18'
S 83°48'30" E 43.79'
N 04°59'03" W 239.86'
S 03°56'37" E 213.08'
PATRICIA C. JORDAN
7535 HWY 70 CLAYTON LLC
N 69°20'16" E 708.58'
628.88'
PATH
59.74'
N 69°20'16" E
30.07'
130.78'
N 88°22'50" E 149.98'
50.15'
S 00°25'51" E
50' ACCESS EASEMENT SEE PB 85 PG 285
S 10°27'32" E
N 69°20'38" E 717.31'
FORMER TRACT 1
87.04'
S 10°27'32" E
POWER LINE
S 85°52'42" W 491.07'
FORMER LINE
N 85°52'42" E 735.46'
SMOOCH LLC
N 00°32'38" W 240.30'
S 89°17'47" W 150.08'
N 00°32'34" W 100.23'
N 00°32'34" W 362.82'
B-3 ZONING
ZONING LINE
R-E ZONING
NEW TOTAL
9.80 acres
427081.10 sq ft
FORMER TRACT 2
US HWY 70 BUS W
VARIABLE RIGHT OF WAY
S 10°27'32" E 105.05'
S 06°48'54" W 165.49'
S 73°04'14" W 159.12'
S 70°23'46" W 511.19'
SEE HWY RIGHT OF WAY BOOK
HWY BK 1 PG 94 SHEET 13
PROJECT R-2552C
NO. 4 REBAR SET FLUSH WITH GROUND
SITE DATA:
AREA: TRACT 1 (4.39 ACRES 191022.61SF) TRACT 2 (5.42 ACRES 236058.49SF)
OWNERS: ETM JR PROPERTY LLC 495 COUNTRY DR RINGGOLD DR VA 24586
TOWN LIMITS OR ETJ: PROPERTY IS WITHIN ETJ
TAX PARCEL AND NC PIN: TP NO. 05I05034 NC PIN 167700-35-1710
TP NO. 05I05034A NC PIN 167700-38-1001
ZONING: B3 AND RE (SEE PLAT)
NUMBER OF LOTS (DENSITY): N/A
PROPERTY IS NOT WITHIN WATERSHED PROTECTION AREA
PROPERTY SHOWN HEREON IS X IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE
FLOOD HAZARD NO. 3720167700K
EFFECTIVE DATE: 06/20/2018
09/16/2021
DATE
OWNERS:
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495 COUNTRY DR
RINGGOLD VA 24586
ALL DISTANCES ARE HORIZONTAL DISTANCES
RECOMBINATION FOR:
ETMJR PROPERTY, LLC
(VA CORP)
TP NO. 05I05034 & 05I05034A
TRACT 1 7561 US HWY 70 BUS
CLAYTON NC 27520
TRACT 2 7531 US HWY 70 BUS
CLAYTON NC 27520
SCALE 1"=100' DATE 09/16/2021
CLAYTON TWP JOHNSTON CO NC
0 100 200 300
ALSEY J. GILBERT PLS
442 1/2 EAST MAIN ST.
CLAYTON NC 27520

