



Town of Clayton
Town of Clayton Planning Board Agenda
Tuesday, May 29, 2018 @ 6:00 PM
Town Council Chambers

1. CALL TO ORDER

2. ROLL CALL

3. ADJUSTMENT OF THE AGENDA

4. APPROVAL OF MINUTES

- a. [April 23 2018 Planning Board Minutes CORRECTED](#)

5. REPORTS AND COMMENTS

6. OLD BUSINESS

7. NEW BUSINESS

- a. 2018-72-RZ Spring Branch Rezoning
NC PIN: 164800-63-6554 & 164800-63-5397
Tag: 05F02035A & 05F02036
Location: 2330 & 2364 NC HWY 42
[Application 2018-72-RZ Spring Branch Plaza](#)
[Staff Report Map 2018-72-RZ Spring Branch Plaza](#)
[Neighborhood Meeting minutes 2018-72-RZ Spring Branch Plaza](#)
[Staff Report 2018-72-RZ Spring Branch Plaza](#)
- b. 2018-66-RZ Spinning Mill Lofts at East Village
NC PIN: 166918-30-2104, 166918-30-5328, 166918-30-8385, 166918-30-4740,
166806-48-6538, 166918-40-2748
Tag: 05037009T, 05037008V, 05037009W, 05037009U, 5037011, 05H03197H
Location: 300 Mill Street
[Application 2018-66-RZ Spinning Mill Lofts at East Village](#)
[Staff Report Map 2018-66-RZ Spinning Mill Lofts at East Village](#)
[Neighborhood Meeting Material 2018-66-RZ Spinning Mill Lofts at East Village](#)
[Staff Report 2018-66-RZ Spinning Mill Lofts at East Village](#)
- c. 2018-88-RZ 330 W. Stallings Street
NC PIN: 166913-04-1327
Tag: 4700780
Location: Corner of W. Stallings and Whitaker Streets
[Application 2018-88-RZ 330 W. Stallings St.](#)
[Staff Report Map 2018-88-RZ 2018-88-RZ 330 W. Stallings St.](#)
[Neighborhood Meeting Materials 2018-87-SUP 330 W Stallings St](#)
[Staff Report 2018-88-SUP 330 W. Stallings St.](#)

- d. 2018-87-SUP 330 W. Stallings Street
NC PIN: 166913-04-1327
Tag: 4700780
Location: Corner of W. Stallings Street and W. Whitaker Street
[Application 2018-87-SUP 330 W. Stallings St.](#)
[Staff Report Map 2018-87-SUP 330 W. Stallings St.](#)
[Site Plan 2018-87-SUP 330 W. Stallings St.](#)
[Neighborhood Meeting Materials 2018-87-SUP 330 W Stallings St](#)
[Staff Report 2018-87-SUP W. Stallings St.](#)
- e. 2018-30-PDD Steeplechase Master Plan Rezoning to Planned Development District
NC PIN: Portion of 166900-39-5182
Tag: Portion of 05H02009
Location: 1162 Covered Bridge Road
[Application 2018-30-PDD Steeplechase Master Plan Rezoning to PDD](#)
[Staff Report Map 2018-30-PDD Steeplechase Master Plan Rezoning to PDD](#)
[Neighborhood Meeting Material 2018-30-PDD Steeplechase Master Plan](#)
[Site Plan 2018-31-SD Steeplechase Master Plan](#)
[Staff Report 2018-30-PDD Steeplechase Planned Development rezoning](#)
- f. 2018-31-SD Steeplechase Master Plan Major Subdivision
NC PIN: Portion of 166900-39-5182
Tag: Portion of 05H02009
Location: 1162 Covered Bridge Road
[Application 2018-31-SD Steeplechase Master Plan](#)
[Staff Report Map 2018-31-SD, 2018-30-PDD Steeplechase Planned Development](#)
[Neighborhood Meeting Minutes 2018-31-SD Steeplechase Master Plan](#)
[Site Plan 2018-31-SD Steeplechase Master Plan](#)
[Staff Report 2018-31-SD Steeplechase Master Plan](#)
- g. 2018-74-OA Private Streets Amendment
Existing Codes Sections: Private Streets (600), Sidewalks (600), Lots and Blocks (600)
Code Section Numbers: Title XV, Chapter 155, Articles 602 and 603
[Application 2018-74-OA Private Streets Amendment](#)
[Strikethrough Copy- 2018-74-OA - Private Streets Ordinance Amendment](#)
[Clean Copy - 2018-74-OA - Private Streets Ordinance Amendment](#)
[Staff Report 2018-74-OA- Private Streets Amendment](#)
- h. 2018-98-OA Review Bodies Ordinance Amendment
Existing title of Code Sections: Chapter 155: Review Bodies (700), Summary of Review Authority (701), Planned Development Review (705), Preliminary Plat Review (706), Site Plan Review (707), Special Use Review (711)
Code Section Numbers: Title XV, Chapter 155, Articles 700, 701, 705, 706, 707, and 711 and Chapter 32.001

[Application - 2018-98-OA Review Bodies Ordinance Amendment](#)
[Draft - 2018-98-OA - Chp 32 Review Bodies Ordinance Amendment](#)
[Draft- 2018-98-OA - Chp 155, Article 7 Review Bodies Ordinance Amendment](#)

[Clean Copy - 2018-98-OA - Chp 32 Review Bodies Ordinance Amendment](#)
[Clean Copy - 2018-98-OA - Chp 155, Article 7 Review Bodies Ordinance Amendment](#)
[Staff Report 2018-98-OA Review Bodies Ordinance Amendment](#)

8. INFORMAL DISCUSSION AND PUBLIC COMMENT

9. ADJOURN



**Town of Clayton
Clayton Planning Board Minutes
Monday, April 23, 2018 @ 6:00 PM
Town Council Chambers**

BOARD MEMBERS PRESENT:

Andria Merritt
Ross Benson
Stephen Powers
James Lipscomb
Marty Bizzell
Bob Ahlert
Frank Price
Sarah Brooks
Bucky Coats

MEMBERS ABSENT:

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Planner
Paralee Smith, Development Services Coordinator
David DeYoung, Community & Economic
Development Director

1 CALL TO ORDER

a) Bob Ahlert called the meeting to order at 6:00pm

2 ROLL CALL

3 ADJUSTMENT OF THE AGENDA

Ms. Wullenwaber stated there were no adjustments to the agenda.

4 APPROVAL OF MINUTES

- a) Draft Minutes:
- February 26, 2018
 - March 26, 2018

ACTION: Adoption of Minutes

Motion: Board Member Frank Price
Second: Board Member James Lipscomb
Vote: Unanimous

5 REPORTS AND COMMENTS

6 OLD BUSINESS

7 NEW BUSINESS

- a) South Tech Warehouse
2018-26-SP
NC PIN:167700-08-7887
Tag: 05I05039D
Location: Harvest Mill Lane

Ms. Hogg presented this item. She stated the proposed project is a warehouse with office space. It is located off Harvest Mill Lane and Pony Farm Road, which is located across from Automatic Rolls. Staff stated the project is consistent with the 2040 Comp Plan as well as the Future Land Use Map, which designates the property as "employment center". Staff recommended approval.

Steven Sanderson introduced himself as the representative for this project. He stated he was happy to provide any information and asked if there were any specific questions. The board had no questions.

ACTION: Approval of 2018-26-SP

Motion: Board Member Sarah Brooks
Second: Board Member Bucky Coats
Vote: Unanimous

- b) 2017-209-SUP
Sunbelt Rental
NC Pin:167700-26-7660
Tag: 4700370
Location: 7635 US Highway 70 W Bus.

Ms. Wullenwaber presented this project. It was stated the SUP and SP would be presented together. The Special Use is for property located at 7635 US Hwy 70 Bus. The SUP would allow "Vehicle Sales and Rental" in the B-3 Zoning district.

There were no questions from the Board. Mr. Gary McCabe of Redline Engineering was present and represented the applicant, Sunbelt Rentals.

ACTION: Move forward to Town Council

Motion: Board Member Stephen Powers
Second: Board Member James Lipscomb
Vote: Unanimous

- c) 2018-02-SP
Sunbelt Rental Major Site Plan

NC PIN: 167700-26-7660
Tag: 05I05035A
Location: 7635 US Hwy 70 W Bus.

ACTION: Approval of 2018-02-SP

Motion: Board Member Sarah Brooks
Second: Board Member Stephen Powers
Vote: Unanimous

- d) Overlay District Amendment
2018-75-OA

Mr. DeYoung presented the application.

Stephen Powers asked if the Scenic Highway Overlay was set up to allow the town to control development. Mr. DeYoung stated the regulations on the interchange did not limit development much. Mr. Powers asked if it were possible for a waiver to be created for this particular situation. Mr. Powers asked why we would strip all regulations in the UDC with regard to the subject area. Mr. DeYoung stated should someone come to the Planning Department with an undesirable project, we would not allow it. Mr. Powers stated he did not understand why we would want to remove our control from the SHO. Mr. DeYoung stated that in 2011 while reviewing regulations the change was made regarding the SHO. He stated over time the use table has changed. He further stated that the "Special Use District" takes uses that would otherwise normally be permitted and requires that applicants go through an extra 90-day process to allow a use. Much the same, the SHO adds an additional layer of bureaucracy, and makes it more difficult. Mr. DeYoung stated the overlay is not necessary, the underlying zoning is still in effect and we would just be removing an extra layer. Bob Ahlert agreed with David DeYoung.

ACTION: Approval to move forward to Town Council

Motion: Board Member Bucky Coats
Second: Board Member James Lipscomb
Vote: Unanimous

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

9 ADJOURN

- a) With there being nothing further, the meeting was adjourned at 6:30 p.m.

ACTION: Adjourn the meeting

Duly adopted this the 29th day of May, 2018.

Chair

ATTEST:

Clerk to the Board

April 23, 2018
Minutes



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

Pursuant to Article 7, Section 155.704 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 amend the Official Zoning Map.

Application Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
All fees are due when the application is submitted.

Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: Spring Branch Plaza Acreage of Property: 2.12
County Tag Number: 05F02035A & 05F02036 NC PIN: 164800-63-6554 & 164800-63-5397
Address/Location: 2330 & 2364 NC Hwy 42 Clayton, NC 27520
Existing Zoning District: R-E Residential Estate
Proposed Zoning District: B-3 Highway Business

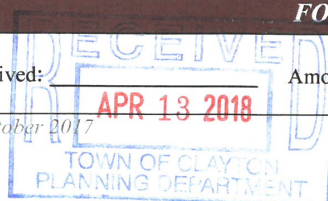
APPLICANT INFORMATION

Applicant: Bartlett Engineering & Surveying, PC
Mailing Address: 1906 Nash Street North Wilson, NC 27893-1726
Phone Number: 252-399-0704 ext 224 Fax: 252-399-0804
Contact Person: Robert S. Bartlett, PE
Email Address: robert@bartletteg.com

FOR OFFICE USE ONLY

Date Received: APR 13 2018 Amount Paid: \$600 File Number: 2018-12-RZ

October 2017



Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Spring Branch Plaza, LLC & Spring Branch Square, LLC

Mailing Address: 303 Parkridge Dr. Clayton, NC 27527

Phone Number: 361-228-2071

Fax: N/A

Email Address: ranjeetagarwala@hotmail.com

EXPLANATION OF PROJECT

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

The request is to rezone the 2.12 acres from R-E to B-3.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>3-14-2018</u>	•				
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	•				
3. Completed application	•				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	•				
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	•				
6. If property to be rezoned is a <u>portion</u> of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.		X			
7. Adjacent property owners list	•				
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	•				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	•				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
This site is adjacent to the Spring Branch Medical & Commercial Office Park which includes the hospital facility on NC 42. This application will be consistent with the plans of the Town of Clayton.

2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The current R-E zone encourages a low-density residential and rural land uses. The subject property is more suitable for the proposed B-3 zone due to its location on a major thoroughfare that serves the entire community. The surrounding development is predominantly commercial and office in nature.

3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed change should complement the mixed use development that surrounds the site.
The Town has developed a small area plan for the NC 42 West corridor and this proposed development should improve the balance of uses in the Town of Clayton.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
The site is located on a major thoroughfare with access to public utilities necessary for proper development. Stormwater drainage to be provided onsite underground.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The site location, along a major thoroughfare, is consistent with the proposed B-3 zoning.
There are no zoning conditions known to conflict with this rezoning request.

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

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
The proposed rezoning and development is not anticipated to negatively impact the general public.
The Town of Clayton design standards and regulations will be met during the design and development process.

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 S. Bartlett

Print Name


Signature of Applicant

4/9/18

Date



TOWN OF CLAYTON
Engineering & Inspections
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: SPRING BRANCH PLAZA, LLC **Address or PIN #:** 164800-63-5397

AGENT/APPLICANT INFORMATION:

ROBERT S. BARTLETT, PE
(Name - type, print clearly)

1906 NASH ST. NORTH
(Address)
WILSON, NC 27893
(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 below*):

REZONING PROCESS

PLAN REVIEW/APPROVAL PROCESS

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:

RANJEET AGARWALA
(Name - type, print clearly)

1301 HERITAGE CLUB AVENUE
(Address)

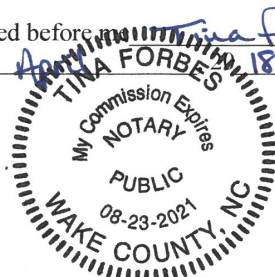
Ranjeet Agarwal
(Owner's Signature)

WAKE FOREST, NC 27587
(City, State, Zip)

STATE OF N.C.
COUNTY OF Wake

Sworn and subscribed before me, *Tina Forbes*, a Notary Public for the above State and County, this the 10th day of August, 2021.

