



PLANNING BOARD AGENDA  
Monthly Meeting  
September 25, 2023  
7:00 PM

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1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes (May 22, 2023)
6. Regular Business
  - \* Planning Department Staff Report (August 2023)
7. New Business
  - A. Rezone for 5827 US Hwy 70, Clayton, NC – 19.98 acres (RZ-03-2023)
  - B. Projects and informational update from Planning Director
8. Adjourn

**TOWN OF WILSON'S MILLS  
PLANNING BOARD - REGULAR MEETING  
MAY 22, 2023**

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- Present:** Donald Byrd - Chairman, Marvin Dodd - Co-Chair, Jay Mouser, Benji Parrish, Doris Riley
- Others Present:** Wendy Oldham – Development Compliance Officer, Leigh Hartley - Planning Technician, Cynthia Paul – Code Enforcement Officer/Permit Technician; Timothy Hess – Timmons Group, Liz Ange – Timmons Group, and Brent West – Winston Hospitality Inc.
- Absent:** Lloyd Barnes, Jim Uzzle, Tony Eason
- Convocation:** Chairman D. Byrd called the meeting to order at 6:58 P.M.
- Pledge of Allegiance:** Chairman D. Byrd led the Pledge of Allegiance.
- Invocation:** Invocation was given by D. Byrd.
- Approval of Agenda:** There were no changes to the agenda. A motion was made to accept the agenda by J. Mouser and seconded by M. Dodd. Agenda was approved unanimously.
- Approval of Minutes:** Minutes from March 27, 2023 were presented. Motion was made by M. Dodd and seconded by J. Mouser to accept minutes as presented. Acceptance passed unanimously.
- Regular Business:** **Planning Department Staff Report (March 2023)**  
Staff Planning Reports for March 2023 were reviewed by Planning Board members. W. Oldham shared with the Planning Board that she has received several telephone calls regarding potential commercial development within the Town Limits. W. Oldham also pointed out a few facts regarding some of the subdivisions and development phases.
- New Business:** **7.A – Rezone – 151 acres located at the end of Jones Road and Johnston Farms Drive (RZ-01-2023)**  
  
W. Oldham advised the Planning Board that this rezone was a general rezone from Agriculture (AG) to MU (Mixed Use). With this rezone, there would be no commercial involved and it would all be residential. Residential being single family and multi family. W. Oldham informed the Planning Board that she has reviewed two preliminary plans and she is very pleased with what potential this would bring for growth. M. Dodd questioned the impact that this would have on the new school. W. Oldham shared that she has spoken with B. Moore with the school board, and he doesn't see a problem with the projected numbers. J. Mouser inquired

about sewer for this project. W. Oldham shared that there was a previous allocation, and that correspondence is being had with C. Farmer with the county on the remainder needed. The current owner of the project is very much aware of what will have to be done in order to complete the project. D. Byrd made a comment to the Planning Board that sewers is a huge deal among all towns in Johnston County. M. Dodd also mentioned if the Fire Marshal's office would have to review the plans before moving forward and W. Oldham did confirm that they would have to review and approve before the project could move forward. J. Mouser made the motion to rezone this parcel from Agriculture (AG) to MU (Mixed Use). B. Parrish seconded the motion and motion carried unanimously.

**Adjournment:**

A motion was made by D. Riley and seconded by M. Dodd to adjourn the meeting. Chairman D. Byrd adjourned the meeting at 7:15 P.M. The next meeting is scheduled for June 26, 2023, at 7:00 P.M. at Wilson's Mills Elementary School Cafeteria.

