



Town of Clayton
Town of Clayton Planning Board Agenda
Monday, May 23, 2022 @ 6:00 PM
Town Council Chambers

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

1. CALL TO ORDER

2. ADJUSTMENT OF THE AGENDA

3. APPROVAL OF MINUTES

- a. April 25, 2022- DRAFT Minutes
[April 25, 2022 DRAFT Minutes](#)

POTENTIAL ACTION: Approval or Denial

4. CODIFY CLAYTON: UDC STEERING COMMITTEE MEETING

- a. Chad Meadows with Codewright Planners
- Project Team Intro
 - Project Introduction
 - Current Schedule
 - Webpage Demo
 - Role of UDC Committee during Codify Clayton
 - Input about UDC Feedback Collected to Date
 - Introduce Diagnosis Report
 - Open Discussion about Committee's UDC Thoughts/Recommendations

Consultant Presentation – UDC Steering Committee #1

- b. **Board of Adjustment Members Joining the UDC Steering Committee:**
- Marty Bizzell - Board of Adjustment Chair
 - Thomas Antoine - Board of Adjustment Vice Chair
 - Jim Perricone - Board of Adjustment Member
 - Rebecca Berry - Board of Adjustment Member

5. PUBLIC HEARINGS

- a. 2022-54-RZ Meridian Center Rezoning

Presenter: Bruce Venable, Planner I

[1 Staff Report-2022-54-RZ](#)

[2 Application 2022-54-RZ Meridian Center](#)

[3 Owner's Consent 2022-54-RZ Meridian Center](#)

[4 Neighborhood Meeting Summary and Minutes 2022-54-RZ Meridian Center](#)

[5 Staff Report Map - 2022-54-RZ Meridian Center](#)

[6 Boundary Survey 2022-54-RZ Meridian Center](#)

POTENTIAL ACTION:
or Denial

Recommendation to Town Council for Approval

6. NEW BUSINESS

7. PLANNING DIRECTOR REPORT

8. ADJOURN



**Town of Clayton
Clayton Planning Board Minutes
Monday, April 25, 2022 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT

James Moore (Chair)
Steven Powers (Vice Chair)
Jeffery Spence
Lisa Begley
Ronald Williams
Kevin Lee
Ethan Bennett
James Lipscomb
Jodie Dupree

STAFF PRESENT:

Ben Howell – Planning Director
Aaron Prichard – Planner II
Bruce Venable – Planner I

Town Council Liaison:

Andria Archer

1 CALL TO ORDER

- a) Chair Moore calls the meeting to order at 6:00pm

2 ADJUSTMENT OF THE AGENDA

3 APPROVAL OF MINUTES

- a) Approval of the Minutes.

ACTION: Approval of Minutes

Motion: Vice Chair Powers
Second: Board Member Lipscomb
Vote: Unanimous

4 PUBLIC HEARINGS

- a) 2021-132-RZ Grace Reform Church Rezoning

Chairperson Moore asked if any Board members wanted to recuse themselves from the hearing.

Board Member James Lipscomb recused himself from the public hearing due to his involvement with the rezoning.

Mr. Prichard presented to the Planning Board that the applicant from Grace Reform Church is requesting a rezoning from Residential-Estate (R-E) to Office-Institutional (O-I) for the following parcels 05G02026B, 05G02002,

05G02002S. The total size for these parcels is +/- 11.57 acres.

The property is located along Highway 70 Business in the Dogwood Forest neighborhood. The neighborhood and property is accessed by Fernwood Drive, which is the only access for the neighborhood. Fernwood Drive connects directly to US Highway 70 Business. Mr. Prichard noted that it is unlikely that NCDOT would approve a new driveway on US Highway 70 for the property.

Mr. Prichard noted that another factor that the Board must consider is the location of public utilities. The property is currently served by public water and septic systems, but the uses that could be allowed by the proposed rezoning could require connection to public sewer, which would require extension(s) of nearby public sewer infrastructure.

Considerations laid out by Mr. Prichard

- Approval of the rezoning would allow any permitted use within the O-I Zoning District to be constructed on the site. The Planning Board should consider all potential uses of the site when considering this rezoning.
- Rezoning applications are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.

Emily Beddingfield, representing the applicant, provided the Planning Board with a reading of the seven criteria for a rezoning, which are stated within the Unified Development Code, Section 155.704(J). She stated that the Applicant believes that this rezoning of O-I is consistent with the Town's recently adopted Comprehensive 2045 Growth Plan.

Ms. Beddingfield further stated that the applicant believes that since this project is aligned with the current 2045 masterplan and that their rezoning provides low-density development which will not drastically affect the limited infrastructure of the nearby area. This includes issues raised by staff such as water, sewer and nearby road capacity.

Ms. Beddingfield stated that the applicant has received confirmation that NCDOT would not require any road improvements for a low intensity use that the applicant is proposing and that would be allowed by the proposed rezoning.

Ms. Beddingfield addressed why the applicant is seeking a rezoning instead of a Special Use Permit. The applicant is not ready to build or even design the site at the moment, but was seeking a property that would allow a church to be built there one day. A special use permit was not ideal for this situation due to the required plans that would result in a large financial burden to the applicant at this time.

Ms. Beddingfield concluded that the proposed rezoning is the best action to

take at this time.

Board Member Dupree asked where would the access be for the property?

Ms. Beddingfield replied that the access would be located off of Fernwood Drive.

Board Member Begley asked about any required improvements to US Highway 70 Business?

Ms. Beddingfield replied that the applicant's consultants stated that the low intensity didn't require any improvements at this time.

Board Member Powers asked if there is any option for extending cross access from behind the nearby Shotwell shopping center to this property?

Ms. Beddingfield replied that previous plans and development of the Shotwell shopping center didn't require that stub, and that it was not pursued due to high cost. She stated that there may be other options that could be explored.

Chairperson Moore opened the public comment session.

