Town of Clayton
Town of Clayton Planning Board Agenda
Monday, January 23, 2023 @ 6:00 PM
Town Council Chambers

https://www.youtube.com/TownofClaytonNC

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. SWEARING-IN OF NEW MEMBER

Oath Given by Elizabeth Worner

4. ELECTION OF CHAIR AND VICE CHAIR

Ben Howell, Planning Director

5. ADJUSTMENT OF THE AGENDA

6. APPROVAL OF MINUTES

a. Clayton Planning Board - 20 Dec 2022 - Minutes

7. PUBLIC HEARINGS

a. 2022-206-OA Special Use Permit Text Amendments
Presenter: Ben Howell, Planning Director
2022-206-OA Special Use Permit Text Amendments - Planning - Pdf

b. 2022-197-RZ Lot 8 Gateway Drive Rezoning
Presenter: Bruce Venable, Planner I Trainee
2022-197-RZ Lot 8 Gateway Dr
2022-197-RZ Application
2022-197-RZ Neighborhood Meeting Materials
2022-197-RZ Boundary Survey Lot 8 Gateway Drive
2022-197-RZ Staff Report Map

c. 2022-214-RZ Town of Clayton Rezoning
Presenter: Bruce Venable, Planner I Trainee
2022-214-RZ Town of Clayton Rezoning
2022-214-RZ Town of Clayton Rezoning Application
2022-214-RZ Neighborhood Meeting Materials
2022-214-RZ Survey
2022-214-RZ Staff Report Map

8. NEW BUSINESS

9. INFORMAL DISCUSSION AND PUBLIC COMMENT

10. ADJOURN

Town of Clayton
Clayton Planning Board Minutes
Tuesday, December 20, 2022 at 6:00 PM
Town Council Chambers

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

1 CALL TO ORDER

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

2 PLEDGE OF ALLEGIANCE

3 ADJUSTMENT OF THE AGENDA

4 APPROVAL OF MINUTES

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

5 PUBLIC COMMENT SESSION

a) 2022-206-OA Special Use Permit Text Amendments
Presenter: Ben Howell, Planning Director

Planning Director Howell presented the board with text amendment requested by Town Council and Town Administration, which will amend sections of the code.

The overall purpose is to remove the requirement for Special Use Permits for town homes, duplexes, and apartments. It would be replaced by requiring a

Conditional Zoning District for those uses.

The text amendment is consistent with the remainder of the code and the 2045 Growth Plan. It would allow more open and public debate as well as a more simplified process for staff and applicants.

Staff recommends the text amendment for sections 155.202, 155.203l, 155.402e2d, and 155.705 for public hearing consideration by Town Council.

- Board Comments

Board Member Dupree asked how long was the five acre or one city block standard in place?
Planning Director Howell stated the Conditional Zoning District language has been in the code since May 2020.

Board Member Dupree asked how does conditional allow for more public debate than special use?
Planning Director Howell stated that in order for the public to comment on special use it has to be from an expert or evidentiary. With the legislative procedure there is no rules of evidence.

Board Member Begley stated the board would need more time to discuss due to the town being in the process of working on a UDO.
Planning Director Howell stated this would be a temporary text amendment and the special use permit requirements would be removed from the new UDO.

Board Member Dupree asked what is the rush to do the text amendment since it is temporary?
Planning Director Howell stated that there is a strong desire from Town Council to not have projects continue to come through as Special Use Permits.

Vice Chair Powers asked if the Council could enact the portion of the UDO that has these changes?
Planning Director Howell stated no, because the UDO is coming out in chapters and everything is connected.

Board Member Dupree asked what purpose does the board serve if Town Council is requesting the amendment?
Planning Director Howell stated it is part of the checks and balance system and Town Council wants to hear the board's input. With the amendment the board would see and comment on the projects.

Motion: Board Member Begley votes to pause until the January meeting with further information.
Second: Board Member Dupree

Result: Approved, Unanimous

b) Clayton Village Center Conditional Zoning District
Presenter: Ben Howell, Planning Director

Rezoning properties from R-E and B-3 Zoning Districts to Conditional Zoning-Mixed Use Districts.

Up to 234 multi-family units and 5,000 square feet of commercial space.

20.65 units per acre with a property size of 12.39 acres. It is located on US 70 Business with access on to US 70 Business and Wildwood Drive.

Traffic generation included 3,204 trips per day with 297 trips in the morning peak hour and 192 trips in the evening peak hour. Included would be a 15-foot-wide type C landscaping buffer.

The proposed development is not consistent with the 2045 Growth Plan, but may provide a transition from residential uses West of Wildwood Dr. to commercial/industrial uses along US 70 Business.

The proposed schools for this development include East Clayton Elementary, Clayton Middle, and Clayton High. Clayton High is on the 2022-2023 capped school list for the county.

There would be no adverse effect on adjoining property owners. Staff believes it has met the master plan criteria and staff recommends approval subject to the 14 recommended conditions of approval.

- Board Comments

Board Member Dupree asked how many approved apartments/townhome units that have yet to be built?
Planning Director Howell stated he believes it is around 7,00-8,000 or more. Of those half or 2/3 of those are apartment/townhome units.

Board Member Begley asked if any commercial projects would come through the board?
Planning Director Howell stated if it has to come through as a rezoning.

Board Member Begley asked if there are any commercial projects coming up?
Planning Director Howell stated there are a few approved but not yet built.

Vice Chair Powers stated it appears that this project is trying to get through before the UDO is official because it is not going to meet the qualification of the new UDO.

Planning Director Howell stated that is not the case, it is unknown whether it would or would not meet the UDO. However, it meets regulatory standards now.

- Applicant Comments

James Todd, Attorney for the applicant Mr. Smith Anderson

The proposed development would be located where there would be residential to the West, commercial to the South, and industrial to the East.

There would be three phases, the first phase would be the six multi-family buildings, the clubhouse, and the pool. Phase two would be the commercial retail to the North. The third phase would be solely multi-family.

A six-foot tall opaque buffer would run around the interior portion of the development.

Board Member Dupree asked what purpose does the commercial site serve and the res being residential?
Mr. Todd stated it matches the market need based on the market analysis.

Vice Chair Powers asked the Traffic Impact Engineer what the shops at Glen Laurel have to do with the proposed development?
The Engineer stated that NCDOT required traffic from area developments also be included as part of the future traffic analysis.

Board Member Williams asked what percentage of the units are affordable and what does the applicant consider affordable?
Mr. Todd stated it is not a specific affordable HUD project. It is affordable in the sense that it increase the supply to Clayton and affordable comparing an apartment unit to a single family home.

- Public Comment

Jessica and John Hedrick are property owners that are directly affected by the proposed development. The biggest concern is the buffer being just trees without having a fence and a parking lot next to the home which could endanger their children. Another concern is the possible utility interruption since they are on Duke Energy.

Vice Chair Powers asked what does the buffer look like at the families property?
Mr. Todd stated a six-foot tall fence would be installed along the property line and there would be no utility interruption or relocation.

Board Member Dupree stated a concern that this development is inconsistent with the 2045 Growth Plan.

Board Member Begley state concerns losing valuable commercial property because there are so many other builds in the works.

Jim Perricone stated that the multi-family market is being neglected. The development provides a housing ladder for the workforce. The amount of commercial space is limited because the applicant does not want vacant spaces and people are

looking for smaller spaces.

Motion: Board Member Dupree, with the condition of the six-foot opaque fence along the property line of the proposed development and the neighboring home.
Second: Board Member Williams
Result: Approved, Unanimous

6 NEW BUSINESS

7 INFORMAL DISCUSSION AND PUBLIC COMMENT

8 ADJOURN

Motion: Board Member Dupree
Second: Board Member Begley
Result: Approved, Unanimous

Vice Chair Powers adjourned the meeting at 7:30pm.

Clayton Planning Board
Agenda Cover Sheet

Meeting Date	Agenda Location
January 23, 2023	PUBLIC HEARINGS

Item Title

2022-206-OA Special Use Permit Text Amendments

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: Yes - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

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

Updates Since Previous Presentation

Continuation from December 20, 2022 Planning Board Meeting.

Summary

Request to amend the Unified Developoment Code, Sections 155.202, 155.203(L), 155.402(E)(2)(d), and 155.705. The purpose of this text amendment is to remove the requirement for a Special Use Permit for apartments, duplexes and townhomes, instead requiring these uses to apply for a Conditional Zoning District. The amendment also clarifies the perimeter buffer requirement for Conditional Zoning Districts, removes the minimum size requirements for Conditional Zoning Districts, clarifies the requirement of a Master Plan Narrative, and allows certain Conditional Zoning District requests to be accompanied by a Site Plan instead of a Master Plan and Narrative. This amendment will allow development projects proposing apartments, duplexes or townhomes to follow the legislative Conditional Zoning District process instead of the quasi-judicial Special Use Permit process.

Recommendation

Staff recommends the Planning Board hear public comment on the proposed text amendment and recommend approval of the proposed text amendment to the Town Council.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

0 2022-206-OA SUP Text Amendment Staff Report

1 2022-206-OA SUP Text Amendment 155.202-203(L) Current Language

2 2022-206-OA SUP Text Amendment 155.202-203(L) Redlined Changes

3 2022-206-OA SUP Text Amendment 155.202-203(L) New Language

4 2022-206-OA SUP Text Amendment 155.402(E)(2)(d) Current Language

5 2022-206-OA SUP Text Amendment 155.402(E)(2)(d) Redlined Changes

6 2022-206-OA SUP Text Amendment 155-402(E)(2)(d) New Language

7 2022-206-OA SUP Text Amendment 155.705 Current Language

8 2022-206-OA SUP Text Amendment 155.705 Redlined Changes

9 2022-206-OA SUP Text Amendment 155.705 New Language

Meeting Timeline

Planning Board Public Comment Session - December 20, 2022
Planning Board Public Comment Session (Continued) - January 23, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

Ben Howell, Planning Director	Approved - Jan 18 2023
Love Ott, Land Development Specialist	Approved - Jan 19 2023

Town of Clayton
Planning Department
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Planning Board
December 20, 2022

STAFF REPORT

Application Number: 2022-206-OA
Project Name: Special Use Permit Ordinance Amendment

Applicant: Town of Clayton
Public Noticing: Newspaper ad to be published January 4 & January 11, 2023 (pending Planning Board action)

REQUEST: Request to modify sections of Articles 2, 4 and 7 of the Unified Development Code. This text amendment removes the requirement for a Special Use Permit for apartments, townhomes and duplexes, instead requiring these uses to rezone to a Conditional Zoning District. The amendment also clarifies the perimeter buffer requirement for Conditional Zoning Districts and the process and application requirements for Conditional Zoning Districts.

SECTIONS PROPOSED FOR AMENDMENT:

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

§155.202 – Land Use Regulations
§155.203(L) – Conditional Zoning District Standards
§155.402(E)(2)(d) – Project Boundary Buffers
§155.705 – Conditional Zoning District (Administration/Procedures)

STAFF ANALYSIS AND COMMENTARY:

Overview
These amendments will allow for certain residential uses to be approved through the legislative Conditional Zoning District process instead of the quasi-judicial Special Use Permit process, as well as clarify several processes and requirements for Conditional Zoning Districts. This amendment was initiated at the request of Town Council and Town Administration.

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 amendment is consistent with the remainder of the applicable chapters in the UDC. It meets the intent of the code and is consistent with all approved plans. The primary purpose of the text amendment is to change the process by which certain residential uses are approved.

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 amendment is a result of changing circumstances – the Town is seeing more townhome and apartment development, and allowing these types of developments to be approved legislatively through the Conditional Zoning process will allow for more open public debate and a simplified process for applicants, the public and Town staff.

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

Response: The proposed text amendment does not correct an error in chapters 202, 203 or 705; it does correct an error in chapter 402 by replacing "planned development" with "conditional zoning district," as the Town no longer has planned developments.

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 amendment 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) §155.202, 203(L) Current Language
2) §155.202, 203(L) Redlined Changes
3) §155.202, 203(L) Proposed Language
4) §155.402(E)(2)(d) Current Language
5) §155.402(E)(2)(d) Redlined Changes
6) §155.402(E)(2)(d) Proposed Language
7) §155.705 Current Language
8) §155.705 Redlined Changes
9) §155.705 Proposed Language

§ 155.202 LAND USE REGULATIONS

(A) **USE REGULATIONS TABLE**

The use regulations table is subject to the explanation as set forth below.

(1) **Key to Types of Use**

(a) ***Permitted.*** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.

(b) ***Special Use Review***. An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.

(c) ***Specific Use Section***. The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.

(d) ***Uses Not Permitted.*** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:

1. Open dump;
2. Outdoor gun range; and
3. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Residential Uses													

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Group Care Home (2-6 residents)	P	P	P	P									§155.301(A)
Group Care Home (7-12 Residents)	S	S	S	S	S	S		S					§155.301(A)
Group Care Home (13+ Residents)						S		S					§155.301(A)
Apartments		S	S	S	S	S	S	S	S				§155.301(B)
Boarding House				S		S		S					§155.301(C)
Duplex		S	S	S	S								§155.301(G)
Manufactured Home	P												§155.301(D)
Manufactured Home Park	S												§155.301(E)
Nursing Home (Congregate Living Facility)	P					P		P	P				§155.301(F)
Townhouse		S	S	S	S	S		S	S				§155.301(H)
Security/Caretaker Quarters	P								S			S	§155.301(I)
Single Family House	P	P	P	P	P								§155.301(J)
Upper-story Residence					P	P	P	P	P				§155.301(K)
Zero Lot Line House		P	P	P									§155.301(L)
Public and Civic Uses													
Assembly	S					P	S	S	P			P	§155.302(A)
Cemetery	P								S			P	§155.302(B)
Church or Place of Worship	S	S	S	S		P		P	S				§155.302(C)
College or University						P						P	§155.302(D)
Day Care Facility	S	S	S	S	S	P		P	P				§155.302(E)
Government Service	S	S	S	S	P	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center						P			P			P	§155.302(G)
School (Elementary or Secondary)	S	S	S	S		P						P	§155.302(H)
School (Technical, Trade or Business)	S	S	S	S		P			P	P	P	P	§155.302(I)
Recreational Uses													
Entertainment, Indoor						P	S	P	P	P		P	§155.303(A)
Entertainment, Outdoor									S	P		P	§155.303(B)
Fitness/Recreation Center						P	S	P	P	P		P	§155.303(C)
Golf Course	P	P	P	P								P	§155.303(D)
Gun Range							S		S	S	S	S	§155.303(E)
Park	P	P	P	P	P	P	S	P				P	§155.303(F)
Stable, Private	P												§155.303(G)
Agricultural Uses													
Agriculture, Livestock	S												§155.304(A)
Agriculture, Sales and Service	P										S		§155.304(B)
Nursery	P					P	S	P	P			P	§155.304(C)
Commercial Uses													
Adult Oriented Business										S			§155.305(A)
Bed and Breakfast	P			S	S		S						§155.305(B)
Car Wash/Auto Detailing								P	P				§155.305(C)
Contractor Office						P			P	P	P		§155.305(D)
Convenience Store with Gas Sales								P	P	P			§155.305(E)
Creative Studio					P	P	P	P	P				§155.305(F)
Financial Institution						P	S	P	P				§155.305(G)
Funeral Home	S				P	P							§155.305(H)
Hotel/Motel						P	S	P	P				§155.305(I)
Kennel	S							P	P				§155.305(J)
Laundry Services								P	P	P	P		§155.305(K)
Lounge, Cocktail							S	S	S	S			§155.305(L)
Microbrewery							P	S	P	P	P		§155.305(M)
Publisher						P			P	P	P		§155.305(N)
Office, General					P	P	P	P	P	P		P	§155.305(O)
Office, Medical					P	P	P	P	P				§155.305(P)
Outdoor Seating/Sidewalk Cafe						P	P	P	P				§155.305(Q)
Parking Lot						S	S	S	S	S	S	S	§155.305(R)
Pawn Shop									P	P			§155.305(S)
Radio or Television Studio									P	P	P		§155.305(T)
Restaurant						P	P	P	P				§155.305(U)
Retail Sales							P	P	P	P			§155.305(V)

Use Type	Zoning Districts												Specific Use Section
	Residential				Nonresidential								
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Self-storage Facility									S	P			§155.305(W)
Service					P	P	P	P	P				§155.305(X)
Tattoo Parlor									P				§155.305(Y)
Towing Service and Storage									S	S	P		§155.305(Z)
Vehicle Repair or Service									S	P	P		§155.305(AA)
Vehicle Sales and Rental									S	P	P		§155.305(BB)
Veterinary Clinic						P		P	P				§155.305(CC)
Industrial Uses													
Building Supplies, Wholesale										P	P		§155.306(A)
Crematorium										P	P		§155.306(B)
Gas and Fuel, Wholesale										P	P	P	§155.306(C)
Laboratory, Research						P				P	P		§155.306(D)
Manufacturing, Light										P	P		§155.306(E)
Manufacturing, Heavy											P		§155.306(F)
Research and Development						P				P	P		§155.306(G)
Warehouse, Freight Movement									S	P	P		§155.306(H)
Utilities													
Recycling Center										S	P	P	§155.307(A)
Renewable Energy Facility	S									S	S	S	§155.307(B)
Telecommunication Facility	S	S	S	S	S	S	S	S	S	S	S	S	§155.307(C)
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	§155.307(D)
Utility, Major										P	P	P	§155.307(E)
Waste Service										S	P	P	§155.307(F)
Accessory Uses													
Accessory Dwelling Unit	S	S	S	S									155.308(C)(1)
Food Truck						P	P	P	P	P	P	P	155.308(D)(2)
Day Care Facility	S	S	S	S		P		P	P	P	P	P	155.308(D)(3)
In-Home Daycare	P	P	P	P	P								155.308(C)(3)
Park									P			P	155.308(D)(4)
Outdoor Display/Sales							P	P	P				155.308(D)(5)
Outdoor Dining						P	P	P	P				155.308(D)(6)
Outdoor Storage, Limited									S	P	P	P	155.308(D)(7)
Outdoor Storage, General										P	P	P	155.308(D)(8)

	Key:
	P – Permitted
	S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017*)*

the B-1 District, no townhouse or apartment shall be established on a parcel less than 20,000 square feet in area.