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Donald Byrd, Planning Board Chairman

ATTEST:

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Wendy Oldham, Development Compliance Officer

STAFF REPORT



TO: Mayor Byrd and Town Council Members  
 DATE: September 18, 2023  
 FROM: Wendy Oldham, Planning Director  
 SUBJECT: Planning Report – August 2023

SUBDIVISIONS		
SUBDIVISION	TYPE OF REVIEW	STATUS
<b>Millcreek Phase 2</b> Powhatan Road-Beside Park	Final Inspection Awaiting	Developer working on needed changes/items from Punch List
<b>Wilson's Walk</b> Cole Road	Construction Plans Phase 1	Approved Final Plat Phase 1; new construction starting
<b>Olive Branch</b> West Olive Road	Final Plat Phase 1 Submitted	Final Plat Approved Phase 1; new construction has begun
<b>Midtown Village</b> Swift Creek Road and Strickland Road-Along 70	Sketch Plan Submitted	Developer submitting all needed permits, local/state for Infrastructure
<b>Cottages at Wilson's Mills</b> Southerland Road/Adjacent to Ives Landing	Final Inspection Awaiting	Contacted developer and gave 30 days to meet regarding punch list items
<b>Eason Creek</b> Powhatan Rd-across from Pricket Ln	Final Plat Submitted, Phase 1 only	Split Final Plat into 2 Phases; Phase 1 approved & recorded; permits issued
<b>Crescent Mills</b> Both Sides of Strickland Road	Construction Plans for Phases 7 & 8 and Main Amenity Area Submitted	Phases 1,2,3 - Approved Phases 4,5,6 – Approved Infrastructure installation has begun
<b>Willis Crossing</b> Wilson's Mills Road and Main St	Construction Plans	Grading and infrastructure in progress
<b>Southerland Mills</b> Southerland Road Across from Ives Landing/End of Hazel Street	Preliminary Plans	Construction Plans Approved
<b>Johnston Farms Phase 2B</b> Marlin Lane/ Waterview Way	Preliminary Plans	Approved with Conditions
<b>Johnston Farms Phase 2B</b> East Abbey Court		Withdrawn by developer
<b>Johnston Farms Phase 3</b> Behind Johnston Farms and end of Jones Road	Waiting of preliminary plans	Waiting on Preliminary Plans; new rezone received
<b>Wilson's Ridge</b> Wilson's Mills Road beside Town Hall and Kids Country Child Care	Construction Plans	Approved- Infrastructure Being Installed

<b>Toler Property</b> Wilson's Mills Road across from Poplar Creek	Rezone approved	Preliminary Plans submitted; waiting for comments from Engineer
<b>Cobalt Townes</b> Hwy 70 Bus beside East Hampton	Waiting on Preliminary Plans	Early Development Stage/Working with County on Sewer/New Developer
<b>Tralee Phase 7</b> Back portion of Tralee	Early Planning Stages	Waiting on Preliminary Plans
<b>Eason Property</b> End of Mitchner Drive	Early Planning Stages	Waiting on Preliminary Plans

### STREET TAKEOVER

Street Name	Subdivision	Linear Feet
N/A	N/A	N/A

### RECOMBINATION/SUBDIVIDES

ADDRESS	ACTION	STATUS
N/A	N/A	N/A

### REZONES

ADDRESS	ACTION	STATUS
End of Jones Rd & Johnston Farms Drive (151 +/- acres)	AG to MU	New rezone received; on hold working with Planning Director

### COMMERCIAL/BUSINESSES

ADDRESS/PROJECT	USE REQUEST	STATUS
1737 Swift Creek Road	Automobile Restoration	Approved-Building
165 Uzzle Industrial Drive	Office/Storage	Approved/Moved in

### SIGN PERMITS

ADDRESS	BUSINESS/PROJECT	STATUS
N/A	N/A	N/A

### SPECIAL USE PERMITS

ADDRESS/PROJECT	USE REQUEST	STATUS
N/A	N/A	N/A

### NON-RESIDENTIAL ZONING PERMITS

ADDRESS/PROJECT	USE REQUEST	STATUS
N/A	N/A	N/A

### RESIDENTIAL ZONING PERMITS

USE	#
Single Family Home – New Construction	<b>31</b>
Porch/Deck/Pool/Driveway Extension/Ramp/Additions	<b>2</b>
Accessory Structure	<b>4</b>
Fence	<b>1</b>
Doublewide Mobile Home	<b>0</b>
Rooftop Solar Panels	<b>0</b>
<b>TOTAL</b>	<b>38</b>