Ms. Whitney Hosey stated that she has been hired by residents of the Dogwood Forest neighborhood to represent them. She passed out documents to the Board that contain a petition from members of the neighborhood that are strongly opposed to the rezoning, relevant sections of the UDC, map of the property and additional letters from those attending the meeting.

She stated that there is a big concern over traffic and overall safety from the increase of traffic along Fernwood Drive if this rezoning were to be approved. Counsel Hosey then asked that the Board allow others present to simply stand and be counted that they are opposed to the rezoning instead of taking of the Board's time with individual remarks.

The following other residents of Dogwood Forest in attendance spoke:

1. Troy Dehaven
2. Dr. Nick Ferez
3. Jamie Wilburn
4. Cynthia Powel
5. Lisa Rabig
6. Bill Brewer
7. Sherley Bolt

They voiced concerns ranging from traffic, safety, flooding, property values and the mental and emotional wellbeing of the residents of the Dogwood Forest neighborhood.

Board Discussion and Comment:

Board Members discussed the issue of state-controlled roads and how potential development could address ingress and egress issues. The board members acknowledge that the O-I is a concern as the residents have stated that anything could be built there after the rezoning has been approved, regardless of the well-meaning intentions of the applicant.

ACTION: Planning Board recommends denial of the 2021-132-RZ Grace Reform Church Rezoning application.

Motion: Vice Chair Powers
Second: Council Member Williams
Vote: Unanimous

b) 2021-153-CZM Grifols West Campus Conditional Zoning with Master Plan

Planner II Prichard presented the staff report for 2021-153-CZM Grifols West Campus Conditional Zoning with Master Plan. He stated that Grifols, the applicant, is requesting to change the zoning from Industrial-Heavy (I-2) to Conditional Zoning-Industrial. The project includes 373.04 acres, and is located near Cutter Lab Access Road, fronting along the NC Railroad.

Mr. Prichard stated that the applicant has stated the proposed use is production and warehousing, and has submitted a masterplan showing the following Project Details:

- 360,000 sq ft of gross floor area for Phases 1 and 2.
- Up to 10,000,000 sq ft of gross floor area for entire west campus.
- 100' wide development buffer along northeast perimeter abutting single family residential

Mr. Prichard continued, stating that public water is available, and wastewater will be treated on-site before being released to the public sewer system. The proposed development will also be required to have a wastewater allocation approved by Town Council.

Mr. Prichard reviewed the staff report and the criteria for Conditional Zoning Districts. He also discussed considerations for the board, including that the proposed Conditional Zoning District would run with the land and would not expire. He reviewed the proposed conditions that were listed in the staff report, and concluded by stating that staff recommends approval of the proposed Conditional Zoning.

Chairperson Moore opened the public comment session.

The following residents, who live in neighborhoods adjoining the proposed development, spoke:

Nathan Braswell
Rosemary Foneri

They shared share concerns about the effects that construction will have on the nearby neighborhoods and wildlife.

Mr. Dan Kathy, McGill Associates representing the applicant, spoke, reassuring nearby neighbors that the 100'ft buffer will guarantee that development with not add any hardship to the nearby residents.

ACTION: The Planning Board recommends approval of the 2021-153-CZM Grifols West Campus Conditional Zoning District.

Motion: Board Member Lipscomb
Second: Board Member Bennett
Vote: Unanimous

5 PLANNING DIRECTOR REPORT

- a) Director Ben Howell provided the Board the following updates:

The Department is still working to fill the vacant Land Development Specialist position.

Codify Clayton: The update to the Town of Clayton Unified Development Code has started, and a steering committee consisting of the planning board along with a few key members from the board of adjustment has been formed. These meetings will take place during regular planning board meetings, with the first meeting occurring on May 23rd. At this meeting the UDC consultant will go over key elements of the Code Update and the purpose and role of the steering committee.

Downtown Master Plan Update: The Planning Department has interviewed 4 different firms for the Downtown Master Plan Update, and will be selecting a firm to work on the project in the next two weeks. The Department is also beginning to review submitted Statements of Qualifications for the Future I-42/NC 42 Small Area Plan.

6 INFORMAL DISCUSSION AND PUBLIC COMMENT

7 ADJOURN

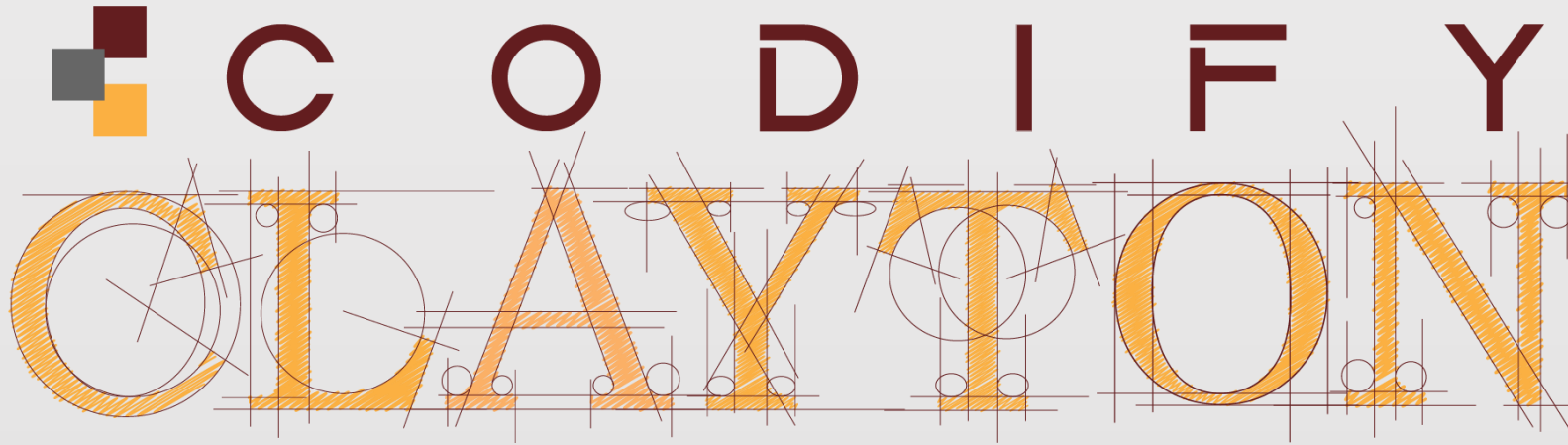
- a) Meeting was adjourned at 7:49pm

ATTEST:

