

AGENDA
CLAYTON PLANNING BOARD MEETING

JULY 28, 2014

6:00 PM

TOWN COUNCIL CHAMBERS
111 E. SECOND STREET
For Information: (919) 553-5002

- I. **CALL TO ORDER**
- II. **ADJUSTMENTS TO THE AGENDA**
- III. ~~**APPROVAL OF MINUTES FROM THE JUNE 23, 2014 MEETING**~~ – **APPROVAL POSTPONED UNTIL THE AUGUST PLANNING BOARD MEETING**
- IV. **REPORTS AND COMMENTS**
- V. **OLD BUSINESS**
- VI. **NEW BUSINESS**
 - A. PSD 2014-12 Riverwood Ranch Phase 2A Preliminary Subdivision.
Preliminary subdivision plan approval for 15 single family lots within the Riverwood Ranch Planned Development, located off of Pritchard Road within Town Limits.
 - B. SP 2014-65 Outdoor Temporary Storage.
Major Site Plan approval for an outdoor temporary storage facility to support an existing enclosed temporary storage facility. Located off of US 70 Bus Hwy W within Town Limits, PIN 165915-62-4542.
 - C. SUP 2014-85 RNC Entertainment – 12809 US 70 Bus Hwy W.
Special Use Permit approval request to allow a Video Sweepstakes Operations business (Internet Café) at 12809 US 70 Bus Hwy W, within an existing building in an outparcel of the Walmart Shopping Plaza (located in the former Blockbuster space).
- VII. **INFORMAL DISCUSSION AND PUBLIC COMMENT**
- VIII. **ADJOURN**



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

*Planning Board
July 28, 2014*

STAFF REPORT

Application Number: PSD 2014-12 (major subdivision)
Project Name: Riverwood Ranch Phase 2A

NC PIN: A portion of 177100-11-0255
Town Limits/ETJ: Town Limits
Overlay: None
Master Plan: Riverwood Ranch
Applicant: DC Adams Engineering, Inc.
Owners: Riverwood on the Neuse, LLC

Neighborhood Meeting: Not required (part of Planned Development)
Public Noticing: Property posted September 13, 2013

PROJECT LOCATION: The project is located within the Riverwood Ranch Planned Development, just northwest of the Food Lion Shopping Plaza and accessed from Pritchard Road.

REQUEST: The applicant is requesting a major subdivision / preliminary plat approval for Phase 2A of the Riverwood Ranch Planned Development to allow 15 single family residential lots, within Town Limits.

SITE DATA:

Acreage: 4.06 acres
Zoning: PD-MU (Planned Development – Mixed Use)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: Single Family Residential
Buildings: 15 single family homes
Number of Stories: Maximum height of 40 feet

Impervious Surface:	Maximum 4,000 SF per lot. Max 45% for overall phase, including streets, lot impervious, and sidewalk.
Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Access will be provided off of Stetson Lane, which is accessed from Riverwood Ranch Blvd (off of Pritchard Road and directly across from Athletic Club Blvd).
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Progress Energy

ADJACENT ZONING AND LAND USES (of total Parcel):

North:	Zoning:	Residential Estate (R-E)
	Existing Use:	Residential
South:	Zoning:	Residential-10 (R-10), Planned Development Mixed Use (PD-MU)
	Existing Use:	Single Family Residential (Riverwood Athletic Club), Commercial (Riverwood Ranch)
East:	Zoning:	Residential Estate (R-E)
	Existing Use:	Residential
West:	Zoning:	Residential Estate (R-E), Residential-10 (R-10)
	Existing Use:	Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for Phase 2A as depicted on the Riverwood Ranch Master Plan (most recently updated as Administrative Amendment 2014-89).

The applicant is requesting approval for a total of 15 single family lots (density of 3.7 dwelling units/acre). Proposed lot standards are presented on the preliminary subdivision plan.

The lots range in size from 0.19 acre to 0.27 acre.

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with Master Plan

The request is consistent with the Riverwood Ranch Master Plan.

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC). Individual lot development specifications such as driveway placement will be required to meet all Town standards and be consistent with the provisions of the approved Master Plan and Final Plat.

Compatibility with Surrounding Land Uses

The proposed development is consistent with the approved Riverwood Ranch Master Plan, which shows this area to be single family residential. Single Family Residential is planned on the East, West, and North sides of this phase.

Landscaping and Buffering

A 20 foot landscape easement is proposed along Stetson Lane. This landscape easement is not required by the Unified Development Code, but has been proposed by the developer. Street trees are required along all rights-of-way at a rate of one canopy tree per lot or one every 40 linear feet (maximum 50 feet apart). Trees will be planted at a caliper of 2.5 inches and shall be at least 8 feet in height.

Recreation and Open Space

Recreation and open space requirements have been met by the overall Riverwood Ranch Planned Development.

Environmental

No environmental impacts are expected at this site. The site contains no riparian areas and is not located in a 100 year flood plain.

Signs

No signage is requested as part of this request.

Access/Streets

Access to the phase is provided off of Stetson Lane, a new road that will also provide access to the Riverwood Haven senior apartments. Stetson Lane is accessed off of Riverwood Ranch Blvd, which connects to Pritchard Road. Provisions are in place for a traffic signal to be placed at the intersection of Pritchard Road and Athletic Club Blvd/Riverwood Ranch Blvd when traffic warrants are met.

Multi-Modal Access

5-foot sidewalks are provided along both sides of the street.

Architecture/Design

N/A.

Waivers/Deviations/Variations from Code Requirements

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for Phase 2A.
 - The Town Council approves major preliminary subdivision plats.
-

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant’s Findings of Fact are incorporated into the record as “Attachment 1” of the Staff Report.

CONDITIONS:

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan:

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
 2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
 3. Development shall be consistent with the specifications of the approved Riverwood Ranch Planned Development Master Plan.
 4. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
 5. A homeowners’ association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
-

Planning Board Recommendation:

Attachments: 1) Subdivision Findings of Fact, **2)** Zoning & Aerial Map, **3)** Application, **4)** Preliminary Subdivision Plan, **5)** Copy of Riverwood Ranch Master Plan

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

Section 155.706(I)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:

- (1) That the subdivision meets all required specifications of the town Subdivision Regulations and conforms to the town Unified Development Code.

THIS SUBDIVISION MEETS REQUIREMENTS OF THE TOWN'S SUBDIVISION REGULATIONS AND CONFORMS TO THE UDC.

- (2) That the subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

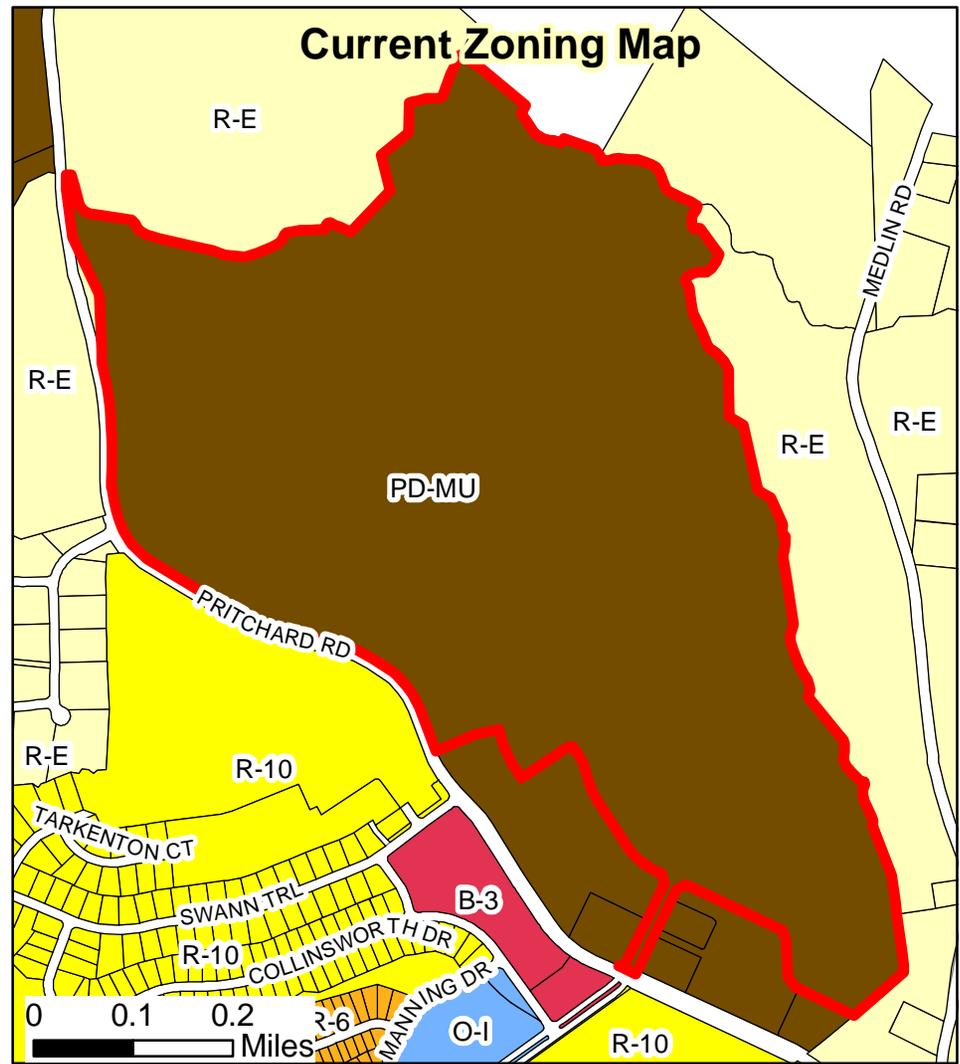
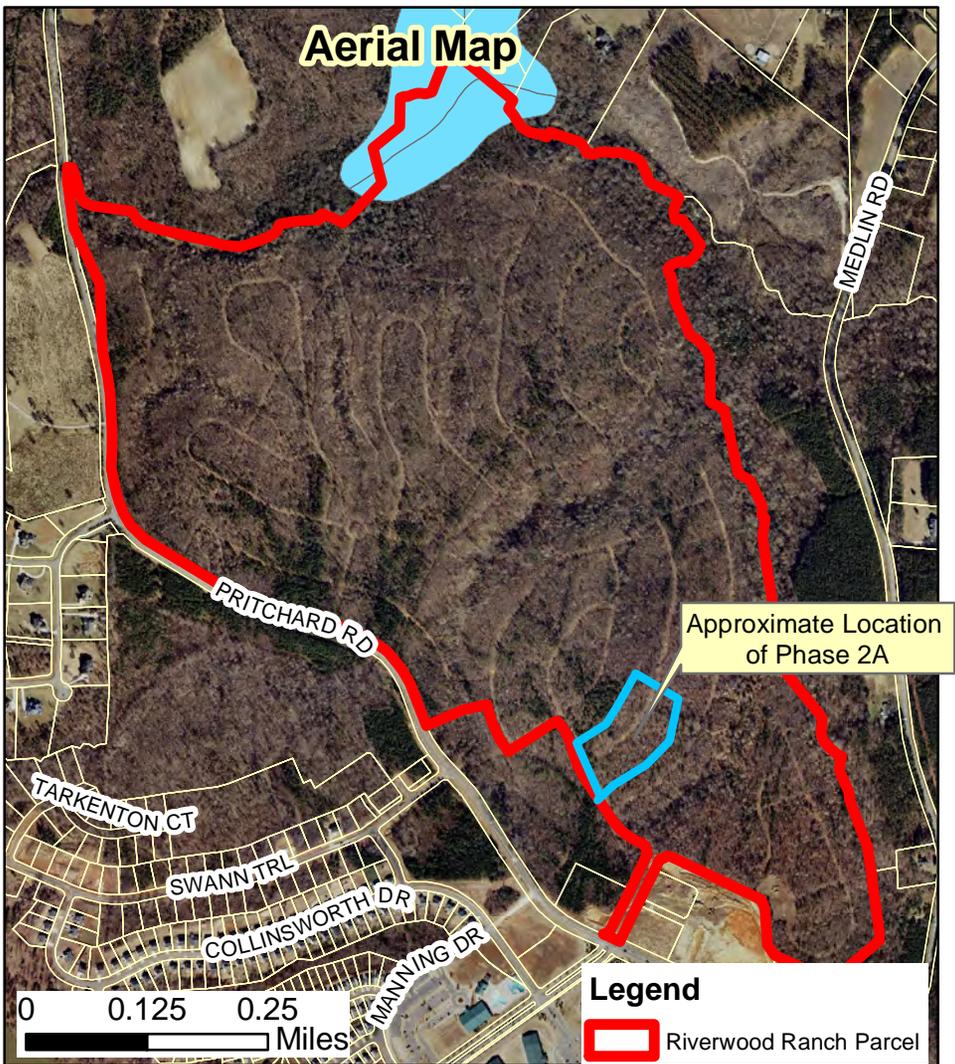
THIS SUBDIVISION IS CONSISTENT WITH THE APPROVED MASTER PLAN AND WILL BE A BENEFIT TO THE COMMUNITY.

- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

THIS SUBDIVISION IS DESIGNED TO PROVIDE PROPER AND SAFE INGRESS + EGRESS TO PROPERTY FROM EXISTING AND PROPOSED STATE + TOWN STREETS.

- (4) That the subdivision will not adversely affect the general plans for the orderly growth and development of the town and is consistent with the planning policies adopted by the Town Council.

THIS PLAN IS PART OF THE OVERALL MASTER PLAN FOR THE DEVELOPMENT AND IS CONSISTENT WITH PLANNING POLICIES ADOPTED BY THE TOWN.

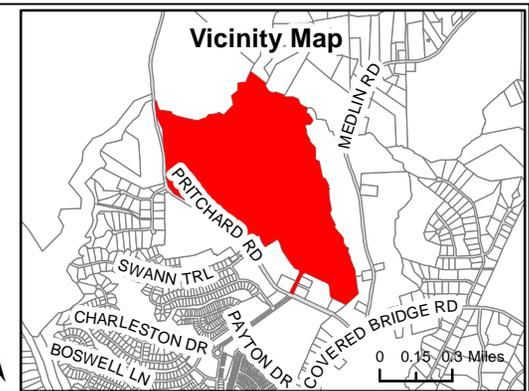


Riverwood Ranch Phase 2A - Preliminary Subdivision Plan

Applicant: DC Adams Engineering, Inc.
 Property Owners: Riverwood on the Neuse, LLC
 Parcel ID Number: A portion of 177100-11-0255
 File Number: PSD 2014-12

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

7/16/14





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

SUBDIVISION APPLICATION

Pursuant to Article 7, Section 155.706 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town of Clayton to approve a Subdivision (major, minor, final plat, or exempt) application. Applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director in accordance with Section 155.702(A).

Subdivision applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fees are as follows:

- **Minor Subdivision:** \$200.00 + \$5.00/lot.
- **Major Subdivision:** \$400.00 + \$5.00/lot.
- **Open Space Subdivision** = \$700.00 + \$5.00/acre.
- **Final Plat:** \$250.00 + \$5.00/lot.
- **Exempt Map/Recombination:** \$100.00.

All fees are due when the application is submitted. Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Major Subdivision applications.

SUBDIVISION TYPE:

Application Type:

- Minor Subdivision
 Major Subdivision
 Final Plat
 Exempt Map
 Recombination

SITE INFORMATION:

Name of Project: RIVERWOOD RANCH Acreage of Property: 9.64 ACS
 Preliminary Plat Approval Date (if applicable): N/A
 Parcel ID Number: 177100-11-0255 Tax ID: 16I02026B
 Location: STETSON DR - OFF OF RIVERWOOD RANCH BLVD (ACROSS PRITCHARD RD FROM RWAC)
 Section(s): _____ Phase(s): 2A
 Number of Lots (Existing): — (Proposed): 34 Min. Lot Size: 35'x75'
 Zoning District: PDMU Planned Development? (Y/N): Y Electric Provider: DUKE ENERGY PROGRESS
 Specific Use: SINGLE FAMILY RESIDENTIAL
 Recreation/Open Space Requirement:
 Fee in lieu
 Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-12 Date Received: 2/3/14 Amount Paid: _____

OWNER INFORMATION:

Name: RIVERWOOD ON THE MEUSE, LLC
Mailing Address: 400 RIVERWOOD DR, CLAYTON, NC 27527
Phone Number: 919-550-5056 Fax: N/A
Email Address: Brian.Strickland@fredsmithcompany.com

APPLICANT INFORMATION:

Applicant: DC ADAMS ENGINEERING, Inc
Mailing Address: 404 SWANL TRAIL, CLAYTON, NC 27527
Phone Number: 919-763-7278 Fax: EMAIL
Contact Person: DONNIE ADAMS
Email Address: donnie@dcadamspe.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a Subdivision Plan application. This information is required, except where otherwise noted:

- Required plans (please see the plan requirements checklist below).
- Road Name Approval Application (if applicable).
- A signed and sealed traffic impact analysis (if required).
- Verification of wastewater allocation (granted or requested).
- Verification of approval for the potable water and waste water system improvements from North Carolina Department of Environment and Natural Resources (NCDENR).
- Verification of approval for individual well and septic systems from Johnston County Department of Environmental Health Services (if applicable).
- Driveway permits (Town of Clayton or NCDOT encroachment with associated documentation).
- A copy of proposed deed restrictions and/or covenants (if applicable).

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Subdivision Plan. 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.

DONNIE ADAMS
Print Name

[Signature]
Signature of Applicant

2/3/2014
Date

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

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: RIVERWOOD RANCH **Address or PIN #:** 177100-11-0255 + 177000-18-3995

AGENT/APPLICANT INFORMATION:

DC ADAMS ENGINEERING, INC
(Name - type, print clearly)

404 SWANA TRAIL
(Address)
CLAYTON, NC 27527
(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):

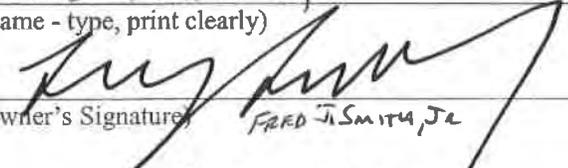
MASTER PLAN
SUBDIVISION PLANS

FINAL PLANS

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:

RIVERWOOD ON THE NEWS, LLC
(Name - type, print clearly)

(Owner's Signature) FRED W. SMITH, JR.

400 RIVERWOOD DR
(Address)
CLAYTON, NC 27527
(City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me 27th SUSAN V. JONES, a Notary Public for the above State and County, this the 27 day of JANUARY, 2014.

SEAL




Notary Public

My Commission Expires: 03/14/15

PRELIMINARY PLAN REQUIREMENTS

The following information is required for all preliminary subdivision plans:

Provided

- | Yes | No | N/A | |
|-------------------------------------|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Plans are 18 ²⁴ inches by 24 ³⁶ inches with a scale no smaller than 1 inch = 100 feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Name of township, county, and state in which the property is located. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Vicinity sketch. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Provide project data in tabular form: |
| | | <input checked="" type="checkbox"/> | Area of tract in square feet and acres |
| | | <input checked="" type="checkbox"/> | Owner's name and address |
| | | <input checked="" type="checkbox"/> | Within Town limits or ETJ |
| | | <input checked="" type="checkbox"/> | Zoning of property (and any special conditions if applicable) |
| | | <input checked="" type="checkbox"/> | Number of lots per acre (density) |
| | | <input checked="" type="checkbox"/> | Acreage in Resource Conservation Areas (UDC § 155.500) |
| | | <input checked="" type="checkbox"/> | Indicate if the site is within a Watershed Protection Overlay |
| | | <input checked="" type="checkbox"/> | Annexation number (if applicable) |
| | | <input checked="" type="checkbox"/> | FEMA designated flood plain and floodway (including FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Surveyor or professional engineer's name, seal, and registration number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date of survey and plat preparation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | An <u>accurately positioned north arrow</u> indicating true north, magnetic north, North Carolina grid ("NAD 83" or "NAD 27"), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to an old deed or plat bearings, the date and the source (if known) the index was originally determined is clearly indicated. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 - Plats and subdivisions; mapping requirements. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Accurate location and description of all monuments, markers and control points. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The names of adjacent landowners, or lot, block, parcel, subdivision designations or other legal reference where applicable. |