THE BROUGH LAW FIRM, PLLC

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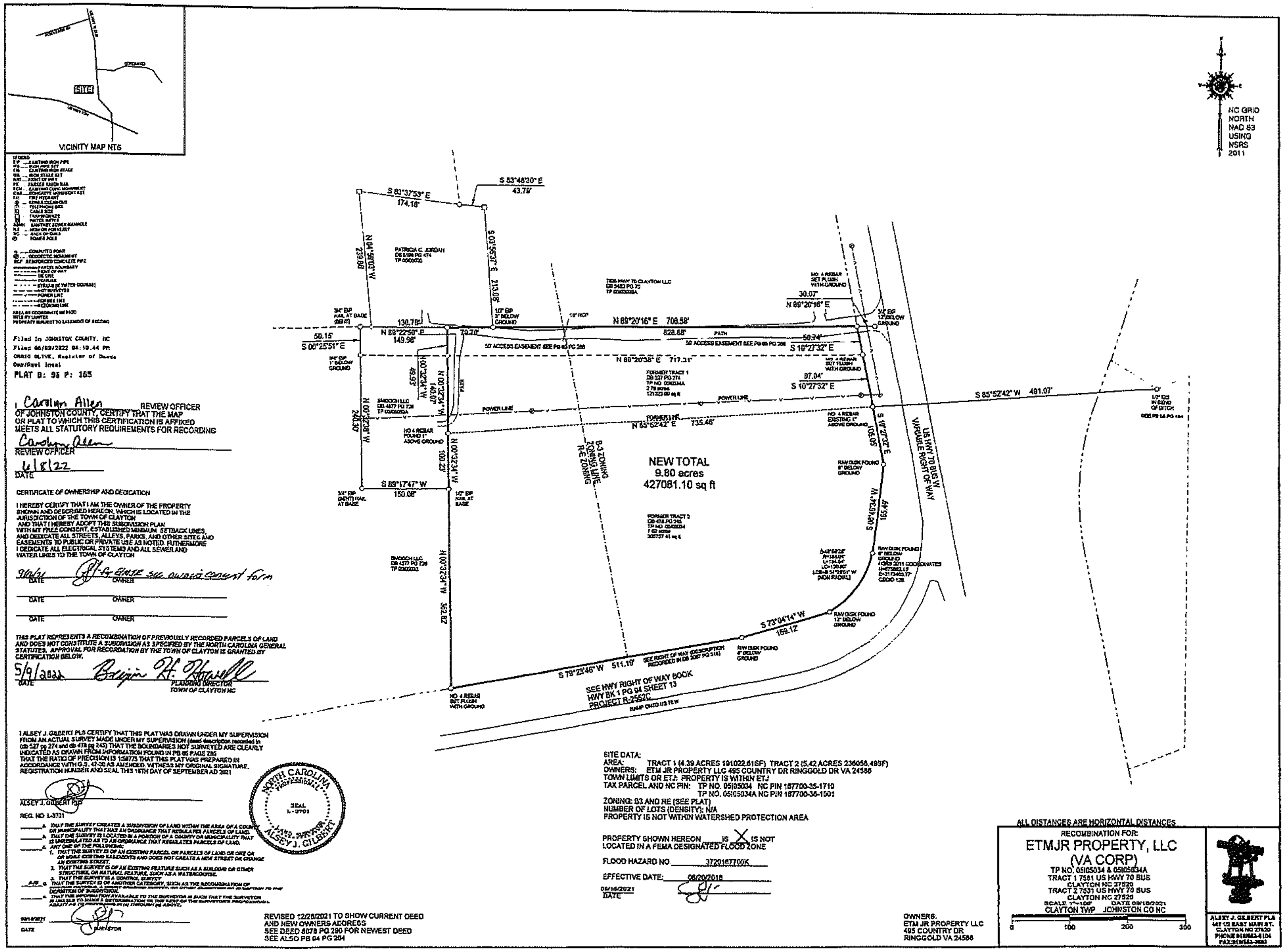
Robert E. Hornik, Jr.