Clerk to the Board

Chair

April 25, 2022
Minutes



UDC Committee Meeting # 1
Introduction
5.23.22



PRESENTATION OVERVIEW

- 1. Project Introduction**
- 2. Project Team**
- 3. Schedule**
- 4. Webpage**
- 5. Role of UDC Committee**
- 6. Feedback Collected to Date**
- 7. Diagnosis**
- 8. Committee Thoughts/Recommendations**



PROJECT INTRODUCTION

'Codify Clayton' -
Update Clayton's Unified Development Code ("UDC") to:

- Implement the 2045 Comprehensive Growth Plan
- Make the UDC more user-friendly and predictable
- Raise the bar for development quality & design
- Accommodate a wider range of housing options
- Encourage employment-generating uses
- Foster downtown development/redevelopment
- Protect community character and property values





21 Codes Completed
29 Years of Experience



CodeWright Planners, LLC, is a planning and zoning consultancy founded in Durham, NC in 2014. Chad Meadows serves as Principal and sole employee. CodeWright prepares development codes, plans, and studies solely for local government clients across the Southeast. We are passionate about creating beautiful, effective documents that meet our client's needs and exceed their expectations.



HALLMARKS of CodeWright Work:

- Simple, Concise Language
- Measurable Criteria
- Intuitive Organization and Structure
- Beautiful, Functional Documents
- Balance Flexibility with Predictability
- Ongoing Post-Adoption Assistance

PROJECT TEAM



WHO WE ARE

Recognized for more than 25 years as one of *Engineering News Record's Top 500 Design Firms*, Timmons Group provides civil engineering, environmental, geotechnical, GIS/ geospatial technology, landscape architecture and surveying services to a diverse client base. Our clients receive more than just the best engineering and professional services available. Our specialized market sector expertise makes us trusted advisors and valuable consultants on our clients' projects — from conception through completion. We provide:

- Landscape Architecture
- Site/Civil Engineering
- Survey & Mapping
- Traffic & Transportation
- Environmental Services
- Geotechnical Eng. & Testing
- Structures & Bridges
- Stormwater Infrastructure
- Economic Development
- Right of Way Services
- Water & Wastewater Engineering
- Geographic Information Systems
- LEED® & Envision™ Sustainable Design

NORTH CAROLINA OFFICES:

- Raleigh, NC
- Charlotte, NC
- Greensboro, NC
- Elizabeth City, NC
- Wilmington, NC