SEAL



Tina Forbes
Notary Public
My Commission
Expires: 08/23/21

October 2017

Page 10 of 10



TOWN OF CLAYTON
Engineering & Inspections
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: SPRING BRANCH SQUARE, LLC **Address or PIN #:** 164800-63-6554

AGENT/APPLICANT INFORMATION:

ROBERT S. BARTLETT, PE 1906 NASH ST. NORTH
(Name - type, print clearly) (Address)
WILSON, NC 27893
(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 below*):

REZONING PROCESS PLAN REVIEW/APPROVAL PROCESS

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.

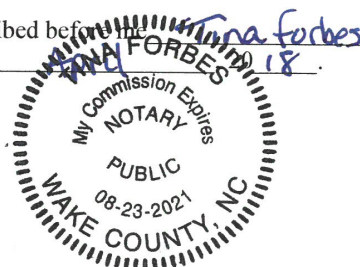
OWNER AUTHORIZATION:

RANJEET AGARWALA 1301 HERITAGE CLUB AVENUE
(Name - type, print clearly) (Address)
Ranjeet Agarwala WAKE FOREST, NC 27587
(Owner's Signature) (City, State, Zip)

STATE OF N.C.
COUNTY OF Wake

Sworn and subscribed before me, *Tina Forbes*, a Notary Public for the above State and County, this the 10th day of October, 2021.

SEAL



Tina Forbes
Notary Public
My Commission
Expires: 08/23/21

October 2017

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PROPOSED REZONING
SPRING BRANCH PLAZA
2330 NC HIGHWAY 42 WEST &
2364 NC HIGHWAY 42 WEST
CLAYTON, NC

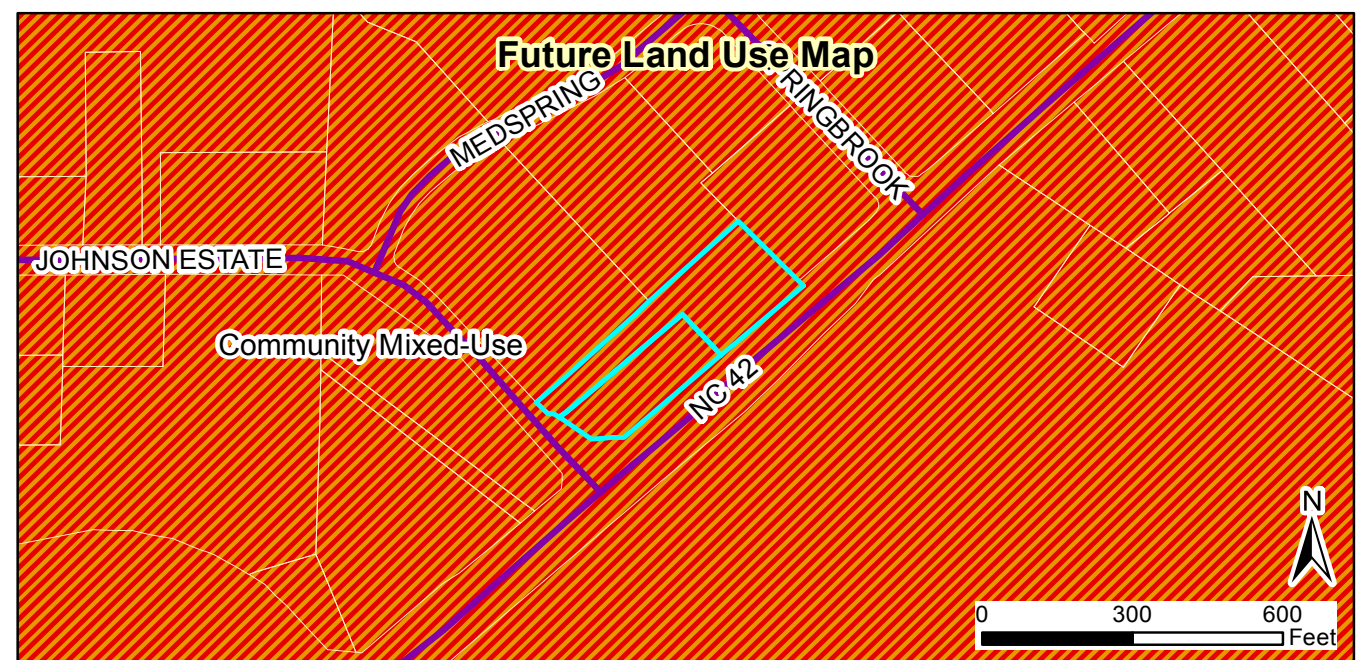
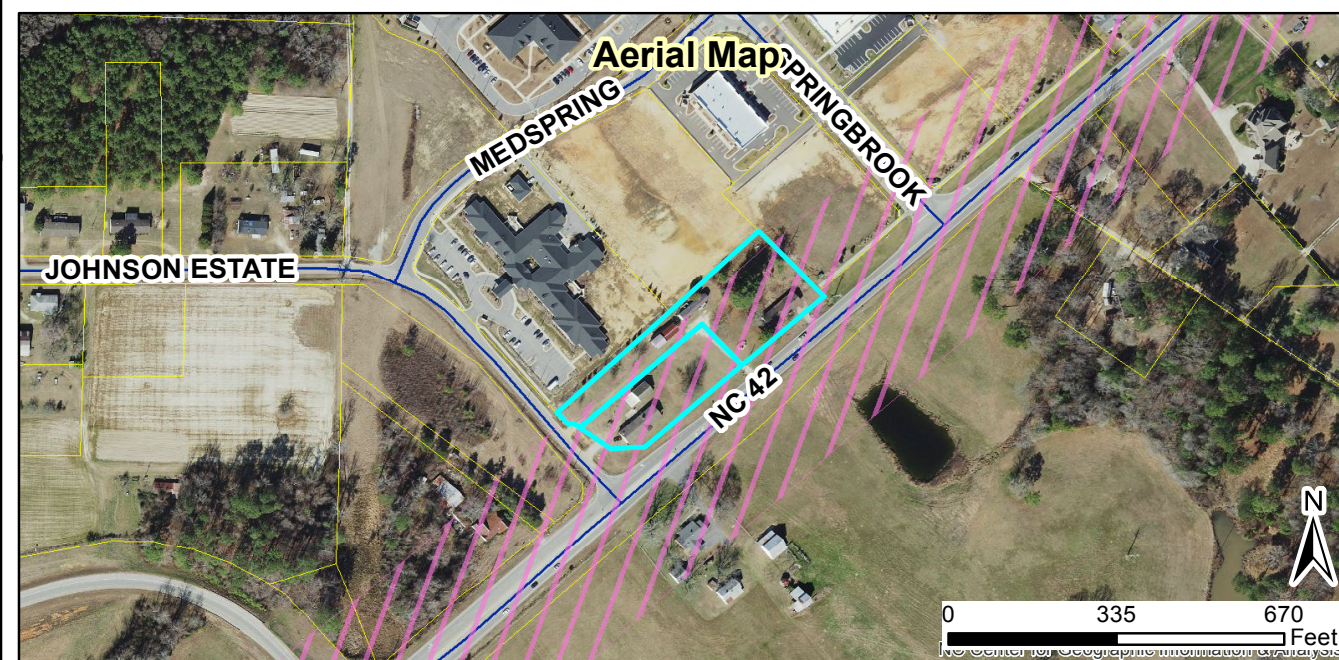
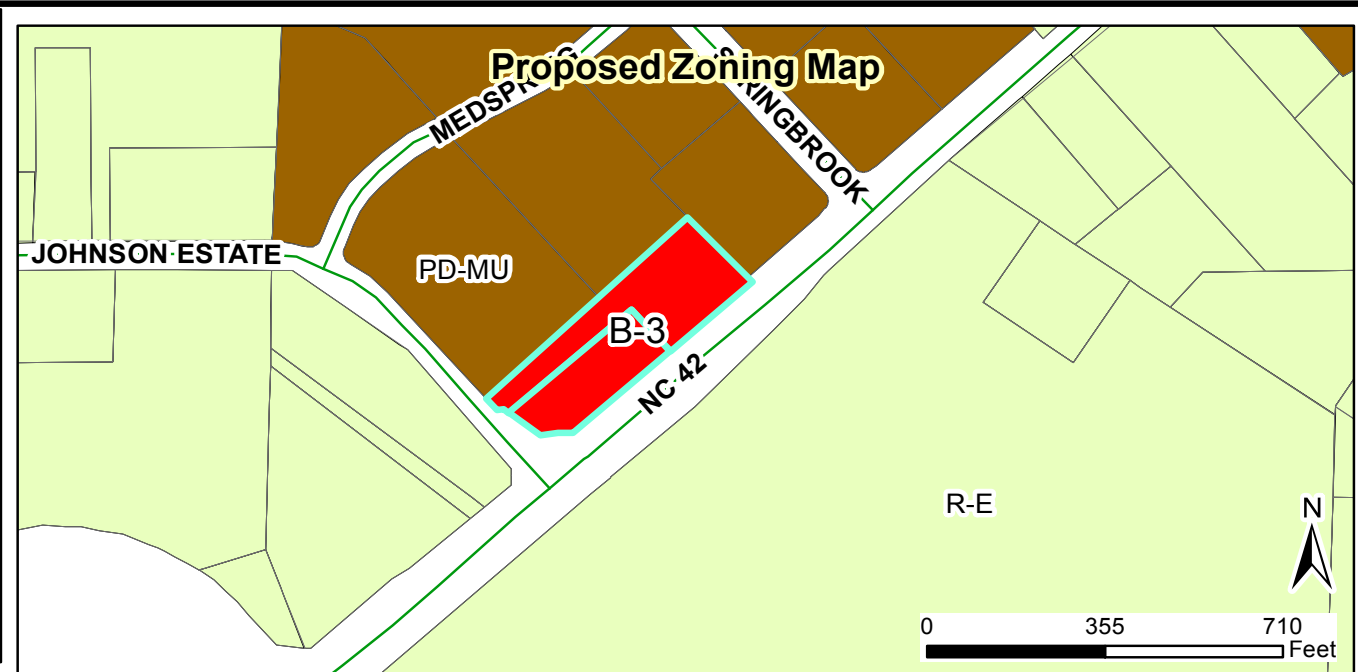
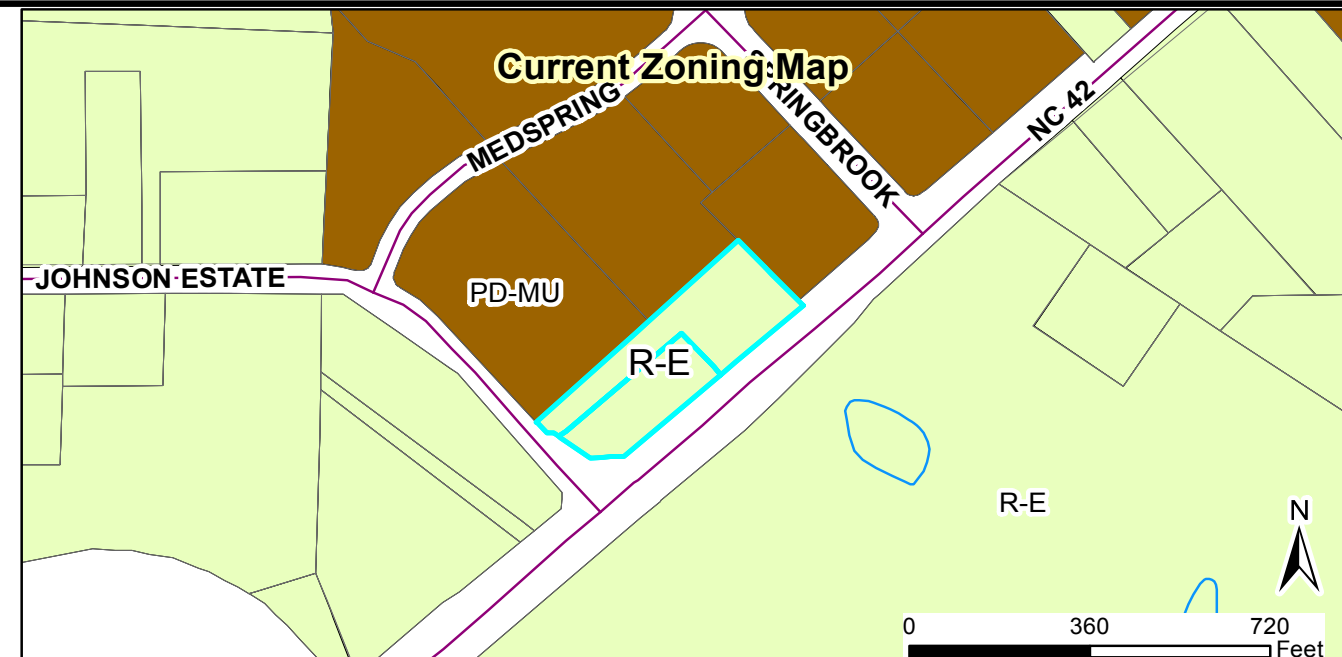


BARTLETT
ENGINEERING & SURVEYING, PC

1906 NASH STREET NORTH
WILSON, NORTH CAROLINA 27893
TEL (252)399-0704 FAX (252)399-0804

DATE: APRIL, 2018	CADFILE: 17156SP2-REV8X11
SCALE: NOT TO SCALE	DRAWN BY: LR
CLIENT: SPRBRA	SURVEYED BY: NA

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES OR CONVEYANCES



Request: 2018-72-RZ, Spring Branch Plaza rezoning

Applicant: Bartlett Engineering & Surveying PC
 Property Owners: Spring Branch Plaza LLC; Spring Branch Square LLC
 Parcel ID: 164800-63-6554; 164800-63-5397
 Tag #: 05f02035a; 05f02036