REHjr:las
Enclosure



VICINITY MAP NTS
SITE
Filed in JOHNSTON COUNTY, NC
Filed 06/03/2022 04:10:44 PM
CRAIG OLIVE, Register of Deeds
PLAT B: 95 P: 165
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REVIEW OFFICER
6/8/22
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PROFESSIONAL
SEAL L-3701
LAND SURVEYOR
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CLAYTON NC 27520
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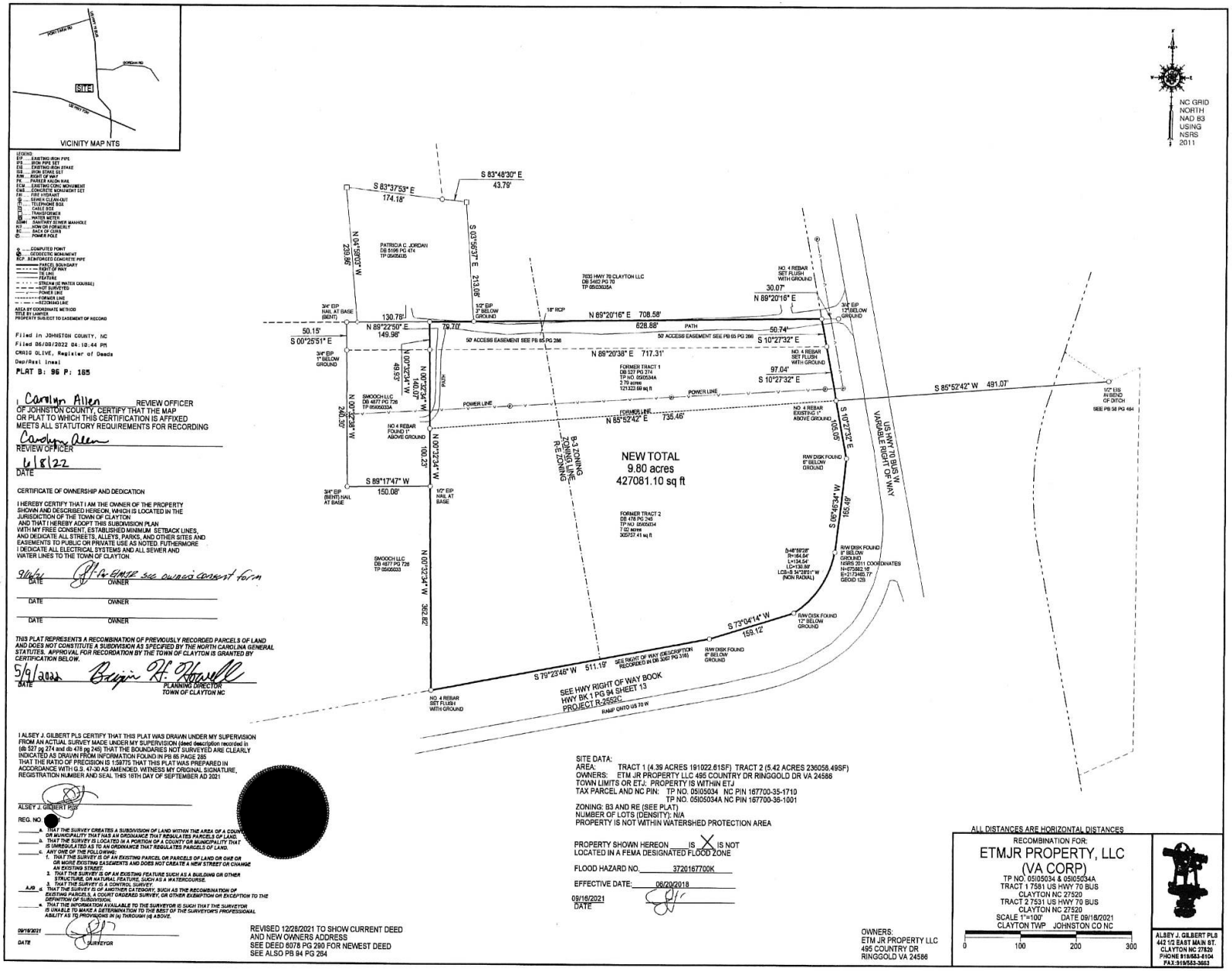
CLAYTON NC 27520
CLAYTON TWP JOHNSTON CO NC
0 100 200 300
NC GRID NORTH NAD 83 USING NSRS 2011



LEGEND
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IPS.....IRON PIPE SET
EIS.....EXISTING IRON STAKE
ISS.....IRON STAKE SET
PK.....PARKER KALON NAIL
PKS.....PARKER KALON NAIL SET
ECM.....EXISTING CONC MONUMENT
CMS.....CONCRETE MONUMENT SET
FH.....FIRE HYDRANT
SCO.....SEWER CLEAN-OUT
TB.....TELEPHONE BOX
CB.....CABLE BOX
EM.....ELECTRIC METER
WM.....WATER METER
SSMH.....SANITARY SEWER MANHOLE
N/F.....NOW OR FORMERLY
BC.....BACK OF CURB
PP.....POWER POLE

⊕.....COMPUTED POINT
⊕.....GEODETIC MONUMENT
RCP..REINFORCED CONCRETE PIPE
PARCEL BOUNDARY
RIGHT OF WAY
TIE LINE
FEATURE
STREAM (IE WATER COURSE)
EASEMENT SURVEYED
POWER LINE
FORMER LINE
RECORDED LINE

AREA BY COORDINATE METHOD
TITLE BY LAWYER
PROPERTY SUBJECT TO EASEMENT OF RECORD

Filed in JOHNSTON COUNTY, NC
Filed 06/08/2022 04:10:44 PM
CARIG OLIVE, Register of Deeds
Dep/Rest lneal
PLAT B: 96 P: 185

I, Carolyn Allen REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

Carolyn Allen
REVIEW OFFICER

6/8/22
DATE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE JURISDICTION OF THE TOWN OF CLAYTON AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISHED MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FUTHERMORE I DEDICATE ALL ELECTRICAL SYSTEMS AND ALL SEWER AND WATER LINES TO THE TOWN OF CLAYTON

9/16/21 DATE — OWNER (see owner's consent form)

DATE — OWNER

DATE — OWNER

THIS PLAT REPRESENTS A RECOMBINATION OF PREVIOUSLY RECORDED PARCELS OF LAND AND DOES NOT CONSTITUTE A SUBDIVISION AS SPECIFIED BY THE NORTH CAROLINA GENERAL STATUTES. APPROVAL FOR RECORDATION BY THE TOWN OF CLAYTON IS GRANTED BY CERTIFICATION BELOW.