### FLOODPLAIN DEVELOPMENT PERMITS

ADDRESS/PROJECT	ACTION	STATUS
N/A	N/A	N/A

<b>ZONING INSPECTIONS/LETTERS</b>	
Completed and Passed- Single Family Homes	<b>0</b>
Completed and Passed-Other	<b>3</b>
Zoning Verification Letters	<b>1</b>
<b>CODE ENFORCEMENT VIOLATIONS</b>	
<b>VIOLATIONS</b>	<b>#</b>
<b>TOTAL</b>	<b>7</b>
Undue Growth	<b>5</b>
Debris/Garbage Clean-Up	<b>2</b>
Nuisance/Junk/Abandoned Vehicles	<b>0</b>
Chickens/Roosters	<b>0</b>
<b>ZONING VIOLATIONS</b>	
<b>VIOLATIONS</b>	<b>#</b>
<b>TOTAL</b>	<b>7</b>
Building without Permit	<b>5</b>
Fence without Permit	<b>0</b>
Unsafe Structure	<b>0</b>
Other Zoning Violation	<b>2</b>
<b>CODE ENFORCEMENT AND ZONING ABATEMENT</b>	
<b>OUTCOMES</b>	<b>#</b>
Abated	<b>7</b>
Final Letter Sent	<b>0</b>
Citations/Fines Issued	<b>\$100</b>
<b>TOWN ABATEMENTS</b>	
Paid Abatements	<b>0</b>



## REQUEST FOR PLANNING BOARD ACTION

**TO:** Chairman Donald Byrd and Planning Board Members  
**DATE:** September 25, 2023  
**RE:** 5827 US Hwy 70, Clayton, NC 27520 (19.98 acres)  
File No. RZ-03-2023  
**FROM:** Wendy Oldham, Development Compliance Officer

### PROPOSAL

The property owner is requesting a rezone of 19.98 acres located at 5827 US Hwy 70, Clayton, North Carolina, from AG (Agriculture) to C-70 (Commercial). This rezone would allow for the construction of compatible and sustainable development along the US Hwy 70 & I-42 corridor. All setbacks could be met with this rezone. *(See below details from Article 8.2-G of the Town's Unified Development Ordinance for details of current and proposed zoning criteria.)*

### CURRENT SITE INFORMATION

<b>LOCATION:</b>	5827 US Hwy 70, Clayton, NC
<b>TAX ID:</b>	17I05027
<b>SITE ACREAGE:</b>	19.98 acres
<b>ZONING:</b>	AG (Agriculture)
<b>CURRENT USE:</b>	Vacant land

**Agriculture District (AG).** The Agriculture District (AG) was established to protect lands used for agricultural production, agriculturally based businesses, and related activities. Farmland is a defining element of Wilson's Mills' traditional identity and the protection of these lands aids in preserving the character of the Town until such a time new development is preferred by the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential subdivision type development and excessive septic system utility. The Agriculture District can also be used to preserve open spaces.

### Current Zoning

*Chart is on the next page.*

<b>Zoning</b>	<b>AG</b>
<b>Density:</b>	<b>1 unit per acre</b>
<b>Minimum Lot Size:</b>	<b>1 acre (43,560 sq. ft.)</b>
<b>Minimum Lot Width:</b>	<b>150'</b>
<b>Primary Structure Building Height (max.):</b>	<b>30'</b>
<b>Accessory Structure Building Height (max.)</b>	<b>25'</b>
<b>Primary Structure Setbacks (min.):</b>	
<b>Front</b>	<b>30'</b>
<b>Side</b>	<b>10'</b>
<b>Rear</b>	<b>20'</b>
<b>Side Street</b>	<b>20'</b>
<b>Accessory Structure Setbacks:</b>	<b>A minimum of 5' behind primary structure &amp; 5' from side and rear property lines.</b>