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-72-RZ Spring Branch Plaza Rezoning\Map\Map 2018-72-RZ Spring Branch Plaza rezoning.mxd

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay
- Site

05/03/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

ADJACENT PROPERTY OWNERS LIST

Project Name: Spring Branch Plaza

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
164800-63-3569	RSF SP SMITHFIELD V L.P.	4500 DORR ST TOLEDO, OH 43615
164800-63-5850	JMA MOB CLAYTON LLC	5400 TRINITY RD STE 309 RALEIGH, NC 27607
164800-63-8797	UACFE LLC	12 LAFOY DRIVE CLAYTON, NC 27527
164800-72-2724	MURIEL E. PENNY	2375 NC HIGHWAY 42 W CLAYTON, NC 27520
164800-63-1386	PRAMOD MALLIPADDI	3026 TIMES SQUARE CT GRAND FORKS, ND 58201

7011 3500 0002 1439 6716

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CLAYTON, NC 27527

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
08

Postmark
Here

04/10/2018

Sent To **VACFE, LLC**
 Street, Apt. No.,
 or PO Box No. **12 LAFOY DRIVE**
 City, State, ZIP+4 **CLAYTON, NC 27527**

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0002 1439 7201

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

RALEIGH, NC 27607

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
08

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04/10/2018

Sent To **JMA MOB CLAYTON, LLC**
 Street, Apt. No.,
 or PO Box No. **5400 TRINITY RD STE 309**
 City, State, ZIP+4 **RALEIGH, NC 27607**

PS Form 3800, August 2006

See Reverse for Instructions

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U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

GRAND FORKS, ND 58201

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

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08

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04/10/2018

Sent To **PRAMOD MALLIPADI**
 Street, Apt. No.,
 or PO Box No. **3026 TIMES SQUARE CT**
 City, State, ZIP+4 **GRAND FORKS, ND 58201**

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0002 1439 7195

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CLAYTON, NC 27520

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
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04/10/2018

Sent To **MURIEL E PENNY**
 Street, Apt. No.,
 or PO Box No. **2375 NC HWY 42 W**
 City, State, ZIP+4 **CLAYTON NC 27520**

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0002 1439 7232

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TOLEDO, OH 43615

Postage	\$3.45
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.50
Total Postage & Fees	\$3.95

0894
08

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04/10/2018

Sent To **RSF SP SMITHFIELD V.L.P.**
 Street, Apt. No.,
 or PO Box No. **4500 DORE ST**
 City, State, ZIP+4 **TOLEDO, OH 43615**

PS Form 3800, August 2006

See Reverse for Instructions



BARTLETT
ENGINEERING & SURVEYING, PC

1906 Nash Street North Wilson, NC 27893-1726
Phone: (252) 399-0704 Fax: (252) 399-0804
www.bartlett.us.com

April 9, 2018

Dear Clayton Area Property Owner:

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

Meeting Date: April 25, 2018 Meeting Time: 7:00 PM

Meeting Location: 12965 US 70 Business West, Clayton, NC 27520 (RTP Furniture Outlet)

Type of Application: Rezoning (R-E Residential Estate to B-3 Highway Business)

Project/Proposal Property Address: 2330 & 2364 NC HWY 42 Clayton, NC 27520

Description of Project/Proposal: Rezoning 2.12 acres of existing residential property to provide for office/commercial/retail development.

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

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

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

If you have any questions prior to or after this meeting, you may contact us at 252-399-0704. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Robert S. Bartlett, PE
Bartlett Engineering & Surveying, PC

Cc: Town of Clayton Planning Dept.

PROPOSED REZONING
SPRING BRANCH PLAZA
2330 NC HIGHWAY 42 WEST &
2364 NC HIGHWAY 42 WEST
CLAYTON, NC



BARTLETT
ENGINEERING & SURVEYING, PC

1906 NASH STREET NORTH
WILSON, NORTH CAROLINA 27893
TEL (252)399-0704 FAX (252)399-0804

DATE: APRIL, 2018	CADFILE: 17156SP2-REV8X11
SCALE: NOT TO SCALE	DRAWN BY: LR
CLIENT: SPRBRA	SURVEYED BY: NA

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES OR CONVEYANCES

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: SPRING BRANCH PLAZA

Application: REZONING

Location/Date: 12965 US 70 BUSINESS W CLAYTON, NC 4/25/18
7:00PM

	NAME	ADDRESS
1	TONY BARTLETT	1906 NASH ST N. WILSON, NC
2		
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: REZONING - SPRING BRANCH PLAZA

Date of Mailing: 4/10/18

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:

Printed Name: ROBERT S. SALVETTI Signature: [Signature]

Date of Meeting: 4/25/18

Time of Meeting: 7:00 PM

Location of Meeting: 12905 US 70 BUS WEST CLAYTON, NC

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 PROPERTY OWNERS OR CONCERNED CITIZENS
ATTENDED THE MEETING; THEREFORE, NO
DISCUSSION.

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



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
May 29, 2018

STAFF REPORT

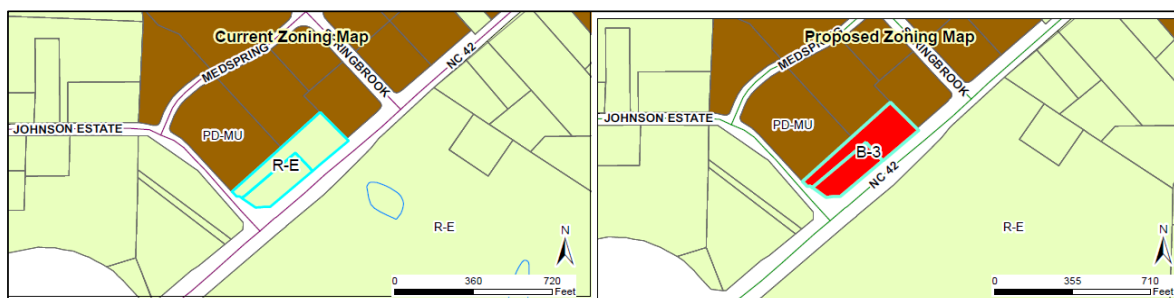
Application Number: 2018-72-RZ Project Name: Spring Branch Plaza, Rezoning

NC PIN / Tag #: 164800-63-6554; 164800-63-5397 / 05f02035a; 05f02036
Town Limits/ETJ: ETJ
Overlay: Thoroughfare Overlay District
Applicant: Bartlett Engineering & Surveying PC
Owner: Spring Branch Plaza LLC; Spring Branch Square LLC
Location: 2330 & 2364 NC Hwy 42 West, on the northern corner of Johnson Estate Road and NC 42 W.

Public Noticing:

- Neighborhood meeting April 25, 2018
- Sign posted May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezoning from Residential-Estate (R-E) to Highway Business (B-3).



SITE DATA:

Acreage: 2.12 acres
Existing Use: Single family residential / vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Planned Development – Mixed Use	Office, medical office, assisted living facility, retail
South	Residential-Estate	Agricultural, Single family residential
East	Planned Development – Mixed Use, Residential-Estate	Agricultural, vacant
West	Residential-Estate	Vacant

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 2.12 acres on the corner of Johnson Estate Road and NC Hwy 42 West from Residential-Estate (R-E) to Highway Business (B-3). This piece of land is currently single family residential and primarily fronts on NC Hwy 42 West. It is adjacent to and bordered by the Spring Branch Medical Center to the north and east. Lot 12 of Spring Branch Medical Center is currently developing as an office building, just to the north of the subject parcels.

Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of the existing zoning district: R-E

- Single family residential
- Manufactured home
- Adult care home
- Golf course
- Park
- Bed & Breakfast

The following uses are typical (but not exhaustive) of the proposed zoning district: B-3

- Nursing home
- Upper-story residence
- Daycare
- Hospital
- Trade or technical school
- Government service
- Fitness center
- Nursery
- Car-wash
- Convenience store
- Creative studio
- Bank
- Hotel
- Office
- Microbrewery
- Restaurant
- Retail
- Service

Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map as Community Mixed Use (aka Community Center).

Comprehensive Plan Goals supporting the rezoning request include:

- LU1 Preserve Clayton’s small-town character while allowing for growth and development in appropriate areas.
- LU1.3 Encourage a mix of residential and non-residential land uses within Neighborhood and Community Centers.

Comprehensive Plan Goals not supporting the rezoning request include:

- none

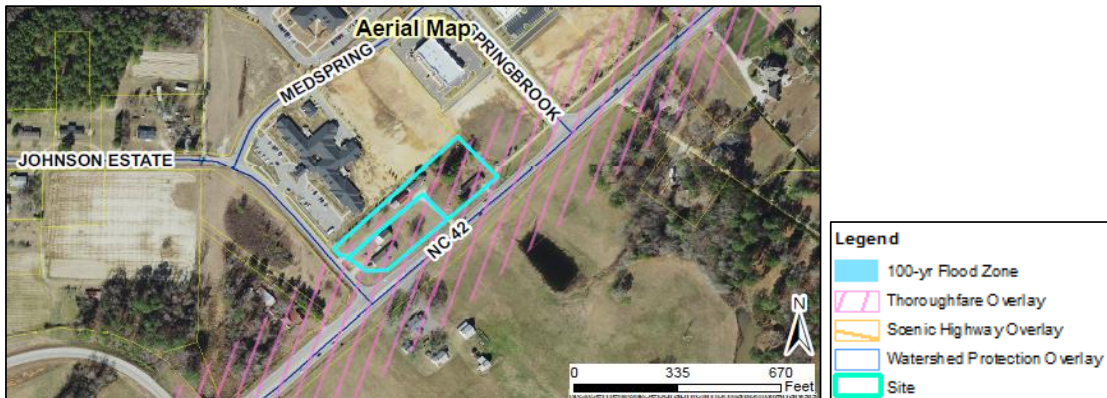


The following table identifies which zoning districts are consistent with the Future Land Use Map categories (designations).

Future Land Use Designation	COMPATIBLE ZONING DISTRICTS												
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	PDD
ARR	X											X	
LDR	X	X										X	
MDR		X	X	X								X	
HDR			X	X								X	
DR			X	X	X	X	X					X	X
NC						X	X	X				X	X
CC								X	X			X	X
DC							X					X	X
EC									X	X	X	X	X
ROS												X	

Consistency with Overlay Districts

The properties are located within the Thoroughfare Overlay District. Generally speaking, this overlay requires additional landscaping for new development, and the rezoning is consistent.



Compatibility with surrounding land uses and potential for adverse effects

The uses allowed in the B-3 zoning district are compatible with the surrounding land uses.

Access to public facilities and services

There is sufficient access to public water and sewer service, as well as to the highway for automobiles.

CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials



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

Pursuant to Article 7, Section 155.704 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 amend the Official Zoning Map.

Application Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
All fees are due when the application is submitted.

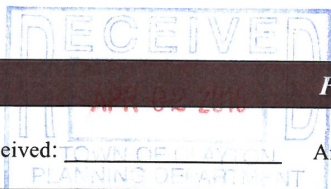
Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: Spinning Mill Lofts at East Village Acreage of Property: 24.50
County Tag Number: See Attachment NC PIN: See Attachment
Address/Location: 300 Mill Street, Clayton, NC
Existing Zoning District: O&I; B-1; B-3; RE
Proposed Zoning District: B2 - Neighborhood Business

APPLICANT INFORMATION

Applicant: Bass, Nixon and Kennedy, Inc. Consulting Engineers
Mailing Address: 6310 Chapel Hill Rd., Ste. 250, Clayton, NC 27607
Phone Number: 919-851-4422 Fax: 919-8968
Contact Person: Marty D. Bizzell, PE
Email Address: marty.bizzell@bnkinc.com



FOR OFFICE USE ONLY

Date Received: APR 22 2016 Amount Paid: \$600 File Number: 2015-66-R2

October 2017

Page 1 of 10

Spinning Mill Lofts at East Village

County Tag #	NC PIN	Deed	Page
05037009T	1669.18-30-2104	3322	198
05037008V	1669.18-30-5328	3322	196
05037009W	1669.18-30-8385	3322	198
05037009U	1669.18-30-4740	3322	196
5037011	1668.06-48-6538	4099	330
05H03197H	1669.18-40-2748	3371	449

PROPERTY OWNER INFORMATION

Name: WBB, LLC; HCY, LLC; SCA Ventures, LLC; East Village Investments, LLC

Mailing Address: 132 Citation Lane, Smithfield, NC and 227 E. Front St. New Bern, NC 28560-2145

Phone Number: 919-938-1086; 252-670-9370

Fax: N/A

Email Address: Hubie@uhfdevelopmentgroup.com

EXPLANATION OF PROJECT

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

Request to rezone the noted parcels to B2 - Neighborhood to accommodate a proposed redevelopment of the existing spinning mill building and surrounding parcels to a residential apartment community. B2 zoning will also allow for a proposed small coffee shop or restaurant within the existing building.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: 2/14/18	•				
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	•				
3. Completed application	•				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	•				
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	•				
6. <i>If property to be rezoned is a portion of a parcel:</i> - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	•				
7. Adjacent property owners list	•				
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>					
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>					

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

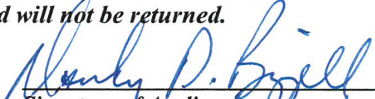
1. Consistency with the adopted plans of the Town.
The proposed rezoning is consistent with the adopted plans of the Town of Clayton including the the 2040 Comprehensive Plan. The property is noted as Downtown Core and Downtown residential in the comprehensive plan.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is well suited for the uses permitted by proposed B2 zoning district. A portion of the project is currently zoned B3 and B1.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed rezoning change will tend to improve the balance of uses and will meet a residential housing demand in and near the growing downtown area.
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, potable water supply and stormwater drainage facilities is available for the proposed use.
Adequate public facilities exist in the area including street, water, sewer, power and stormwater drainage facilities.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The legal purposes of the zoning request are not violated.
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.
It is not anticipated that there will be an adverse effect upon 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.
It is not anticipaed that any one property owner or small group of property owners will benefit materially from the rezoning change that will be determined to be a detriment of the general public.