(b) Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to the lot, yard and bulk requirements of the principal building.

(c) Except in the B-1 District, townhouse and apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre in a standard residential district.

PART 3. CONDITIONAL ZONING DISTRICTS

(L) **CONDITIONAL ZONING DISTRICT STANDARDS**

(1) **General Provisions for all Conditional Zoning Districts**

(a) ***Rezoning Criteria***

In approving a rezoning for a conditional district, the Town Council shall find the district designation and master plan comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) ***Master Plan***

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) ***Design Guidelines and Dimensional Standards***

Each master plan shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) ***General Development Standards***

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) ***Resource Conservation Areas***

See Article 5 for restrictions on the use of resource conservation areas.

(f) ***Recreation and Open Space***

The master plan shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

(g) ***Stormwater Management***

The master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

(h) ***Phasing***

If development is proposed to occur in phases, the master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

(i) ***Landscaping, Buffering, and Screening***

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class "C" perimeter buffer planting requirements.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-08-05, adopted 8/7/2017)

§ 155.202 LAND USE REGULATIONS

(A) **USE REGULATIONS TABLE**

The use regulations table is subject to the explanation as set forth below.

(1) **Key to Types of Use**

(a) ***Permitted.*** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.

(b) ***Special Use Review***. An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.

(c) ***Conditional Zoning District Required.*** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.

~~(c)~~(d) ***Specific Use Section***. The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.

~~(d)~~(e) ***Uses Not Permitted.*** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:

1. Open dump;
2. Outdoor gun range; and
3. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts													Specific Use Section
	Residential					Nonresidential								
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Residential Uses														
Group Care Home (2-6 residents)	P	P	P	P										§155.301(A)
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S					§155.301(A)
Group Care Home (13+ Residents)							S		S					§155.301(A)
Apartments		~~S~~	~~S~~	~~S~~	C	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~				§155.301(B)
Boarding House				S			S		S					§155.301(C)
Duplex		~~S~~	~~S~~	~~S~~	C	~~S~~								§155.301(G)
Manufactured Home	P													§155.301(D)
Manufactured Home Park	S													§155.301(E)
Nursing Home (Congregate Living Facility)	P						P		P	P				§155.301(F)
Townhouse		~~S~~	~~S~~	~~S~~	C	~~S~~	~~S~~		~~S~~	~~S~~				§155.301(H)
Security/Caretaker Quarters	P									S			S	§155.301(I)
Single Family House	P	P	P	P		P								§155.301(J)
Upper-story Residence						P	P	P	P	P				§155.301(K)
Zero Lot Line House		P	P	P										§155.301(L)
Public and Civic Uses														
Assembly	S						P	S	S	P			P	§155.302(A)
Cemetery	P									S			P	§155.302(B)
Church or Place of Worship	S	S	S	S			P		P	S				§155.302(C)
College or University							P						P	§155.302(D)
Day Care Facility	S	S	S	S		S	P		P	P				§155.302(E)
Government Service	S	S	S	S		P	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center							P			P			P	§155.302(G)
School (Elementary or Secondary)	S	S	S	S			P						P	§155.302(H)
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P	§155.302(I)
Recreational Uses														
Entertainment, Indoor							P	S	P	P	P		P	§155.303(A)
Entertainment, Outdoor										S	P		P	§155.303(B)
Fitness/Recreation Center							P	S	P	P	P		P	§155.303(C)
Golf Course	P	P	P	P									P	§155.303(D)
Gun Range								S		S	S	S	S	§155.303(E)
Park	P	P	P	P		P	P	S	P				P	§155.303(F)
Stable, Private	P													§155.303(G)
Agricultural Uses														
Agriculture, Livestock	S													§155.304(A)
Agriculture, Sales and Service	P											S		§155.304(B)
Nursery	P						P	S	P	P			P	§155.304(C)
Commercial Uses														
Adult Oriented Business											S			§155.305(A)
Bed and Breakfast	P			S		S		S						§155.305(B)
Car Wash/Auto Detailing									P	P				§155.305(C)
Contractor Office							P			P	P	P		§155.305(D)
Convenience Store with Gas Sales									P	P	P			§155.305(E)
Creative Studio						P	P	P	P	P				§155.305(F)
Financial Institution							P	S	P	P				§155.305(G)
Funeral Home	S					P	P							§155.305(H)
Hotel/Motel							P	S	P	P				§155.305(I)
Kennel	S								P	P				§155.305(J)
Laundry Services									P	P	P	P		§155.305(K)
Lounge, Cocktail								S	S	S	S			§155.305(L)
Microbrewery								P	S	P	P	P		§155.305(M)
Publisher							P			P	P	P		§155.305(N)
Office, General						P	P	P	P	P	P		P	§155.305(O)
Office, Medical						P	P	P	P	P				§155.305(P)
Outdoor Seating/Sidewalk Cafe							P	P	P	P				§155.305(Q)

Use Type	Zoning Districts													Specific Use Section
	Residential					Nonresidential								
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Parking Lot							S	S	S	S	S	S	S	§155.305(R)
Pawn Shop										P	P			§155.305(S)
Radio or Television Studio										P	P	P		§155.305(T)
Restaurant							P	P	P	P				§155.305(U)
Retail Sales								P	P	P	P			§155.305(V)
Self-storage Facility										S	P			§155.305(W)
Service						P	P	P	P	P				§155.305(X)
Tattoo Parlor										P				§155.305(Y)
Towing Service and Storage										S	S	P		§155.305(Z)
Vehicle Repair or Service										S	P	P		§155.305(AA)
Vehicle Sales and Rental										S	P	P		§155.305(BB)
Veterinary Clinic							P		P	P				§155.305(CC)
Industrial Uses														
Building Supplies, Wholesale											P	P		§155.306(A)
Crematorium											P	P		§155.306(B)
Gas and Fuel, Wholesale											P	P	P	§155.306(C)
Laboratory, Research							P				P	P		§155.306(D)
Manufacturing, Light											P	P		§155.306(E)
Manufacturing, Heavy												P		§155.306(F)
Research and Development							P				P	P		§155.306(G)
Warehouse, Freight Movement										S	P	P		§155.306(H)
Utilities														
Recycling Center											S	P	P	§155.307(A)
Renewable Energy Facility	S										S	S	S	§155.307(B)
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S	§155.307(C)
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P	§155.307(D)
Utility, Major											P	P	P	§155.307(E)
Waste Service											S	P	P	§155.307(F)
Accessory Uses														
Accessory Dwelling Unit	S	S	S	S										155.308(C)(1)
Food Truck							P	P	P	P	P	P	P	155.308(D)(2)
Day Care Facility	S	S	S	S			P		P	P	P	P	P	155.308(D)(3)
In-Home Daycare	P	P	P	P		P								155.308(C)(3)
Park										P			P	155.308(D)(4)
Outdoor Display/Sales								P	P	P				155.308(D)(5)
Outdoor Dining							P	P	P	P				155.308(D)(6)
Outdoor Storage, Limited										S	P	P	P	155.308(D)(7)
Outdoor Storage, General											P	P	P	155.308(D)(8)

Key:
P – Permitted
S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)
C – Conditional Zoning District required for this use (§155.203(L) and §155.705)

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017*)*

the B-1 District, no townhouse or apartment shall be established on a parcel less than 20,000 square feet in area.

(b) Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to the lot, yard and bulk requirements of the principal building.

(c) Except in the B-1 District, townhouse and apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre in a standard residential district.

PART 3. CONDITIONAL ZONING DISTRICTS

(L) **CONDITIONAL ZONING DISTRICT STANDARDS**

(1) **General Provisions for all Conditional Zoning Districts**

(a) ***Rezoning Criteria***

In approving a rezoning for a conditional district, the Town Council shall find the district designation and site plan or master plan and narrative comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) ***Site Plan or Master Plan and Narrative***

The development proposed in the site plan or master plan and narrative is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The site plan or master plan and narrative shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) ***Design Guidelines and Dimensional Standards***

Each site plan or master plan and narrative shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) ***General Development Standards***

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) ***Specific Use Standards***

Unless modified standards are approved by the Town Council through one or more conditions, the specific use standards in Article 3 of this Ordinance shall apply to all Conditional Zoning Districts.

~~(e)~~(f) ***Resource Conservation Areas***

See Article 5 for restrictions on the use of resource conservation areas.

~~(f)~~(g) ***Recreation and Open Space***

The site plan or master plan and narrative shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

~~(g)~~(h) ***Stormwater Management***

The site plan or master plan and narrative shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

~~(h)~~(i) ***Phasing***

If development is proposed to occur in phases, the site plan or master plan and narrative shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

~~(i)~~(j) ***Landscaping, Buffering, and Screening***

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class "C" perimeter buffer planting requirements.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-08-05, adopted 8/7/2017)

§ 155.202 LAND USE REGULATIONS

(A) **USE REGULATIONS TABLE**

The use regulations table is subject to the explanation as set forth below.

(1) **Key to Types of Use**

(a) ***Permitted.*** A "P" indicates that a use is permitted in the respective district subject to the specific use standards in §§ 155.300 through 155.311. Such uses are also subject to all other applicable requirements of this chapter.

(b) ***Special Use Review***. An "S" indicates a use that may be permitted in the respective general use district only where approved by the Town Council upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, and in accordance with § 155.711. Special uses are subject to all other applicable requirements of this chapter, including the specific use standards contained in §§ 155.300 through 155.311, except where such use standards are expressly modified by the Town Council as part of the special use approval.

(c) ***Conditional Zoning District Required.*** A "C" in a cell of the principal use table indicates that a specific use type is permitted as part of the approval of a Conditional Zoning District, provided the Conditional Zoning District request is accompanied by either a Site Plan or Master Plan and Narrative in accordance with Section 155.203(L) of this Article.

(d) ***Specific Use Section***. The "Specific Use Section" column on the table is a cross-reference to any specific use standard listed in §§ 155.300 through 155.311. Where no cross-reference is shown, no additional use standard shall apply.

(e) ***Uses Not Permitted.*** A blank cell in the use table indicates that a use is not permitted in the respective district. Except as pursuant to §155.110 and §155.300, the following uses are entirely prohibited within the jurisdiction of the Town, although such enumeration shall not necessarily be deemed exclusive or all-inclusive:

1. Open dump;

2. Outdoor gun range; and

3. Any use prohibited by an applicable overlay zoning district.

(2) **Uses**

Table 2-1 "Use Regulations" lists the principal uses regulated by this chapter for conventional districts. For conditional zoning districts see § 155.200(C), for overlay districts see § 155.200(D), and for accessory structures and uses see § 155.308. In all cases, additional clarification and/or restrictions may be found in the Specific Use Standards (Article 3 of this chapter).

§ 155.202 - Table 2-1 Use Regulations

Use Type	Zoning Districts												Specific Use Section
	Residential					Nonresidential							
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Residential Uses														
Group Care Home (2-6 residents)	P	P	P	P										§155.301(A)
Group Care Home (7-12 Residents)	S	S	S	S		S	S		S					§155.301(A)
Group Care Home (13+ Residents)							S		S					§155.301(A)
Apartments					C									§155.301(B)
Boarding House				S			S		S					§155.301(C)
Duplex					C									§155.301(G)
Manufactured Home	P													§155.301(D)
Manufactured Home Park	S													§155.301(E)
Nursing Home (Congregate Living Facility)	P						P		P	P				§155.301(F)
Townhouse					C									§155.301(H)
Security/Caretaker Quarters	P									S			S	§155.301(I)
Single Family House	P	P	P	P		P								§155.301(J)
Upper-story Residence						P	P	P	P	P				§155.301(K)
Zero Lot Line House		P	P	P										§155.301(L)
Public and Civic Uses														
Assembly	S						P	S	S	P			P	§155.302(A)
Cemetery	P									S			P	§155.302(B)
Church or Place of Worship	S	S	S	S			P		P	S				§155.302(C)
College or University							P						P	§155.302(D)
Day Care Facility	S	S	S	S		S	P		P	P				§155.302(E)
Government Service	S	S	S	S		P	P	P	P	P	P	P	P	§155.302(F)
Hospital or Medical Center							P			P			P	§155.302(G)
School (Elementary or Secondary)	S	S	S	S			P						P	§155.302(H)
School (Technical, Trade or Business)	S	S	S	S			P			P	P	P	P	§155.302(I)
Recreational Uses														
Entertainment, Indoor							P	S	P	P	P		P	§155.303(A)
Entertainment, Outdoor										S	P		P	§155.303(B)
Fitness/Recreation Center							P	S	P	P	P		P	§155.303(C)
Golf Course	P	P	P	P									P	§155.303(D)
Gun Range								S		S	S	S	S	§155.303(E)
Park	P	P	P	P		P	P	S	P				P	§155.303(F)
Stable, Private	P													§155.303(G)
Agricultural Uses														
Agriculture, Livestock	S													§155.304(A)
Agriculture, Sales and Service	P											S		§155.304(B)
Nursery	P						P	S	P	P			P	§155.304(C)
Commercial Uses														
Adult Oriented Business											S			§155.305(A)
Bed and Breakfast	P			S		S		S						§155.305(B)
Car Wash/Auto Detailing									P	P				§155.305(C)
Contractor Office							P			P	P	P		§155.305(D)
Convenience Store with Gas Sales									P	P	P			§155.305(E)
Creative Studio						P	P	P	P	P				§155.305(F)
Financial Institution							P	S	P	P				§155.305(G)
Funeral Home	S					P	P							§155.305(H)
Hotel/Motel							P	S	P	P				§155.305(I)
Kennel	S								P	P				§155.305(J)
Laundry Services									P	P	P	P		§155.305(K)
Lounge, Cocktail								S	S	S	S			§155.305(L)
Microbrewery								P	S	P	P	P		§155.305(M)
Publisher							P			P	P	P		§155.305(N)
Office, General						P	P	P	P	P	P		P	§155.305(O)
Office, Medical						P	P	P	P	P				§155.305(P)
Outdoor Seating/Sidewalk Cafe							P	P	P	P				§155.305(Q)
Parking Lot							S	S	S	S	S	S	S	§155.305(R)

Use Type	Zoning Districts													Specific Use Section
	Residential					Nonresidential								
	R-E	R-10	R-8	R-6	C	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	
Pawn Shop										P	P			§155.305(S)
Radio or Television Studio										P	P	P		§155.305(T)
Restaurant							P	P	P	P				§155.305(U)
Retail Sales								P	P	P	P			§155.305(V)
Self-storage Facility										S	P			§155.305(W)
Service						P	P	P	P	P				§155.305(X)
Tattoo Parlor										P				§155.305(Y)
Towing Service and Storage										S	S	P		§155.305(Z)
Vehicle Repair or Service										S	P	P		§155.305(AA)
Vehicle Sales and Rental										S	P	P		§155.305(BB)
Veterinary Clinic							P		P	P				§155.305(CC)
Industrial Uses														
Building Supplies, Wholesale											P	P		§155.306(A)
Crematorium											P	P		§155.306(B)
Gas and Fuel, Wholesale											P	P	P	§155.306(C)
Laboratory, Research							P				P	P		§155.306(D)
Manufacturing, Light											P	P		§155.306(E)
Manufacturing, Heavy												P		§155.306(F)
Research and Development							P				P	P		§155.306(G)
Warehouse, Freight Movement										S	P	P		§155.306(H)
Utilities														
Recycling Center											S	P	P	§155.307(A)
Renewable Energy Facility	S										S	S	S	§155.307(B)
Telecommunication Facility	S	S	S	S		S	S	S	S	S	S	S	S	§155.307(C)
Utility, Minor	P	P	P	P		P	P	P	P	P	P	P	P	§155.307(D)
Utility, Major											P	P	P	§155.307(E)
Waste Service											S	P	P	§155.307(F)
Accessory Uses														
Accessory Dwelling Unit	S	S	S	S										155.308(C)(1)
Food Truck							P	P	P	P	P	P	P	155.308(D)(2)
Day Care Facility	S	S	S	S			P		P	P	P	P	P	155.308(D)(3)
In-Home Daycare	P	P	P	P		P								155.308(C)(3)
Park										P			P	155.308(D)(4)
Outdoor Display/Sales								P	P	P				155.308(D)(5)
Outdoor Dining							P	P	P	P				155.308(D)(6)
Outdoor Storage, Limited										S	P	P	P	155.308(D)(7)
Outdoor Storage, General											P	P	P	155.308(D)(8)

Key:
P – Permitted
S – Special Use Permit required in the zoning district only if approved by the Town Council (TC) (§ 155.711)
C – Conditional Zoning District required for this use (§155.203(L) and §155.705)

(Ord. 2005-11-02, adopted 11/21/2005; Am. Ord. 2006-06-01, adopted 06/19/2006; Am. Ord. 2007-04-05, adopted 04/02/2007; Am. Ord. 2007-05-02, adopted 05/07/2007; Am. Ord. 2009-06-06, adopted 06/01/2009; Am. Ord. 2009-08-03, adopted 08/03/2009; Am. Ord. 2012-01-04, adopted 01/03/2012; Am. Ord. 2012-04-02, adopted 04/02/2012; Am. Ord. 2012-12-02, adopted 12/03/2012; Am. Ord. 2014-12-02, adopted 12/01/2014; Ord. 2015-09-03, adopted 09/28/2015; Am. Ord 2016-04-04, passed 04-04-2016; Ord. 2017-04-06, approved 04/03/2017*)*

the B-1 District, no townhouse or apartment shall be established on a parcel less than 20,000 square feet in area.

(b) Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to the lot, yard and bulk requirements of the principal building.

(c) Except in the B-1 District, townhouse and apartment parcels and upper-story residential units shall not exceed a density of 12 units per acre in a standard residential district.

PART 3. CONDITIONAL ZONING DISTRICTS

(L) **CONDITIONAL ZONING DISTRICT STANDARDS**

(1) **General Provisions for all Conditional Zoning Districts**

(a) ***Rezoning Criteria***

In approving a rezoning for a conditional district, the Town Council shall find the district designation and site plan or master plan and narrative comply with the general standards of this section and the specific criteria of (§ 155.705).