- | | | | |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated where crossing or forming any boundary line of the property shown. Sight triangles noted where required. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing buildings and structures. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Minimum building setbacks are noted. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed fire hydrants. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed drainage structures. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed streets are labeled, named and dimensioned. Street names must be approved by Johnston County. Correct street cross section detail provided. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location, purpose and dimensions of areas to be used for purposes other than residential and public. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Any other information considered by either the applicant or the town to be pertinent to the review. |

FINAL PLAN REQUIRMENTS

In addition to the information listed above, the following information is required for all final subdivision plans:

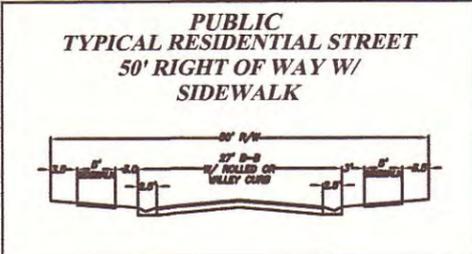
- | Provided | | | |
|--------------------------|--------------------------|-------------------------------------|--|
| Yes | No | N/A | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All lot boundaries changed or eliminated by requested combination are indicated by dashed lines. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Approved street names are labeled. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Width and type of buffer is noted (if applicable). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Verification of minimum Finished Floor Elevation (FFE). The minimum FFE must be at least two feet above the Base Flood Elevation (BFE) on properties affected by FEMA 100 year flood plain. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Indicate the boundaries of any greenway dedicated to the Town of Clayton and label "Public Greenway Dedicated to the Town of Clayton." |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided:
<i>"The Resource Conservation Area shown hereon is being provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity."</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | If streets are to remain private: <ul style="list-style-type: none"> <input type="checkbox"/> The Home Owners Association (HOA) documents must be approved by the Town Attorney <input type="checkbox"/> Streets are labeled "Private Streets – No Town Maintenance" |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Any other information considered by either the applicant or the town to be pertinent to the review. |



VICINITY MAP NOT TO SCALE



NOTE:
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S PLANNING ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

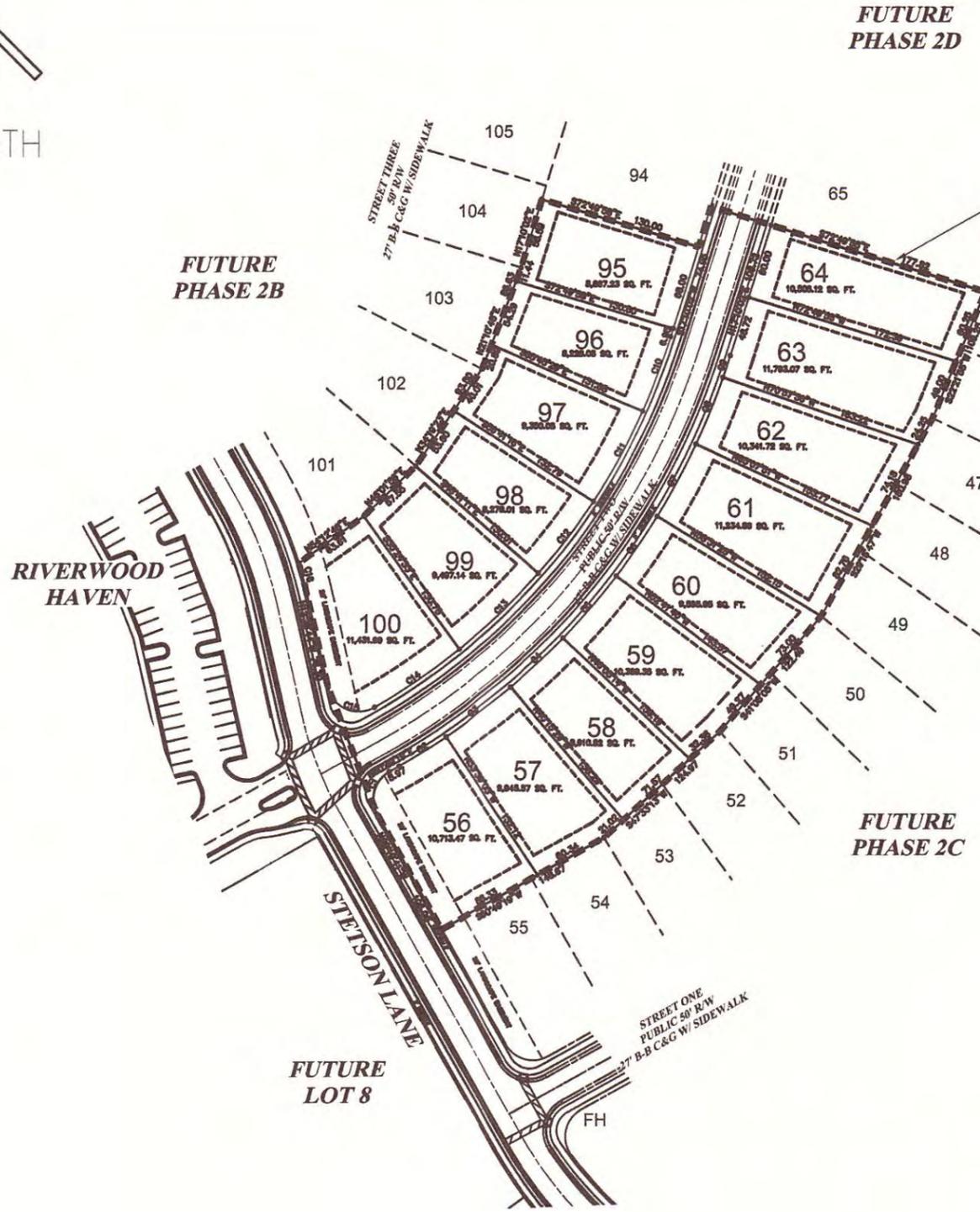


SITE INFORMATION

- OWNERS: RIVERWOOD ON THE NEUSE, LLC
400 RIVERWOOD DR
CLAYTON, NC 27527
- PARCEL #: A PORTION OF 177000-19-0251
- TAX #: A PORTION OF 161020269
- SITE IS LOCATED IN CLAYTON TOWN LIMITS
- TOWNSHIP: WILDERS
- TOTAL SITE ACREAGE = 4.06 ACS (176,645 SF)
- CURRENT ZONING: PDMU
- PROPOSED LOTS = 15
- PROPOSED DENSITY = 3.7 LOTS/ACRE
- NO PORTION OF THE PROPERTY IN THIS PHASE LIES WITHIN THE 100YR FLOOD PLAIN.
- THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN ANY LAND USE BUFFER.
- MAXIMUM IMPERVIOUS AREA = 80,212 SF (INCLUDING STREETS, SIDEWALK, ALLEYS AND 4000SF PER LOT) = 45%
- WATER AND SEWER PROVIDED BY TOWN OF CLAYTON

LOT STANDARDS TABLE

PHASE	UNIT TYPE	AREA (ACS)	# OF UNITS	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MIN. LOT AREA (SF)	MAX. LOT COVERAGE	MAX. IMPERVIOUS AREA PER LOT (SF)	SETBACKS				MIN. BLDG. SEPARATION (FT)	MAX. BLDG. HEIGHT (FT)
									FRONT (FT)	SIDE (FT)	REAR (FT)	STREET SIDE (FT)		
2A	SINGLE FAMILY	4.06	15	35	75	4800	45%	4000	20	6	5	12	10	40
	TOTALS	4.06	15											



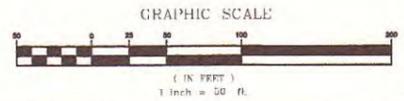
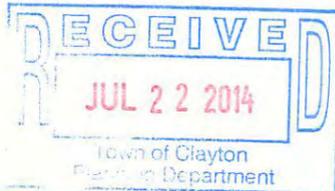
NOT RELEASED FOR CONSTRUCTION



REVISED
4:40 pm, Jul 21, 2014

Curve	Length	Radius	Chord Bearing	Chord
C1	39.27	25.00	N18°40'10"E	35.38
C2	44.10	585.00	N85°38'04"E	44.09
C3	68.18	585.00	N83°02'44"E	68.12
C4	57.48	585.00	N46°48'38"E	57.48
C5	68.18	585.00	N40°38'33"E	68.12
C6	57.48	585.00	N34°23'28"E	57.48
C7	68.18	585.00	N28°10'22"E	68.12
C8	57.48	585.00	N21°57'16"E	57.48
C9	18.47	585.00	N18°06'15"E	18.47
C10	63.99	515.00	S20°45'17"W	63.98
C11	81.53	515.00	S28°46'38"W	81.44
C12	71.92	515.00	S37°18'48"W	71.88
C13	87.71	515.00	S46°11'33"W	87.60
C14	81.90	515.00	S55°37'37"W	81.81
C15	48.84	25.00	N86°08'53"W	40.28
C16	28.671	325.00	N14°44'30"W	28.67

- STREET YARD TREES**
- STREET YARD TREES SHALL BE REQUIRED ALONG ALL RIGHTS OF WAY AT THE RATE OF ONE CANOPY TREE PER LOT OR ONE CANOPY TREE FOR EVERY 40 LINEAR FEET (SPACE A MAXIMUM OF 50 FEET APART).
 - ALL STREET YARD TREES SHALL BE A MINIMUM OF TWO AND ONE-HALF CALIPER INCHES AT TIME OF PLANTING AND SHALL BE PLANTED NO LESS THAN FIVE FEET OR MORE THAN 15 FEET FROM THE BACK OF THE SIDEWALK.
 - THE CANOPY TREES SHALL BE AT LEAST EIGHT FEET IN HEIGHT AND UNDERSTORY TREES SHALL BE AT LEAST SIX FEET IN HEIGHT.



REVISED
3) PER TOWN COMMENTS 7/17/2014

DC ADAMS ENGINEERING, INC
404 SWANN TRAIL, CLAYTON, NC 27527
dommie@dcadamspe.com (919) 763-7278 FIRM # C-3894

RIVERWOOD RANCH
FRED SMITH COMPANY, CLAYTON, NC 27527

SUBDIVISION PLAN FOR PHASE 2A (GRAVITY)

FILE NO. 14-0000-0000
DESIGN DCA
CHECKED DCA
HORIZONTAL SCALE 1"=100'
VERTICAL SCALE 1"=10'
DATE 6/23/2014
JOB NO.