APPLICANT AFFIDAVIT

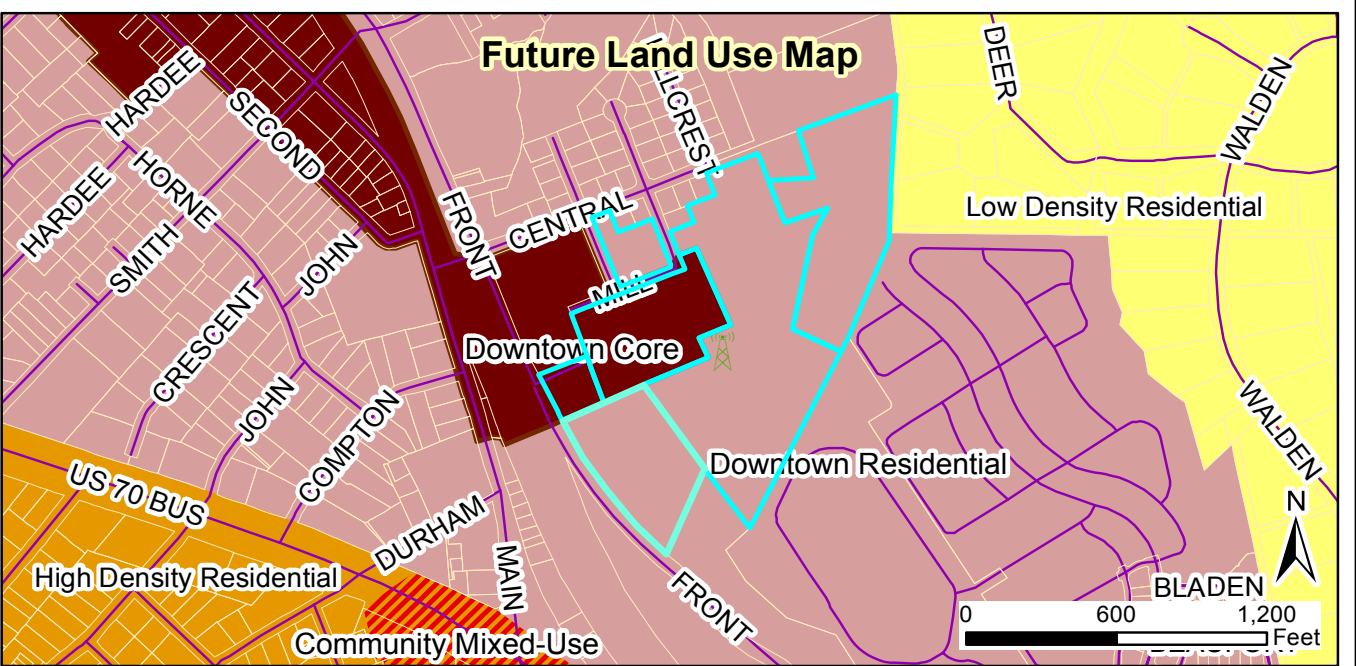
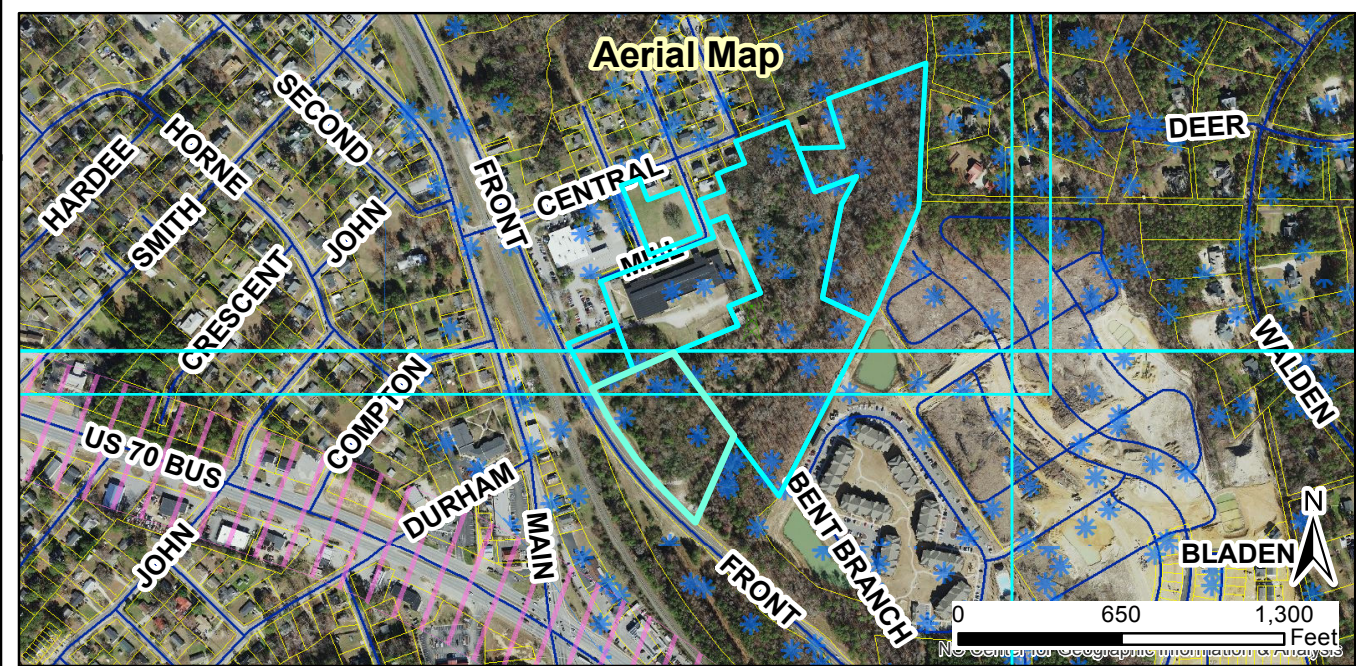
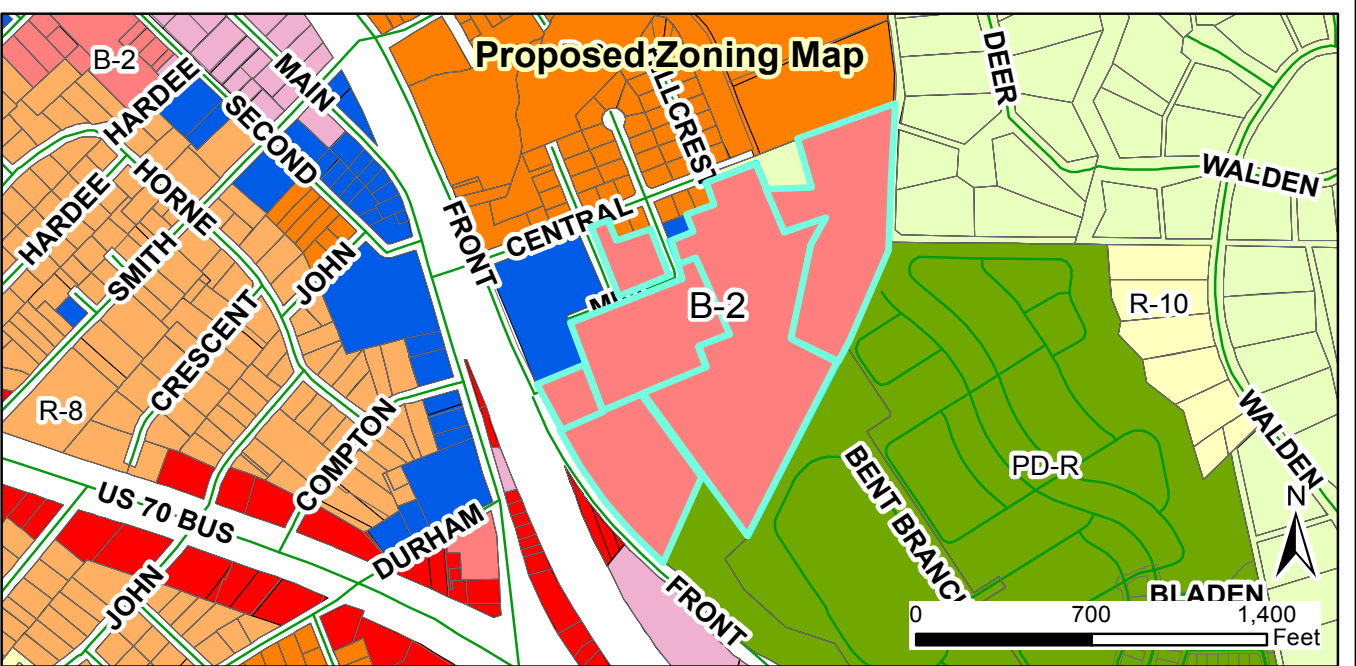
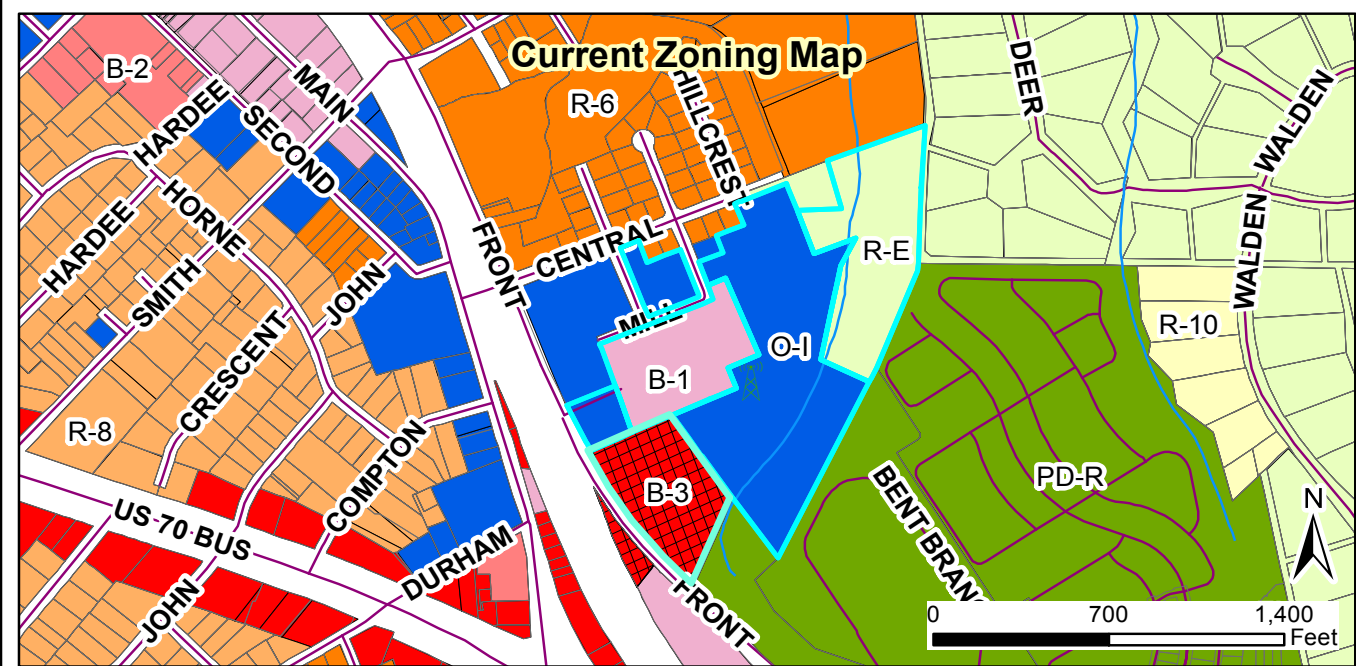
I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested. I hereby certify that I have full legal right to request such action and that the statements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

Marty D. Bizzell

Print Name


Signature of Applicant


Date



**Request:
2018-66-RZ, Spinning Mill Lofts at East Village**

Applicant: Bass, Nixon, and Kennedy, Inc.
 Property Owners: WBB LLC; HCY LLC; SCA Ventures LLC; East Village Investments LLC
 Parcel ID: 166918-30-2104; 166918-30-5328; 166918-30-8385; 166918-30-4740;
 166806-48-6538 (portion north of Front Street; 166918-40-2748
 Tag #: 05037009t; 05037008v; 05037009w; 05037009u; 05037011 (portion north
 of Front Street); 05h03197h

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-66-RZ Spinning Mill Lofts at East Village\Map\Map 2018-66-RZ Spinning Mill Lofts at East Village.mxd

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Scenic Highway Overlay
- Watershed Protection Overlay
- Site

05/03/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

ADJACENT PROPERTY OWNERS LIST

Project Name: Spinning Mill Lofts at East Village (Page 1 of 2)