(b) ***Site Plan or Master Plan and Narrative***

The development proposed in the site plan or master plan and narrative is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The site plan or master plan and narrative shall be prepared by a professionally certified landscape architect, engineer or architect.

(c) ***Design Guidelines and Dimensional Standards***

Each site plan or master plan and narrative shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at the time of approval.

(d) ***General Development Standards***

Unless granted Variance by the Board of Adjustment, all standards specified in §§ 155.400 through 155.405 shall apply.

(e) ***Specific Use Standards***

Unless modified standards are approved by the Town Council through one or more conditions, the specific use standards in Article 3 of this Ordinance shall apply to all Conditional Zoning Districts.

(f) ***Resource Conservation Areas***

See Article 5 for restrictions on the use of resource conservation areas.

(g) ***Recreation and Open Space***

The site plan or master plan and narrative shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see § 155.203(H)).

(h) ***Stormwater Management***

The site plan or master plan and narrative shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.

(i) ***Phasing***

If development is proposed to occur in phases, the site plan or master plan and narrative shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

(j) ***Landscaping, Buffering, and Screening***

As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class "C" perimeter buffer planting requirements.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2012-04-02, passed 4-2-12; Am. Ord. 2012-12-02, passed 12-3-12; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-08-05, adopted 8/7/2017)

(d) ***Project Boundary Buffers***

Project boundary buffers are established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply.

1. Open Space Residential Subdivision

   A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. Planned Development

   A. A Class C buffer is required along all project boundaries of a planned development.

   B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential Planned Developments where they abut major or minor thoroughfares.

   C. A Class B buffer may be used when a Planned Development - Commercial (PD-C) abuts a non-residential district (see § 155.203(L)).

3. Manufactured Home Park

   A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

(3) **Buffer Classification**

Figure 4-1 establishes the specific width and plant material for each buffer classification. The applicant may choose any alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree.

(d) ***Project Boundary Buffers***

Project boundary buffers are established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply.

1. Open Space Residential Subdivision

   A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. ~~Planned Development~~Conditional Zoning Districts

   A. A Class C buffer is required along all project boundaries of a ~~planned development~~Conditional Zoning District.

   B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential ~~Planned Developments~~Conditional Zoning Districts where they abut major or minor thoroughfares.

   C. A Class B buffer may be used when a ~~Planned Development~~Conditional Zoning District - Commercial (~~PD-C~~CZ-C) abuts a non-residential district (see § 155.203(L)).

3. Manufactured Home Park

   A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

(3) **Buffer Classification**

Figure 4-1 establishes the specific width and plant material for each buffer classification. The applicant may choose any alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree.

(d) ***Project Boundary Buffers***

Project boundary buffers are established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply.

1. Open Space Residential Subdivision

   A Class C buffer is required along all project boundaries of an open space subdivision (see § 155.203(H)(8)).

2. Conditional Zoning Districts

   A. A Class C buffer is required along all project boundaries of a Conditional Zoning District.

   B. The continuous visual barrier of Class C buffers is not required for the street-side of non-residential Conditional Zoning Districts where they abut major or minor thoroughfares.

   C. A Class B buffer may be used when a Conditional Zoning District - Commercial (CZ-C) abuts a non-residential district (see § 155.203(L)).

3. Manufactured Home Park

   A Class C buffer is required along all project boundaries of a manufactured home park (see § 155.301(G)(4)).

(3) **Buffer Classification**

Figure 4-1 establishes the specific width and plant material for each buffer classification. The applicant may choose any alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree.

§ 155.705 CONDITIONAL ZONING DISTRICT

(A) **APPLICABILITY**

(1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.

(2) The Town Council shall consider conditional districts, as may be required from time to time.

(3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.

(5) At a minimum, and to avoid the potential for spot zoning, a conditional zoning application shall include a minimum amount of land of either:

(a) 5 acres, or

(b) One full city block (either existing or proposed) of at least 1 acre whose abutting street network connects to or extends in alignment with the existing public street network.

(B) **INITIATION OF AMENDMENT**

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

(1) Concurrent with a request for establishment of a conditional district , an applicant shall submit a master plan, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.

(2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).

(3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

(1) Upon submission of a completed application, the Planning Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this Chapter.

(2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.

(3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, master plan and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

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

(2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

(1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.

(2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.

(3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and polices of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is

inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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

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

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

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

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

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

(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; and

(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.

(K) **MASTER PLAN CONTENTS AND APPROVAL CRITERIA**

(1) At a minimum, the master plan shall designate:

(a) Where and which uses or groups of uses will occur.

(b) The proposed intensity/density of those uses.

(c) The general location of the internal and external network of public rights-of-way and public infrastructure.

(d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.

(e) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;

(2) The master plan shall include and the applicant shall be responsible for successfully addressing the following:

(a) Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;

(b) Consistency with the Clayton General Design Guidelines;

(c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;

(d) Compatibility of the proposed development with the adjacent community;

(e) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;

(f) Compatible relationships between each component of the overall project;

(g) Self-sufficiency of each phase of the overall project;

(h) The fiscal impact of the proposal and the proposed financing of required improvements;

(i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and

(j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(L) **ACTION AFTER APPROVAL**

(1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.

(2) The approved conditional district and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.

(3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.

(4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

(5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.

(6) Special uses identified as such in the approved master plan require approval in accordance with § 155.711.

(7) The master plan shall run with the land perpetually, or until a subsequent rezoning is approved.

(M) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

(1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.

(2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.

(3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.

(4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.

(5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

Approved master plan modifications

(6) Amendments or modifications to an approved master plan, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100’ for master plans covering 20 acres or less, 200’ for master plans of 20-100 acres, or 300’ for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved master plan, this Chapter, and other Town policies and specifications, as appropriate. Master plan modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.

(7) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that would otherwise negatively impact surrounding properties in any manner exceeding the originally approved master plan.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016; Am. Ord. 2018-07-02, adopted 07-16-2018)

§ 155.705 CONDITIONAL ZONING DISTRICT

(A) **APPLICABILITY**

(1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.

(2) The Town Council shall consider conditional districts, as may be required from time to time.

(3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.

(5) A conditional zoning district of less than 20 acres in size and only proposing a single principal use shall require a Site Plan to be submitted with the rezoning request. A separate site plan application is not required.

(6) A conditional zoning district 20 acres in size or larger, or proposing multiple principal uses, shall require a master plan and narrative to be submitted with the rezoning request.

~~(5) At a minimum, and to avoid the potential for spot zoning, a conditional zoning application shall include a minimum amount of land of either:~~

~~(a) 5 acres, or~~

~~(b) One full city block (either existing or proposed) of at least 1 acre whose abutting street network connects to or extends in alignment with the existing public street network.~~

(B) **INITIATION OF AMENDMENT**

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

(1) Concurrent with a request for establishment of a conditional district~~–~~, an applicant shall submit a site plan (meeting the requirements in §155.707) or a master plan and narrative document, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a ~~–~~professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.

(2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).

(3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

(1) Upon submission of a completed application, the Planning Director shall schedule the ~~master plan~~Conditional Zoning District for review by the Technical Review Committee. The Technical Review Committee shall review the ~~master plan~~Conditional Zoning District for consistency with the requirements of this Chapter.

(2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.

(3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, ~~master plan~~Conditional Zoning District request and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

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

(2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

(1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.

(2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.

(3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and polices of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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

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

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

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

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

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

(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; and

(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.

(K) **MASTER PLAN AND NARRATIVE CONTENTS ~~AND APPROVAL CRITERIA~~**

(1) At a minimum, the master plan shall designate:

(a) Where and which uses or groups of uses will occur.

(b) The proposed intensity/density of those uses.

(c) The general location of the internal and external network of public rights-of-way and public infrastructure.

(d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.

(e) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.;

(2) At a minimum, the narrative shall include:

(a) A description of the proposed development, including any phasing, development timeline and uses.

(b) A list of permitted and/or prohibited uses in the Conditional Zoning District.

(c) A description of how the proposed Conditional Zoning District will meet the Approval Criteria listed in subsection J above.

(d) Description of how the development will address stormwater requirements.

(e) Description of how the development will be served by water, sewer and electric providers.

(f) Dimensional standards for the development.

(g) Architectural standards and elevations (when possible) for residential and non-residential structures in the development.

(h) A list of proposed conditions for the development. At a minimum, the conditions should address permitted and/or prohibited uses, dimensional criteria, architectural standards, transportation improvements, water/sewer/electric infrastructure requirements, and any "Community Benefit Bonus Points" taken in a Wastewater Allocation request.

(L) **SITE PLAN OR MASTER PLAN AND NARRATIVE APPROVAL CRITERIA**

(1) The Site Plan shall include and the applicant shall be responsible for successfully addressing the Approval Criteria listed in Article 7, Section 155.707 – Site Plan Review.

(2) The master plan and narrative shall include and the applicant shall be responsible for successfully addressing the following:

(a) Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;

(b) Consistency with the Clayton General Design Guidelines;

(c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;

(d) Compatibility of the proposed development with the adjacent community;

(e) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;

(f) Compatible relationships between each component of the overall project;

(g) Self-sufficiency of each phase of the overall project;

(h) The fiscal impact of the proposal and the proposed financing of required improvements;

(i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and

(j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

~~(L)~~(M) **ACTION AFTER APPROVAL**

(1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved site plan or master plan and narrative) shall be an integral part of the approved proposal.

(2) The approved conditional district and associated site plan or master plan and narrative shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved site plan or master plan and narrative shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.

(3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where a site plan has been submitted in place of a master plan or the master plan meets the requirements for and is approved as a preliminary plat.

(4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

(5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707, unless a site plan is approved in conjunction with the Conditional Zoning District.

(6) Uses which require Special Use Review under conventional zoning shall be exempt from the provisions of §155.711 Special Use Review if designated as Permitted on the approved Master Plan.

(7) The site plan or master plan and narrative shall run with the land perpetually, or until a subsequent rezoning is approved.

~~(M)~~(N) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

(1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.

(2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.

(3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.

(4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.

(5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(O) **APPROVED SITE PLAN OR MASTER PLAN AND NARRATIVE MODIFICATIONS**

~~(6)~~(1) Amendments or modifications to an approved site plan or master plan and narrative, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved site plan or master plan and narrative, this Chapter, and other Town policies and specifications, as appropriate. Site Plan or Master plan and narrative modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.

~~(7)~~(2) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that

would otherwise negatively impact surrounding properties in any manner exceeding the originally approved site plan or master plan and narrative.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016; Am. Ord. 2018-07-02, adopted 07-16-2018)

§ 155.705 CONDITIONAL ZONING DISTRICT

(A) **APPLICABILITY**

(1) Conditional zoning district review (also known as conditional rezoning) shall occur in accordance with the provisions of this section.

(2) The Town Council shall consider conditional districts, as may be required from time to time.

(3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(4) A conditional district is not appropriate for developments that could be substantially achieved through traditional subdivision and conventional district rezoning.

(5) A conditional zoning district of less than 20 acres in size and only proposing a single principal use shall require a Site Plan to be submitted with the rezoning request. A separate site plan application is not required.

(6) A conditional zoning district 20 acres in size or larger, or proposing multiple principal uses, shall require a master plan and narrative to be submitted with the rezoning request.

(B) **INITIATION OF AMENDMENT**

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council to establish a conditional district.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for a conditional district shall schedule a pre-application conference with the Planning Director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for a conditional district shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

(1) Concurrent with a request for establishment of a conditional district, an applicant shall submit a site plan (meeting the requirements in §155.707) or a master plan and narrative document, as detailed in this section, to govern the development and maintenance of the land within the conditional district. The master plan shall be prepared by a professional landscape architect, engineer, or architect properly licensed and in good standing in North Carolina.

(2) All applications for establishment of a conditional district shall be submitted in accordance with § 155.702(C).

(3) A traffic impact analysis shall be required if the proposed master plan meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

The Town shall hold all required public hearings and give notice in accordance with § 155.702(d).

(G) **ACTION BY PLANNING DIRECTOR**

(1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Zoning District for review by the Technical Review Committee. The Technical Review Committee shall review the Conditional Zoning District for consistency with the requirements of this Chapter.

(2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.

(3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, Conditional Zoning District request and any related application materials shall be forwarded to the Town Council.

(H) **ACTION BY THE PLANNING BOARD**

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

(2) Following Planning Board review, the Planning Director shall forward the completed conditional district request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

(1) Before taking action on a conditional district proposal, the Town Council shall consider the recommendation of the Planning Board (if applicable) and the Planning Director.

(2) The Town Council shall approve, approve with conditions, or disapprove the conditional district. Any conditions of approval must be signed (or declined) by the applicant prior to the Council rendering a decision.

(3) Concurrently with adopting, denying, or remanding any conditional district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans

and polices of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest. If the Council adopts a conditional district that is inconsistent with any adopted future land use map a note must be placed on the map or maps that an amendment inconsistent with the map has been adopted and that the map is deemed amended.

(J) **CONDITIONAL ZONING DISTRICT APPROVAL CRITERIA**

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

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

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

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

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

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

(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; and

(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.

(K) **MASTER PLAN AND NARRATIVE CONTENTS**

(1) At a minimum, the master plan shall designate:

(a) Where and which uses or groups of uses will occur.

(b) The proposed intensity/density of those uses.

(c) The general location of the internal and external network of public rights-of-way and public infrastructure.

(d) All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.

(e) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems.

(2) At a minimum, the narrative shall include:

(a) A description of the proposed development, including any phasing, development timeline and uses.

(b) A list of permitted and/or prohibited uses in the Conditional Zoning District.

(c) A description of how the proposed Conditional Zoning District will meet the Approval Criteria listed in subsection J above.

(d) Description of how the development will address stormwater requirements.

(e) Description of how the development will be served by water, sewer and electric providers.

(f) Dimensional standards for the development.

(g) Architectural standards and elevations (when possible) for residential and non-residential structures in the development.

(h) A list of proposed conditions for the development. At a minimum, the conditions should address permitted and/or prohibited uses, dimensional criteria, architectural standards, transportation improvements, water/sewer/electric infrastructure requirements, and any "Community Benefit Bonus Points" taken in a Wastewater Allocation request.

(L) **SITE PLAN OR MASTER PLAN AND NARRATIVE APPROVAL CRITERIA**

(1) The Site Plan shall include and the applicant shall be responsible for successfully addressing the Approval Criteria listed in Article 7, Section 155.707 – Site Plan Review.

(2) The master plan and narrative shall include and the applicant shall be responsible for successfully addressing the following:

(a) Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;

(b) Consistency with the Clayton General Design Guidelines;

(c) Conformance of the proposal with the stated purpose of the requested conditional zoning district;

(d) Compatibility of the proposed development with the adjacent community;

(e) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;

(f) Compatible relationships between each component of the overall project;

(g) Self-sufficiency of each phase of the overall project;

(h) The fiscal impact of the proposal and the proposed financing of required improvements;

(i) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and

(j) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(M) **ACTION AFTER APPROVAL**

(1) Upon approval of a conditional zoning district by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved site plan or master plan and narrative) shall be an integral part of the approved proposal.

(2) The approved conditional district and associated site plan or master plan and narrative shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved site plan or master plan and narrative shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.

(3) Approval of a conditional district rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where a site plan has been submitted in place of a master plan or the master plan meets the requirements for and is approved as a preliminary plat.

(4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

(5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707, unless a site plan is approved in conjunction with the Conditional Zoning District.

(6) Uses which require Special Use Review under conventional zoning shall be exempt from the provisions of §155.711 Special Use Review if designated as Permitted on the approved Master Plan.

(7) The site plan or master plan and narrative shall run with the land perpetually, or until a subsequent rezoning is approved.

(N) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

(1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same or substantively similar conditional district

contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.

(2) When the Town Council has voted on a conditional district and the proposed rezoning has failed to be adopted, then the application shall be deemed to have expired.

(3) No subsequent application requesting a conditional district for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.

(4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.

(5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(O) **APPROVED SITE PLAN OR MASTER PLAN AND NARRATIVE MODIFICATIONS**

(1) Amendments or modifications to an approved site plan or master plan and narrative, if minor in scope, shall be approved administratively by the Planning Director. Minor modifications shall include up to 10% modifications (by area, intensity, or dwelling units) from the original approval to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal transportation infrastructure provided connectivity is not reduced. Changes in boundaries between land uses are permitted so long as the boundary abutting outside zoning districts does not change and the boundary between areas within the conditional district does not shift more than 100' for master plans covering 20 acres or less, 200' for master plans of 20-100 acres, or 300' for master plans of greater than 100 acres. Minor modifications to the typical project details, which include but are not limited to signage, lighting, parking, amenities, and landscape requirements shall also be approved administratively by the Planning Director provided they conform to all other aspects of the approved site plan or master plan and narrative, this Chapter, and other Town policies and specifications, as appropriate. Site Plan or Master plan and narrative modifications that require the judgement of a licensed landscape architect, engineer, or architect are not minor modifications.