5/9/2022 DATE — Brigin H. Harwell PLANNING DIRECTOR TOWN OF CLAYTON NC

I ALSEY J. GILBERT PLS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (deed description recorded in (db 527 pg 274 and db 476 pg 245) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PB 65 PAGE 286 THAT THE RATIO OF PRECISION IS 1:59775 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 16TH DAY OF SEPTEMBER AD 2021

ALSEY J. GILBERT PLS

REG. NO.

_____ a. *THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.*
_____ b. *THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.*
_____ c. *ANY ONE OF THE FOLLOWING:*
1. *THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.*
2. *THAT THE SURVEY IS OF AN EXISTING FEATURE SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.*
3. *THAT THE SURVEY IS A CONTROL SURVEY.*
AJG d. *THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.*
_____ e. *THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS IN (a) THROUGH (d) ABOVE.*

09/16/2021 DATE — SURVEYOR

REVISED 12/28/2021 TO SHOW CURRENT DEED AND NEW OWNERS ADDRESS
SEE DEED 6078 PG 290 FOR NEWEST DEED
SEE ALSO PB 94 PG 254

SITE DATA:
AREA: TRACT 1 (4.39 ACRES 191022.61SF) TRACT 2 (5.42 ACRES 236058.49SF)
OWNERS: ETM JR PROPERTY LLC 495 COUNTRY DR RINGGOLD VA 24586
TOWN LIMITS OR ETJ: PROPERTY IS WITHIN ETJ
TAX PARCEL AND NC PIN: TP NO. 05I05034 NC PIN 167700-35-1710
TP NO. 05I05034A NC PIN 167700-36-1001
ZONING: B3 AND RE (SEE PLAT)
NUMBER OF LOTS (DENSITY): N/A
PROPERTY IS NOT WITHIN WATERSHED PROTECTION AREA