FUTURE
PHASE 2D

NOT RELEASED FOR
CONSTRUCTION



DA

REVISED
4:41 pm, Jul 21, 2014

FUTURE
PHASE 2B

PHASE LINE

RIVERWOOD
HAVEN

FUTURE
PHASE 2C

FUTURE
LOT 8

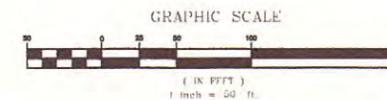
STETSON LANE

STREET ONE
PUBLIC 50' R/W
27' B-B C&G W/ SIDEWALK

FH

NOTE:
A COMPLETE SET OF CONSTRUCTION
DRAWINGS FOR WATER, SEWER,
EROSION CONTROL, GRADING AND
STREET EXTENSION TO BE SUBMITTED
TO AND APPROVED BY TOWN'S
PLANNING ENGINEERING DEPARTMENT
PRIOR TO CONSTRUCTION.

PUBLIC
TYPICAL RESIDENTIAL STREET
50' RIGHT OF WAY W/
SIDEWALK



17 REVISED PER TOWN COMMENTS 7/21/2014

DC ADAMS ENGINEERING, INC
404 SWANN TRAIL, CLAYTON, NC 27527
dominic@dcadamspe.com (919) 763-7278 FIRM # C-3894

RIVERWOOD RANCH
FRED SMITH COMPANY, CLAYTON, NC 27527

SUBDIVISION PLAN FOR
PHASE 2A (UTILITIES)

FILE
DESIGN: DCA
DRAWN: DCA
CHECKED: DCA
HORIZONTAL SCALE
1" = 100'
VERTICAL SCALE
N/A
DATE:
7/14/2014
JOB NO.

SHEET
20
of
2



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

*Planning Board
July 28, 2014*

STAFF REPORT

Application Number: SP 2014-65 (Major Site Plan)
Project Name: Outdoor Temp Storage

NC PIN / Tax ID: 165915-62-4542 / 05025003B
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay District
Applicant: Alsey Gilbert
Owners: Plaza Development Company LLC, Michael Marvel

Neighborhood Meeting: Held July 17th, 2014
Public Noticing: Property posted July 18, 2014

PROJECT LOCATION: The project is located off of US 70 Bus Hwy W, behind Liberty Auto and Gerber Collision, and just east of an existing temporary storage facility.

REQUEST: The applicant is requesting site plan approval for an Outdoor Temporary Storage facility to support the existing enclosed temporary storage facility to the west.

SITE DATA:

Acreeage: 2.29 acres
Zoning: Highway Business (B-3)
Existing Use: Vacant

DEVELOPMENT DATA:

Proposed Uses: Enclosed Outdoor Storage to support a Temp Storage Facility
Buildings: None
Impervious Surface: 0.71 acres (31%) proposed
Required Parking: None
Proposed Parking: None proposed
Fire Protection: Town of Clayton Fire Department.

Access/Streets: Access will be provided internally from an existing driveway off of US 70 Bus Hwy W, which also provides access to Liberty Auto and Liberty Auto.

Water/Sewer Provider: Town of Clayton

Electric Provider: Progress Energy

ADJACENT ZONING AND LAND USES:

North: Zoning: Highway Business (B-3)
Existing Use: Gerber Collision, Various Commercial Sites

South: Zoning: Residential-10 (R-10)
Existing Use: Apartment Complex

East: Zoning: Highway Business (B-3)
Existing Use: Commercial Shopping Center; Various Commercial Sites

West: Zoning: Highway Business (B-3)
Existing Use: Temp Storage Building

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting site plan approval for an outdoor storage facility associated with an existing temporary storage facility located off of US 70 Bus Hwy W.

The proposed impervious area for the site is 0.71 acres. The proposed gravel storage area will be screened from view on the US 70 Bus Hwy W side of the property by evergreen trees (Leyland Cypress) and a 6 foot tall privacy fence which will extend the perimeter of the storage area.

The storage area is designed as a supporting use for an existing temporary storage facility located directly to the east. However, cross-access is not proposed at this time because a roadway between the two properties would be required to cross the 100 year floodplain.

The storage area will be enclosed with a fence and gated to control access.

Consistency with the Strategic Growth Plan

The proposed development is consistent with the Strategic Growth Plan.

Consistency with the Unified Development Code

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

Landscaping and Buffering

The site plan meets all applicable elements of the UDC landscaping requirements. Evergreen trees will be planting along the front of the property to provide added visual screening. A mix of trees and shrubs (Crape Myrtle trees and Indian Hawthorne shrubs) are proposed along the east and south borders of the storage. No buffering is required between this property and other commercial sites to the east, north, and west, and so the proposed plantings are to meet the Code's landscape requirements for the overall site rather than any buffering standards.

A Class "C" buffer is required along the south property line where the site abuts residential zoning. Existing vegetation, including a 100 foot vegetated riparian buffer, is proposed to meet the requirements of this buffer without the need for additional screening. The applicant has shown the required plantings are naturally present and staff concurs the existing vegetation satisfies the requirement.

Leyland Cypress trees are proposed along with shrubs to provide the required screening from the right-of-way along the north property line facing US 70 Bus Hwy W.

Recreation and Open Space

N/A.

Environmental

Little Creek runs along the back side of this property, and a 50 foot undisturbed riparian buffer shall be maintained. A portion of the site is located within the 100 year flood plain; the storage area does not encroach into the 100 year flood plain. There is also a pond/wetlands located on the southeast section of the property. Neither the wetlands nor 100 year floodplain shall be impacted by this project.

A greenway easement for the Town runs along the south of the property, adjacent to the riparian buffer.

Signs

No signs are requested at this time. Any signage will require a Town Sign Permit.

Access/Streets

The site is accessed via an existing unnamed driveway off of US 70 Bus Hwy W, which also provides access to the commercial properties to the north – Liberty Auto and Gerber Collision. A gate will provide controlled access to the site.

Multi-Modal Access

N/A

Architecture

N/A

Waivers/Deviations/Variations from Code Requirements

None.

CONSIDERATIONS

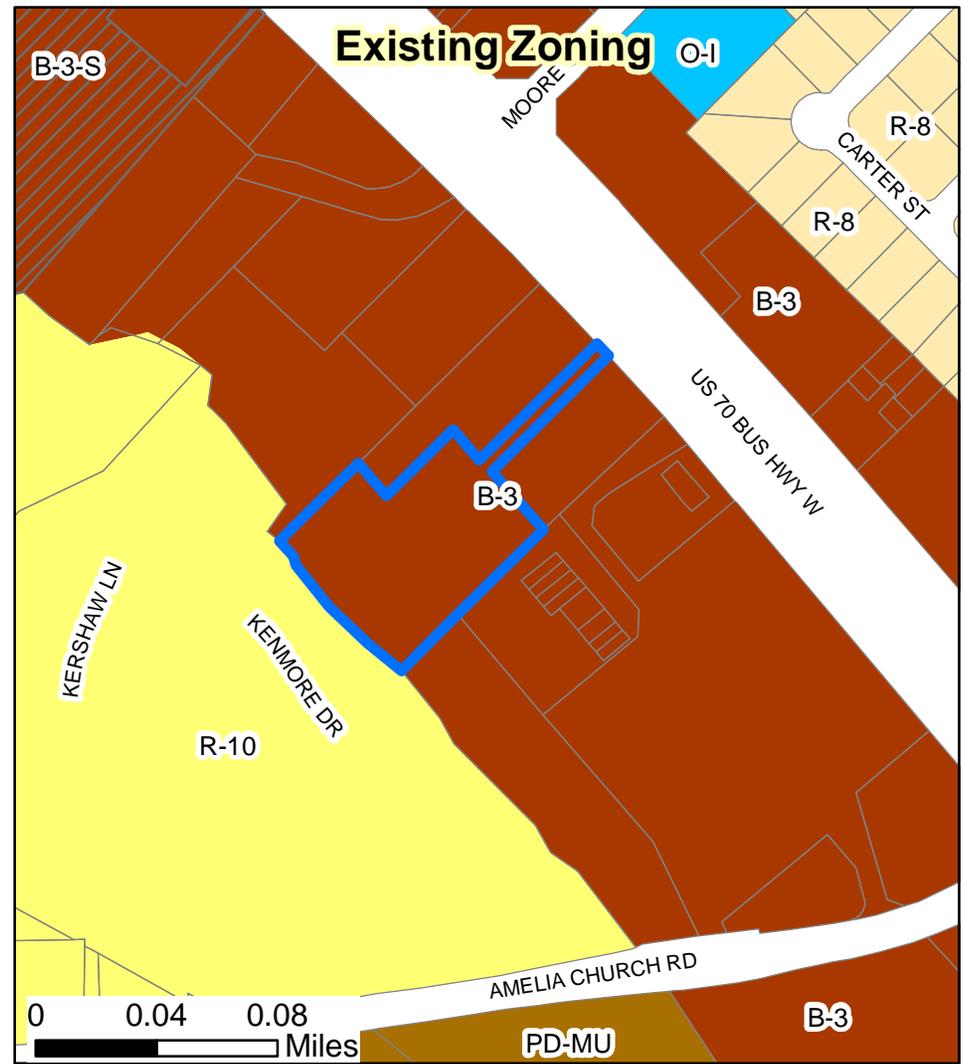
- The Planning Board approves major site plans.
-

RECOMMENDATION:

Staff is recommending approval of the site plan with the following conditions:

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
 2. Following Board approvals, three copies of the Final Site Plan and supporting plan sheets meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
 3. A site/landscape inspection by the Planning Department shall be required prior to site occupancy of the proposed use. All site improvements shall be installed prior to the site inspection.
-

ATTACHMENTS: 1) Map, 2) Application, 3) Neighborhood Meeting Materials, 4) Site Plan

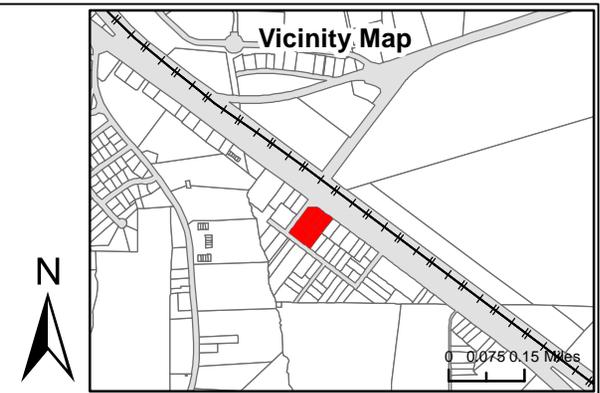


Outdoor Temp Storage (Major Site Plan)

Applicant: Alsey Gilbert
 Property Owners: Plaza Development Company LLC, Michael Marvel
 Parcel ID Number: 165915-62-4542
 File Number: SP 2014-65

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

7/17/14



PROPERTY OWNER INFORMATION

Name: PLAZA DEVELOPMENT

Mailing Address: 442 1/2 EAST MAIN ST.