(2) Major modifications include anything not identified as minor. Major modifications shall require resubmittal and reconsideration by per this Section. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town, or the conditions of the district, or that would otherwise negatively impact surrounding properties in any manner exceeding the originally approved site plan or master plan and narrative.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-06-01, passed 6-2-08; Am. Ord. 2009-03-04, passed 3-2-09; Am. Ord. 2015-02-01, passed 2-2-15; Am. Ord. 2016-04-04, passed 04-04-2016; Am. Ord. 2018-07-02, adopted 07-16-2018)

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

Planning Board, 1/28/2023

STAFF REPORT

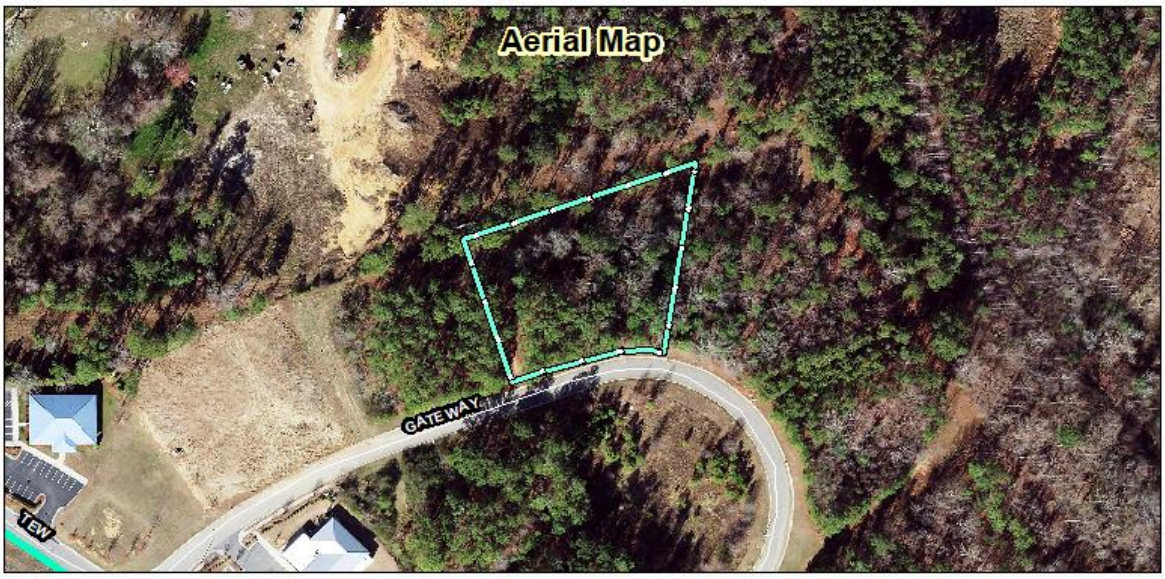
Application Number: 2022-197-RZ
Project Name: Lot 8 Gateway Drive – Rezoning

TAG #(s): 05G02003D
Town Limits/ETJ: Town Limits
Applicant: Thomas H Johnson Jr.& William Mullen.
Owner: Wisdom for the Heart, Inc.
Location: Lot 8 on Gateway Drive, Clayton, NC, 27520
Project Planner: Bruce Venable, Planner I Trainee

Public Noticing Dates:

- **Neighborhood Meeting:** October 17, 2022
- **Sign posted:** January 9, 2023
- **PB Adjacent Property Letters Mailed:** January 10, 2029

REQUEST: Rezoning from Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I)

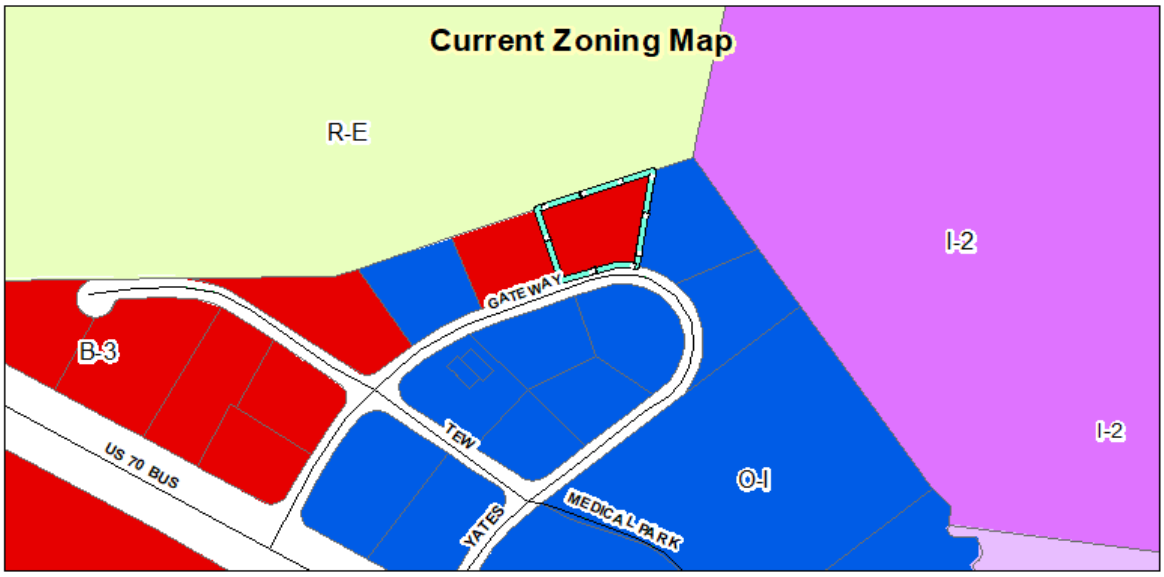


SITE DATA:
Acreage: +/- 1.24 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	R-E (Residential-Estate)	Vacant
South	O-I (Office-Institutional)	Vacant
East	O-I (Office-Institutional)	Vacant
West	B-3 SUD (Highway-Business Special Use District)	Vacant

D



STAFF ANALYSIS AND COMMENTARY:

Overview

The site is within the Clayton Town limits. The site is located at off of Gateway Drive, Clayton, NC, 27520. The applicant is requesting to re-zone the property from the Highway-Business Special Use District (B-3 SUD) to Office-Institutional (O-I). The property is currently Vacant.

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 subject property proposed for rezoning, identified as Lot 8 of the Gateway Park subdivision, is designated within the Employment Center category on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan. The entire Gateway Park subdivision are also within the Employment Center designation. The proposed rezoning is for office-Institutional zoning to allow for development of office use on the property. The Comprehensive Growth Plan describes the Employment Center designation as encouraging office use in addition to various other types of non-residential development that provides locations for primary employment

The proposed rezoning to O-I is also consistent with supports multiple policies of the Comprehensive Growth Plan, Including:

Land Use and Housing:

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

Policy LU 1.4 – Encourage new businesses and no-residential development in Employment Centers designated on the Future Land Use Map.

Services and Infrastructure:

Policy SI 1.2 – Ensure utility and broadband capacity exists to facilitate continued industrial, commercial, and residential growth.

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 subject property is located within the Gateway Drive subdivision. The design and layout of the roads and lots within this subdivision are more consistent with an office park-type of development having uses more typical of those found in proposed O-I zoning and not the existing Highway Business (B-3) zoning for the parcel. The O-I zoning is more consistent with the Employment Center designation of the subject site and surrounding area on the Future Land Use Map of the Clayton Comprehensive Growth Plan.

Staff Commentary: Staff believes that this request is appropriate and achieves the best use and practice for this site and agree with the reasons listed by the applicant on suitability of the subject property. The rezoning and the "Neighborhood Mixed-use Overlay" allow for this land use and are in line with the intent of the ordinance.

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

Applicant's Response: The proposed O-I zoning for the subject property increase the consistency and compatibility of existing and future development within the Gateway Park subdivision. The requested zoning reduces potential for certain types of non-residential uses (e.g. retail sales, vehicle sales and repair) to be proposed/located in close proximity to existing and future uses within Gateway Park that more consistent with Future Land Use Map designation of Employment Center for this area.

Staff Commentary: Staff believes that this will address the need for commercial space near and around emerging communities in the Town.

(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: Based on Town of Clayton GIS maps, the subject property has frontage on and is accessed by Gateway Drive, a public street maintained by the Town of Clayton. The site is also adjacent to public water and sewer infrastructure maintained by the Town. Stormwater management for development on the site will be designed consistent with Town of Clayton requirements and other applicable regulations.

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

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

Applicant's Response: The proposed zoning for O-I for the subject property is consistent with both Employment Center designation for this site and surrounding properties as shown on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan, and existing zoning for multiple properties within the Gateway Park Subdivision including adjacent parcels to the east and south.

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 its zoning district.

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

Applicant's Response: The adjacent properties to the east and on the opposite side of Gateway Drive from the subject site (to the south) are zoned O-I, providing for development of similar types of uses. Future use and design of the subject site will be consistent with applicable requirements of the Unified Development Code.

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

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

Applicant's Response: The proposed Office-Institutional zoning designation for the subject property facilitates development of the site more similar and consistent with parcels located in this area of Gateway Park subdivision already zoned O-I

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

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as "Employment Center" (see map below). 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 O-I 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 include:

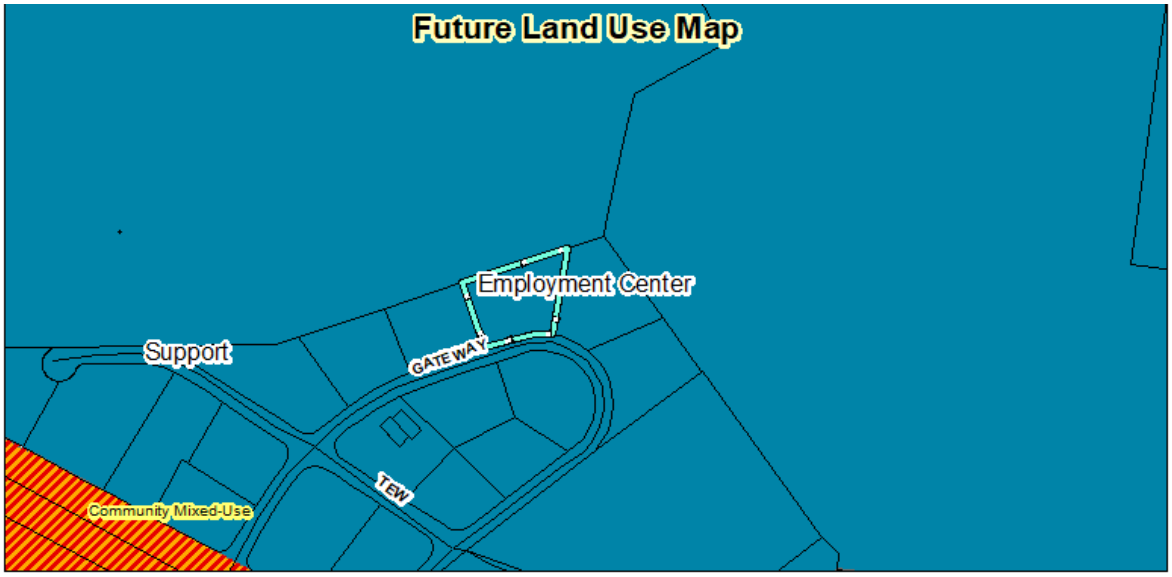
Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.

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

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



CONSIDERATIONS:

- Approval of the rezoning would allow any permitted use within the O-I Zoning District to be constructed on the site. Planning Board should consider all potential uses of the site when giving their recommendation for this rezoning.

STAFF RECOMMENDATION:

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

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 COVER SHEET

Name of Project: Lot 8 Gateway Drive - Rezoning **Date:** 11/28/22

Applicant Name: Thomas H. Johnson, Jr. - attorney (Williams Mullen), Agent for Owner

The following checklist to be completed by applicant:

[X] Pre-Application Meeting on: April 12, 2022

[X] Review Fee ~~**$762.40** *$750.00 + $10 per acre ($10 x 1.24ac = $12.40)*~~ $770 Paid

[X] Advertisement Fee

[X] Completed Application

[X] Owner's Consent Form

[X] Adjacent Property Owner's List

[X] Neighborhood Meeting Notice Letter (1 copy)

[X] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification

[X] Signed & Sealed Boundary Survey *

[X] Copy of signed & sealed boundary survey in PDF on USB *(emailed to Planning Dept. staff)*

* ***for legal description of property to be rezoned, see attached instruments recorded in Johnston County Register of Deeds:***

- ***Special Warranty Deed (Deed Book 6324, Page 832-833)***
- ***Subdivision Plat (Plat Book 54, Pages 476-478)***

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: Lot 8 Gateway Drive - Rezoning

Acreage of Property: 1.24 ac **Zoning District:** Highway Business (B-3) - Special Use District

County Tag #: 05G02003D **NC Pin #:** 165909-27-2055

Address/Location: Lot 8, Gateway Drive, Clayton, NC

Existing Zoning District: Highway Business (B-3) - Special Use District **Proposed Zoning District:** Office-Institutional (O-I)

APPLICANT INFORMATION

Applicant: Thomas H. Johnson, Jr. - attorney (Williams Mullen), Agent for Owner

Mailing Address: 301 Fayetteville Street, Suite 1700, Raleigh, NC 27601

Phone Number: 919.981.4006 **Fax:**

Contact Person: Wayne Nicholas-senior land planner (Williams Mullen)

Email Address: wnicholas@williamsmullen.com 919.981.4084

PROPERTY OWNER INFORAMTION

Name: Wisdom for the Heart, Inc.

Mailing Address: 2703 Jones Franklin Rd, Suite 105, Cary, NC 27518

Phone Number: **Fax:**

Email Address:

OFFICE USE ONLY

Date Received: RECEIVED DEC 01 2022 TOWN OF CLAYTON PLANNING DEPARTMENT

Amount Paid: $770 PAID

File Number: 2022-197-RZ

EXPLANATION OF PROJECT

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

Request to rezone 1.24-acre property (NCPin 165909-27-2055) located on Gateway Drive, Clayton, shown as Lot 8 on plat recorded with Johnston County Register of Deeds in Plat Book 54, page 476-477, from current zoning of Highway Business (B-3) Special Use District to Office-Institutional (O-I).

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
   (see Exhibit A attached to rezoning application)
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
   (see Exhibit A attached to rezoning application)
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
   (see Exhibit A attached to rezoning application)
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.
   (see Exhibit A attached to rezoning application)
5. It has been determined that the legal purposes for which zoning exists are not violated.
   (see Exhibit A attached to rezoning application)
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.
   (see Exhibit A attached to rezoning application)

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.

(see Exhibit A attached to rezoning application)

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.

Thomas H. Johnson, Jr.		11/28/22
Print Name	*Signature of Applicant*	*Date*

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

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: Lot 8, Gateway Drive Rezoning **Address or PIN #:** 165909-27-2055

AGENT/APPLICANT INFORMATION:

Thomas H. Johnson, Jr. - attorney (Williams Mullen)
(Name - type, print clearly)

301 Fayetteville Street, Suite 1700
(Address)
Raleigh, NC 27601
(City, State, Zip)

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

Rezoning

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:

Scott Wylie - Executive Director
(Name - type, print clearly)

Scott Wylie
(Owner's Signature)

2703 Jones Franklin Road, Suite 105
(Address)
Cary, NC 27518
(City, State, Zip)

STATE OF NC
COUNTY OF Wake

Sworn and subscribed before me Lori LePage, a Notary Public for the above State and County, this the 8 day of November, 2022.

SEAL

LORI LEPAGE
Notary Public, North Carolina
Wake County
My Commission Expires
November 03, 2023

Notary Public

My Commission Expires: 11 3 23

July 2018

EXHIBIT A

APPLICANT'S NARRATIVE – REZONING REVIEW CRITERIA:
CLAYTON UNIFIED DEVELOPMENT CODE, SECTION 155.704(J)
Gateway Drive, Lot 8 (PIN: 165909-27-2055); Wisdom for the Heart, Inc. (Applicant)

Below are the applicant's statements (bold text) in response to the rezoning criteria in Section 155.704(J) of the Clayton Unified Development Code (italics).

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

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

The subject property proposed for rezoning, identified as Lot 8 of the Gateway Park subdivision, is designated within the Employment Center category on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan. The entire Gateway Park subdivision and properties immediately adjacent to the west, north and east of the subdivision are also within the Employment Center designation. The proposed rezoning is for Office-Institutional zoning to allow for development of office use on the property. The Comprehensive Growth Plan describes the Employment Center designation as encouraging office use in addition to various other types of non-residential development that provides locations for primary employment.

The proposed rezoning to O-I is also consistent with and supports multiple policies of the Comprehensive Growth Plan, including:

- ***Land Use and Housing:***
  - ***Policy LU 1.3 – Encourage non-residential land uses in areas consistent with the Future Land Use Map.***
  - ***Policy LU 1.4 – Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.***
- ***Services and Infrastructure:***
  - ***Policy SI 1.2 – Ensure utility and broadband capacity exists to facilitate continued industrial, commercial, and residential growth.***

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

The subject property is located within the Gateway Drive subdivision. The design and layout of the roads and lots within this subdivision are more consistent with an office park-type of development having uses more typical of those found in the proposed O-I zoning and not the existing Highway Business (B-3) zoning for the parcel. The O-I zoning is also more consistent with the Employment Center designation of the subject site and surrounding area on the Future Land Use Map of the Clayton Comprehensive Growth Plan.

EXHIBIT A

APPLICANT'S NARRATIVE – REZONING REVIEW CRITERIA:
CLAYTON UNIFIED DEVELOPMENT CODE, SECTION 155.704(J)
Gateway Drive, Lot 8 (PIN: 165909-27-2055); Wisdom for the Heart, Inc. (Applicant)

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

The proposed O-I zoning for the subject property increases the consistency and compatibility of existing and future development within the Gateway Park subdivision. The requested zoning reduces potential for certain types of non-residential uses (e.g. retail sales, vehicle sales and repair) to be proposed/located in close proximity to existing and future uses within Gateway Park that are more consistent with the Future Land Use Map designation of Employment Center for this area.

(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;

Based on Town of Clayton GIS maps, the subject property has frontage on and is accessed by Gateway Drive, a public street maintained by the Town of Clayton. The site is also adjacent to public water and sewer infrastructure maintained by the Town. Stormwater management for development on the site will be designed consistent with Town of Clayton requirements and other applicable regulations.

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

The proposed zoning of O-I for the subject property is consistent with both the Employment Center designation for this site and surrounding properties as shown on the Future Land Use Map of the Clayton 2045 Comprehensive Growth Plan, and existing zoning for multiple properties within the Gateway Park subdivision including adjacent parcels to the east and south.

(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; and

The adjacent properties to the east and on the opposite side of Gateway Drive from the subject site (to the south) are zoned O-I, providing for development of similar types of uses. Future use and design of the subject site will be consistent with applicable requirements of the Unified Development Code.

(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.

The proposed Office-Institutional zoning designation for the subject property facilitates development of the site more similar and consistent with parcels located in this area of the Gateway Park subdivision already zoned O-I.