700±
STAFF

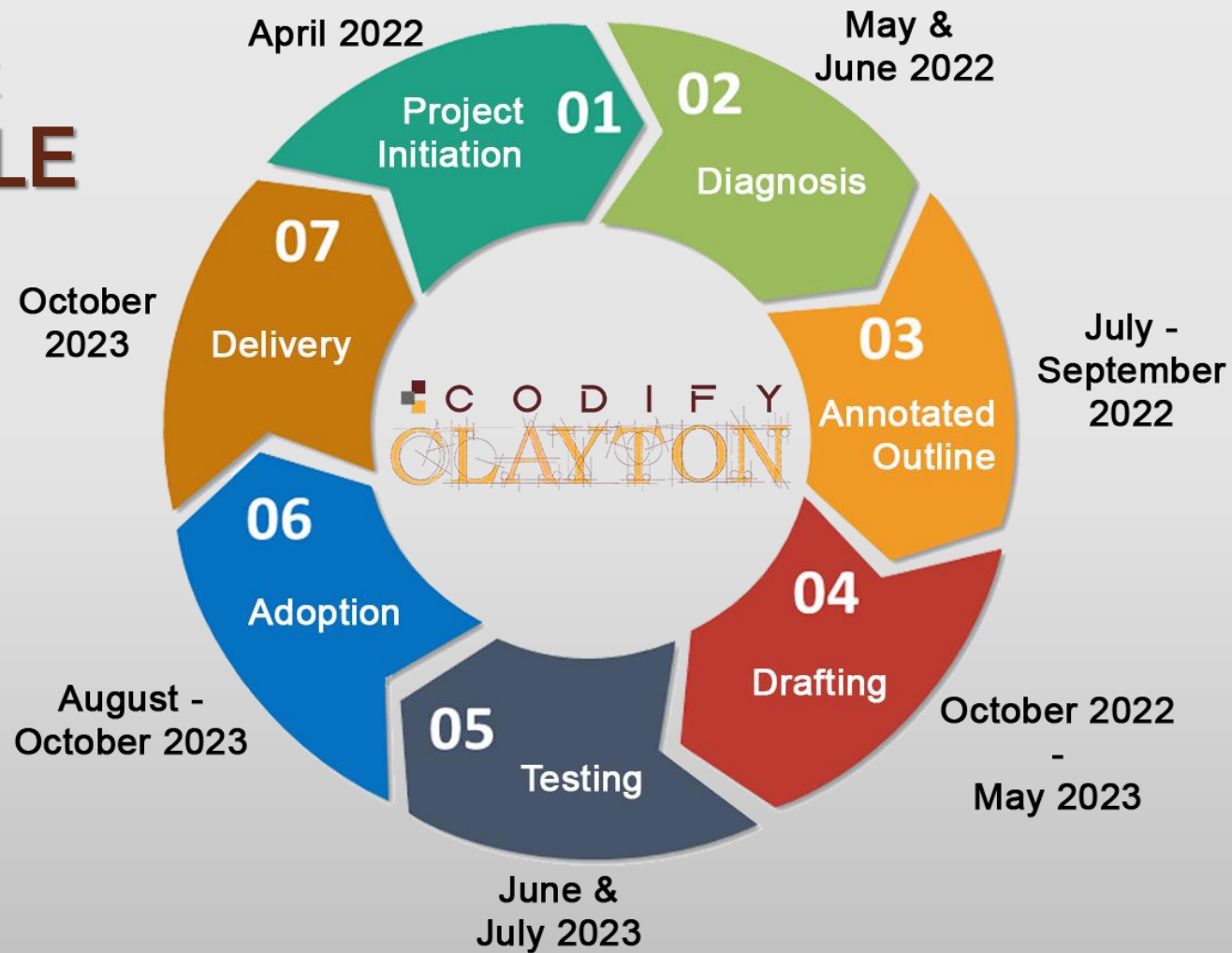
67 YEARS IN BUSINESS



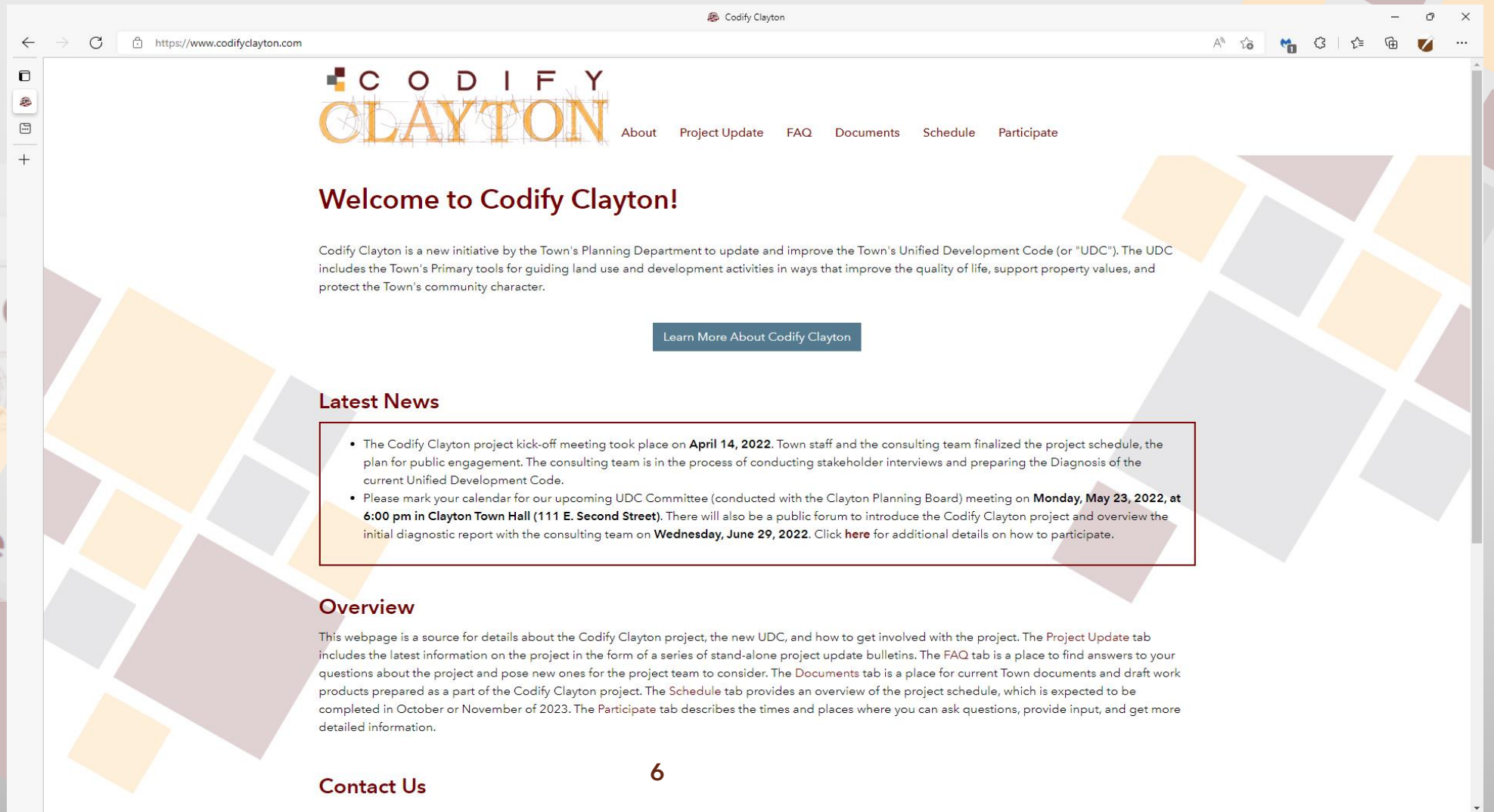
INC. 5000
A FASTEST GROWING PRIVATE FIRM IN US



PROJECT SCOPE & SCHEDULE



PROJECT WEBPAGE



PROJECT WEBPAGE



ROLE OF THE UDC COMMITTEE

- Initial review of draft materials
- Sounding board for ideas
- “First blush” reactions to proposed UDC concepts
- Help keep constituencies informed about the project
- Assist through Task 4, Drafting
- Not a voting body



FEEDBACK TO DATE

1	Stakeholder Interview - Engineers	4.27.22
2	Stakeholder Interview - Town of Archer Lodge staff	4.27.22
3	Stakeholder Interview - Development Community #1	5.3.22
4	Stakeholder Interview - Development Community #2	5.3.22
5	Stakeholder Interview - Development Community #3	5.5.22
6	Stakeholder Interview - Economic Development	5.6.22
7	Stakeholder Interview - Town Council #1	5.10.22
8	Stakeholder Interview - Development Community #4	5.12.22 *
9	Town Staff List of Topics	5.13.22
10	Stakeholder Interview - Town Council #2	5.23.22
11	Stakeholder Interview - Town Council #3	5.23.22
	* No participants attended	