Phone Number: 919-553-5400

Fax: _____

Email Address: _____

APPLICANT INFORMATION

Applicant: ALSEY GILBERT

Mailing Address: 112 NORTH CHURCH ST.

Phone Number: 919-553-5104

Fax: 919-553-3663

Contact Person: ALSEY GILBERT

Email Address: ALSEYGILBERT@YMAIL.COM

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Major Site Plan application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	<input type="checkbox"/>	<input type="checkbox"/>			
2. I have referenced the <i>Plan Requirements Checklist</i> and used this as a guide	<input type="checkbox"/>				
3. Site Plan Review Fee (\$500 + \$5/acre) ←	<input checked="" type="checkbox"/>				
4. Completed application (9 copies)	<input checked="" type="checkbox"/>				
5. Owner's Consent Form (9 copies) →	<input type="checkbox"/>	<input type="checkbox"/>			
6. Plan sets meeting the requirements listed in the <i>Plan Requirements Checklist</i> (9 copies)	<input type="checkbox"/>	<input type="checkbox"/>			
7. Adjacent property owners list (9 copies) —	<input type="checkbox"/>	<input type="checkbox"/>			
8. Wastewater allocation request OR verification of wastewater allocation (9 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Signed and sealed traffic impact analysis (2 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
10. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
11. Neighborhood meeting summary form (9 copies)	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				



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

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: Temp. Storage Address or PIN #: _____

AGENT/APPLICANT INFORMATION:

Alsay Gilbert
 (Name - type, print clearly) (Address)

 (City, State, Zip)

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

Site Plan
Zoning

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:

Michael H. Marvel 2127 Willow Hill Lane
 (Name - type, print clearly) (Address)
[Signature] Clayton, NC 27520
 (Owner's Signature) (City, State, Zip)

STATE OF North Carolina
 COUNTY OF Johnston

Sworn and subscribed before me Celesta M Lopez, a Notary Public for the above State and County, this the 8 day of March, 2014.

SEAL



Celesta M Lopez
 Notary Public

My Commission Expires: October 22, 2016

Alsey J. Gilbert PLS
112 N. Church St.
Clayton NC 27520
Phone: 919-553-5104
INVOICE NO. 2014-81
DATE 7/7/2014

Dear Clayton Area Property Owner:

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

Meeting Date: JULY 17th 2014

Location: Gilbert Land Surveying 112 North Church St. Clayton NC 27520

Time: 6:00-7:00 pm

Type of Application: MAJOR SITE PLAN

General Description: OUTDOOR STORAGE ADDITION TO TEMP. STORAGE

If you have any questions prior to or after this meeting, you may contact us at 919-422-4838

Sincerely,

Applicant

cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 7/7/14

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

Printed Name: Alsey Gilbert Signature: 

Date of Meeting: 7/17/14 Time of Meeting: 6-7pm

Location of Meeting: Gilbert Land Surveying 112 N. Church St, Clayton

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

See Attached

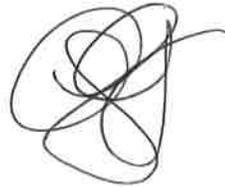
Please write clearly (or submit a typed summary), and use additional sheets if necessary.

Alsey J. Gilbert PLS
112 N. Church St.
Clayton NC 27520
Phone: 919-553-5104
INVOICE NO. 2014-93
DATE 7/15/2014

TO WHOM IT MAY CONCERN:

MEETING SUMMARY OF TEMP STORAGE ADDITION 2 (OUTDOOR)

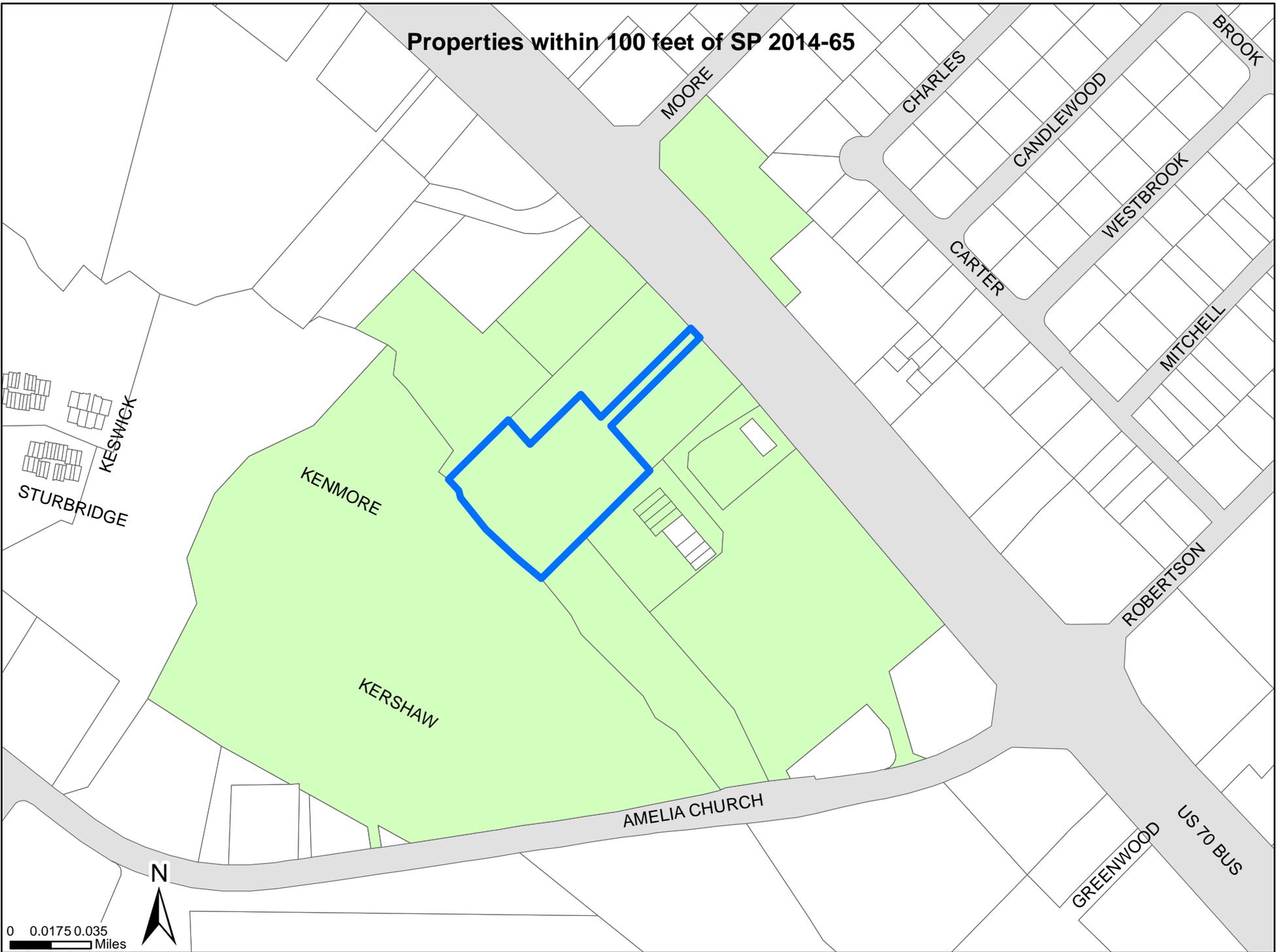
ON JULY 17TH, 2014 A NEIGHBORHOOD MEETING WAS HELD AT THE OFFICE OF GILBERT LAND SURVEYING FROM 6:00-7:00 PM. NO ONE SHOWED, BUT A PARTY CALLED AT 7:21 PM AND I AGREED TO MEET JULY 18TH AT 1:00 PM AT THE SITE. THE GENTLEMANS REPRESENTS THE OLD SONIC PROPERTY AND WAS VERY WORRIED ABOUT A DITCH THAT DOES NOT INFLUENCE MY SITE BUT BORDERS THE PROPERTY BETWEEN THE OLD SONIC AND FORMER WINN DIXIE PROPERTY. NOTHING WAS ACCOMPLISHED FROM THAT MEETING. HE STILL CONTENDS IT IS A TOWN PROBLEM.

A handwritten signature in black ink, appearing to be 'Alsey J. Gilbert', written in a cursive style.