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
1669.18-30-1510	United States Postal Service	3980 Dekalb Tech. Parkway S240, Atlanta, GA 30340-2778
1669.18-30-3737	Scott J. Perdun	111 Central Street, Clayton, N.C. 27520-2004
1669.18-30-3799	Allen Rhodes	P.O. Box 973, Greenboro, NC 27402-0973
1669.18-30-2808	John R. & Elaine W. Johnson	155 Richard Dr., Garner, NC 27529-6717
1669.18-30-6834	SCA Ventures, LLC	132 Citation Lane, Smithfield, NC 27577
1669.18-30-5814	Nelson K. & Angelina A. Daniels	401 Central Street, Clayton, NC 27520
166.18-30-5887	Raechel L. Marsh	409 Central Street, Clayton, NC 27520-2006
1669.18-30-6849	Joy R. Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-31-9081	Joyce Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-31-7006	Joy R. Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-31-1477	Harvey B. & Mildred S. Gordon	133 Plantation Cir S., Ponte Vedra Beach, FL 32082
1669.18-41-1304	Joy R. Roberson	P.O. Box 865, Clayton, NC 27528
1669.18-41-7775	Walden Homeowners Assoc., Inc.	2044 Deer Trail, Clayton, NC 27527
1669.18-41-6242	Jerry D. & Leetha House	2025 Deer Trail, Clayton, NC 27527
1669.18-41-5034	Hamilton Family Trust	2021 Deer Trail, Clayton, NC 27527
1669.18-40-5883	Anthony R. Tuel	2017 Deer Trl., Clayton, NC 27527-9181
1668.07-59-0985	TH Clayton Development Co., LLC	P.O. Box 566, Greenville, NC 27835-0566

ADJACENT PROPERTY OWNERS LIST

Project Name: Spinning Mill Lofts at East Village (Page 2 of 2)

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
1668.06-49-3499	Clayton Multi Family Investments, LLC	P.O Box 566, Greenville, NC 27835-0566
1668.06-39-9260	East Village Investments, LLC	227 E. Front St., New Bern, NC 28560-2145
	North Carolina Railroad	2809 Highwoods Blvd., Raleigh, NC 27604



BASS, NIXON & KENNEDY, INC., CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
919/851-4422 FAX 919/851-8968 BNK@BNKinc.com

May 4, 2018

Dear Clayton Area Property Owner:

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

Meeting Date: May 16, 2018

Meeting Time: 7:00PM

Meeting Location: The Arbors at East Village Apts. Clubhouse
50 Bentbranch Loop, Clayton

Type of Application: Rezoning, Special Use Permit and Site Plan.

Project/proposal property address: 300 Mill St., Clayton

Description of project/proposal: Residential apartments and amenities

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

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

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

If you have any questions prior to or after this meeting, you may contact us at 919-851-4422. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in blue ink that reads 'Marty D. Bizzell'.

Marty D. Bizzell, PE
Bass, Nixon & Kennedy, Inc

Cc: Town of Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Spinning Mill Lofts at East Village

Date of Mailing: May 4, 2018

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:

Printed Name: Marty D. Bizzell Signature: _____

Date of Meeting: May 16th Time of Meeting: 7:00

Location of Meeting: The Arbors Apartments Clubhouse

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.*

Five property owners attended the meeting held at the Arbors Apts. Clubhouse on May 16th at 7:00 p.m. An overview of the project was given by Marty Bizzell, Engineer for the project and Thomas Taft, Jr., developer. Several items were discussed including bldg. elevations, landscaping and traffic patterns. It was explained that the existing mill building will be renovated into 25 loft apartments. Stormwater ponds locations were discussed along with locations of Neuse Riparian buffers. There was some discussion about whether the adjacent house on E. Ridge Circle (PIN: 166918-30-6834) would remain or be demolished. It was explained the parcel is not part of the project and will remain. Property owners seemed pleased with the project at the meeting adjourned at approximately 8:30 p.m.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Spinning Mill Lofts at East Village

Application: Rezoning, Special Use and Major Site Plan

Location/Date: The Arbors Apts. Clubhouse - May 16, 2018

	NAME	ADDRESS
1	Angelina Daniels	401 Central St, Clayton, NC 27520
2	Marcia Wolfe	171 East Ridge Circle, Clayton, NC 27520
3		2021 Deer Trl
4	Allen Rhodes	508 ^{#3} 0 Ferrell St Greensboro, NC 27405
5	Jerry House	8025 Deer Trl
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Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-1545

Planning Board
May 29, 2018

STAFF REPORT

Application Number: 2018-66-RZ Project Name: Spinning Mill, Rezoning

NC PIN / Tag #: 166918-30-2104; 166918-30-5328; 166918-30-8385; 166918-30-4740; 166806-48-6538 (portion north of Front Street); 166918-40-2748 / 05037009T; 05037008V; 05037009W; 05037009U; 05037011 (portion north of Front Street); 05H03197H

Town Limits/ETJ: Town limits

Overlay: Watershed Protection Overlay

Applicant: Bass, Nixon, and Kennedy, Inc.

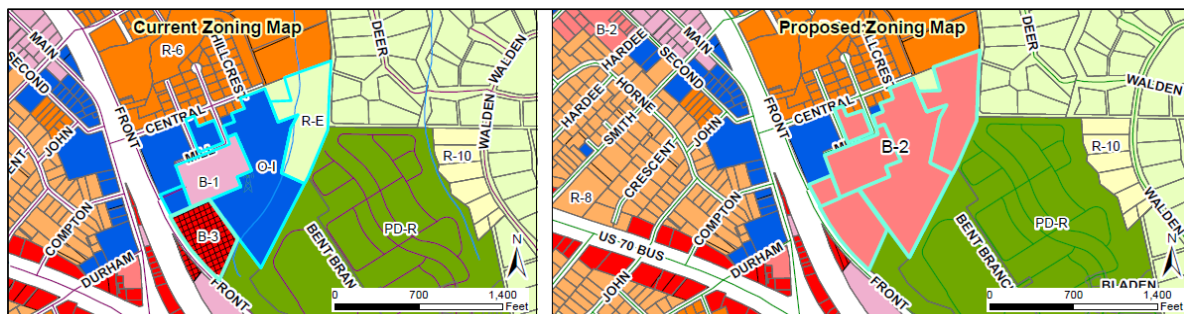
Owner: WBB LLC; HCY LLC; SCA Ventures LLC; East Village Investments LLC

Location: The property is located on E. Front Street and Central Street

Public Noticing:

- Neighborhood meeting on May 16, 2018
- Site posted prior to May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezoning of multiple parcels to Neighborhood Business (B-2).



SITE DATA:

Acreage: 24.5 acres

Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

The subject parcels are currently zoned a combination of Central Business (B-1), Office-Institutional (O-I), Highway Business-Special Use District (B-3-SUD), and Residential-Estate (R-E). The proposed rezoning is to Neighborhood Business (B-2).

Direction	Zoning	Existing Use
North	Residential-6, Office-Institutional	Single family residential, Post Office
South	Planned Development - Residential, Central Business, Highway Business – Special Use District	Vacant, Railroad tracks
East	Planned Development – Residential, Residential-Estate	Apartments, Single family residential
West	Office-Institutional	Post Office, Railroad tracks

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone 24.5± acres to Neighborhood Business (B-2). All of the subject property to be rezoned is north of Front Street. The subject parcels are currently zoned a combination of Central Business (B-1), Office-Institutional (O-I), Highway Business-Special Use District (B-3-SUD), and Residential-Estate (R-E).

Consistency with the Comprehensive Plan 2040

The property is identified in the adopted Future Land Use Map as Downtown Residential and Downtown Core. Since the writing of the Comprehensive Plan, the B-2 zoning district has been revised to include uses that are more compatible with higher density residential neighborhoods – low intensity uses that support the neighborhoods surrounding them.

When the Comprehensive Plan was created, the Spinning Mill property was included in the Downtown Core Future Land Use Designation primarily because of a desire to encourage redevelopment of the property, and not so much because it is actually urban or in the Main Street / downtown business district of Clayton. For instance, the Downtown Overlay District, which was revised after the Comprehensive Plan, was shrunk to exclude the Spinning Mill property. A downzoning of the property from B-1 to B-2 would be in keeping with the intent of the Future Land Use Map and Comprehensive Plan, which encourage a focusing of development in areas that are already served by public infrastructure, and close to the downtown area. Also, this rezoning would provide for a better mix of uses across the parcels, that would support the neighboring uses and compliment the growth of the general area, particularly given the proximity to Main Street and downtown.

It is staff's recommendation that this rezoning to B-2 be approved, and that the Comprehensive Plan be amended to include B-2 as a compatible zoning district for both the Downtown Residential and the Downtown Core Future Land Use Designations.

Comprehensive Plan Goals supporting the rezoning request include:

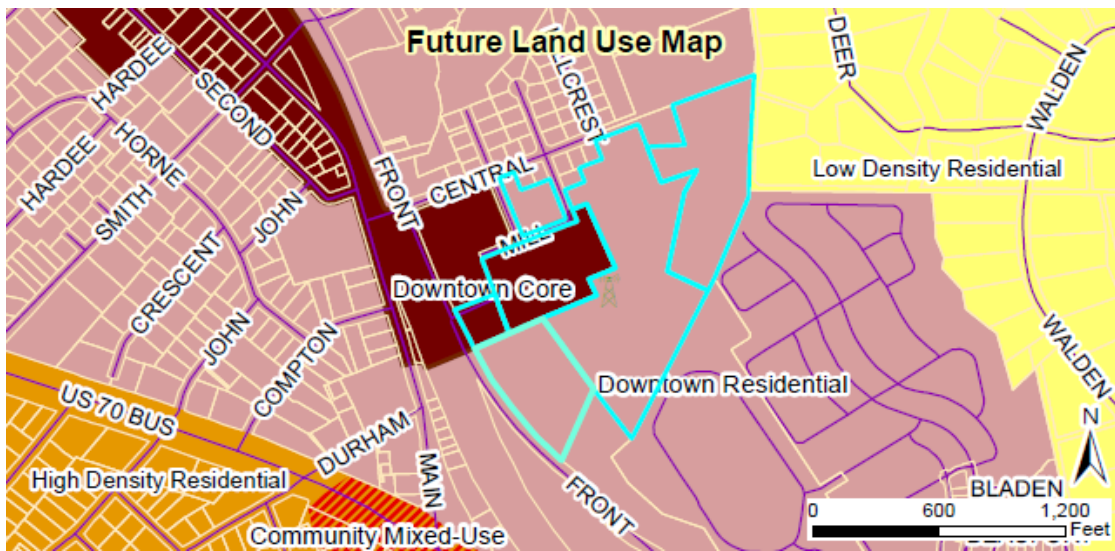
- LU1.2 – Encourage the redevelopment or adaptive reuse of under-utilized commercial development.
- LU1.4 – Protect and enhance the historic downtown character while promoting quality redevelopment and infill.

Staff Report
2018-66-RZ Spinning Mill rezoning

- LU2 – Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- D1 – Promote quality new, adaptive re-use, and infill development projects downtown, while preserving its historic character and small-town charm.
- D1.2 – Support the renovation and redevelopment of under-utilized sites and building in an effort to invigorate investment and/or revitalization in downtown.
- D1.3 – Increase the residential activity downtown and promote mixed-use projects in downtown.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



The following table identifies which zoning districts are consistent with the Future Land Use Map categories (designations).

Future Land Use Designation	COMPATIBLE ZONING DISTRICTS												
	R-E	R-10	R-8	R-6	O-R	O-I	B-1	B-2	B-3	I-1	I-2	PF	PDD
ARR	X											X	
LDR	X	X										X	
MDR		X	X	X								X	
HDR			X	X								X	
DR			X	X	X	X	X					X	X
NC						X	X	X				X	X
CC								X	X			X	X
DC							X					X	X
EC									X	X	X	X	X
ROS												X	

Consistency with Overlay Districts

The site is within the Watershed Protection Overlay district which is a state required protection for areas that are in close proximity, and upstream, from public water intake facilities. In this case, the water intake is just north of Smithfield on the Neuse River, which is the point of origin of much of the drinking water used in Clayton. The rezoning will not change the status of the overlay district, and any future development will have to conform to the standards of the overlay district.

Compatibility with surrounding land uses and potential for adverse effects

Surrounding land uses are a mix of office (Post Office) and single family residential to the west and north, and apartments and single family to the east. A B-2 rezoning would provide an opportunity for context sensitive development that would be complimentary to the surrounding uses, especially given the proximity to downtown.

Capacity/adequacy of public facilities and services

The site has access to public water and sewer, and fronts on Front Street. There is also vehicular access along the northwestern side of the property over to Central Street.

CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- The Comprehensive Plan should be amended to include B-2 as a compatible zoning district in the Downtown Core and the Downtown Residential Future Land Use Designations.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials



ORIGINAL

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

REZONING APPLICATION

Pursuant to Article 7, Section 155.704 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 amend the Official Zoning Map.

Rezoning 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 fee is \$500.00 for a rezoning to a Standard District. A rezoning to a Planned Development District requires a fee of \$1,000.00 +\$5.00 per acre. All fees are due when the application is submitted.

If the rezoning request is to a Planned Development District, the application must be accompanied by a Major Site Plan application and associated fees.

Please note that Section 155.702(B) of the Unified Development Code requires a Neighborhood Meeting for all Rezoning Petitions.

SITE INFORMATION:

Name of Project: 330 W. Stallings Street Acreage of Property: 0.5

Parcel ID Number: 166913-04-1327 Tax ID: 4700780

Deed Book: 04899 Deed Page(s): 0124

Address: 330 W. Stallings Street - Clayton, NC 27520

Location: Corner of W. Stallings and W. Whitaker Streets

Existing Use: Vacant Proposed Use: 2 SF dwellings, 1 duplex.