FEEDBACK TO DATE

- There seems to be a disconnect on the application of standards between different Town departments
- The Town needs a more efficient review process generally with fewer surprises in terms of new/contradictory comments
- Pre-application conferences should be conducted with all Town departments
- Need to address conflicts between codes/policies/and fire codes



FEEDBACK TO DATE

- Move away from special use permits where possible, especially with respect to multi-family
- Need more flexibility in the application of development standards on vacant lots and redevelopment in downtown
- The planned development/conditional rezoning situation needs attention and needs to be brought into closer conformance with best practice
- Need more clarity on what policy guidance is adopted



FEEDBACK TO DATE

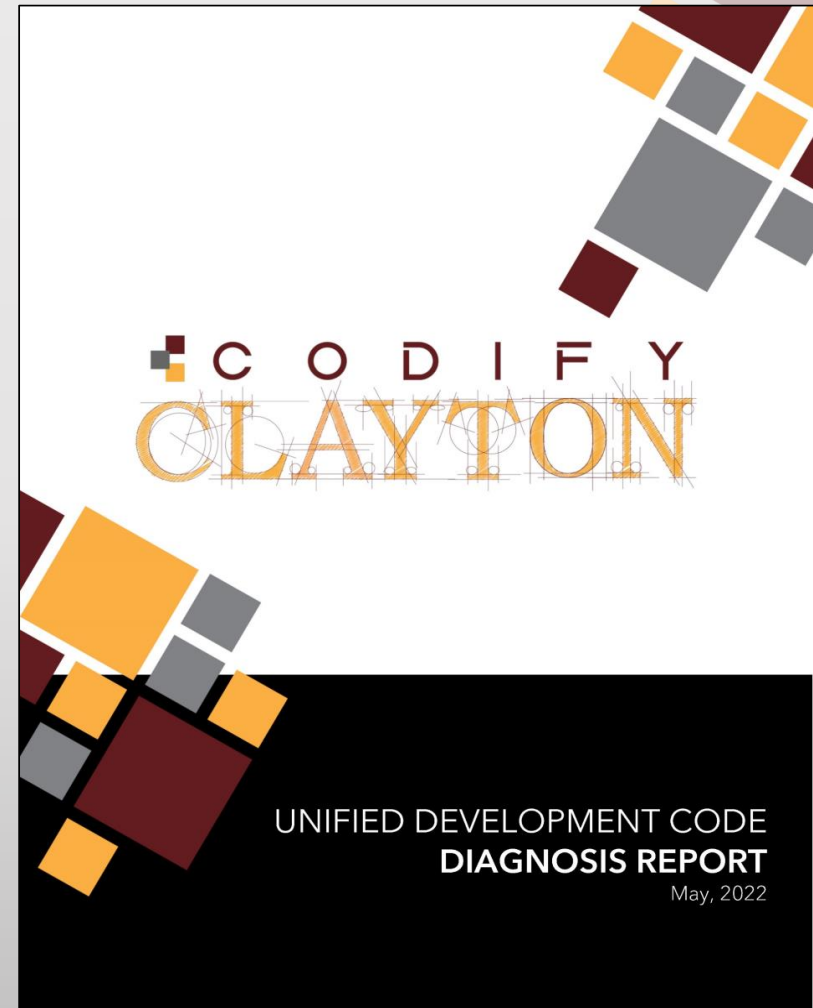
- Temporary use permit process and standards need review
- Landscaping standards need more flexibility and creativity
- Parking standards are outdated and too specific in some cases
- Combination of parks/open space/greenway requirements are onerous
- These and other comments are summarized in an appendix to the Diagnosis



DIAGNOSIS REPORT

1. Key themes for UDC improvement
2. Gaps between policy guidance and current regulations
3. Conceptual changes to address stakeholder concerns
4. Areas for further exploration
5. Recommendations for greater user-friendliness & predictability

To be considered June 27/28



UDC COMMITTEE THOUGHTS & SUGGESTIONS



Next Steps...

1. Please have a look at www.codifyclayton.com
2. Forward any written comments to Town staff
3. Staff review and revision of draft Diagnosis
4. Delivery of Diagnosis to UDC for review (June 13)
5. Next UDC Meeting: June 27 @ 6:00pm (this location)
6. Public Forum One - Diagnosis June 28 (open house format starting at 11:30 am)





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, 5/23/2022

STAFF REPORT

Application Number: 2022-54-RZ
Project Name: Meridian Center - Rezoning

TAG #(s): 05GO2006J
Town Limits/ETJ: Town Limits
Applicant: Meridian Building Investments, LLC, Robert A. Spence Jr
Owner: Robert O Hill
Location: 935 Shotwell Rd, Clayton, NC 27520
Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

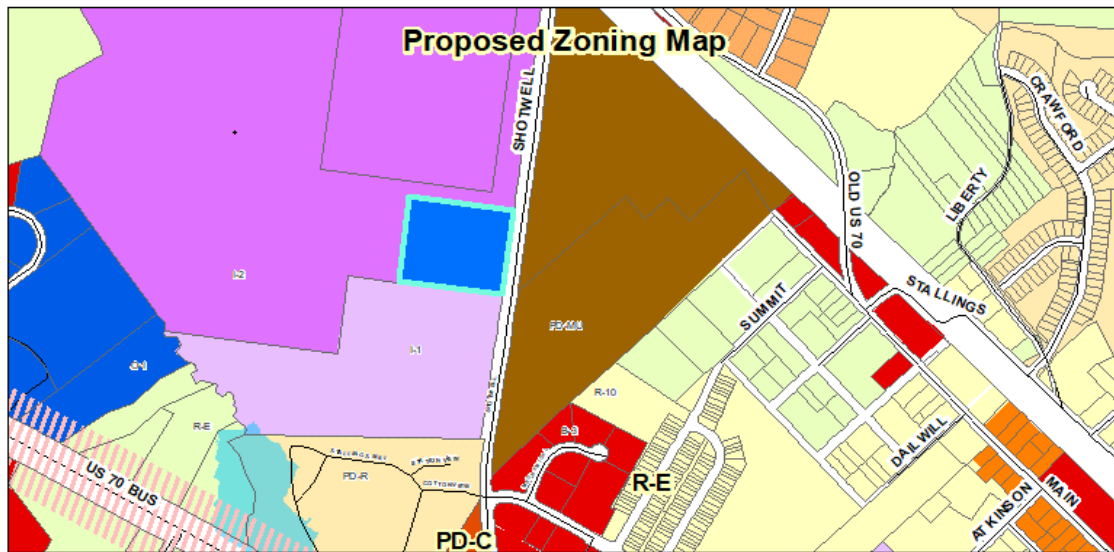
- **Neighborhood Meeting:** April 12, 2022
- **Sign posted:** May 12, 2022
- **PB Adjacent Property Letters Mailed:** May 12, 2022