### PROPOSED SITE INFORMATION

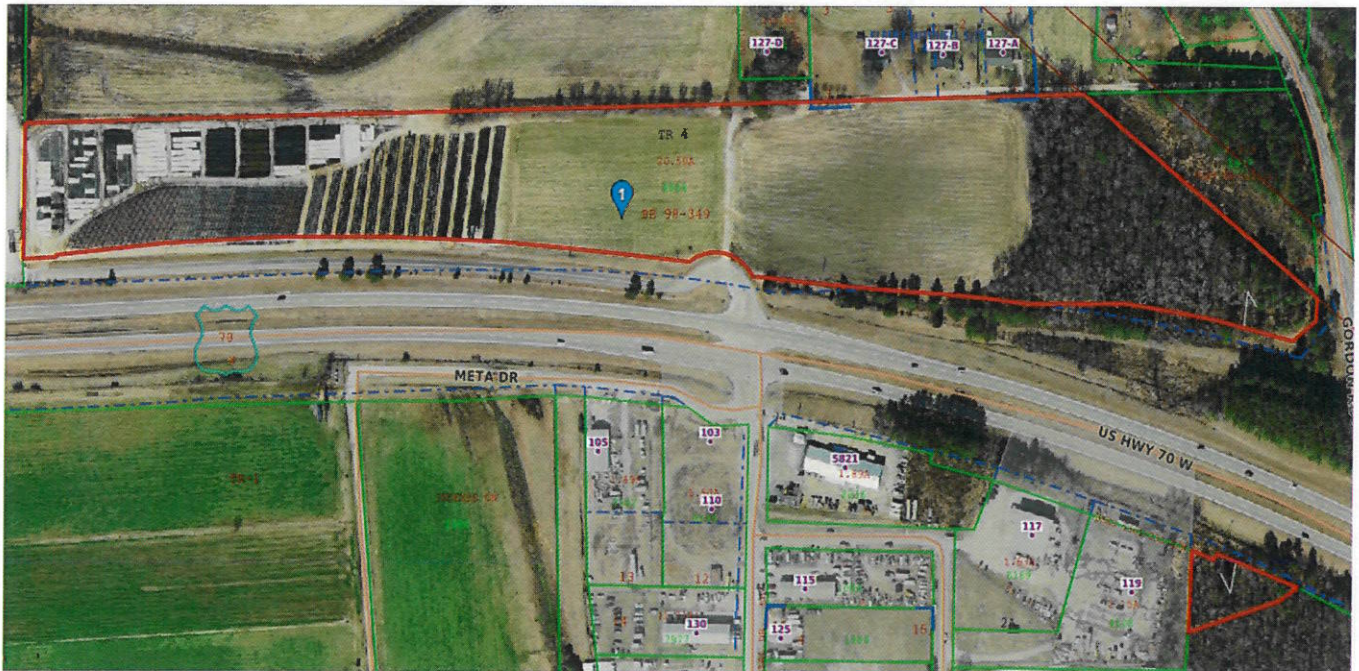
<b>LOCATION:</b>	5827 US Hwy 70, Clayton, NC
<b>TAX ID:</b>	17I05027
<b>SITE ACREAGE:</b>	19.98 acres
<b>PROPOSED ZONING:</b>	C-70
<b>PROPOSED USE:</b>	Commercial development

**Commercial District (C-70).** The US Highway 70 & I-42 Commercial District (C-70) was established to provide opportunities for compatible and sustainable development along the US Hwy 70 & I-42 corridor. Development standards in the US Highway 70 & I-42 Commercial District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the US Highway 70 & I-42 Commercial District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shopfront.