PROPERTY OWNERS WITHIN 100 FEET OF REQUEST SP 2014-65

TAG	PIN	NAME1	NAME2	ADDRESS1	CITY	STATE	ZIPCODE
05G02010E	165919-62-1126	AMELIA VILLAGE PHASE I, LLC		701 EXPOSITION PL STE 101	RALEIGH	NC	27615-3356
05025007A	165915-63-7055	BB&T	PROPERTY TAX COMPLIANCE	PO BOX 167	WINSTON-SALEM	NC	27102-0167
05025002M	165919-62-5346	C T A , LLC	A N C LIMITED LIABILITY CO	P O BOX 534	KITTRELL	NC	27544-0000
05025002E	165919-62-5216	CLAYTON CROSSINGS ASSOCIATION		PO BOX 534	KITTRELL	NC	27544-0534
5025002	165915-62-7594	CLAYTON CROSSINGS ASSOCIATION		PO BOX 534	KITTRELL	NC	27544-0534
05025002D	165919-62-8147	CLAYTON CROSSINGS HOLDINGS LLC		PO BOX 1354	CLAYTON	NC	27528-1354
5025004	165915-62-3841	DURHAM, LARRY N	DURHAM, PATRICIA	1198 PEELE ROAD	CLAYTON	NC	27520-0000
05025002N	165919-62-5338	GUO, CHUNZHI	ZHANG, BEIRONG	115 STABLEGATE DRIVE	CARY	NC	27513-0000
05025002L	165919-62-5365	HEWITT, JAMES M	HEWITT, MARGARET W	108 LEMA DRIVE	GARNER	NC	27529-0000
05E99017F	165915-62-1761	MARVEL MANAGEMENT LLC		2127 WILLOW HILL LANE	CLAYTON	NC	27520-0000
05025003A	165915-62-5599	NKHBM LLC		23 GLEN LAUREL RD	CLAYTON	NC	27527-0000
05025003B	165915-62-4542	PLAZA DEVELOPMENT COMPANY LLC	MARVEL, MICHAEL L	442 E MAIN ST	CLAYTON	NC	27520-2552
5025003	165915-62-4771	SPIRIT MASTER FUNDING VI LLC		16767 N PERIMETER DR STE 21	SCOTTSDALE	AZ	85260-1062
05E99198E	165919-61-5968	TOWN OF CLAYTON		PO BOX 777	CLAYTON	NC	27528-0777
05025002K	165919-62-5373	ZHENG, MEI HUA		1011 MURRAY AVE	CHERRY HILL	NJ	08002-3238

Properties within 100 feet of SP 2014-65



0 0.0175 0.035 Miles



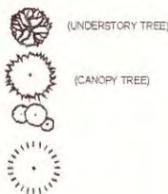


VICINITY MAP NTS

MINIMUM PLANTING REQUIREMENTS

GROUND COVER 2' POTS
 SMALL TREES 6' IN HEIGHT
 LARGE TREES 2" CALIPER TREES PLANTED 12' IN HEIGHT
 SHRUBS 18" IN HEIGHT
 PLANT LEGEND:

- TUSKEGEE**
 CREPE MYRTLE SMALL TREES
 LAGERSTROEMIA INDICA
 TUSKEGEE
- LEYLAND CYPRESS LARGE TREES**
 ACER RUBRUM
- SHRUBS ARE INDIAN HAWTHORNE**
 RAPHIOLEPIS UMBELLATA
- EXISTING TREES LABELED**



THE FOLLOWING TREES AND SHRUBS ARE REQUIRED AND PROVIDED:

TWENTY PERCENT OF THE TOTAL LOT AREA SHALL BE LANDSCAPED

REQUIRED ONE CANOPY, ONE UNDERSTORY TREE AND TWO SHRUBS SHALL BE PLANTED FOR EACH 1,000 SQUARE FEET OF LANDSCAPE AREA REQUIRED
 93752 SQUARE FEET X 20% = 18750 SQUARE FEET
 USE 20,000 SQUARE FEET

CANOPY TREES REQUIRED 22 X 1/1000 SQUARE FEET = 22
 SHOWN 23 CANOPY TREES CANOPY TREES ARE EXISTING INSIDE RIPARIAN BUFFER
 UNDERSTORY TREES REQUIRED 20 X 1/1000 SQUARE FEET = 20
 SHOWN 20 UNDERSTORY TREES
 SHRUBS REQUIRED 20 X 2/1000 SQUARE FEET = 40
 SHOWN 40 SHRUBS

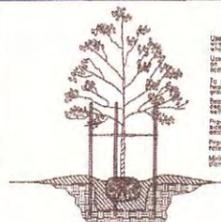
REAR CLASS C BUFFER REQUIRED IN LIEU OF CLASS C BUFFER
 WE ARE PROPOSING ALL PROPERTY SOUTH OF 20 TOWN OF CLAYTON SEWER BE LEFT IN NATURAL STATE A 6' TALL PRIVACY FENCE WILL BE PLACED ALONG END OF GRAVEL

PRELIMINARY PLAT; NOT FOR RECORDATION SALES, OR CONVEYANCES



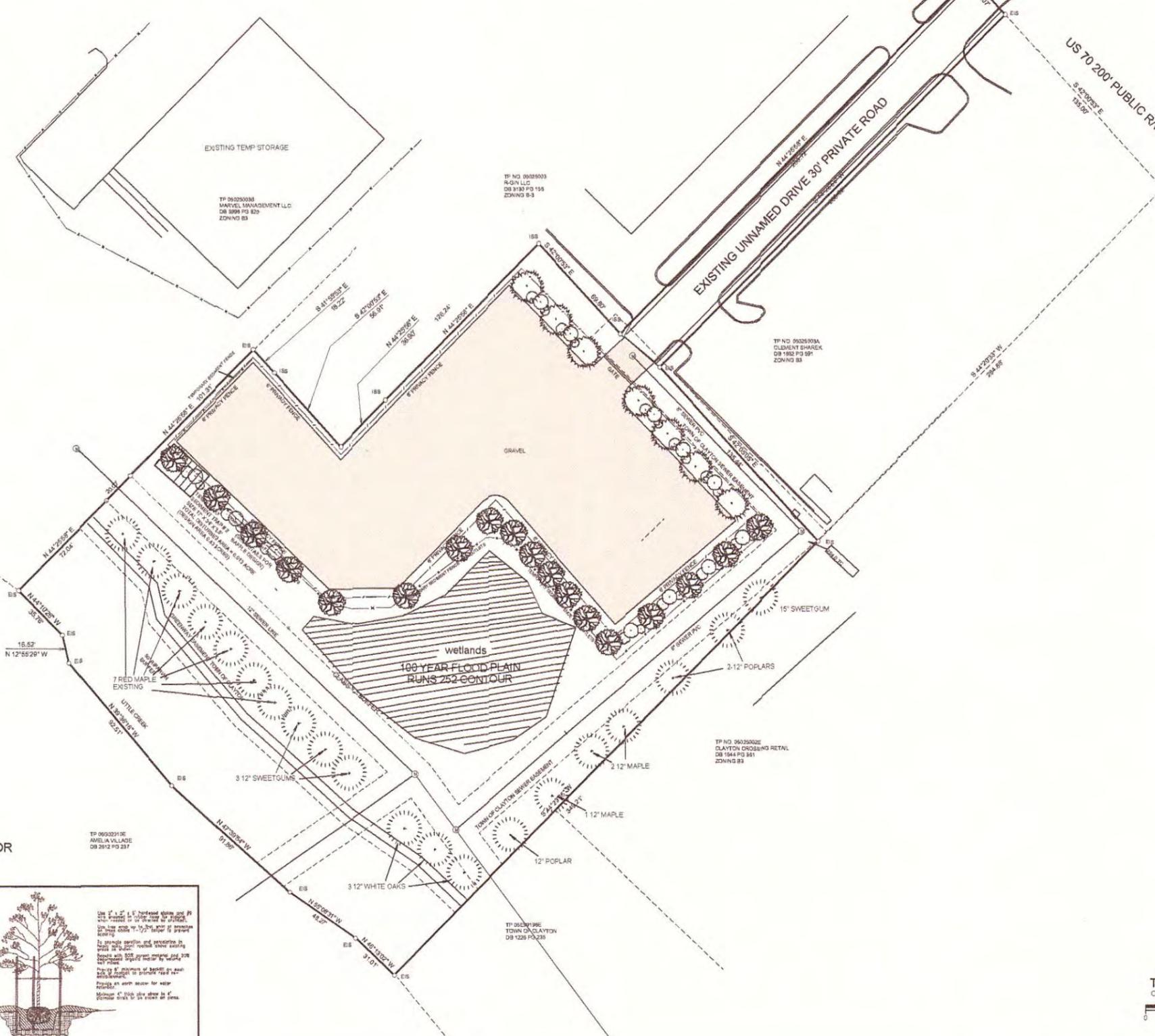
SHRUB PLANTING

To promote survival and adaptation to heavy soil, place rootball above existing grade on return.
 Provide an earth anchor for water retention.
 Surround with 30% coarse material and 20% decomposed organic material by volume and mixed as required by the architect.
 Provide 6" minimum of heavy on each side of rootball to promote rapid rootball-pit.
 Provide minimum of 18" soil above in 4" deep planting hole or on drained or plain.



TREE PLANTING

TP 06020210E
 AMELIA VILLAGE
 DB 2812 PG 237



SITE DATA:
 CURRENT OWNER:
 PLAZA DEVELOPMENT LLC
 442 1/2 EAST MAIN ST
 CLAYTON NC 27520

ZONING OF TRACT:
 B3
 AREA
 2.29 ACRES
 IMPERVIOUS AREA
 0.71 ACRES OR 31%

NUMBER OF PARKING:
 PROPOSED N/A
 REQUIRED N/A
 HANDICAP REQUIRED HANDICAP
 SPACE PROVIDED AT TEMP
 STORAGE
 REQUIRED LANDSCAPED AREA
 18950 SF
 JOHNSTON COUNTY TAX NUMBER
 05025033B
 PROPERTY IS WITHIN TOWN LIMITS
 POWER BY CP&L

OUTDOOR STORAGE PLAN FOR
TEMP STORAGE PHASE 2
 CLAYTON TWP JOHNSTON COUNTY NC
 DATE 4/30/2014 SCALE 1"=30'



PRELIMINARY PLAT, NOT FOR RECORDATION, SALES OR CONVEYANCES

PLAZA DEVELOPMENT
 442 1/2 EAST MAIN ST
 CLAYTON NC 27520



AL SEY J. GIBERT PLS
 112 NORTH CHURCH ST.
 CLAYTON NC 27520
 PHONE 919.523.2104
 FAX 919.523.2883



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

*Planning Board
July 28, 2014*

STAFF REPORT

Application Number: SUP 2014-85 (Special Use Permit)
Project Name: RNC Entertainment - Internet Café at 12809 US 70 Bus Hwy W

NC PIN / Tax #: 165909-06-0707 / 05G02001B
Town Limits/ETJ: Town Limits
Overlay: Thoroughfare Overlay District
Applicant: Tony Ro
Owners: 813 Town Centre Boulevard Holdings LLC

Neighborhood Meeting: Held July 18, 2014
Public Noticing: Property Posted July 18, 2014

PROJECT LOCATION: The project is located at 12809 US 70 Bus Hwy W, in the Town Centre (Walmart) Shopping Center Plaza, in the old Blockbuster site and adjacent to Capital Bank.