ADJACENT PROPERTY OWNERS LIST

Project Name: Lot 8 Gateway Drive - 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
05G02003E	BOBBY DENNING PROPERTIES LLC	1126 N BREAZEALE AVE MOUNT OLIVE, NC 28365-1121
05G02003G	MAROOF, MOHAMMAD MAROOF, SHAHEDA	3917 CITY OF OAKS WYND RALEIGH, NC 27612
05G02003J	ARKEMIA PROPERTIES LLC	1621 KIRKBY LN RALEIGH, NC 27614-7228
05G02003C	RSKIN LLC	11708 US 70 HWY W CLAYTON, NC 27520-2273
05E99020F	NORTH CAROLINA DEPT OF AGRICUL CENTRAL CROPS RESEARCH STA	13223 U S HWY 70 WEST CLAYTON, NC 27520-0000
05G02003D	WISDOM FOR THE HEART, INC	2703 JONES FRANKLIN RD STE 105 CARY, NC 27518-7172

ADJACENT PROPERTY OWNERS AP & LIST

Lot 8 Gateway Drive - Rezoning

townofclaytonnc.maps.arcgis.com/apps/instant/portfolio/index.html?appid=3d306aa4b58c44ceb2e0fcddfbcc1ecb

Town of Clayton GIS Viewer

Developments | Zoning | Future Land Use | Transportation Planning | Environ

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Buffer Area

Enter Buffer Distance: 100

Click on a parcel.

Results

Addresses | Map & Results

Pan | ZoomBox | Zoom In | Zoom Out | Full Extent | Previous | Refresh | Print

Results for Item 1

id	05G02003D
Tag	05G02003D
Owner Name 1	WISDOM FOR THE HEART, INC
Owner Name 2	
Mail Address 1	2703 JONES FRANKLIN RD STE 105
Mail Address 2	

Saved Parcel Information

ADJACENT PROPERTY OWNERS MAP & LIST

Lot 8 Gateway Drive - Rezoning

Results for item 1

id	05G02003D
Tag	05G02003D
Owner Name 1	WISDOM FOR THE HEART, INC
Owner Name 2	
Mail Address 1	2703 JONES FRANKLIN RD STE 105
Mail Address 2	
Mail Address 3	CARY, NC 27518-7172
Book	06324
Page	0832

Results for item 2

id	05G02003E
Tag	05G02003E
Owner Name 1	BOBBY DENNING PROPERTIES LLC
Owner Name 2	
Mail Address 1	1126 N BREAZEALE AVE
Mail Address 2	
Mail Address 3	MOUNT OLIVE, NC 28365-1121
Book	04313
Page	0607

Results for item 3

id	05G02003G
Tag	05G02003G
Owner Name 1	MAROOF, MOHAMMAD
Owner Name 2	MAROOF, SHAHEDA
Mail Address 1	3917 CITY OF OAKS WYND
Mail Address 2	
Mail Address 3	RALEIGH, NC 27612
Book	05173
Page	0680

Results for item 4

id	05G02003J
Tag	05G02003J
Owner Name 1	ARKEMIA PROPERTIES LLC
Owner Name 2	
Mail Address 1	1621 KIRKBY LN
Mail Address 2	
Mail Address 3	RALEIGH, NC 27614-7228
Book	04102
Page	0526

ADJACENT PROPERTY OWNERS MAP & LIST

Lot 8 Gateway Drive - Rezoning

Results for item 5

id	05G02003C
Tag	05G02003C
Owner Name 1	RSKIN LLC
Owner Name 2	
Mail Address 1	11708 US 70 HWY W
Mail Address 2	
Mail Address 3	CLAYTON, NC 27520-2273
Book	03328
Page	0179

Results for item 6

id	05E99020F
Tag	05E99020F
Owner Name 1	NORTH CAROLINA DEPT OF AGRICUL
Owner Name 2	
Mail Address 1	CENTRAL CROPS RESEARCH STA
Mail Address 2	13223 U S HWY 70 WEST
Mail Address 3	CLAYTON, NC 27520-0000
Book	
Page	

WILLIAMS MULLEN

Thomas H. Johnson, Jr.
Direct Dial: 919.981.4006
tjohnson@williamsmullen.com

October 3, 2022

**Re: Notice of Neighborhood Meeting for Proposed Rezoning:
Lot 8, Gateway Drive, Clayton, NC (NCPin: 165909-27-2055)**

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an application proposed to be filed with the Town of Clayton for a land use change (rezoning) 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 proposed application, answer questions, and provide area residents the opportunity to share feedback with the applicant before the rezoning request is formally submitted to the Town. The following are the details for the Neighborhood Meeting:

Meeting Date: **Monday, October 17, 2022** *Meeting Time*: **6:00 PM – 7:00 PM**

Meeting Location: **Clayton Community Center (Room #111), 715 Amelia Church Road, Clayton**

Type of Application: **Rezoning request to change existing zoning of property from B-3 (Highway Business) Special Use District to Office-Institutional (O-I)**

Subject Property Address: **Lot 8, Gateway Drive, Clayton, NC (NCPin: 165909-27-2055)**
(as shown on enclosed map)

Description of Proposal: **Rezone property to allow for development of office building**

At a minimum, the following will be available for your inspection at the Neighborhood Meeting: 1) a draft 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 vicinity map is enclosed with this letter showing the location of the property that is subject to this application for proposed rezoning. I represent the applicant, Wisdom for the Heart, Inc., the organization that intends to submit the application described above. If you have any questions about this proposed rezoning prior to or after this meeting, please contact me at 919-981-4006 or tjohnson@williamsmullen.com. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

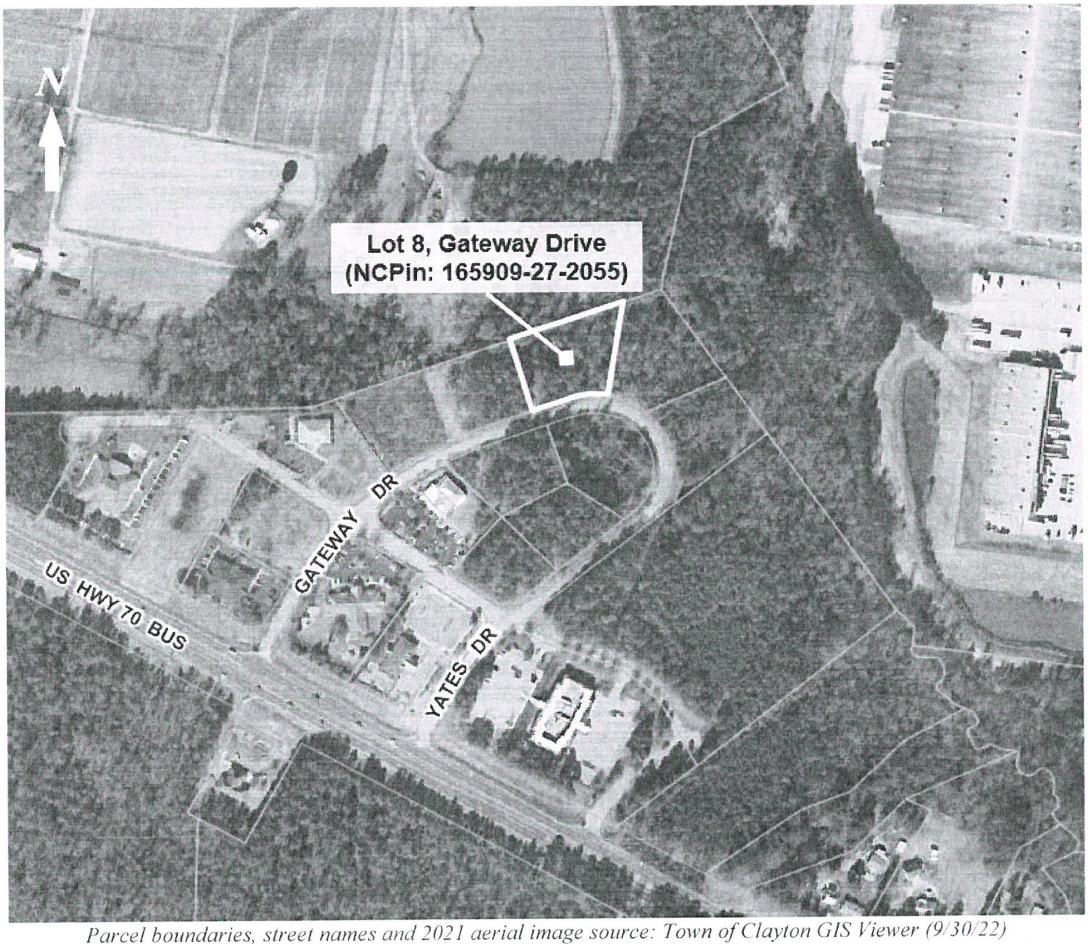
Thomas H. Johnson, Jr.

cc: Town of Clayton Planning Department

WILLIAMS MULLEN

Thomas H. Johnson, Jr.
Direct Dial: 919.981.4006
tjohnson@williamsmullen.com

Vicinity Map (2021 aerial photograph)



Parcel boundaries, street names and 2021 aerial image source: Town of Clayton GIS Viewer (9/30/22)

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Lot 8 Gateway Drive - Rezoning

Application: Request to rezone Lot 8 Gateway Drive (NCPin 165909-27-2055) from Highway Business (B-3) Special Use District to Office-Institutional (O-I)

Location/Date: Clayton Community Center (Room #111), 715 Amelia Church Rd, Clayton / October 17, 2022

	NAME	ADDRESS
1		
2	**** NO ATTENDEES AT NEIGHBORHOOD MEETING***	
3	***OTHER THAN OWNER/APPLICANT AND AGENT FOR APPLICANT***	
4	***(see Meeting Summary)***	
5		
6		
7		
8		
9		
10		
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17		
18		
19		
20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Lot 8 Gateway Drive - Rezoning

Date of Mailing: October 4, 2022

Date of Meeting: October 17, 2022 Time of Meeting: 6:00 PM

Location of Meeting: Clayton Community Center (Room #111), 715 Amelia Church Rd, Clayton

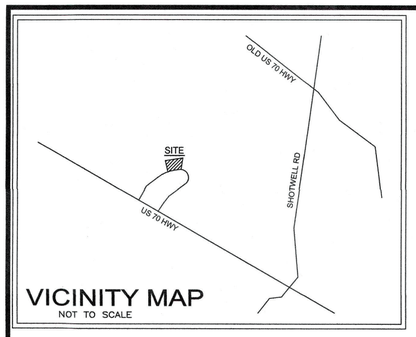
I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Wayne Nicholas (Williams Mullen) Signature: Wayne Nicholas

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.*

Scott Wylie (Wisdom for the Heart, Inc.) and Wayne Nicholas (Williams Mullen) were present at the neighborhood meeting representing the applicant/owner and agent for owner. There were no attendees at the meeting; no questions or issues expressed about the proposed rezoning, and no changes made to the application.

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



VICINITY MAP
NOT TO SCALE

NC GRID NORTH
(NAD 83/2011)

LINE TABLE		
LINE	LENGTH	BEARING
L1	98.69	N 71°17'27" E

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	104.11	210.00	S 85°30'22" W	103.05

LEGEND and NOMENCLATURE

SYMBOLS

- Ex. iron pipe/rod or nail
- Ex. concrete monument
- New iron pipe
- Calculated point
- Cable pedestal
- Telephone pedestal
- Electric pedestal
- Fiber-optic marker
- Hotbox
- Gas meter
- Water meter
- Fire hydrant
- Valve (water or gas)
- Sanitary sewer manhole
- Sanitary sewer cleanout
- Storm curb inlet
- Drainage inlet (w/ grate)
- Storm drain manhole
- Utility pole
- Lamp post
- Signal pole
- Guy wire
- Sign post

LINETYPES

- —— X —— Fence
- —— OU —— Overhead utility
- —— W —— Waterline (blue paint)
- —— SS —— Sanitary sewer
- —— SD —— Storm drain
- —— E —— Underground electric (red paint)
- —— G —— Gas line (yellow paint)
- —— T —— Communications / Fiber (orange paint)

ABBREVIATIONS

DB	Deed Book
PB or BM	Plat Book / Book of Maps
PG	Page
S.F.	Square feet
AC.	Acres
R/W	Right-of-way
EX.	Existing
D.I.	Drop inlet (storm)
C.I.	Curb inlet (storm)
AG	Above-ground
BG	Below-ground
RCP	Reinforced concrete pipe

SURVEY NOTES:

1) All distances are horizontal ground distances in u.s. survey feet unless otherwise noted. Area(s) computed by coordinate geometry.

2) This survey does not include nor depict any environmental evaluations. No investigation into the existence of wetland or riparian buffers performed in the preparation of this survey.

3) Field survey(s) performed April 11, 2022.

4) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose and may not be shown hereon.

5) The locations of underground utilities as shown hereon (if any) are based on aboveground structures & aboveground visual evidence only. Locations of underground utilities/structures may vary from location shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures.

6) Subject property is not located within a special flood hazard zone per FEMA Flood Insurance Rate Map (FIRM) #3720081200K, effective date October 19, 2018.

7) The State Plane Coordinates for this project were produced with RTK GPS observations and processed using the North Carolina VRS network. The network positional accuracy of the derived positional information is ±0.07'.

Horizontal Datum = NAD 83/2011
Vertical Datum = NAVD 88

THIS 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.

I, Justin L. Luther, certify that this plat was drawn under my supervision from an actual survey made under my supervision from references as noted on said plat; that the boundaries not surveyed are clearly indicated as drawn from information as indicated under references; that the ratio of precision or positional accuracy as calculated is greater than 1:10,000; that this plat was prepared in accordance with NCGS 47-30 as amended.

Witness my original signature, license number and seal this 27th day of April, 2022.

Professional Land Surveyor (L-5107)

NORTH CAROLINA PROFESSIONAL SEAL L-5107 LAND SURVEYOR JUSTIN L. LUTHER

NC DEPARTMENT
OF AGRICULTURE
PIN: 164900-57-5937

5/8" IRON
PIPE 0.1'BG

SS MANHOLE
RIM: 318.36'
INV.IN(SW): 312.97'

N 71°17'18" E 319.87'

EX. 20' SANITARY SEWER EASEMENT

8"PVC

5/8" IRON
PIPE FLUSH

SS MANHOLE
RIM: 347.67'
INV.IN(SW): 334.10'
INV.OUT(NE): 334.00'

EX. 20' DRAINAGE EASEMENT

N 18°42'33" W 200.00'

S 09°35'06" W 255.89'

LOT 9
BOBBY DENNING
PROPERTIES, LLC
DB 4313, PG 607
PB 54, PG 477
PIN: 165910-27-5055

LOT 8
54,203 S.F.
1.24 AC.
PIN: 165909-27-2055
619 GATEWAY DR.

CONTROL CORNER
N: 697,047.45
E: 2,152,457.38
5/8" IRON
PIPE 0.1'BG

LOT 7
RSKIN, LLC
DB 3328, PG 179
PB 54, PG 477
PIN: 165909-26-0938

25' BUILDING SETBACK

C1

L1

CURB INLET
RIM: 330.34'
BOX INV.: 326.71'

18"RCP

CURB INLET
RIM: 330.60'
BOX INV.: 327.49'

DROP INLET
TOP: 339.69'
INV.IN(SW): 335.95'
INV.OUT(NE): 335.64'

5/8" IRON
PIPE FLUSH

GATEWAY DRIVE
(EX. 50' PUBLIC R/W)

REFERENCES:

DEED BOOK 4862, PAGE 77
PLAT BOOK 54, PAGE 477
*OTHERS SHOWN HEREON

BOUNDARY & TOPOGRAPHIC SURVEY

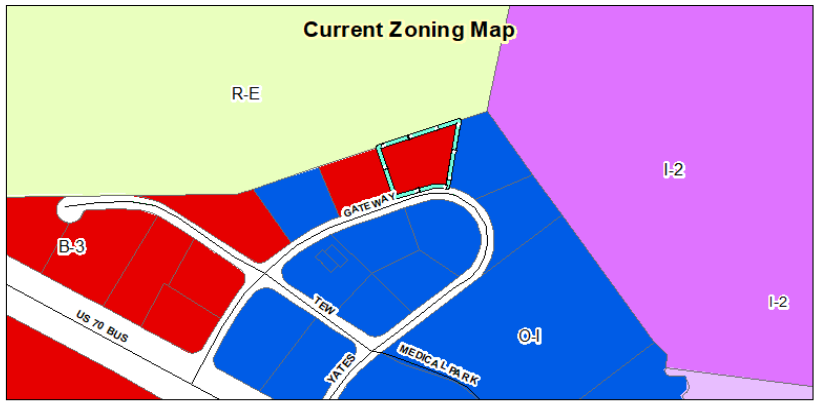
PROPERTY OF
CAMPBELL UNIVERSITY FOUNDATION, INC.