Existing Zoning District: R-8

Requested Zoning District R-6

Is project within a Planned Development: ☐ Yes ☒ No

Planned Development District (if applicable): _____

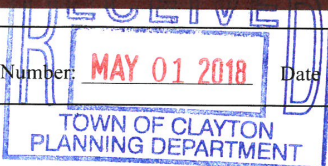
Is project within an Overlay District: ☐ Yes ☒ No

Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: 2018-08-RZ Date Received: _____ Amount Paid: \$500-

July 2013



OWNER INFORMATION:

Name: 101 W. First Street, LLC

Mailing Address: 114 W Main Street, Suite 102 - Clayton, NC

Phone Number: 919-827-1089 Ext. 202 **Fax:** 919-827-1089

Email Address: holton@communitysmith.com

APPLICANT INFORMATION:

Applicant: CommunitySmith, LLC

Mailing Address: 114 W. Main Street, Suite 105 - Clayton, NC 27520

Phone Number: (919) 827-1089 Ext. 202 **Fax:** (919) 827-1089

Contact Person: Holton Wilkerson

Email Address: holton@communitysmith.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:

- ☒ A signed and sealed boundary survey (**not more than a year old unless otherwise approved by the Planning Department**) with the azimuth or courses and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.
- ☒ Property legal description typed (10 pt. font or greater) on an 8.5 inch by 11 inch paper with one inch margins. The legal description must also be submitted electronically in Microsoft Word format.
- ☒ A copy of the last recorded deed for the subject property.

JUSTIFICATION STATEMENT

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

Request is to rezone the property from R-8 to R-6, similar to the zoning of most houses on the street.

Developer will complete minor subdivision to create three total lots on the parcel.

Two single family lots will be located on the Stallings Street side, and a Special Use Permit is being done in conjunction for a duplex facing W. Whitaker Street.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The proposed rezoning is consistent with the adopted plans of the Town of Clayton.

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

It is suitable as it is located within a residential area currently populated by both single and multi-family dwellings.

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

The proposed rezoning improves the balance of uses and meets specific demand in the Town.

Single family homes in the price point planned have been very successful in the area surrounding downtown. In our experience, rentals in the same area, especially new construction, have leased quickly for at-or-above market rents and remained full with quality tenants that are very complimentary to the neighborhoods.

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

Adequate public facilities and services are available for the property as noted on the site plan and as indicated by Town staff at the pre-application meeting on April 26, 2018.

July 2013

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

This is correct; the purposes for which the zoning exists are not violated.

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

There will be no adverse affect on adjoining property owners. In fact, the reactivation of a vacant, formerly blighted parcel will have a positive impact on adjacent properties and their valuation.

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

This is correct; there will be no detriment to the general public.

APPLICANT AFFIDAVIT

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

Holton Wilkerson

Print Name



Signature of Applicant

5-1-2018

Date

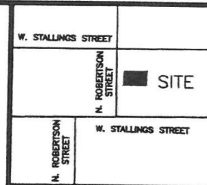
July 2013

NOTES:

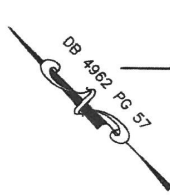
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
- 4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
- 5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
- 6) NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF FEMA FLOOD HAZARD AREAS ON THIS PARCEL

MINIMUM BUILDING SETBACKS
ZONING: R-8

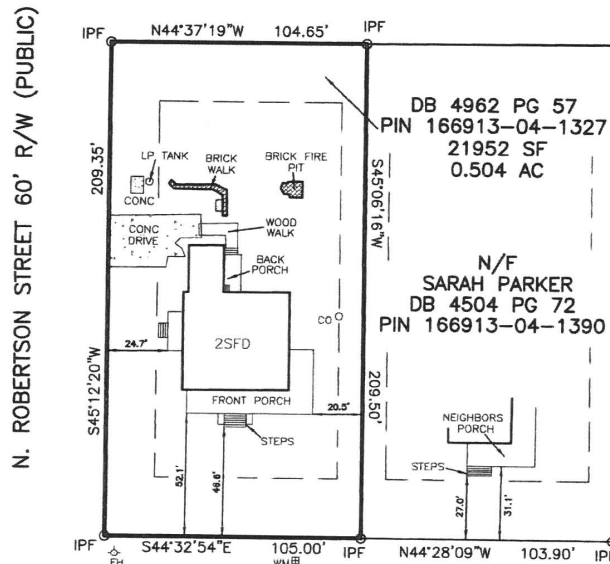
FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET



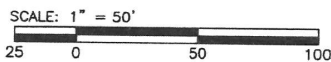
VICINITY MAP
(not to scale)



W. WHITAKER STREET 60' R/W (PUBLIC)

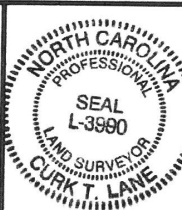


W. STALLINGS STREET 60' R/W (PUBLIC)



330
W. STALLING STREET

LEGEND	
○ IPF	IRON PIPE FOUND
● IPS	IRON PIN SET
○ RRSF	RAILROAD SPIKE
○ PKNF	PARKER-KALON
○ WV	NAIL FOUND
○ WM	WATER VALVE
○ CO	WATER METER
○ S.F.	CLEAN OUT
○ 100.0	SQUARE FEET
○ CATV	ELEVATIONS
○ ELEC	CABLE TV BOX
○ PB	ELECTRIC BOX
○ PP	PLAT BOOK
○ DB	POWER POLE
---	DEED BOOK
---	--- LINES NOT SURVEYED



NOT PREPARED FOR RECORDATION JOB NO. 3037.001

I, CURK T. LANE CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED IS 1:10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES.

L - 3990
REGISTRATION NUMBER SURVEYOR

PHYSICAL SURVEY
FOR

101 W. FIRST ST., LLC

330 W. STALLING STREET, CLAYTON, NC 27520
CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

DATE OF SURVEY: 6/2/17 DRAWN: HUSSEIN DATE: 6/8/17 CHECKED: CURK

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 07/06/2017 03:31:06 PM
DEED BOOK: 4987 PAGE: 199-201 INSTRUMENT # 2017536183
Real Estate Excise Tax: \$120.00 Deputy/Assistant Register of Deeds: LaWanda Neal

Prepared by: McCullers, Whitaker & Hamer, PLLC –
104 N. Fayetteville St., Clayton, NC 27520
Mail To: GRANTEE
Excise Tax: \$120
PIN: 05031031
330 W. Stallings Street, Clayton
The property conveyed herein is NOT Grantor's primary residence

NORTH CAROLINA SPECIAL WARRANTY DEED

State of NORTH CAROLINA
County of JOHNSTON

This SPECIAL WARRANTY DEED, made this, the 5 day of July, 2017, by and between SECURE, INC., a North Carolina corporation (hereinafter referred to as "GRANTOR"), and 101 W. FIRST STREET, LLC, a North Carolina limited liability company, whose mailing address is 114 W. Main Street, Suite 102, Clayton, NC 27520 (hereinafter referred to as "GRANTEE"):

WITNESSETH:

That the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land more particularly described as follows:

SEE ATTACHED EXHIBIT "A" FOR A MORE COMPLETE AND ACCURATE DESCRIPTION THEREOF.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

submitted electronically by "McCullers, Whitaker & Hamer, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

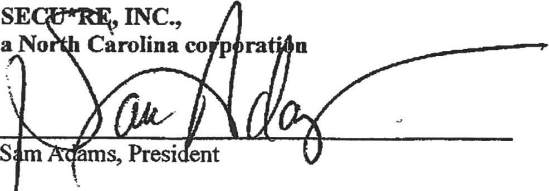
AND THE GRANTOR covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- (1) Subject to 2017 ad valorem taxes; and
- (2) Subject to easements, restrictions, covenants and right-of-ways of record.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set his hand and seal, or if corporate, has caused this instrument to be executed by duly authorized officers and its seal affixed by authority of its Board of Directors, the day and year set forth above.

SECURE, INC.,
a North Carolina corporation

BY:

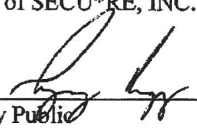

Sam Adams, President

STATE OF NORTH CAROLINA

COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Sam Adams as President of SECURE, INC.

This the 5 day of July, 2017.