<b>Zoning</b>	<b>C-70</b>
<b>Density:</b>	<b>N/A</b>
<b>Minimum Lot Size:</b>	<b>10,000 sf</b>
<b>Minimum Lot Width:</b>	<b>360' on US 70 &amp; I-42; 125' elsewhere</b>
<b>Primary Structure Building Height (max.):</b>	<b>45'</b>
<b>Accessory Structure Building Height (max.):</b>	<b>35'</b>
<b>Front</b>	<b>30'</b>
<b>Side</b>	<b>15'</b>
<b>Rear</b>	<b>12'</b>
<b>Side Street</b>	<b>0'</b>
<b>Accessory Structure Setbacks:</b>	<b>A minimum of 5' behind primary structure &amp; 5' from side and rear property lines.</b>

### ORTHOPHOTO



### STAFF RECOMMENDATION

Staff recommendation is for approval of the rezone from AG to C-70 for the reasons set forth below. It is consistent with the current Comprehensive Land Use Map and Master Plan. On the Future Land Use Map this parcel is listed as residential, however, it is directly adjacent to Highway 70/future I-42 which makes it a prime location for commercial.

**STATEMENT OF CONSISTENCY**

1. This action is consistent with the Town of Wilson’s Mills Comprehensive Land Use and Master Plan and the Town’s Unified Development Ordinance for the following nonexclusive list of reasons:
  - Master Plan Goal #2: Planning for Growth – This action would advance a good plan as we have growth in our community and would follow the ordinances, so projects achieve the mission of this plan.
  - Master Plan Goal #3: Retain our Character: This action preserves the small-town appeal of Wilson’s Mills while encouraging compatible business growth through development of revised development standards and specifications.
  - Master Plan Sections 8.1: This action would advance the goal of Industrial and Commercial area of the Town, including the number of businesses within the Town limits.
  - Master Plan Section 8.2.1: This action would enable an increase of people in commercial setting, thereby creating the critical mass necessary for businesses to sustain themselves and ensuring vibrancy as the tourism visitors flow into and through the community.
  - Master Plan Section 8.2.2: This action would advance the commercial and non-residential growth as housing markets are ever changing with trends in consumption, product development, technology, and generational shifts in a person’s choices/values.
  - Master Plan Section 8.3.2-1: This action allows for land development by following and implementing our current zoning code (Wilson’s Mills Development Ordinance) and to manage growth for the long-term benefit of the community.
  - The Commercial zoning district is established to provide opportunities for compatible and sustainable development along the US Hwy 70 & I-42 corridor.
2. Future Land Use Map Consistency:
  - This plan is inconsistent with the Future Land Use Map.
  - On the Future Land Use Map, this parcel is designated residential, not commercial.

**ACTION REQUESTED**

1. Recommendation of APPROVAL of rezone from Agricultural (AG) to Commercial (C-70) to Town Council and acknowledgement of the rezone being inconsistent with Future Land Use Map based on previously mentioned item; or,
2. Table the application for receipt of the following information:  
\_\_\_\_\_  
\_\_\_\_\_ ; or,
3. Recommendation to DENY rezone of this property from Agricultural (AG) to Commercial (C-70) to Town Council for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**ATTACHMENT(S)**

1. Rezone Application



TOWN OF WILSON'S MILLS  
**REZONING / MAP AMENDMENT  
APPLICATION**

**Planning Department**  
PO Box 448, Wilson's Mills, NC 27593  
Phone: (919) 938-3885 Fax: (919) 938-1121

RZ-03-2023

**PROCESS INFORMATION:**

**Submission Requirement:** An application for a rezoning (general or conditional zoning) to the Town's official zoning map shall be filed with the Development Compliance Officer. Such petition shall contain all the information required on this form and must be determined to be complete by the Development Compliance Officer prior to advancing it through the review process.

**Public Notification:** This is a legislative process that requires a public hearing.

**Review Process:** Per Article 5 of the Wilson's Mills Development Ordinance (WMDO), all applications are to be reviewed for compliance by the Development Compliance Officer and then forwarded for to the Planning Board (review) and Town Council (decision) for consideration.