REQUEST: Rezoning from Industrial-Light (I-1) to Office Institutional (O-I)



SITE DATA:**Acreage:** +/- 6.63 acres**Existing Use:** Office/flex building on the site.**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	I-2 (Industrial-Heavy)	Warehouse
South	I-1 (Industrial-Light)	Vacant
East	PD-MU (Planned Development- Mixed Use)	Vacant
West	I-2 (Industrial-Heavy)	Warehouse

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

The site is within the Clayton Town limits. The site is located in between US Highway 70 Business W and Old US Highway 70; being shown on the Aerial Map with an existing office/flex building on the site. The applicant is requesting to re-zone the property from Industrial -Light (I-1) to Office-Institutional (O-I). The property is currently developed with an empty office/flex building, and the applicant has submitted the rezoning request in order to better market the existing building. The O-I zoning is established to provide permit offices, institutions, and associated administrative, executive, professional and research uses in new and existing structures and limited retail uses. Such offices and institutional uses are generally located along or proximate to major roadways or adjacent to commercial uses and may act as a buffer between such areas and residential uses.

REZONING APPROVAL CRITERIA

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

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

Applicant's Response: The 2045 Comprehensive Growth Plan shows the lot classification as "Employment Center" with all the tracts to the south and west of it extending to Highway 70 as "Community Center". At the time of the mapping and zoning of the property conformed to the industrial use that was more dominant on its source tract prior to the 2011 subdivision. The Meridian Building Lot more naturally fits O-I use, and not industrial uses. It could flexibly meet either classification on the current Employment Center category on the Comprehensive Growth Plan or the Community Center classification. We note the O-I uses on Gateway are mapped as Employment Center like this property and the highest and best use of this property is O-I.

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

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

Applicant's Response: As stated above the lot has never been actually used as an industrial use though the larger tract from which a prior owner subdivided it in 2011 did have industrial, or large wholesale commercial warehouses. In and of itself the building lacks the interior height or ramps or the doors to accommodate industrial loading and unloading. There is loading ramp, and the ground level floor of the building is incompatible with industrial loading. It is not well located for retail though there is a business district property not far to the south at the intersection. The original developer did not intend, design, construct or ever use it for industrial uses. Neither has a subsequent owner. Its classifications originate as centralized office space for management of a regional grocery store chain. The warehouse to the back were self-sufficient for warehouse management.

Staff Commentary: The property currently has an office/flex building on the site, most recently used for offices. The site itself consists of the building and a parking lot, and is located directly adjacent to industrial uses and buildings. The property and current improvements (structure and parking) are suitable for either O-I or Industrial zoning.

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

Applicant's Response: The zoning map on GIS shows the Meridian Building Lot as zoned about one percent I-1 and 99 percent PD-C. The building has been largely vacant during recent years and through the pandemic. Most recently, the owner began upfit of it for a fitness center, but that lease fell through. Prior to that Fast Med used part of the building as office space to manage its expanding Urgent Care facilities in this, and neighboring states. The lot borders I-1 to the south I-2 to the north and west, and O-I on Gateway Drive 1200 feet west past the Winn Dixie Warehouses

Apparently in 2011 in dividing the land the subdivider did not rezone the properties though the subdivision created a separate lot for the Meridian Building that is clearly not an industrial use. The current owner wants to rezone the property consistent to the actual and highest and best use of the Meridian Building, namely O-I. Obviously, that benefits the growth plan, the town planning map, and the pattern of possible uses in the area.

Staff Commentary: The proposed rezoning would provide O-I zoning for an existing office/flex building, allowing for a wider variety of uses to occupy the existing building. The proposed rezoning would meet a demand for additional office space in the Town, and improve the balance of uses in a primarily-industrial 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;

Applicant's Response: The available infrastructure for the site is more than adequate to service the O-I uses and the proposed uses would not strain existing infrastructure or roads.

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 property has no current use. The owner is attempting to bring he property into a zoning that meets its highest and best uses and thus benefits the community and find the use the market will support subsequent to the rezoning. It has not started a use or asked to rezone to a use after the fact.

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: There should be no adverse effect including strain on infrastructure or intensification of uses as relates to adjoining properties. In fact, the Industrial uses adjoining it are more intense than the proposed O-I and the building is more compatible with the nearly adjacent O-I 1200 feet to the west on Gateway. The location of the Meridian Building is on a road with less traffic than Hwy 70 business causing no impacts on adjacent properties or traffic.

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 rezoning to O-I is consistent with the highest and best use of the Meridian Building and will allow us to use the property consistent with the highest and best use and improve business activity in the area. There is a clear benefit to the public and no loss.

Staff Commentary: The property owner of the parcel does stand to benefit from being able to market this empty structure to a greater number of potential buyers under the new zoning, but this will not be at any detriment to the general public and does not change staff's opinion on recommending approval of this rezoning. While the parcel does have industrial zoning districts directly adjacent, there is residential and business/commercial zoning nearby, at the US Highway 70 BUS/Shotwell Road intersection, mixed-use zoning across the street and business/commercial zoning near the intersection of Shotwell Road and Old US Highway 70. Based on this fact, the fact that the parcel being rezoned is over 6 acres in size, and that the proposed O-I Zoning District matches the Future Land Use Plan "Employment Center" land use category, staff does not believe that this rezoning can be considered spot zoning.