REQUEST: The applicant is requesting approval of a Special Use Permit to allow Video Sweepstakes Operations business at 12809 US 70 Bus Hwy W, within the Town Centre (Walmart) Shopping Center.

SITE DATA:

Acreage: 1.82 acres
Present Zoning: B-3-S (Highway Business Special Use District)
Existing Use: Commercial (storefront is vacant)

DEVELOPMENT DATA:

Proposed Uses: Video Sweepstakes Operations
Buildings: One existing building. Business is in a storefront within a 10,858 SF multi-tenant building.
of Machines: 80
Square footage: 5,664 SF

Required Parking: 28 (1 space per 200 SF or 1 space per 3 seats, whichever is greater. In this case 5,664 SF/200 = 28)

Proposed Parking: Utilizing existing parking. The site has 59 parking spaces available.

Access/Streets: Access is through an existing driveway off of Town Centre Blvd (internal circulation within the Town Centre Shopping Plaza). No site modifications are proposed.

ADJACENT ZONING AND LAND USES:

North: Zoning: Highway Business (B-3)
Existing Use: Funeral Home & Cemetery

South: Zoning: Highway Business Special Use District (B-3-S)
Existing Use: Commercial (Walmart)

East: Zoning: Highway Business Special Use District (B-3-S)
Existing Use: Commercial (Capital Bank)

West: Zoning: Highway Business Special Use District (B-3-S)
Existing Use: Commercial (Vacant)

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting approval of a Special Use Permit to allow a Video Sweepstakes Operations business at an outparcel within the Walmart Shopping Center. The outparcel has a small multi-tenant building and the proposed use will operate out of one of the vacant commercial spaces available. Usually a Conditional Use Permit is required to operate a Video Sweepstakes Operation, but because this site is in a Special Use District, the new use must receive a Special Use District to locate here. A separate Conditional Use Permit is not required.



Site of proposed Internet Cafe

Video Sweepstakes Operations are defined in the UDC (Section 155.305(GG)) as follows: "Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming materials, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, and cybercafes. This does not include any lottery approved by the State of North Carolina."

The code also sets the following restrictions:

- 1) Unaccompanied persons under the age of 18 are prohibited from entering the premises.
- 2) The hours of operation shall be limited to Sunday through Thursday 9 am to 1am and Friday and Saturday 9am to 2am.
- 3) A maximum of up to 100 machines may be permitted at each establishment.

The applicant has requested the following:

- 1) # of Machines: maximum of 80

Associated Plans

Site Plan # 02-27 was the initial site plan for the Blockbuster site.

The Walmart Plaza was originally approved under Special Use Permit # SUP 02-01.

State Law related to Internet Sweepstakes

The applicant has indicated they fully intend to operate within the confines of State laws and will comply with any state and local regulations that apply to internet sweepstakes, now or in the future. The issuance of a Special Use Permit is not evidence that the Town has determined the applicant is operating within the state law.

Parking Considerations

Based on current parking requirements, the subject site is conforming in terms of the number of required spaces.

Total Building = 10,800 square feet

Internet Café = 5,664 SF

- At a rate of 1 space per 200 SF, 28 spaces required

Remaining Building = 5,136 SF (mix of office and retail)

- At the rate of 1 space per 200 SF (conservative since office requires less parking than retail), 26 spaces required

Total parking required for building: 54 spaces

Total parking provided: 59 spaces

Consistency with the Unified Development Code

The proposed development is consistent with and meets the applicable requirements of the Unified Development Code (UDC), so long as the Special Use Permit is approved.

Compatibility with Surrounding Land Uses

The use is compatible with the surrounding uses in the shopping plaza (retail, service, restaurant, and other commercial businesses).

Landscaping and Buffering

No additional landscaping or buffering is required.

Signs

All signage will be required to comply with Town of Clayton UDC requirements.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS:

- The Town Council approves Special Use Permits.

FINDINGS:

When considering a Special Use Permit application, The Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has addressed the Findings expressly established by Chapter 155.711 (I) of the UDC. Please refer to the "Attachment 1" for the applicant's response.

CONDITIONS:

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

1. The hours of operation shall be limited to Sunday through Thursday 9 am to 1am and Friday and Saturday 9am to 2am.
2. Unaccompanied persons under the age of 18 are prohibited from entering the premises.
3. Prior to the issuance of a Privilege License, the applicant shall provide a final floor plan identifying the number of seats provided in the facility for gaming. This facility is limited to a maximum of 80 seats/machines.
4. A maximum of 25% of the window and door areas may be covered with signage or other opaque materials.

ATTACHMENTS:

- 1) Findings of Fact, 2) Aerial and Zoning Map, 3) Floor Plan, 4) Application Materials, 5) Neighborhood Meeting Materials

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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

~~Our establishment will provide relaxing and comfortable lounge areas within the premises to where the customers have access to computers for entertainment purposes. We will provide non-alcoholic beverages and snakes to all of our customers. We will provide a wait staff in order to tend to all of our customers to ensure attentiveness and satisfaction. We plan to provide security assistance after hours as well to ensure safety if necessary. We will in no way shape or form endanger the public health and safety for the community with our system in place.~~

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

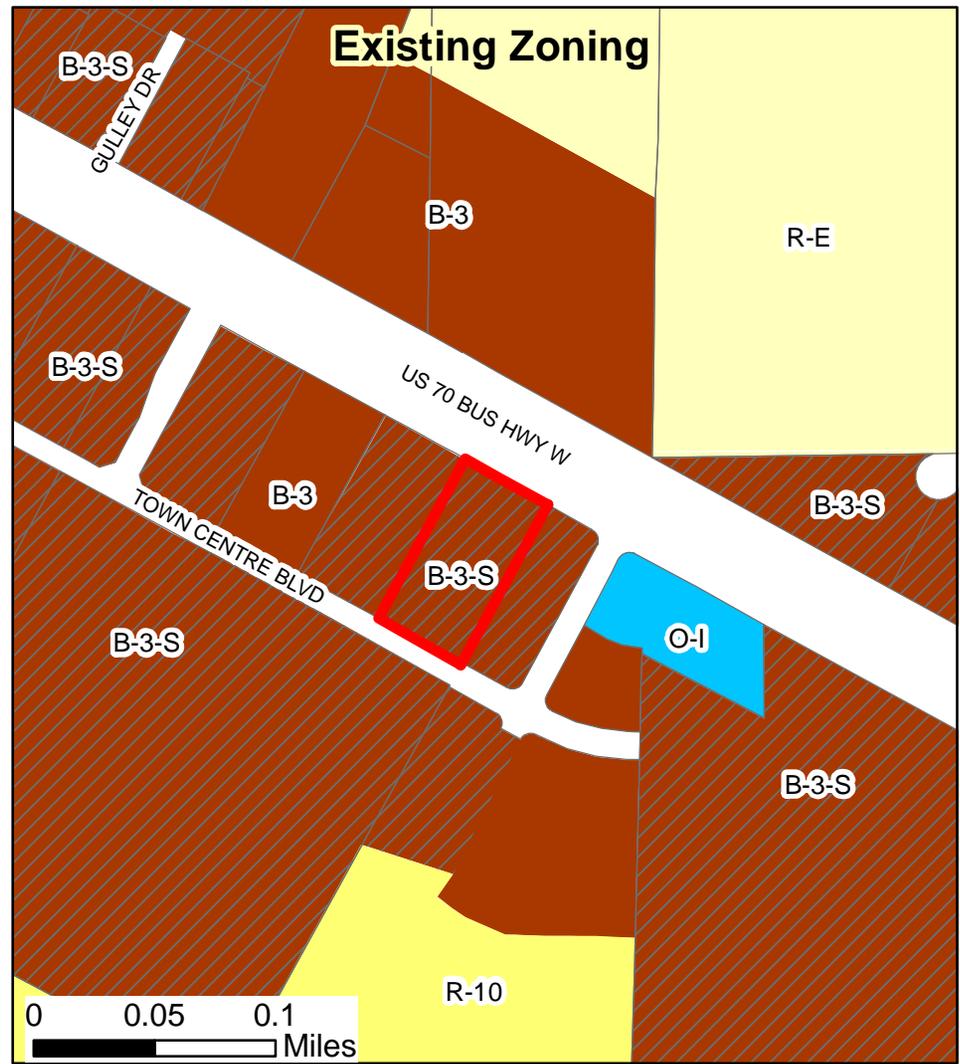
~~We will definitely meet all requirements regarding the land use due to all activities regarding the business being held in doors and for entertainment purposes only. Very limited activities will be held outside of the establishment.~~

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

~~Majority of the business will be conducted after the hours of 7pm which will not clash with the neighboring businesses. We will utilize minimal parking spaces, and will not affect our neighboring businesses. We are hoping to bring in more traffic to this area to help promote our neighboring businesses as well.~~

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

~~We are in full compliance to the laws and regulations of the state of North Carolina regarding the type of gaming system which are allowed to be utilized by our customers.~~