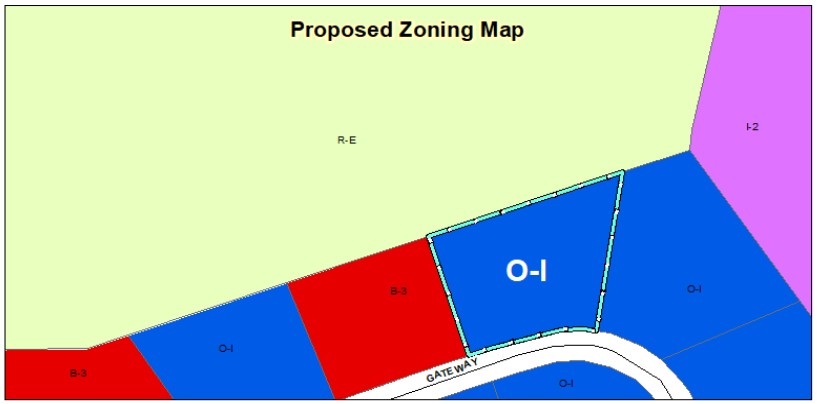
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

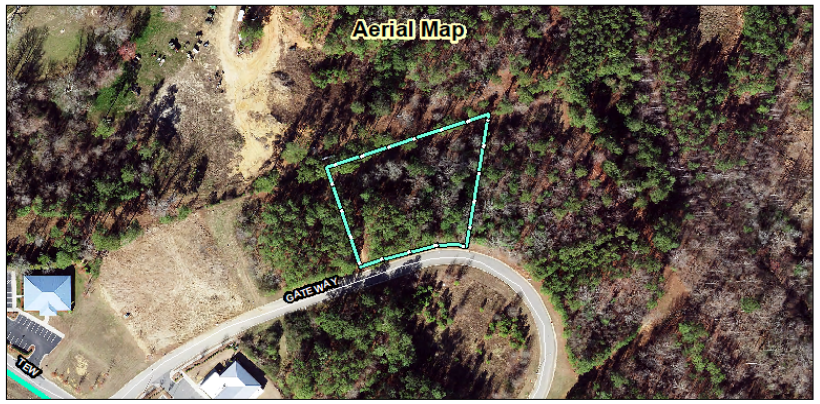
30 15 0 30 60
SCALE: 1"=30'

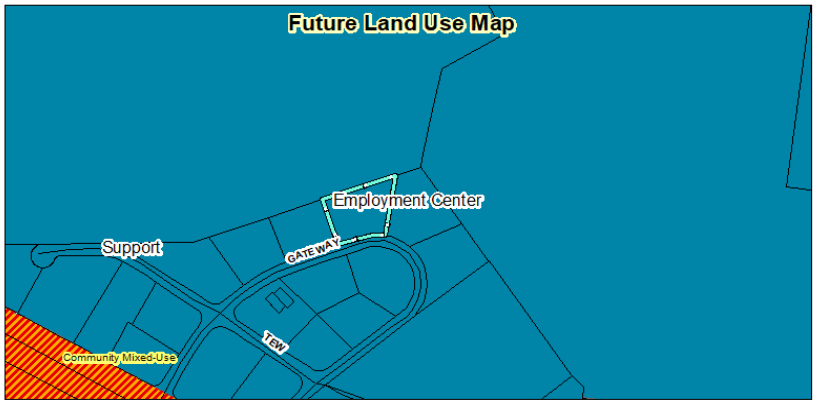
JOB NO.: 228969
FILE NAME: B/T
PLOT DATE: 4/27/22

NEWCOMB *land surveyors, pllc, 7008 Harps Mill Road, Ste. 105, Raleigh, NC 27615, (919) 847-1800, NC License #P-0203*









Request:
2022-197-RZ, to Rezone a parcel from Highway Business Special Use District (B-3 SUD) to Office-Institutional (O-I)

Applicant: Thomas H. Johnson. Jr. & Williams Mullen.
Property Owners: Wisdom for the Heart, Inc.
Tag #: 05G02003D

N

Staff Report Map
Prepared by: TOC Planning Department
December 9, 2022

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

Document Path: O:\PLANNING\REZONING\Rezoning\2022\2022-170-RZ Clayton Pawville Rezoning\Staff Map

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

Planning Board, 1/28/2023

STAFF REPORT

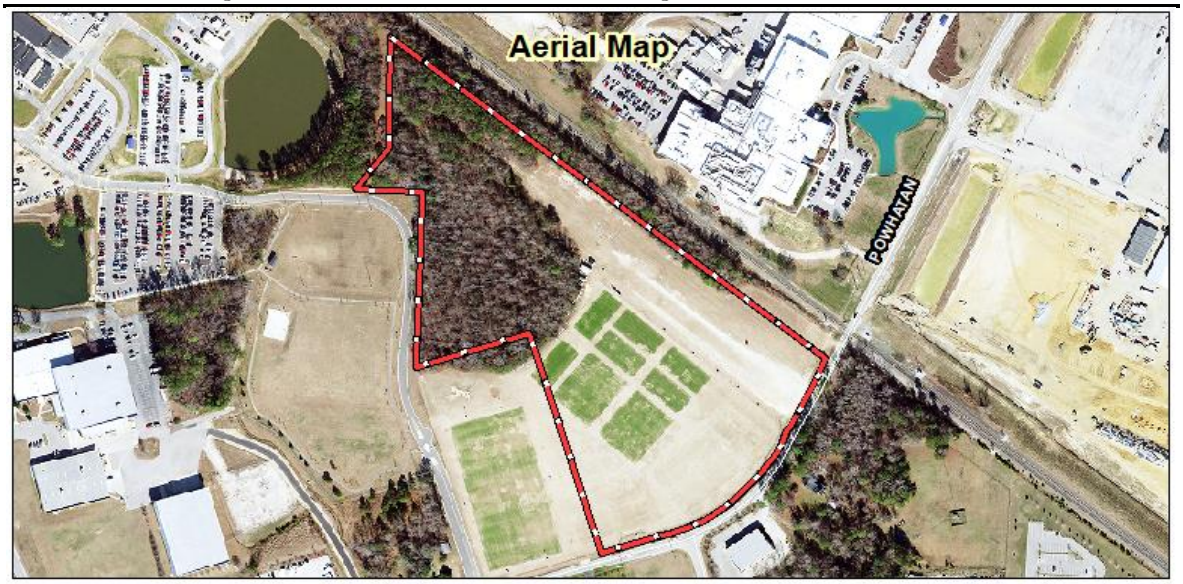
Application Number: 2022-214-RZ
Project Name: Town of Clayton Rezoning

TAG #(s): 05I05019E
Town Limits/ETJ: Town Limits
Applicant: Town of Clayton
Location: 3798 Powhatan Rd, Clayton, NC, 27527
Project Planner: Bruce Venable, Planner I Trainee

Public Noticing Dates:

- **Neighborhood Meeting:** January 9, 2023
- **Sign posted:** January 9, 2023
- **PB Adjacent Property Letters Mailed:** January 10, 2023

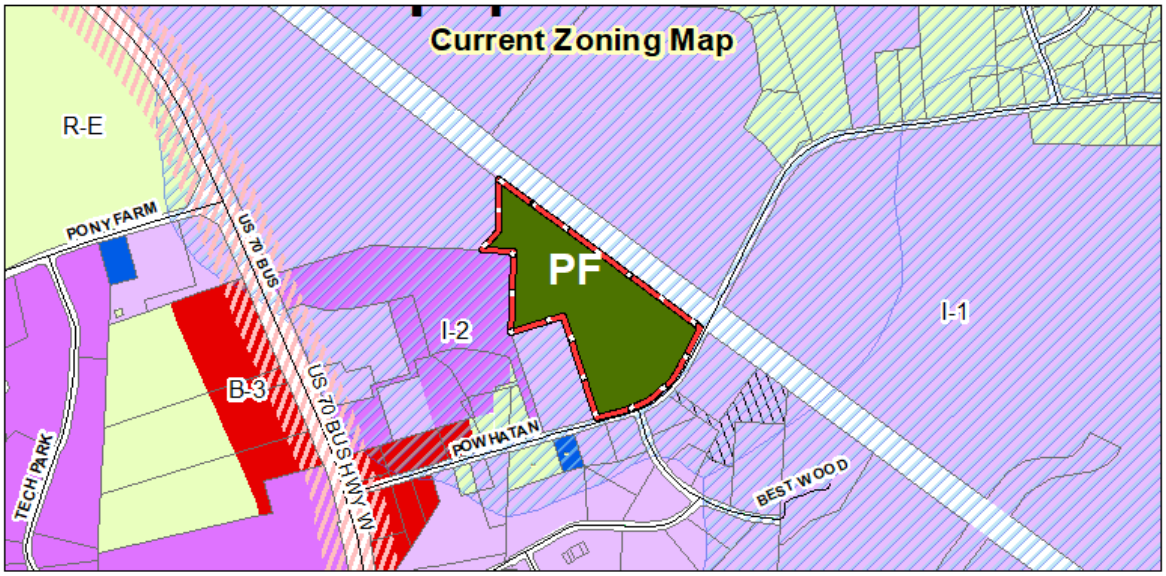
REQUEST: Rezoning from Public Facilities (PF) to Industrial-Light (I-1)



SITE DATA:
Acreage: +/- 22.02 acres
Existing Use: Wastewater Treatment Facility

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	I-1 (INDUSTRIAL-LIGHT)	LAB RESEARCH (Novo Nordisk)
South	I-2 (INDUSTRIAL-HEAVY)	VACANT
East	I-1 (INDUSTIRAL-LIGHT)	VACANT
West	I-1 (INDUSTIRAL-LIGHT)	LAB RESEARCH (Grifols)



STAFF ANALYSIS AND COMMENTARY:

Overview

The site is within the Clayton Town limits. The site is located at 3798 Powhatan Rd, Clayton, NC, 27527. The Town of Clayton is initiating this rezoning of the above-mentioned parcel from the Public Facilities (PF) to Industrial-Light (I-1) Zoning Districts. The property is currently developed as a wastewater treatment facility. Only Town owned properties may be within the PF zoning district; thus, a rezoning from PF to an appropriate zoning district such as I-1 is required due to having been sold to Novo Nordisk.

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 Future Land Use Map shows as this area as an "Employment Center" which calls for uses that support new and established employment opportunities. This change in zoning is consistent with that purpose and intent.

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

Applicant's Response: The use is not changing, only the zoning district. This is Due to the property changing ownership. The us is appropriate and consistent with the proposed zoning district of I-1 (Industrial-Light)

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

Applicant's Response: The change is consistent with the Town of Clayton's practices and meets the requirements laid out in the Town's Unified Development Ordinance.

(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 change will not negatively affect public facilities as the current use of the site is not changing.

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

Applicant's Response: The legal purposes for which zoning exists—namely, to protect the health, safety, morals, and general welfare of the public-shall not be violated by the requested action. The Purpose of this rezoning is not contrived and it is consistent with legal zoning practices within the Town of Clayton.

(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: Rezoning the property to I-1 is compatible with the neighboring properties and general area and supports the businesses operating on the adjacent parcels. The land is currently developed and already in use. No new development nor is a change in use is being proposed that would have a negatively effect on adjoining property owners.

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

Applicant's Response: This proposal shall not unfairly benefit any one property owner or a small group of property owners. This proposal will have no negative impact on the general public.

Consistency with the Comprehensive Growth Plan 2045

The Future Land Use Map identifies this area as an "Employment Center". (see map below). Page 21 of the Comprehensive Growth Plan provides guidance that the Town should encourage the following uses within in the Employment Centers, use shall include but are not limited to, "industrial, warehouse, office, research and development, tech-flex, hospital, renewable energy, recycling, fabrication, assembly, and technology...". This rezoning request to Industrial-Light consistent with the Future Land Use Map.

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.

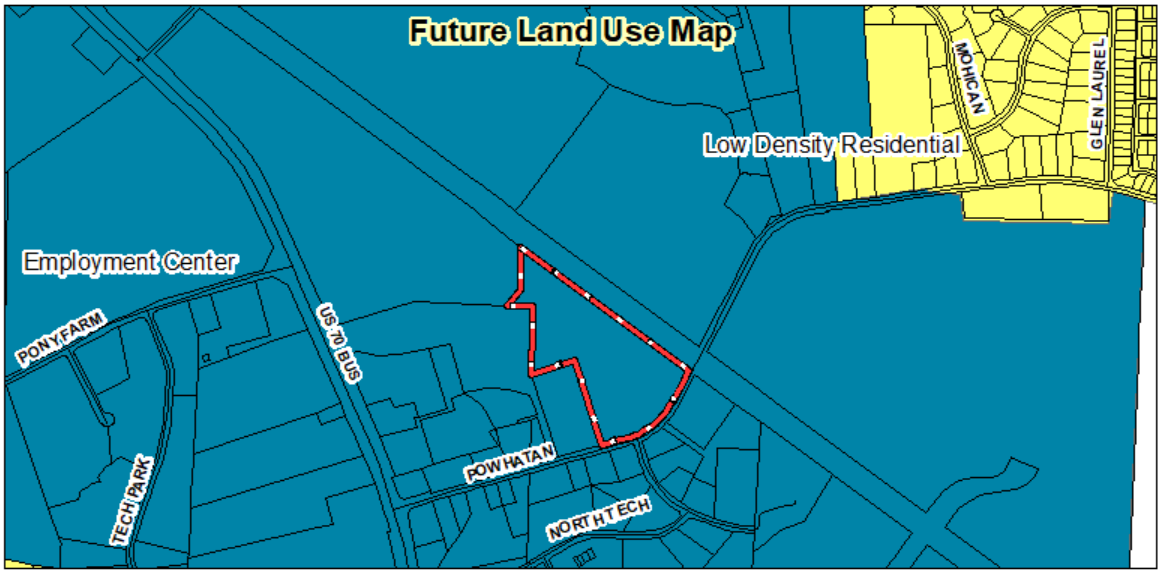
Strategy LU 1.4.3: Allow for integration of compatible uses in Employment Centers including commercial development as a supporting use.

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.



CONSIDERATIONS:

- Approval of the rezoning would allow any permitted use within the I-1 Zoning District to be constructed on the site. Planning Board should consider all potential uses of the site when giving their recommendation for this rezoning.

STAFF RECOMMENDATION:

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

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 COVER SHEET

Name of Project: TOWN OF CLAYTON REZONING **Date:** 12/20/2022

Applicant Name: TOWN OF CLAYTON

The following checklist to be completed by applicant:

[ ] Pre-Application Meeting on: N/A
[ ] 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: TOWN OF CLAYTON REZONING

Acreage of Property: 22.02 **Zoning District:** PUBLIC FACILITIES (PF)

County Tag #: 05I05019E **NC Pin #:** 167800-40-6031

Address/Location: 3798 POWHATAN RD, CLAYTON, NC, 27527

Existing Zoning District: PF **Proposed Zoning District:** I-1

APPLICANT INFORMATION

Applicant: TOWN OF CLAYTON

Mailing Address: 111 E 2ND ST, CLAYTON, NC, 25720

Phone Number: (919) 553-5002 **Fax:**

Contact Person: BRUCE VENABLE

Email Address: BVENABLE@TOWNOFCLAYTONNC.ORG

PROPERTY OWNER INFORAMTION

Name: TOWN OF CLAYTON

Mailing Address: 111 E 2ND ST, CLAYTON, NC, 25720

Phone Number: (919) 553-5002 **Fax:**

Email Address: PLANNING@TOWNOFCLAYTONNC.ORG

OFFICE USE ONLY

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

EXPLANATION OF PROJECT

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

The Town is proposing a rezoning of this parcel from PF to I-2. This parcel is in the process of being sold to Novo Nordisk which requires that the parcel be rezoned out of the PF Public Facilities Zoning District as only Town owned property may within the PF Public Facilities Zoning District. The rezoning to I-1 Industrial Light is applicable to the use and similar to neighboring property uses and consistent with the Town's 2045 Future land Use Map.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

   The Futue Land Use Map shows this area as an "Employment Center" which calls for uses that support new and established employment opportunities. This change in zoning is consistent with that purpose.

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

   The use is not changing, only the zoning district. Due to the property changing ownership.

   The use is appropriate and consistent with the proposed zoning district of I-1.

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

   The change is consistent with Town of Clayton's practices and meets the requirements laid out in the Town's Unified Developmental Ordinance.

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 change will negatively affect public facilities as the current use is not changing.

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

   The purpose of this rezoning is not contrived and is consistent with legal zoning practices with in the Town of Clayton.

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 land is developed and already in use. No new development or is a change of use being proposed that would have a negative effect on adjoining property owners.

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

This proposal shall not unfairly benefit any one property owner or a small group of property owners. This proposal will have no negative impact on the general public.

APPLICANT AFFIDAVIT

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

Bruce Venable		
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:

- ☐ 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*

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

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 Town will be present to explain their application, answer questions, and solicit comments.

When and Where?

The Neighborhood Meeting will take place **Virtually** on **January 9, 2022, at 6:00pm using the meeting materials provided below.**

Meeting Date: January 9, 2023
Meeting Time: 6:00 - 8:00 PM*
Meeting Location: Virtual Meeting - Use the INFO BELOW
Type of Application: Rezoning
Project Address: 3798 POWHATAN RD, CLAYTON, NC
Property TAG ID: 05I05019E
URL: CLAYTONNC.ORG/TOCREZONE
Software: Microsoft Teams
Meeting ID: 257 132 328 136
Passcode: GVfcG8

2022-214-RZ Town of Clayton Rezoning

Description of Proposal: The Town is proposing to change the zoning of this parcel from Public Facilities Zoning District which is reserved for Town owned properties to Industrial-Light (I-1) Zoning District due to selling this property to a private party, and therefore can no longer be under the Public Facilities Zoning District.

For more information see Map attached to this document.