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.

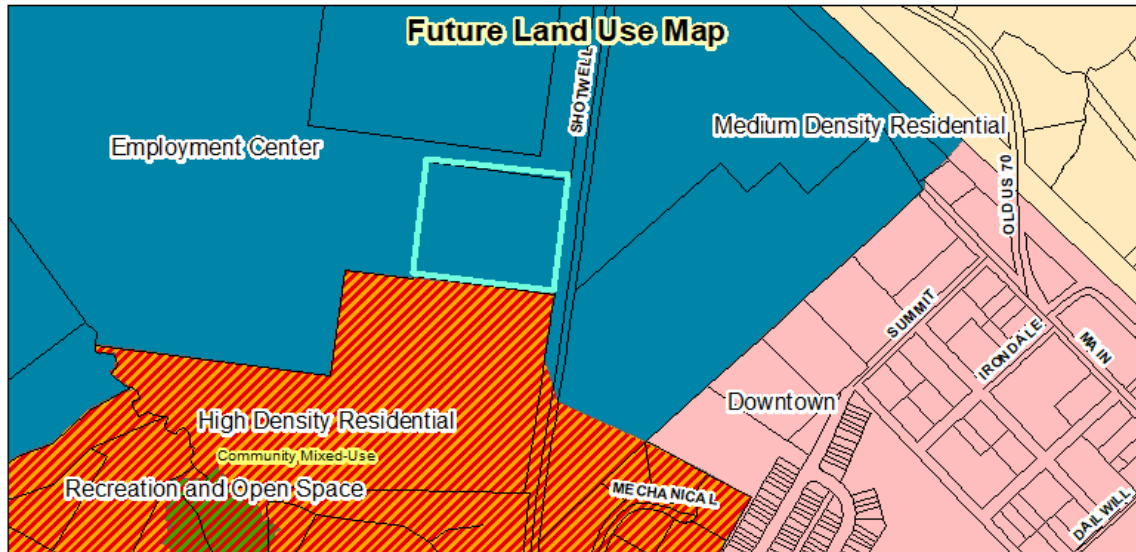
Policy LU 1.1: Manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.

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

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

Policy ED 1.2: Preserve and develop prime industrial land for employment growth.

Strategy ED 1.2.2: Protect industrial land uses by encouraging compatible uses within and near the Employment Center areas identified on the Future Land Use Map.



CONSIDERATIONS:

- Rezoning applications are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
-

STAFF RECOMMENDATION:

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

ATTACHMENTS:

- 1) Application/Owner's Consent Form
- 2) Neighborhood Meeting Materials
- 3) Survey
- 4) 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: Rezoning Meridian Center Date: 03/23/2022
Applicant Name: Meridian Building Investment, LLC

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 3/4/2022
- [☒] Review Fee
- [☒] Advertisement Fee
- [☒] Completed Application
- [☒] Owner's Consent Form
- [☒] Adjacent Property Owner's List
- [☒] Neighborhood Meeting Notice Letter (1 copy)
- [☒] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
- [☒] Signed & Sealed Boundary Survey
- [☒] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____



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

REZONING APPLICATION

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

SITE INFORMATION

Name of Project: Rezoning Meridian Center
Acreage of Property: 6.63 Zoning District: _____
County Tag #: 05602006J NC Pin #: 165910-46-8843
Address/Location: 935 Shotwell Road, Unit A, Clayton, NC
Existing Zoning District: I-1 and PD-C Proposed Zoning District: O-I

APPLICANT INFORMATION

Applicant: Meridian Building Investment, LLC c/o Robert A. Spence, Jr., Attorney
Mailing Address: PO Box 1335, Smithfield, NC 27577
Phone Number: 919-934-1149 Fax: 919-934-3635
Contact Person: Robert A. Spence, Jr., Spence, Carter & Reed, PA
Email Address: spence@sst-law.com

PROPERTY OWNER INFORMATION

Name: Meridian Building Investment, LLC c/o Paul Flaherty of HTR Commercial
Mailing Address: 2207 Oxford Road, Raleigh, NC 27608
Phone Number: 919-553-5626 Fax: 919-553-8330
Email Address: paul@htrcommercial.com

OFFICE USE ONLY

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

EXPLANATION OF PROJECT

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

The Meridian Building is a vacant 30,376 square foot brick building with most of the interior space open for upfit and ample parking in front and to the rear. The prior owner some decades ago constructed the building and parking lots in front and back for office space for Winn Dixie personnel and we believe they used it to manage operations in several states. We do not believe Winn Dixie ever managed the warehouses specifically from the Meridian Building as it is not built compatible with industrial uses. A representative of a prior owner stated it was used for management for the company's operations in NC, SC, and VA. The recorded plat in Plat Book 76 page 383 shows that CRM Mid-Atlantic Properties, LLC subdivided this office/gathering space in 2011 from the larger warehouse property immediately behind it and adjacent, so that just the Meridian building and its parking are on the subdivided tract at issue now. The building is ideal for office space with large areas for assemblies and group meetings. It is ideal for O&I uses.

APPROVAL CRITERIA

1. Consistency with adopted plans of the Town.

The 2045 Comprehensive Growth Plan shows the lot classification as "Employment Center" with all the tracts to the south and west of it extending to Highway 70 as "Community Center". At the time of the mapping the zoning of the property conformed to the industrial use that was dominant on its source tract prior to the 2011 subdivision. The Meridian Building Lot more naturally fits O&I uses, and not industrial uses. It could flexibly meet either classification on the current Employment Center category on the Comprehensive Growth Plan or the Community Center classification. We note the O&I uses on Gateway are mapped as Employment Center like this property and the highest and best use of this property is O&I.