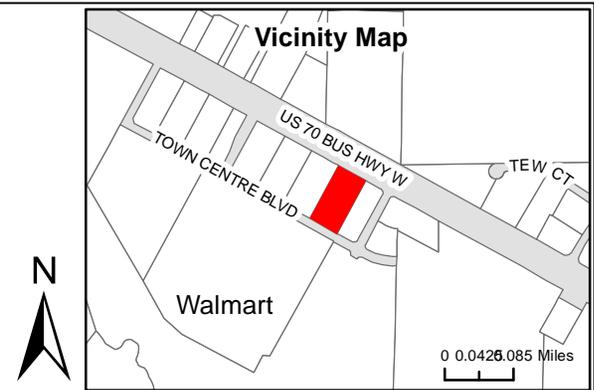


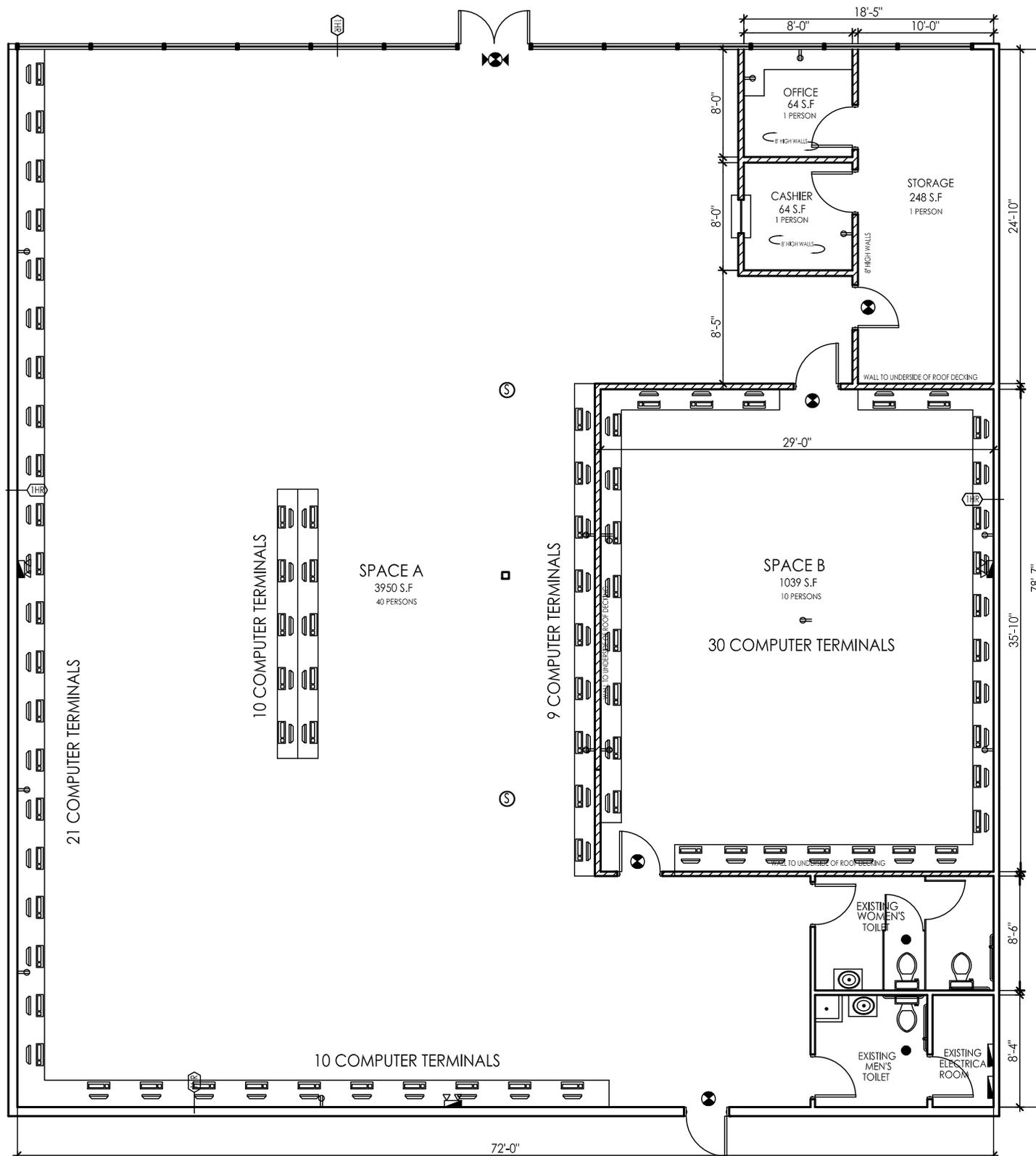
RNC Entertainment - Internet Cafe @ 12809 US 70 Bus Hwy W Special Use Permit

Applicant: Insook Kye
 Property Owners: Don. 813 Town Centre Boulevard Holdings LLC
 Parcel ID Number: 165909-06-0707
 File Number: SUP 2014-85

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

7/15/14





TOTAL AREA= 5664 S.F

TOTAL NUMBER OF COMPUTER TERMINALS= 80

FLOOR PLAN
SCALE: NTS

THE G.H. WILLIAMS
COLLABORATIVE, PA.

ARCHITECTURE
PLANNING
ECONOMIC
DEVELOPMENT
CONSTRUCTION
MANAGEMENT



4110 DUKE UNIVERSITY ROAD
P.O. BOX 105
DURHAM, NORTH CAROLINA 27702
TELEPHONE: 919-286-7100
FAC: 919-288-4802
E-MAIL: ghwilliams@ghwilliams.com
www.ghwilliams.com

SEAL



DATE 6/11/14 REVISIONS:

RETAIL CENTER
12809 TOWN CENTRE BLVD
CLAYTON, NC 27520
FLOOR PLAN



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

SPECIAL USE APPLICATION

Pursuant to Article 7, Section 155.711 of the Unified Development Code, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but have the potential to create incompatibilities with adjacent uses.

Fee: The application fee is \$400.00. All fees are due when the application is submitted.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Special Use Permit applications.

APPLICATION TYPE

New Special Use Permit
 Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: RNC Entertainment Acreage of Property: _____
 Parcel ID Number: 165909-06-0707 Tax ID: 05G02001B
 Deed Book: 04344 Deed Page(s): 0376
 Address/Location: ~~12077 US Highway 70 Clayton NC 27520~~
 12809 US 70 Business Hwy W
 Existing Use: Formerly Blockbuster Proposed Use: Internet Cafe
 Is project within a Planned Development? No Yes
 Planned Development District (if applicable): _____
 Is project within an Overlay District: No Yes
 Overlay District (if applicable): Thoroughfare Overlay District

OFFICE USE ONLY

Date Received: <u>7/9/14</u>	Amount Paid: <u>\$400⁰⁰</u>	Permit Number: <u>2014-085</u>
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PROPERTY OWNER INFORMATION

Name: _____
 Mailing Address: _____
 Phone Number: _____ Fax: _____
 Email Address: _____

APPLICANT INFORMATION

Applicant: Tony Ro
 Mailing Address: 2814 Old Trawick Way Raleigh NC. 27604
 Phone Number: (252) 955-9329 Fax: (919) 878-6705
 Contact Person: Tony Ro
 Email Address: tony@ro-holdings.com

REQUIRED INFORMATION *(to be submitted with the application)*

The following items must accompany a Conditional Use Permit (CUP) application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>7/7/14</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Review Fee (\$400)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Owner's Consent Form (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Adjacent property owners list (9 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. Signed and sealed traffic impact analysis (2 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Neighborhood meeting notice letter (9 copies) <i>See sample letter and meeting requirements included in this packet</i>	May be provided at time of submittal if meeting date is known – otherwise must be submitted by email or mail on date the letter is mailed out.				
10. Set of stamped, addressed envelopes using the adjacent property owners list	May be provided at time of submittal OR no later than 25 days prior to the Town Council meeting.				
11. Neighborhood meeting summary form (9 copies) <i>Form is included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				

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

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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

~~Our establishment will provide relaxing and comfortable lounge areas within the premises to where the customers have access to computers for entertainment purposes. We will provide non-alcoholic beverages and snakes to all of our customers. We will provide a wait staff in order to tend to all of our customers to ensure attentiveness and satisfaction. We plan to provide security assistance after hours as well to ensure safety if necessary. We will in no way shape or form endanger the public health and safety for the community with our system in place.~~

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

~~We will definitely meet all requirments regarding the land use due to all activities regarding the business being held in doors and for entertainment purposes only. Very limited activities will be held outside of the establishment.~~

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

~~Majority of the business will be conducted after the hours of 7pm which will not clash with the neighboring businesses. We will utilize minamal parking spaces, and will not affect our neighboring businesses. We are hoping to bring in more traffic to this area to help promote our neighboring businesses as well.~~

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

~~We are in full compliance to the laws and regulations of the state of North Carolina regarding the type of gaming system which are allowed to be utilized by our customers.~~

EXPLANATION OF PROJECT

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

RNC Entertainment is providing an Internet Cafe which is in full compliance with the state of North Carolina. We will be utilizing a Blue Diamond gaming program which is PRE-REVEIL and approved by the government. Total of 80 computer systems will be implemented. We will provide multiple stations for the computers and also provide multiple lounge areas for the customers to relax and mingle. The atmosphere will be upscale with a modern feel to it. We will provide a wait staff to tend to the customer's needs and as well provide excellent service. We will provide non-alcoholic beverages and snacks. The business will be open 24 hours and will have security assistance after hours to ensure safety and protection for our customers (if necessary).

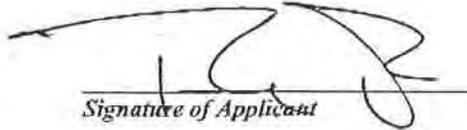
In conclusion, RNC Entertainment's goal is to welcome the community to an upscale and modern establishment which provides a variety of different computer games and programs for the customers to enjoy and spend their past time.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to approve the subject Special Use Permit. 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.

Tony Ro

Print Name



Signature of Applicant

7/08/2014

Date

Date: 07/08/2014

Dear Clayton Area Property Owner:

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

Meeting Date: Friday, July 18th

Location: 12809 US 70 Business Highway West (Former Blockbuster)
Clayton NC 27520

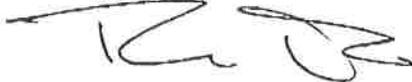
Time: 6pm

Type of Application: Special Use Permit

General Description: Request for a Special Use Permit to locate an Internet Café in the old Blockbuster store location at 12809 US 70 Business Highway West.

If you have any questions prior to or after this meeting, you may contact us at : 252-955-9329. Thank you.

Sincerely,



Tony Ro

cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 07/08/2014

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

Printed Name: Tony Po

Signature: 

Date of Meeting: 07/18/2014

Time of Meeting: 6:00 PM

Location of Meeting: 12809-US Highway 70 Clayton NC 27520

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

No attendees.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: MITO ENTERTAINMENT LLC / Tony Ro

Location/Date: 12809 US 70 Bus Hwy W. Clayton Nc. 27520

	NAME	ADDRESS
1		
2		
3		
4	No ATTENDANCE	
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

DATE: 07/18/2014

Properties within 100 feet of request SUP 2014-85