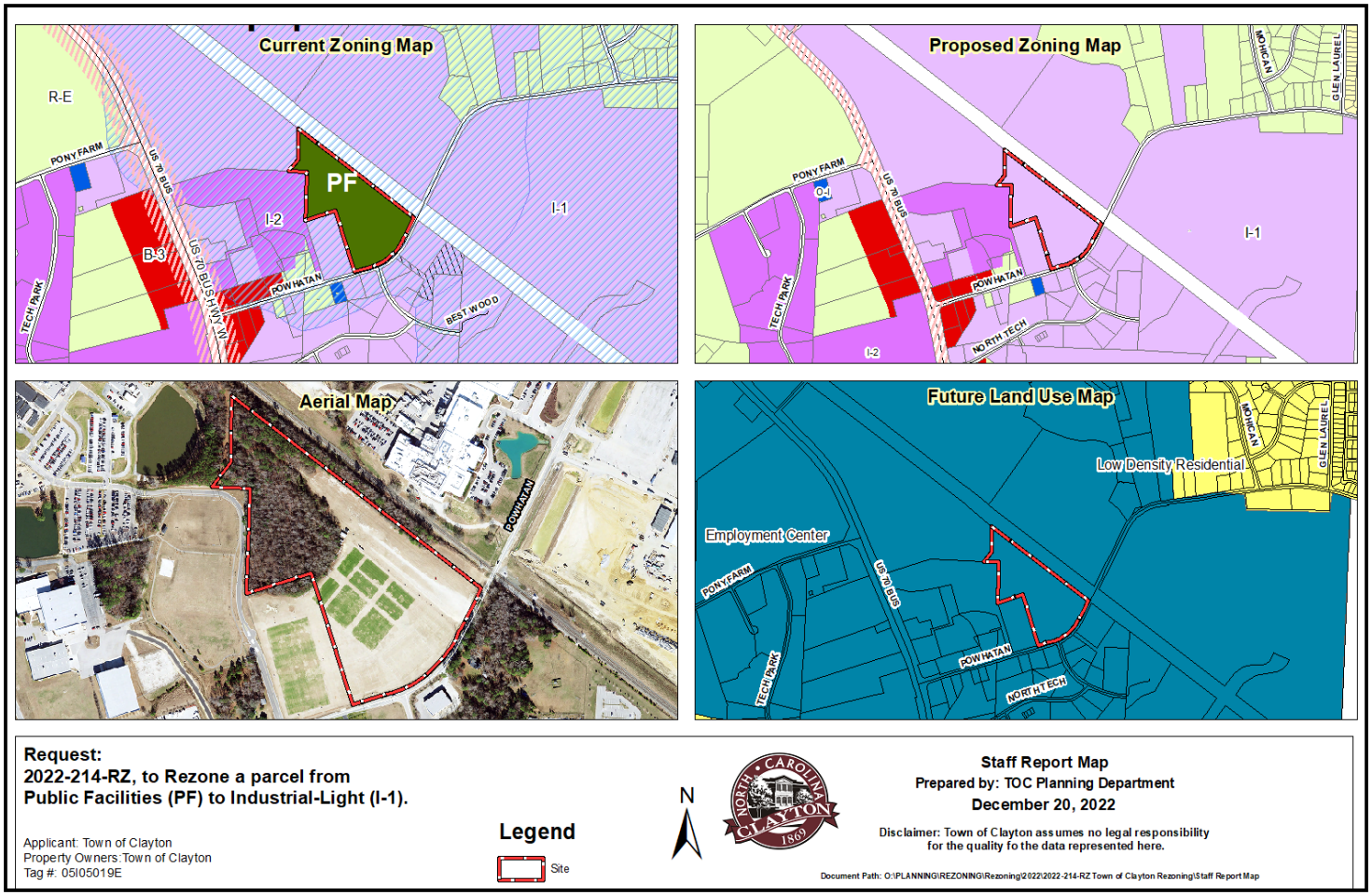
For any comments or concerns please reach out to Planning Staff in the following ways:

Phone: (919) 553-5002

Email: planning@TownofClaytonnc.org

Sincerely,

Town of Clayton Planning Department


Current Zoning Map
R-E
PONY FARM
US 70 BUS
PF
I-2
I-1
B-3
US-70 BUS HWY W
POWHATAN
TECH PARK
BEST WOOD
Proposed Zoning Map
PONY FARM
O-I
US 70 BUS
I-1
MOHICAN
GLEN LAUREL
TECH PARK
POWHATAN
NORTH TECH
I-2
Aerial Map
POWHATAN
Future Land Use Map
Low Density Residential
Employment Center
MOHICAN
GLEN LAUREL
PONY FARM
US 70 BUS
TECH PARK
POWHATAN
NORTH TECH
Request:
2022-214-RZ, to Rezone a parcel from
Public Facilities (PF) to Industrial-Light (I-1).
Applicant: Town of Clayton
Property Owners:Town of Clayton
Tag #: 05I05019E
Legend
Site
N
NORTH CAROLINA
CLAYTON
1869
Staff Report Map
Prepared by: TOC Planning Department
December 20, 2022
Disclaimer: Town of Clayton assumes no legal responsibility
for the quality fo the data represented here.
Document Path: O:\PLANNING\REZONING\Rezoning\2022\2022-214-RZ Town of Clayton Rezoning\Staff Report Map

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2022-214-RZ Town Of Clayton

Date of Mailing: 12/28/2022

Date of Meeting: 01/09/2023 Time of Meeting: 6pm

Location of Meeting: Held Virtually Through Microsoft Teams

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: Bruce Venable 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.*

meeting began at 5:55pm and ran until 6:30pm with no one in attendance but Town staff.

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

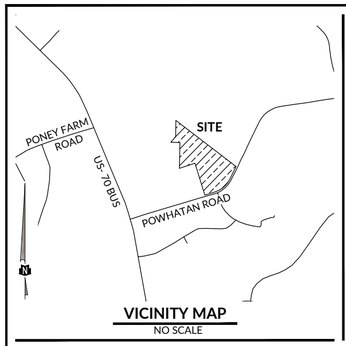
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 2022-214-RZ- Town of Clayton Rezoning

Application: 2022-214-RZ

Location/Date: Online Teams Meeting January 9th 2023

	NAME	ADDRESS
1		
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19		
20		



SURVEY NOTES:

1. BASIS OF BEARINGS: NC STATE PLANE GRID COORDINATES NAD83 (2011).
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
3. ALL AREAS DERIVED BY THE COORDINATE COMPUTATION METHOD.
4. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.
5. IT IS THE RESPONSIBILITY OF THE UNDERLYING PROPERTY OWNER(S) TO MAINTAIN PRIVATE DRAINAGE EASEMENTS, AND THE UNDERLYING INFRASTRUCTURE WITHIN THE EASEMENT, TO ALLOW POSITIVE CONVEYANCE OF STORMWATER. THE EASEMENT PROHIBITS ANY CONSTRUCTION WHICH WILL OBSTRUCT OR INTERFERE WITH THE NATURAL FLOW OF THE WATERCOURSE OR CONVEYANCE SYSTEM (PIPE, DITCH, SWALE, ETC.). ANY SUCH OBSTRUCTIONS WILL BE REMOVED, AT THE UNDERLYING PROPERTY OWNER(S) EXPENSE, AS NECESSARY FOR MAINTENANCE AND ACCESS PURPOSES. THE EASEMENT GRANTS TOWN OF CLAYTON AND/OR NCDOT, AS APPROPRIATE, THE RIGHT TO ACCESS THE DRAINAGE EASEMENT AND PERFORM WORK IT DEEMS NECESSARY OR PRUDENT TO ALLEVIATE ANY ISSUES JEOPARDIZING THE INTEGRITY OF THE ROADWAY OR OTHER UPSTREAM INFRASTRUCTURE.
6. SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAPS 3720167800K AND 3720167700K DATED JUNE 20, 2018.

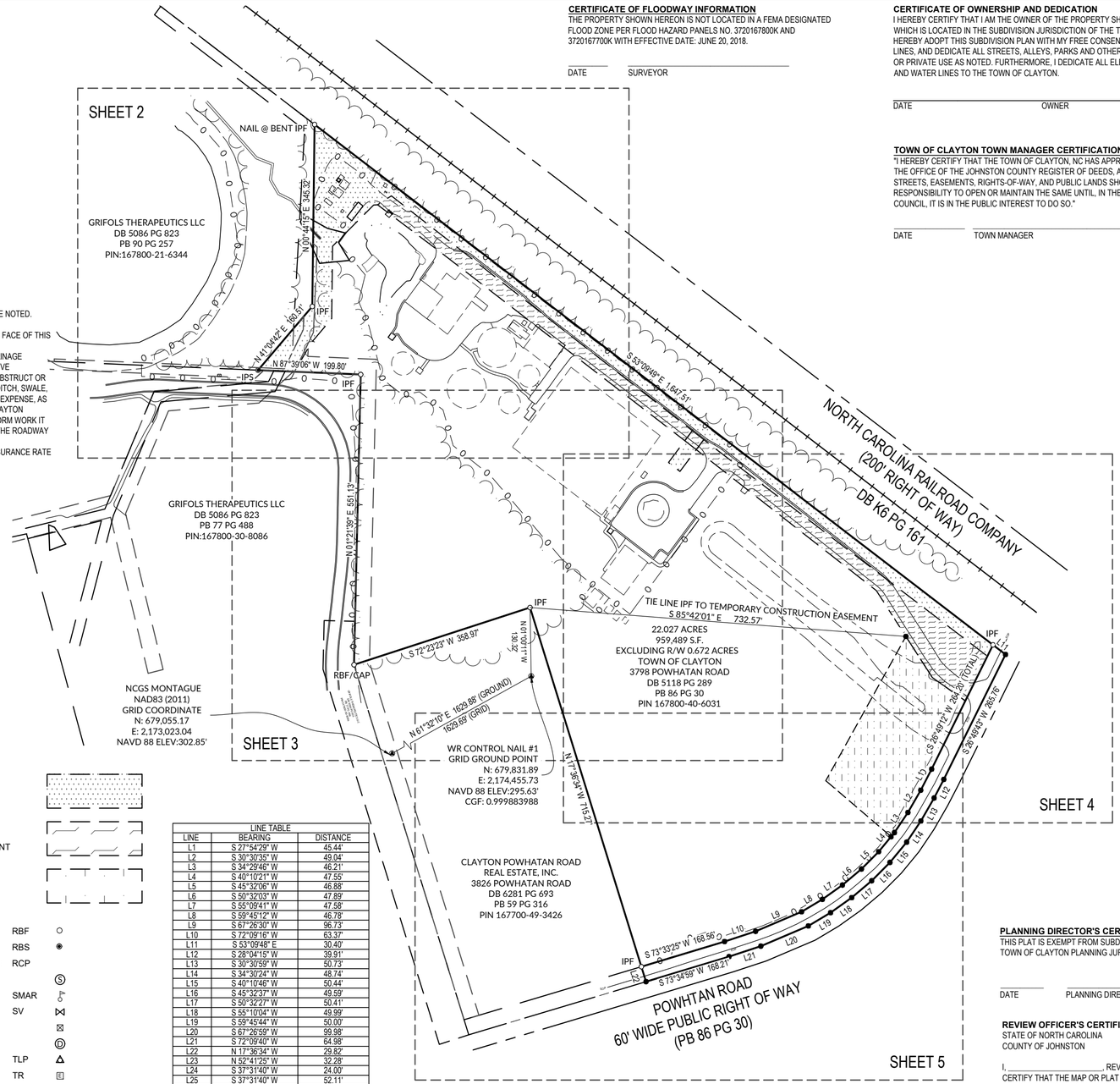
LEGEND (UNLESS OTHERWISE NOTED)

ACCESS EASEMENT & UTILITY	
ADJOINER	
BOUNDARY	
BUILDING	
CENTERLINE	
CONCRETE	
FENCE-CHAIN LINK	— 0 — 0 — 0 —
GRAVEL	
OVERHEAD ELECTRIC	— — —OHE—
POND	
RAILROAD TRACK	
RIGHT OF WAY	
SANITARY SEWER LINE	— — —SS—
FORCE MAIN	— — —FM—
TREELINE	
WATER LINE	— — —W—

AIR CONDITIONER	AC	
BOLLARD		
CALCULATED POINT		
CATCH BASIN		
CLEANOUT		
DROP INLET	DI	
EDGE OF PAVEMENT	EOP	
ELECTRIC BOX	EBX	E
ELECTRIC MANHOLE		E
ELECTRIC PEDESTAL	EPD	
ELECTRIC VAULT	VLTE	E
FIBER OPTIC BOX	FOB	FOB
FIBER OPTIC MARKER	FOM	
FIRE HYDRANT		
FLARED END SECTION	FES	
GAS MARKER	GMAR	
GUY WIRE		
HOT BOX	HBX	
IRON PIPE FOUND	IPF	
IRON PIPE SET	IPS	
IRRIGATION CONTROL VALVE	ICV	
LIGHT POLE		
MAILBOX		
POWER POLE	PP	

EXCLUSIVE PERMANENT	
UTILITY EASEMENT	
NON-EXCLUSIVE PERMANENT	
ACCESS AND UTILITY EASEMENT	
TEMPORARY CONSTRUCTION	
EASEMENT	

REBAR FOUND	RBF	
REBAR SET	RBS	
REINFORCED CONCRETE PIPE	RCP	
SEWER MANHOLE		S
SEWER MARKER	SMAR	
SEWER VALVE	SV	
SIGN		
STORM DRAINAGE MANHOLE		D
TELPHONE PEDESTAL	TLP	
TRANSFORMER	TR	E
UNDERGROUND ELECTRIC BOX	UGEB	E
WATER METER	WM	
WATER VALVE	WV	
WATER VAULT	VLTW	



LINE TABLE		
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L10	S 72°09'16" W	63.37'
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L12	S 28°04'15" W	39.91'
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L17	S 50°32'27" W	50.41'
L18	S 55°10'04" W	49.99'
L19	S 59°45'44" W	50.00'
L20	S 67°26'59" W	99.98'
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L29	S 57°45'53" W	31.82'
L30	S 86°35'41" W	7.64'

CERTIFICATE OF FLOODWAY INFORMATION

THE PROPERTY SHOWN HEREON IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE PER FLOOD HAZARD PANELS NO. 3720167800K AND 3720167700K WITH EFFECTIVE DATE: JUNE 20, 2018.

DATE SURVEYOR

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 SUBDIVISION JURISDICTION OF THE TOWN OF CLAYTON AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISH 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.

DATE OWNER

TOWN OF CLAYTON TOWN MANAGER CERTIFICATION FOR A FINAL PLAT

"I HEREBY CERTIFY THAT THE TOWN OF CLAYTON, NC HAS APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE JOHNSTON COUNTY REGISTER OF DEEDS, AND ACCEPTS THE DEDICATION OF STREETS, EASEMENTS, RIGHTS-OF-WAY, AND PUBLIC LANDS SHOWN THEREON, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE CLAYTON TOWN COUNCIL, IT IS IN THE PUBLIC INTEREST TO DO SO."

DATE TOWN MANAGER

PLANNING DIRECTOR'S CERTIFICATE

THIS PLAT IS EXEMPT FROM SUBDIVISION REGULATION WITHIN THE TOWN OF CLAYTON PLANNING JURISDICTION

DATE PLANNING DIRECTOR - TOWN OF CLAYTON, NC

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

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

DATE REVIEW OFFICER

SURVEYOR'S CERTIFICATE

I, MARSHALL G. WIGHT, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:145,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

I ALSO CERTIFY THAT THIS 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 A SUBDIVISION.

THIS 19 th DAY OF DECEMBER A.D., 2022.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L- 5034

NORTH CAROLINA PROFESSIONAL SEAL L-5034

PRELIMINARY PLAT NOT FOR CONVEYANCE, RECORDATION, OR SALES

EASEMENT PLAT OF
3798 POWHATAN ROAD

PROPERTY OF
TOWN OF CLAYTON

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

WR Job No.:	02201012.00
DATE:	10/07/2022
SURVEYED BY:	RJ
DRAWN BY:	MGW
CHECK & CLOSURE BY:	MGW

0 75 150
SCALE: 1 inch = 150 ft.

SHEET: 1 OF 5

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

K:\20\20-1010\201012-Clayton ECIA Transmission Improvements\Geomatics\Survey\Res-Com\Drawings\pre-treatment boundary survey\Pre-Treatment Boundary Rev.dwg, Monday, December 19, 2022 2:59:01 PM, MWIGHT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 27°54'29" W	45.44'
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EXCLUSIVE PERMANENT UTILITY EASEMENT

NON-EXCLUSIVE PERMANENT ACCESS AND UTILITY EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

NAD 83 (2011)

NAIL @ BENT IPF

JOHNSTON COUNTY VARIBALE WIDTH SANITARY SEWER EASEMENT (DB 1343 PG 821-826)

NORTH CAROLINA RAILROAD COMPANY (200' RIGHT OF WAY) DB K6 PG 161

STREAM TOP OF BANKS

STREAM

N 00°44'15" E 345.32'

GRIFOLS THERAPEUTICS LLC DB 5086 PG 823 PB 90 PG 257 PIN:167800-21-6344

WETLAND F DELINEATION PERFORMED BY WITHERSRAVENEL 08-17-22 & 10-10-22

BMP POND

RIPRAP

RCP 24"

FES 15"

FES 18"

S 35°37'40" W 111.54'

N 53°41'40" W 145.44'

JOHNSTON COUNTY VARIABLE WIDTH SANITARY SEWER EASEMENT (DB 1343 PG 821-826)

VARIABLE WIDTH PUBLIC UTILITY EASEMENT (PB 84 PG 272)

IPF

S 00°44'15" W 137.47'

EXCLUSIVE #1 TOC PERMANENT UTILITY EASEMENT 1.512 ACRES 65,848 S.F.

VARIABLE WIDTH PERMANENT UTILITY EASEMENT (PB 95 PG 456)

N 41°04'49" E 160.51'

S 40°43'54" W 61.94'

30' PERMANENT UTILITY EASEMENT (PB 95 PG 456)

VAARIABLE WIDTH PUBLIC UTILITY EASEMENT (PB 84 PG 272)

SSMH

IPS

71.04'

RBS

128.76'

N 87°39'06" W 199.80' (TOTAL)

IPF

GATE

20" SEWER EASEMENT (PB 82 PG 492)

40' JOHNSTON COUNTY ACCESS UTILITY EASEMENT (PB 84 PG 272 PLOTTED FROM DB 926 PG 4)

S 5° 40'00" E

30

30' PERMANENT UTILITY EASEMENT (PB 95 PG 456)

BUILDING

FACILITY

N 53°00'05" W 1,601.03'

S 53°09'46" E 1,647.51'

EXCLUSIVE #1 TOC PERMANENT UTILITY EASEMENT 1.512 ACRES 65,848 S.F.

NON-EXCLUSIVE TOC PERMANENT ACCESS AND UTILITY EASEMENT 1.147 ACRES 49,985 S.F.

CO PVC 4"

CO DIP 8"

REVIEW OFFICER'S CERTIFICATE

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

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

_____ DATE

_____ REVIEW OFFICER

SURVEYOR'S CERTIFICATE

I, MARSHALL G. WIGHT, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:145,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

I ALSO CERTIFY THAT THIS 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 A SUBDIVISION.