PROPERTY SHOWN HEREON ____ IS X IS NOT
LOCATED IN A FEMA DESIGNATED FLOOD ZONE

FLOOD HAZARD NO. 3720167700K

EFFECTIVE DATE: 06/20/2018

09/16/2021 DATE

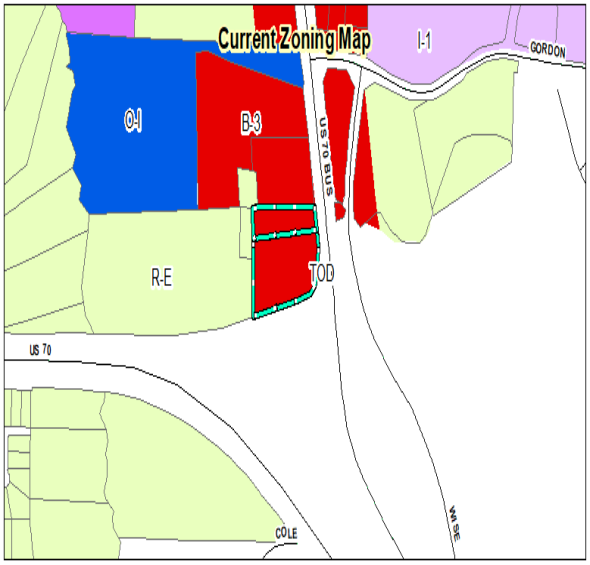
OWNERS:
ETM JR PROPERTY LLC
495 COUNTRY DR
RINGGOLD VA 24586

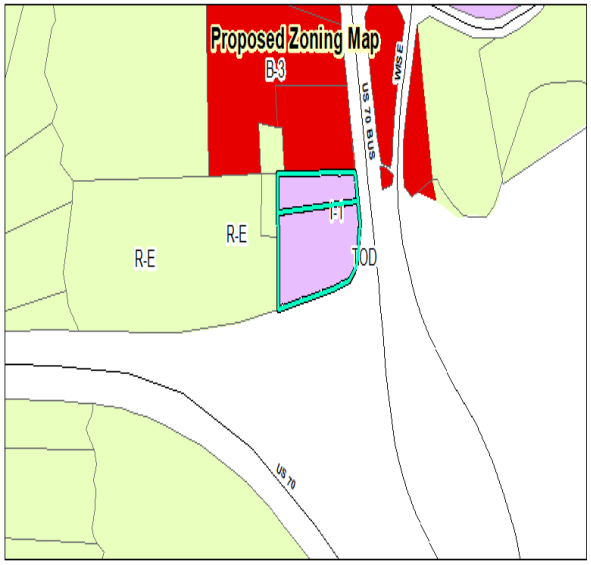
ALL DISTANCES ARE HORIZONTAL DISTANCES

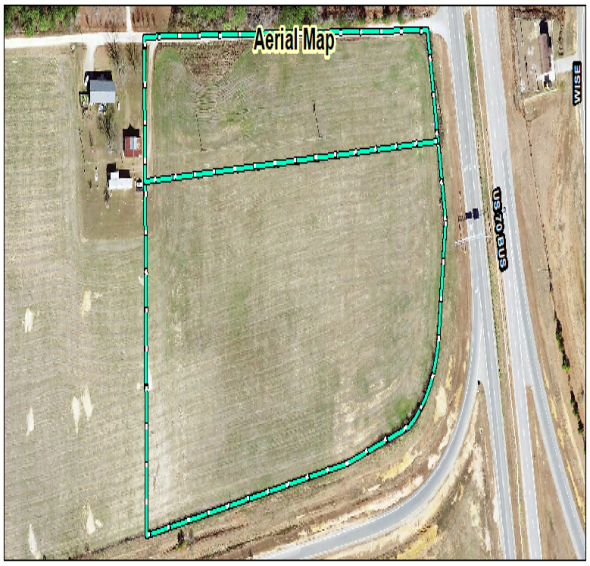
RECOMBINATION FOR:
ETMJR PROPERTY, LLC
(VA CORP)
TP NO. 05I05034 & 05I05034A
TRACT 1 7581 US HWY 70 BUS
CLAYTON NC 27520
TRACT 2 7531 US HWY 70 BUS
CLAYTON NC 27520
SCALE 1"=100' DATE 09/16/2021
CLAYTON TWP JOHNSTON CO NC

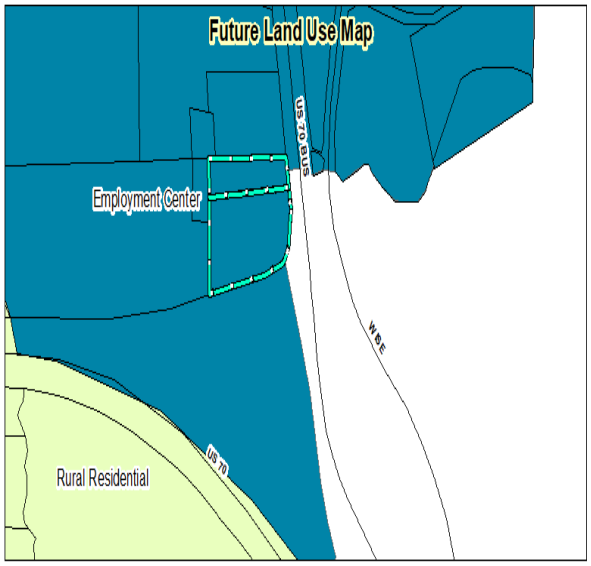
0 100 200 300

ALSEY J. GILBERT PLS
442 1/2 EAST MAIN ST.
CLAYTON NC 27520
PHONE 919/553-6104
FAX 919/553-3653









Request: Rezoning from B-3/R-E to I-1
Project Name Milam Equipment Rental Rezoning
Project Number: 2023-66-RZ

Applicant: Milam Equipment Rental, LLC
Property Owner: ETM JR. PROPERTY, LLC
Tag #: 05105034 & 05105034A

Site

0 0.05 0.1 Miles

N

Staff Report Map
Prepared by: TOC Planning Department
June 29, 2023

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

Document Path: Z:\PLANNING\REZONING\Rezoning\2023\2023-66-RZ Milam Equipment Rezoning\Staff Report Map\Staff Report Maps - 2023-66-RZ Milam Equipment Rezoning.mxd