**General Rezoning Requests:** These are "general" requests involving a zoning change to an individual parcel of land. The request is to amend or change the Town's Official Zoning Map in a certain area from one zoning district to another. "General" rezoning requests are not specific and if approved, any permitted land use within the new zoning district as illustrated in the Section 8.1 (Table of Uses) of the Wilson's Mills Development Ordinance (WMDO) could be permitted.

**Conditional Zoning Requests:** Conditional Zoning Districts (CZ) are districts with conditions voluntarily added by the applicant. Conditional zoning is available for any of the Primary General Use District classifications enumerated in Article 8 of the WMDO, except for those that require a site-specific development plan as part of the application. The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix, "(CZ)" (e.g. "IND(CZ)").

**FILING INSTRUCTIONS:**

\_\_\_\_\_ Every applicant for rezoning request is required to meet with the Development Compliance Officer in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

\_\_\_\_\_ A petitioner must complete this application in full. This application will not be processed unless all information requested is provided.

\_\_\_\_\_ Remittance of associated fee(s)\* to accompany this application. (\*See Town of Wilson's Mills fee schedule)

**GENERAL PROJECT INFORMATION:**

Project Address / Location: 5827 US Hwy 70 Clayton NC

Zoning District: AG Size of Property (in acres): 19.98

Johnston Co. Tax PIN #: 17205627 Proposed Building Square Footage: \_\_\_\_\_

Town Jurisdiction: \_\_\_\_\_ In-Town Limits X ETJ

Existing land use/zoning on adjoining properties:

North: Farm land  
South: Industrial  
East: Vacant/Wooded  
West: Commercial

**APPLICANT INFORMATION:**

Applicant: Linda Uzzle

Address: PO Box 101

City: Wilson's Mills State: NC Zip: 27593

Phone: 919-291-8126 Email: wmuzzles@gmail.com  
919-934-8379

Property Owner (Owner Consent Form is required if different from applicant): \_\_\_\_\_

Address: same

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**REZONING REQUEST:**

General Use  Conditional Zoning

Existing Zoning Classification: AG

Proposed Zoning Classification: C-70

If the request is to a Conditional Zoning District, this application should be accompanied by a site-specific development plan that includes land use, existing conditions, buildings, lots, etc. per the WMDO. In addition, please provide a narrative of the proposed use and list any proposed conditions:

Proposed Land Use:  
Some type of commercial

Proposed Conditions Offered by Applicant:  
none

**ACKNOWLEDGEMENT:**

The undersigned property owner, or duly authorized agent/representative thereof certifies that this application and the foregoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief, with the understanding that any incorrect information submitted may result in the delay or rescheduling of the required public hearing and may result in the revocation of this application. I hereby authorize the Town of Wilson's Mills to review this request, visit the site, and contact any appropriate design professional in relation to questions generated as a result of the review.

Linda Uzzle  
Applicant Printed Name

Linda Uzzle  
Applicant Signature

9-8-23  
Date

FINDINGS OF FACT

Article 7.8 of the WMDO require the compliance of specific findings of fact in order to grant a rezone. The applicant shall submit the following statements of justification, presenting factual information supporting each and all the required findings as they relate to the proposed rezone request:

- 1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

Statement by applicant:

Applicant states commercial use will not be detrimental to public health, safety or general welfare.

- 2. That the use or development complies with all required regulations and standards of the Wilson’s Mills Development Ordinance and with all other applicable regulations.

Statement by applicant:

Applicant states will follow all local, state and federal regulations.

- 3. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity.

Statement by applicant:

Applicant states the use will not lower tax values and is a necessity to our neighborhoods.

- 4. That the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of Town of Wilson’s Mills and its environs.

Statement by applicant:

This rezone is in alignment with the Wilson’s Mills Unified Development Ordinance and the Future Land Use Map.