Notary Public

Gregory Bragg
Notary Printed Name

My Commission Expires: 2/19/19

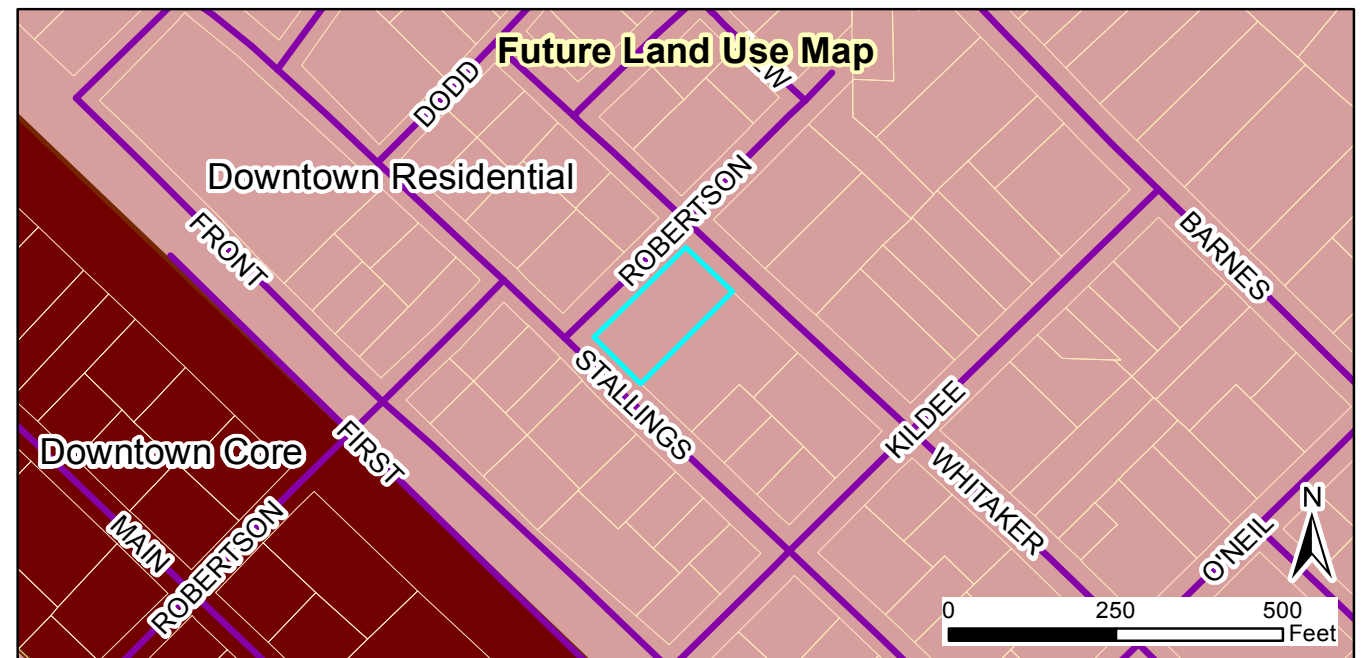
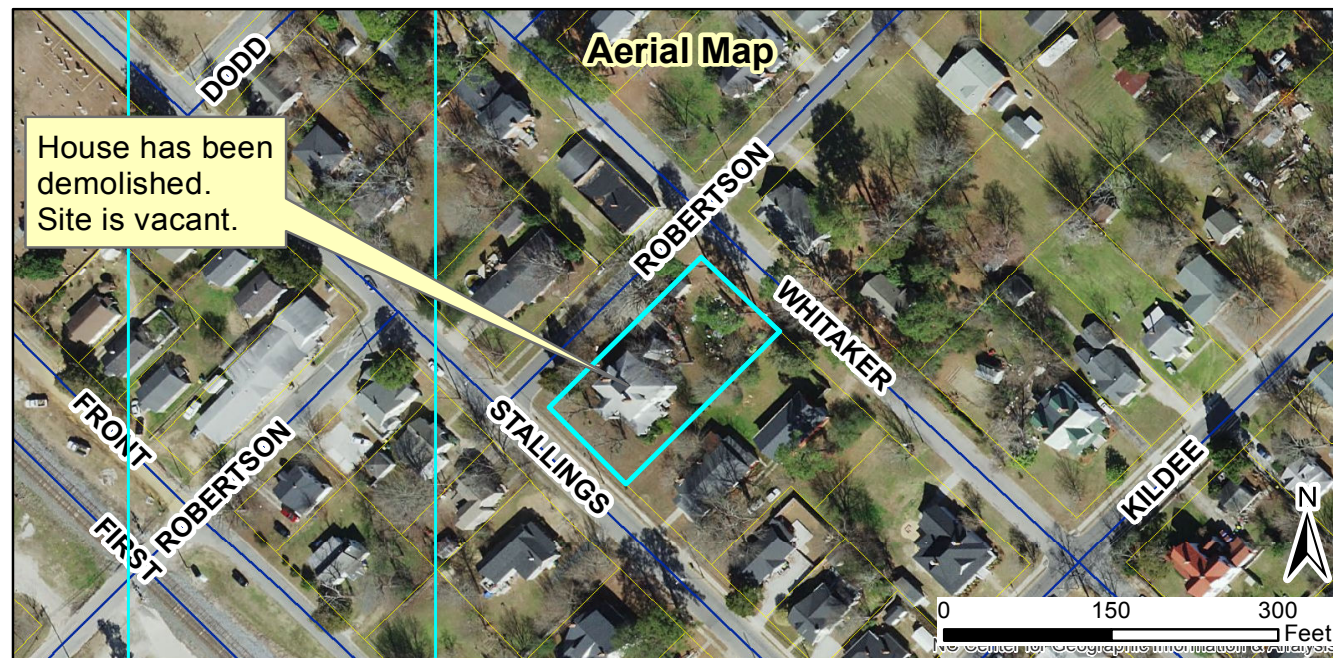
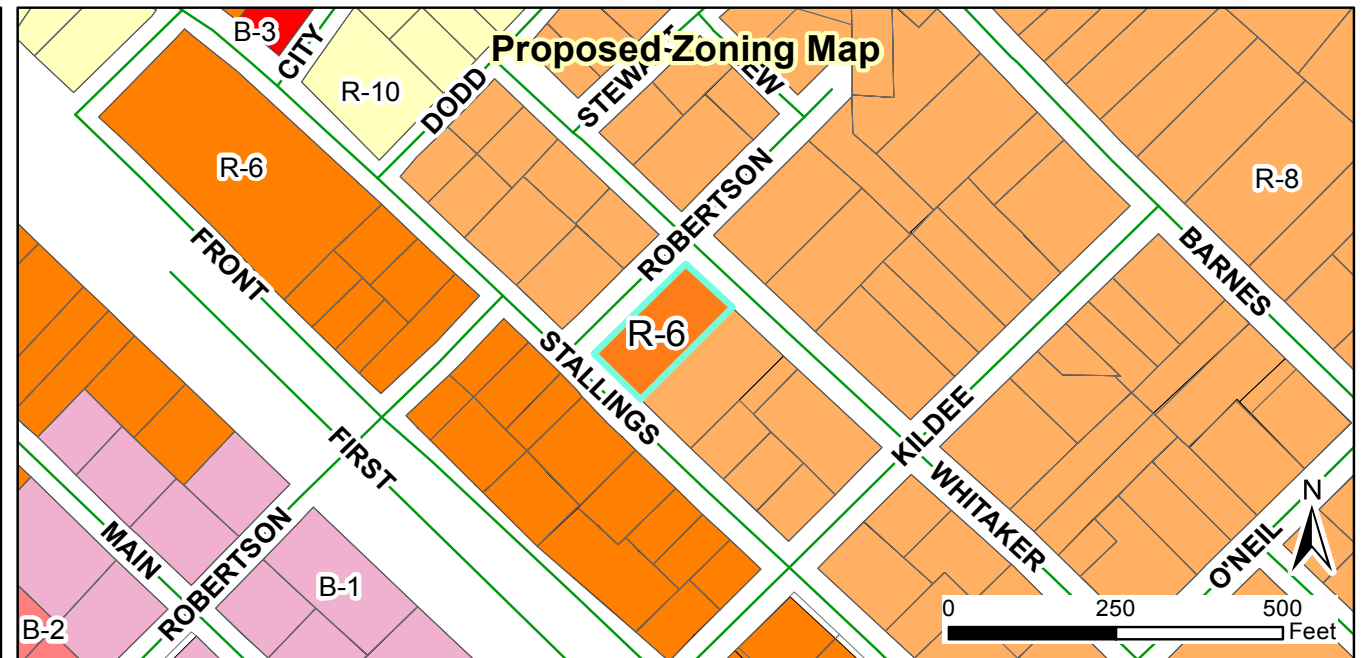
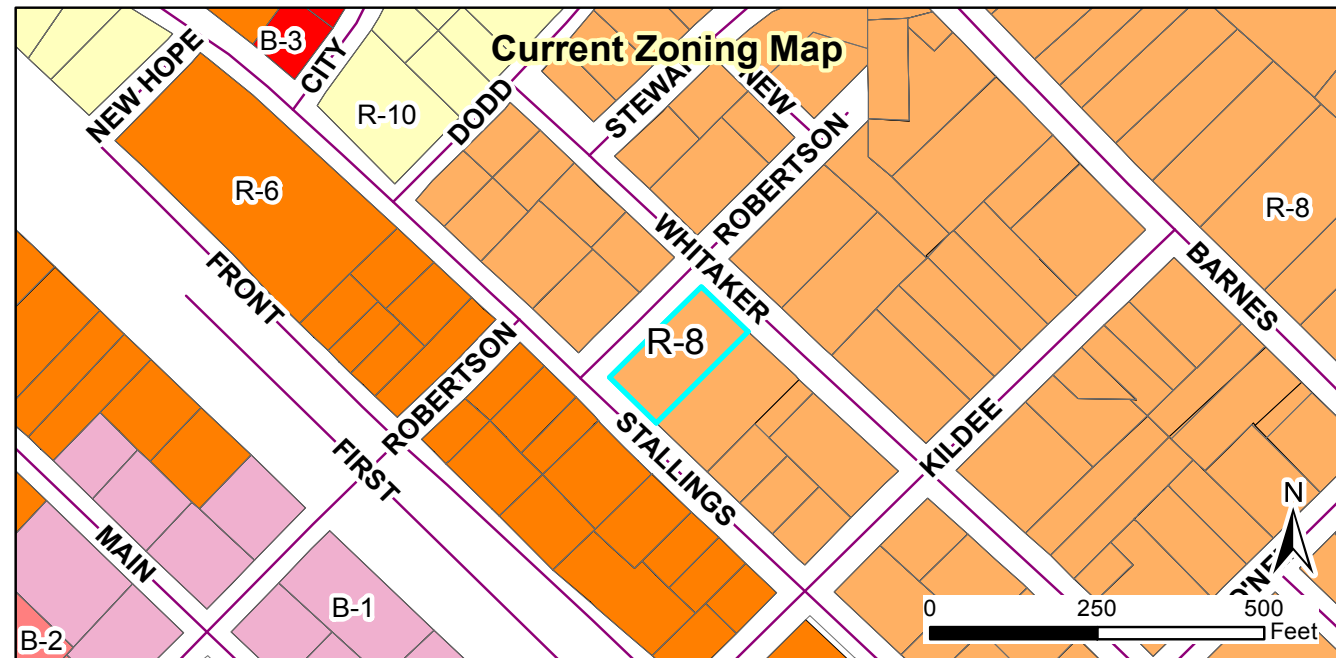


Exhibit "A"

BEGINNING at a stake at the intersection of Cardinal Avenue (now N. Robertson Street) and Stallings Street in the town of Clayton, Johnston County, North Carolina; runs with Stallings Street South 45 degrees East 105 feet to a stake, (formerly) Aubrey S. Gattis' corner; thence with this line North 45 degrees East 210 feet to a stake on Whitaker Street; thence as Whitaker Street North 45 degrees West 105 feet to a stake; the intersection of Whitaker Street and Cardinal Avenue (now N. Robertson Street); thence along the line of Cardinal Avenue (now N. Robertson Street) South 45 degrees West 210 feet to the POINT AND PLACE OF BEIGNNING, containing one-half of an acre, more or less. For chain of title reference see conveyances to Battle Wilson Champion and Sybil Champion at Book 641, Page 182; and to Battle Wilson Champion at Book 465, Page 280; and to Dr. BB Pool and wife, Alta Debnam Pool at Book 250, Page 506, Johnston County Registry. Being that same property acquired by Grantor in Book 4962, Page 57, Johnston County Registry.

Legal Description – 330 W. Stallings Street – Clayton, NC 27520

BEGINNING at a stake at the intersection of Cardinal Avenue (now N. Robertson Street) and Stallings Street in the town of Clayton, Johnston County, North Carolina; runs with Stallings Street South 45 degrees East 105 feet to a stake, (formerly) Aubrey S. Gattis' corner; thence with this line North 45 degrees East 210 feet to a stake on Whitaker Street; thence as Whitaker Street North 45 degrees West 105 feet to a stake; the intersection of Whitaker Street and Cardinal Avenue (now N. Robertson Street); thence along the line of Cardinal Avenue (now N. Robertson Street) South 45 degrees West 210 feet to the POINT AND PLACE OF BEIGNNING, containing one-half of an acre, more or less. For chain of title reference see conveyances to Battle Wilson Champion and Sybil Champion at Book 641, Page 182; and to Battle Wilson Champion at Book 465, Page 280; and to Dr. BB Pool and wife, Alta Debnam Pool at Book 250, Page 506, Johnston County Registry. Being that same property acquired by Granter in Book 4962, Page 57, Johnston County Registry



Request:
2018-88-RZ, 330 W Stallings Street, rezoning

Applicant: CommunitySmith, LLC
Property Owners: 101 W First Street, LLC
Parcel ID: 166913-04-1327
Tag #: 4700780

Staff Report Map



Document Path: O:\PLANNING\REZONING\Rezoning\2018\2018-88-RZ 330 W. Stallings St\Map\Map 2018-88-RZ 330 W Stallings Street rezoning.mxd

Legend

- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay
- Site

05/04/2018
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information provided at the Neighborhood Meeting:

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

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

- ☒ Adjacent Property Owner's List (aka "mailing list")
- ☒ Copy of the letter mailed
- ☒ Attendance Roster (aka "sign-in sheet")
- ☒ Neighborhood Meeting Summary Form with minutes (see below)

ADJACENT PROPERTY OWNERS LIST

Project Name: 330 W. Stallings Street Duplex

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
05031057	LEE, HUBERT L & BONNIE Y	2236 SHOTWELL RD CLAYTON, NC 27520-8223
05031032	PARKER, LESLIE E. & SARAH K	320 W STALLINGS ST CLAYTON, NC 27520-1726
05030010	PLOUFFE, RANDI	310 N ROBERTSON ST CLAYTON, NC 27520
05031027	LARGENT, KATIE I.	327 W STALLINGS ST CLAYTON, NC 27520-1725
05031026	MINTER, M L & GERALDINE G	579 RANCH RD CLAYTON, NC 27520-6465
05031029	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05031028	KIMBLE, PAUL L JR & LAURIE A	PO BOX 875 CLAYTON, NC 27528-0875
05030001	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05030084	JOHNSON, DERRICK B & KEITHA	404 N ROBERTSON STREET CLAYTON, NC 27520-0000
05030017	BUESO, CELEA PATRICIA	10936 STAGE DR RALEIGH, NC 27603-9697
05031056	LEE, CHARLES FRED & TEXIE C	2130 SHOTWELL RD CLAYTON, NC 27520-8221



Dear Clayton Area Property Owner:

May 1, 2018

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

Meeting Date: Wednesday, May 16th, 2018 Meeting Time: 6:00pm

Meeting Location: Blvd. West Coffee Shop, 104 W. Main Street, Clayton, NC 27520

Type of Application: Rezoning And Special Use Permit

Project/proposal property address: 330 W. Stallings Street, Clayton, NC 27520

Description of project/proposal: The project involves rezoning the parcel from R-8 to R-6, allowing for two single family homes to be built on the Stallings Street frontage, and a duplex to be built on the Whitaker frontage which requires requesting a special use permit from the Town of Clayton.

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

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal. If you have any questions prior to or after this meeting, you may contact us at 919-827-1089 Ext. 202. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink that reads 'Holton Wilkerson'.

Holton Wilkerson
President, CommunitySmith, LLC
Cc: Town of Clayton Planning Dept.



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 330 W. Stallings Street Duplex

Application: 330 W. Stallings Street Duplex

Location/Date: Blvd. West Coffee Shop - 5/16/2018

	NAME	ADDRESS
1	N/A;	Applicant was only person present.
2		
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20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Duplex - 330 W Stallings Street - Clayton, NC

Date of Mailing: May 2, 2018

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:

Printed Name: Holton Wilkerson

Signature: 

Date of Meeting: May 16, 2018 Time of Meeting: 6:00PM

Location of Meeting: Blvd. West Coffee Shop - 104 W Main Street - Clayton, NC

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.*

N/A; Applicant, Holton Wilkerson of CommunitySmith, LLC
was the only person present thus there are no meeting notes.
Applicant was present at Boulevard West Coffee Shop at
104 W Main Street with all applicable materials printed and
available for review. Once it was clear that no neighbors or
others would be attending, Mr. Wilkerson packed up all said
materials and left.

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



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
May 29, 2018*

STAFF REPORT

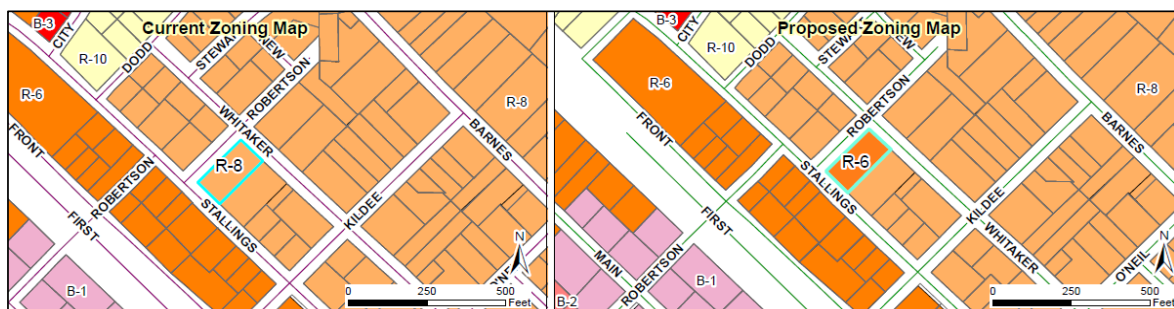
Application Number: 2018-88-RZ Project Name: 330 W Stallings Street, Rezoning

NC PIN / Tag #: 166913-04-1327 / 4700780
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: CommunitySmith LLC
Owner: 101 W. First Street LLC
Location: 330 W. Stallings Street; site of the former Champion House

Public Noticing:

- Neighborhood meeting May 16, 2018
- Sign posted prior to May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezoning from Residential-8 (R-8) to Residential-6 (R-6).