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

As stated above the lot has never been actually used as an industrial use though the larger tract from which a prior owner subdivided it in 2011 did have industrial, or large wholesale commercial warehouses. In and of itself the building lacks the interior height or ramps or the doors to accommodate industrial loading and unloading. There is no loading ramp, and the ground level floor of the building is incompatible with industrial loading. It is not well located for retail though there is business district property not far to the south at the intersection. The original developer did not intend, design, construct or ever use it for industrial uses. Neither has any subsequent owner. Its classifications originate as centralized office space for management of a regional grocery store chain. The warehouses to the back were self-sufficient for warehouse management.

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

The zoning map on GIS shows the Meridian Building Lot as zoned about one percent I-1 and 99 percent PD-C. The building has been largely vacant during recent years and through the pandemic. Most recently, the owner began upfit of it for a fitness center, but that lease fell through. Prior to that Fast Med had used part of the building as office space to manage its expanding Urgent Care facilities in this and neighboring states. The lot borders I-1 to the

south, I-2 to the north and west, and O&I on Gateway Drive 1200 feet west past the Winn Dixie warehouses.

Apparently in 2011 in dividing the land the subdivider did not rezone the properties though the subdivision created a separate lot for the Meridian Building that is clearly not an industrial use. The current owner wants to rezone the property consistent to the actual and highest and best use of the Meridian Building, namely O&I. Obviously, that benefits the growth plan, the town planning map, and the pattern of possible uses in the area.

- 4. The capacity of adequate public facilities and services including schools, road, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.**

The available infrastructure for the site is more than adequate to service the O&I uses and the proposed uses would not strain existing infrastructure or roads.

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

The property has no current use. The owner is attempting to bring the property into a zoning that meets its highest and best uses and thus benefits the community and find the use the market will support subsequent to the rezoning. It has not started a use or asked to rezone to a use after the fact.

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

There should be no adverse effect including strain on infrastructure or intensification of uses as relates to adjoining properties. In fact, the Industrial uses adjoining it are more intense than the proposed O&I and the building is more compatible with the nearly adjacent O&I 1200 feet to the west on Gateway. The location of the Meridian Building is on a road with less traffic than Hwy 70 business causing no impact on adjacent properties or traffic.

- 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 rezoning to O&I is consistent with the highest and best use of the Meridian Building and will allow us to use the property consistent with its highest and best use and improve business activity in the area. There is a clear benefit to the public and no loss.

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.

Robert A. Spence, Jr.
Print Name

Robert A. Spence Jr.
Signature of Applicant
A Hwy for Applicant

3/30/2022
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: Meridian Building Rezoning **Address or PIN #:** 165910-46-8843

AGENT/APPLICANT INFORMATION:

Robert A. Spence, Jr. **Spence, Carter, & Reed, P.A. PO Box 1335**
(Name - type, print clearly) (Address)
Smithfield NC 27577
(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 of Meridian Building

935 Shotwell Rd, Unit A, Clayton NC 27520

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

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

OWNER AUTHORIZATION:

Robert O Hill Jr.
Meridian Building Investment, LLC, Kimberly Hayden, Mgr.
(Name - type, print clearly)

2207 Oxford Road
(Address)

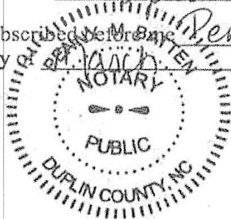
(Owner's Signature)

Raleigh NC 27608-1636
(City, State, Zip)

STATE OF NC
COUNTY OF Duplex

Sworn and subscribed before me, Penny M Batten, a Notary Public for the above State and County, this the 21 day of March, 2022.

SEAL



Penny M Batten
Notary Public
My Commission Expires: 1-3-27

July 2018

SPENCE, CARTER & REED, PA

ROBERT A. SPENCE, SR.*
ROBERT A. SPENCE, JR.**
THOMAS S. BERKAU, RETIRED
MICHAEL N. CARTER
CAMERON V. REED

* 1922-2006
** BOARD CERTIFIED SPECIALIST
REAL PROPERTY LAW: RESIDENTIAL TRANSACTIONS

ATTORNEYS AT LAW

212 SOUTH SECOND STREET
POST OFFICE BOX 1335
SMITHFIELD, NORTH CAROLINA 27577
PHONE: (919) 934-1149
FAX: (919) 934-3635
EMAIL: STEPHANIE@SST-LAW.COM

April 18, 2022

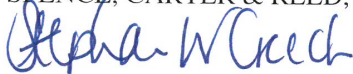
Town of Clayton
Planning Department
PO Box 879
Clayton, NC 27528

RE: Application 2022-54-RZ; Rezoning of Meridian Center

To Whom It May Concern:

Enclosed please find pages 4-5 of the Rezoning Application (Neighborhood Meeting Attendance Roster and Neighborhood Meeting Summary Form) we are submitting on behalf of Meridian Building Investments, LLC, following the neighborhood meeting on April 12, 2022, held at HomeTowne Realty.

Sincerely,
SPENCE, CARTER & REED, PA



Stephanie W. Creech
Litigation Paralegal

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Rezoning of Meridian Center
Application: 2022-54-RZ
Location/Date: HomeTowne Realty, 328 E Main St., Clayton 04/12/22

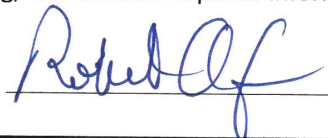
	NAME	ADDRESS
1		No Attendance By Property Owners
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2022-54-RZ Rezoning of Meridian Center
Date of Mailing: 03/30/2022
Date of Meeting: 04/12/2022 Time of Meeting: 6:15 pm
Location of Meeting: HomeTowne Realty, 328 Main St., Clayton, NC

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: Robert A. Spence, Jr. 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.*

No meeting minutes to report because none of the adjacent property
owners were present at the meeting. They are all large commercial
investors.

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