THIS 19 th DAY OF DECEMBER A.D., 2022

NORTH CAROLINA PROFESSIONAL SEAL L-5034 LAND SURVEYOR

PRELIMINARY PLAT NOT FOR CONVEYANCE, RECORDATION, OR SALES

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L- 5034

EASEMENT PLAT OF
3798 POWHATAN ROAD

PROPERTY OF
TOWN OF CLAYTON

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

WR Job No.:	02201012.00
DATE:	10/07/2022
SURVEYED BY:	RJ
DRAWN BY:	MGW
CHECK & CLOSURE BY:	MGW

0 25 50
SCALE: 1 inch = 50 ft.

SHEET: 2 OF 5

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

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GRIFOLS THERAPEUTICS LLC
DB 5086 PG 823
PB 77 PG 488
PIN:167800-30-8086

22.027 ACRES
959,489 S.F.
EXCLUDING R/W 0.672 ACRES
TOWN OF CLAYTON
3798 POWHATAN ROAD
DB 5118 PG 289
PB 86 PG 30
PIN 167800-40-6031

30' PERMANENT UTILITY EASEMENT
(PB 95 PG 456)

NON-EXCLUSIVE
TOC PERMANENT
ACCESS AND
UTILITY EASEMENT
1.147 ACRES
49,985 S.F.

EXCLUSIVE #1
TOC PERMANENT
UTILITY EASEMENT
1.512 ACRES
65,848 S.F.

EXCLUSIVE #2
TOC PERMANENT
UTILITY EASEMENT
0.033 ACRES
1,458 S.F.

NORTH CAROLINA RAILROAD COMPANY
(200' RIGHT OF WAY)
DB K6 PG 161

FACILITY

BUILDING

LANDSCAPNG

GRAVEL

EXISTING IRON PIPE
N: 679,962.19
E: 2,174,453.45

IPF

S 85°42'01" E 732.57'
TIE LINE IPF TO TEMPORARY CONSTRUCTION EASEMENT

S 72°23'23" W 358.97'

N 01°21'59" E 651.13'

N 10°00'11" W 130.32'

RBF/CAP

NCGS MONTAGUE
NAD83 (2011)
GRID COORDINATE
N: 679,055.17
E: 2,173,023.04
NAVD 88 ELEV:302.85'

N 61°32'10" E 1629.88' (GROUND)
1629.69' (GRID)

N 17°36'34" W 715.27'

WR CONTROL NAIL #1
GRID GROUND POINT
N: 679,831.89
E: 2,174,455.73
NAVD 88 ELEV:295.63'
CGF: 0.999883988

60' ACCESS EASEMENT
(PB 1933 PG 678)

NAD 83 (2011)

22.027 ACRES
959,489 S.F.
EXCLUDING R/W 0.672 ACRES
TOWN OF CLAYTON
3798 POWHATAN ROAD
DB 5118 PG 289
PB 86 PG 30
PIN 167800-40-6031

EXCLUSIVE PERMANENT UTILITY EASEMENT

NON-EXCLUSIVE PERMANENT ACCESS AND UTILITY EASEMENT

TEMPORARY CONSTRUCTION EASEMENT

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

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

_____ DATE

_____ REVIEW OFFICER

SURVEYOR'S CERTIFICATE

I, MARSHALL G. WIGHT, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:145,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

I ALSO CERTIFY THAT THIS 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 A SUBDIVISION.

THIS 19 th DAY OF DECEMBER A.D., 2022.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L- 5034

NORTH CAROLINA PROFESSIONAL SEAL L-5034

PRELIMINARY PLAT
NOT FOR CONVEYANCE, RECORDATION, OR SALES

EASEMENT PLAT OF
3798 POWHATAN ROAD

PROPERTY OF
TOWN OF CLAYTON

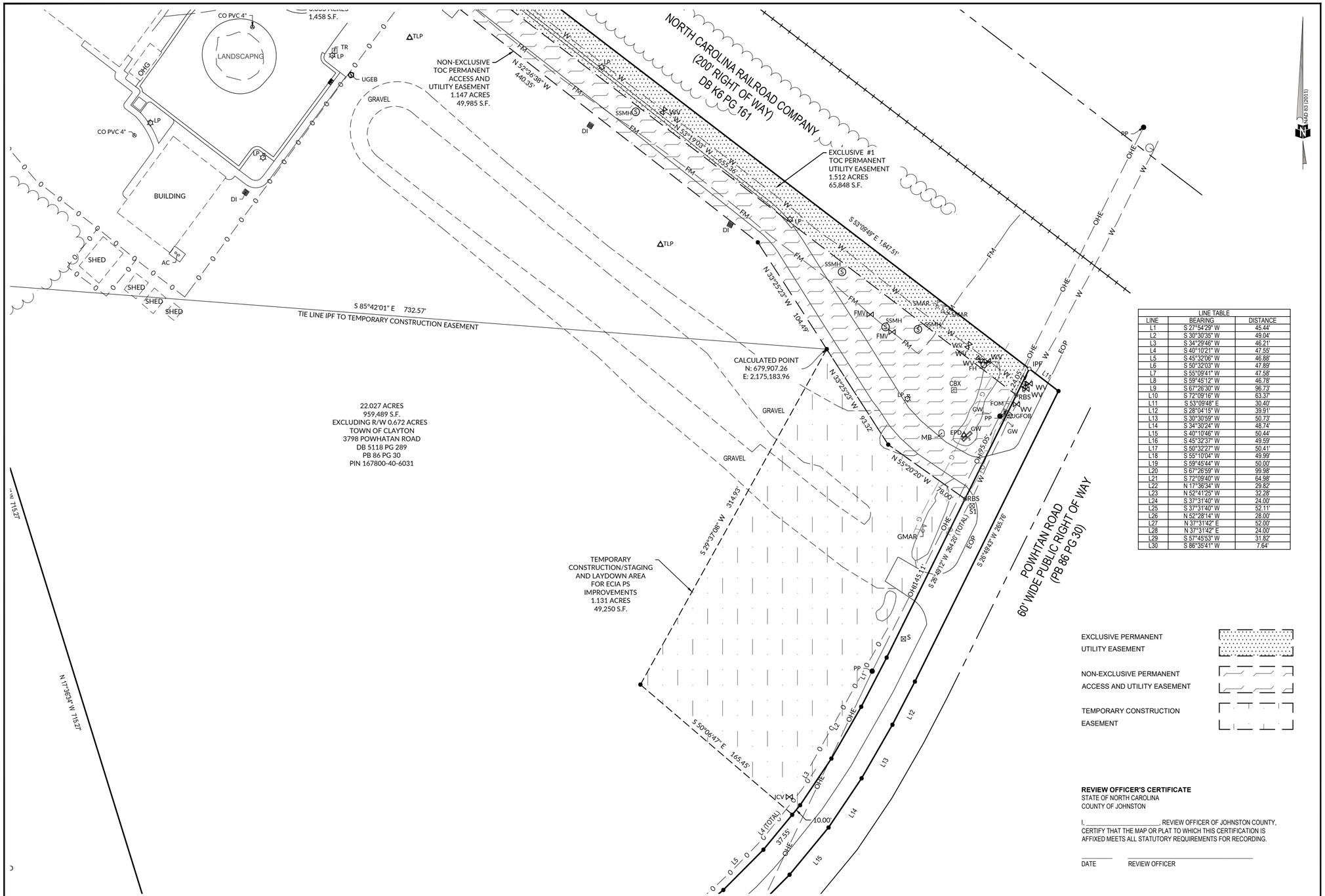
CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

WR Job No.:	02201012.00
DATE:	10/07/2022
SURVEYED BY:	RJ
DRAWN BY:	MGW
CHECK & CLOSURE BY:	MGW

0 25 50
SCALE: 1 inch = 50 ft.

SHEET: 3 OF 5

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 27°54'29" W	45.44'
L2	S 30°30'35" W	49.04'
L3	S 34°29'46" W	46.21'
L4	S 40°10'21" W	47.55'
L5	S 45°32'06" W	46.88'
L6	S 50°32'03" W	47.89'
L7	S 55°09'41" W	47.58'
L8	S 59°45'12" W	46.78'
L9	S 67°26'30" W	96.73'
L10	S 72°09'16" W	63.37'
L11	S 53°09'48" E	30.40'
L12	S 28°04'15" W	39.91'
L13	S 30°30'59" W	50.73'
L14	S 34°30'24" W	48.74'
L15	S 40°10'46" W	50.44'
L16	S 45°32'37" W	49.59'
L17	S 50°32'27" W	50.41'
L18	S 55°10'04" W	49.99'
L19	S 59°45'44" W	50.00'
L20	S 67°26'59" W	99.98'
L21	S 72°09'40" W	64.98'
L22	N 17°36'34" W	29.82'
L23	N 52°41'25" W	32.28'
L24	S 37°31'40" W	24.00'
L25	S 37°31'40" W	52.11'
L26	N 52°28'14" W	28.00'
L27	N 37°31'42" E	52.00'
L28	N 37°31'42" E	24.00'
L29	S 57°45'53" W	31.82'
L30	S 86°35'41" W	7.64'

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

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THIS 19 th DAY OF DECEMBER A.D., 2022

NORTH CAROLINA PROFESSIONAL SEAL L-5034 LAND SURVEYOR

PRELIMINARY PLAT NOT FOR CONVEYANCE, RECORDATION, OR SALES

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER, L- 5034

EASEMENT PLAT OF
3798 POWHATAN ROAD

PROPERTY OF
TOWN OF CLAYTON

CLAYTON TOWNSHIP | JOHNSTON COUNTY | NORTH CAROLINA
PIN: 167800-40-6031
ZONING: PF

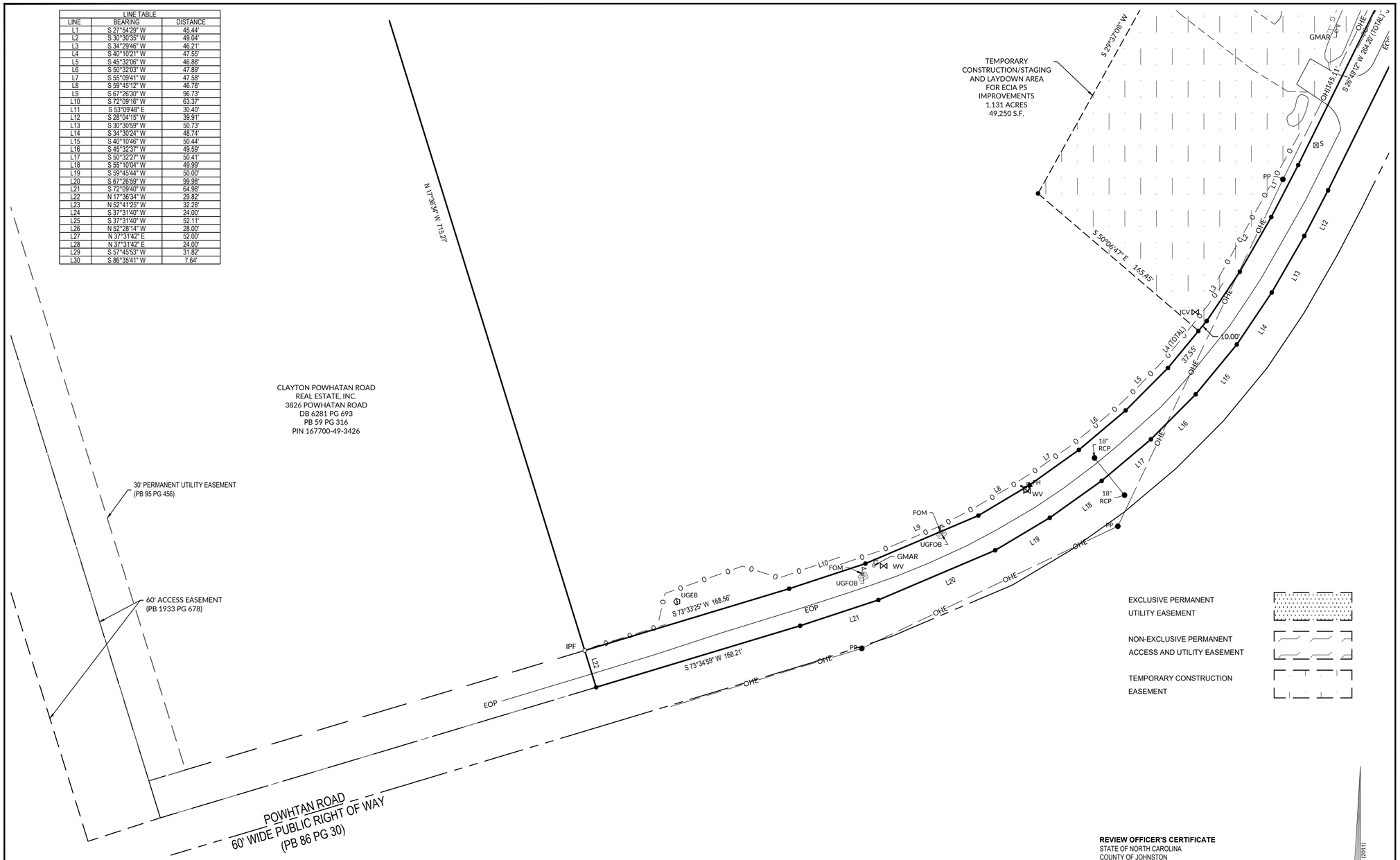
WR Job No.:	02201012.00
DATE:	10/07/2022
SURVEYED BY:	RJ
DRAWN BY:	MGW
CHECK & CLOSURE BY:	MGW

SCALE: 1 inch = 50 ft.

SHEET: 4 OF 5

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NAD 83 (2011)

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LICENSE NUMBER, L- 5034

NORTH CAROLINA PROFESSIONAL SEAL L-5034

PRELIMINARY PLAT
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EASEMENT PLAT OF
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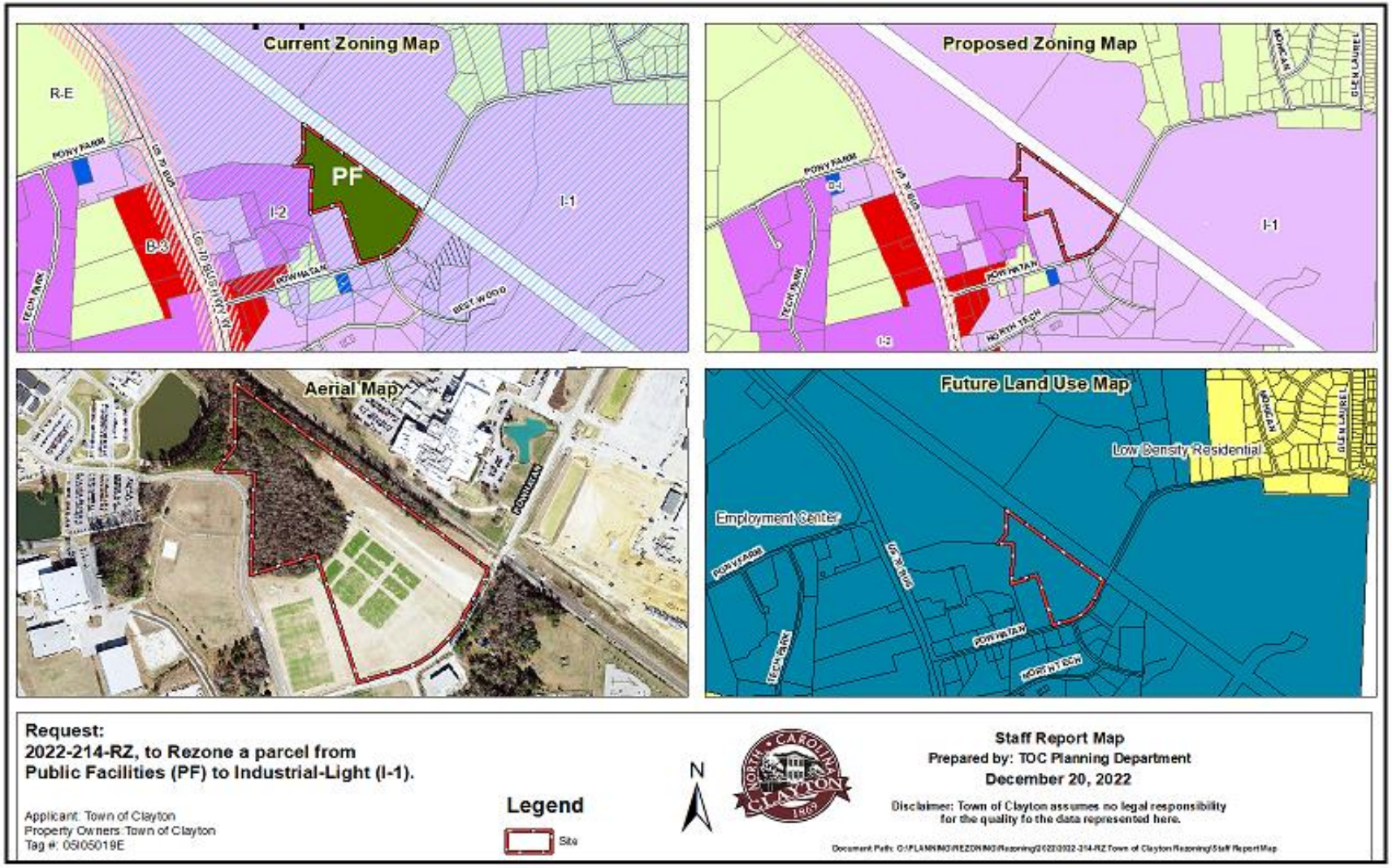
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Current Zoning Map
R-E
PF
I-2
I-1
B-3
POWHATAN
BEST WOOD
Proposed Zoning Map
I-1
I-2
POWHATAN
NORTH TECH
Aerial Map
Future Land Use Map
Low Density Residential
Employment Center
POWHATAN
NORTH TECH
Request:
2022-214-RZ, to Rezone a parcel from
Public Facilities (PF) to Industrial-Light (I-1).
Applicant: Town of Clayton
Property Owners: Town of Clayton
Tag #: 05I05019E
Legend
Site
N
Staff Report Map
Prepared by: TOC Planning Department
December 20, 2022
Disclaimer: Town of Clayton assumes no legal responsibility
for the quality fo the data represented here.