SITE DATA:

Acreage: 0.5 acres
Existing Use: Vacant; formerly vacant single family residential.

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-8	Single family residential, Multi-family residential (apartment, quadplex)
South	Residential-6	Single family residential
East	Residential-8	Single family residential
West	Residential-8, Residential-6	Single family residential, with Multi-family residential nearby on the intersection of Robertson Street and Stallings Street

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 0.5 acres on the corner of Stallings Street, Robertson Street, and Whittaker Street (site of the former Champion House) from Residential-8 (R-8) to Residential-6 (R-6). This piece of land is currently vacant. It is adjacent to and bordered by a quadplex apartment to the north, and is otherwise generally bordered by single family residential. To the south is a large amount of R-6 zoning districts.

Existing vs. Proposed Zoning

The following uses are typical (but not exhaustive) of both the existing (R-8) and proposed (R-6) zoning districts.

- Single Family Home
 - Zero Lot Line Home
 - Golf Course
 - Park
- NOTE: Apartments, Townhomes, and Duplexes are permitted in the R-8 zoning district via a Special Use Permit.

The primary distinction between the two districts, other than minor differences in dimensional standards (setbacks, min. lot width, etc.), is that minimum lot size for conventional single family residential development is 8,000 sqft in the R-8 district and 6,000 sqft in the R-6 district.

Consistency with the Comprehensive Plan 2040

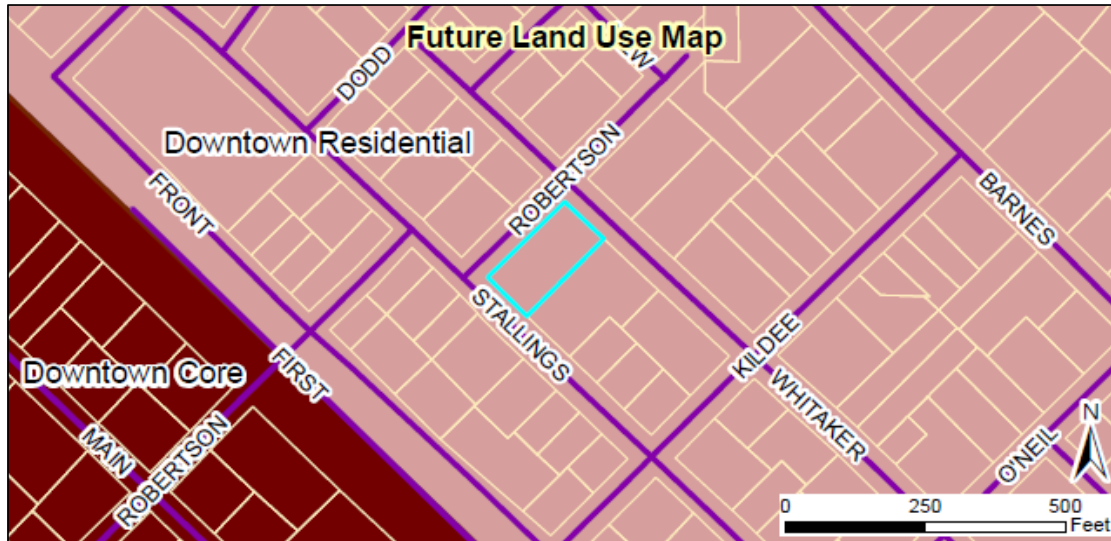
The property is identified in the adopted Future Land Use Map as Downtown Residential. One of the purposes of the Downtown Residential designation is to encourage dense residential development that will support the commercial and service businesses in the Downtown Core, which generally refers to the downtown / central business district. R-6 is identified as a compatible zoning district for the Downtown Residential Future Land Use Designation.

Comprehensive Plan Goals supporting the rezoning request include:

- LU1.1.2 Support residential development at varying densities based on the Future Land Use Map.
- D1 Promote quality new, adaptive re-use, and infill development projects downtown.
- D1.2 Support the renovation and redevelopment of under-utilized sites and buildings in an effort to invigorate investment and/or revitalization in downtown.
- D1.3 Increase the residential activity downtown.

Comprehensive Plan Goals not supporting the rezoning request include:

- None



Access to public facilities and services

There is sufficient access to public water and sewer service. The site is proximate to public parks and the downtown central business district.

CONSIDERATIONS:

- Rezoning is decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.

STAFF RECOMMENDATION:

Approval of the rezoning.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials



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.

Application Fee: \$400.00.

Advertisement Fee: \$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 Special Use Permit applications.

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

Name of Project: 330 W. Stallings Street Acreage of Property: .5

Parcel ID Number: 166913-04-1327 Tax ID: 4700780

Deed Book: 04899 Deed Page(s): 0124

Address/Location: 330 W. Stallings Street - Clayton, NC 27520

Corner of W. Stallings Street and W. Whitaker Street

Existing Use: Vacant Proposed Use: Duplex

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): _____

OFFICE USE ONLY

Date Received: MAY 01 2018 Amount Paid: \$500- Permit Number: 2018-87-SUP

TOWN OF CLAYTON
PLANNING DEPARTMENT
version 01/06/2013

Page 1 of 9

PROPERTY OWNER INFORMATIONName: 101 W. First Street, LLCMailing Address: 114 W Main Street, Suite 102 - Clayton, NCPhone Number: 919-827-1089 Ext. 202 Fax: 919-827-1089Email Address: holton@communitysmith.com**APPLICANT INFORMATION**Applicant: CommunitySmith, LLCMailing Address: 114 W. Main Street, Suite 105 - Clayton, NC 27520Phone Number: 919-827-1089 Ext. 202 Fax: 919-827-1089Contact Person: Holton WilkersonEmail Address: holton@communitysmith.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 <u>was held</u> with Town of Clayton staff. Date: <u>April 26, 2018</u>	☒	☐			
2. Review Fee (\$400) and Application Fee (\$100)	☒	☐			
3. Completed application (9 copies)	☒	☐			
4. Owner's Consent Form (9 copies)	☒	☐			
5. Adjacent property owners list (9 copies)	☒	☐			
6. Wastewater allocation request OR verification of wastewater allocation (9 copies)	☒	☐			
7. Signed and sealed traffic impact analysis (2 copies)	☐	☒			
8. If applicant is concurrently applying for site plan approval, a copy of the proposed site plan.	☒	☐			
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.

The application will not materially endanger public health or safety if located where proposed and will be developed in accordance with the plans as submitted to the Town of Clayton.

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.

The application has been prepared to ensure compliance with all Town of Clayton ordinance requirements and will be an example of sound land use practice.

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.

Application will not injure value of, or be detrimental to the use or development of, adjoining or abutting properties which are currently developed.

In fact, the reactivation of a vacant, formerly blighted parcel will have a very positive impact on adjacent properties and their valuation.

Single family homes in the price point planned have been very successful in the area surrounding downtown. In our experience, rentals in the same area, especially new construction, have leased quickly at at-or-above market rate rents and remained full with quality tenants that are very complimentary to the neighborhoods.

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.

The application will certainly not have an adverse affect, rather will comply with adopted plans and policies of the Town and will improve the character of the surrounding area.

EXPLANATION OF PROJECT

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

Plan is to construct one duplex facing W. Whitaker Street on newly formed lot via minor subdivision.

Area is a mix of single family and multifamily dwellings and the duplex will not only be in keeping with the surroundings, but a welcome addition to them given the new construction and character of the design as shown in the attached plans and elevations.

The duplex will be approximately 2,400 square feet - 1,200 per side. Each side will consist of a 3 bedroom, 2 bath unit with covered porch in front and deck/patio area in the rear.

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.

Holton Wilkerson

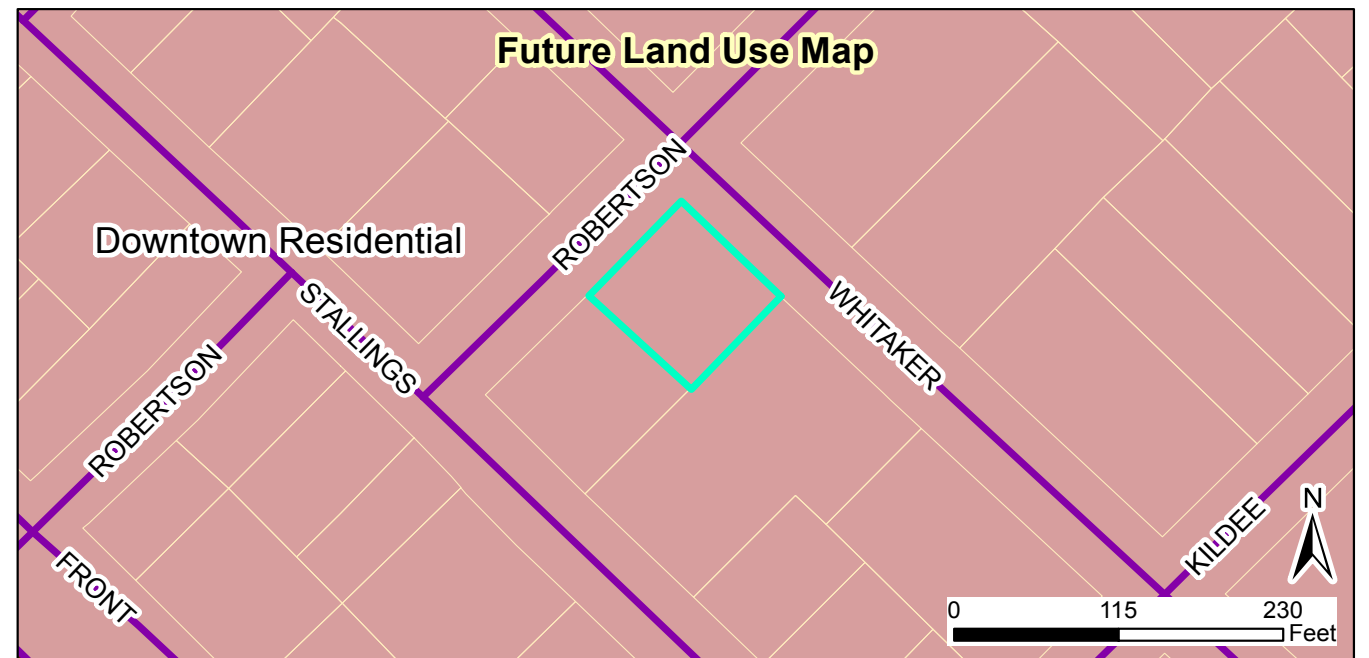
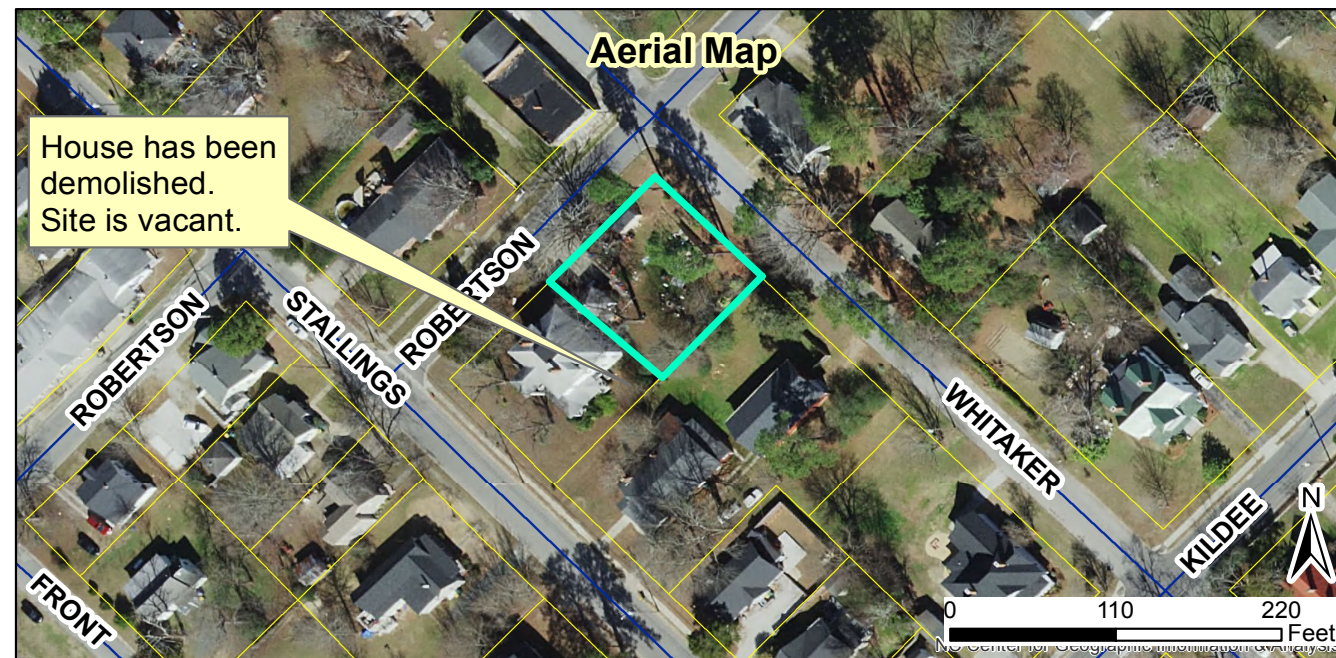
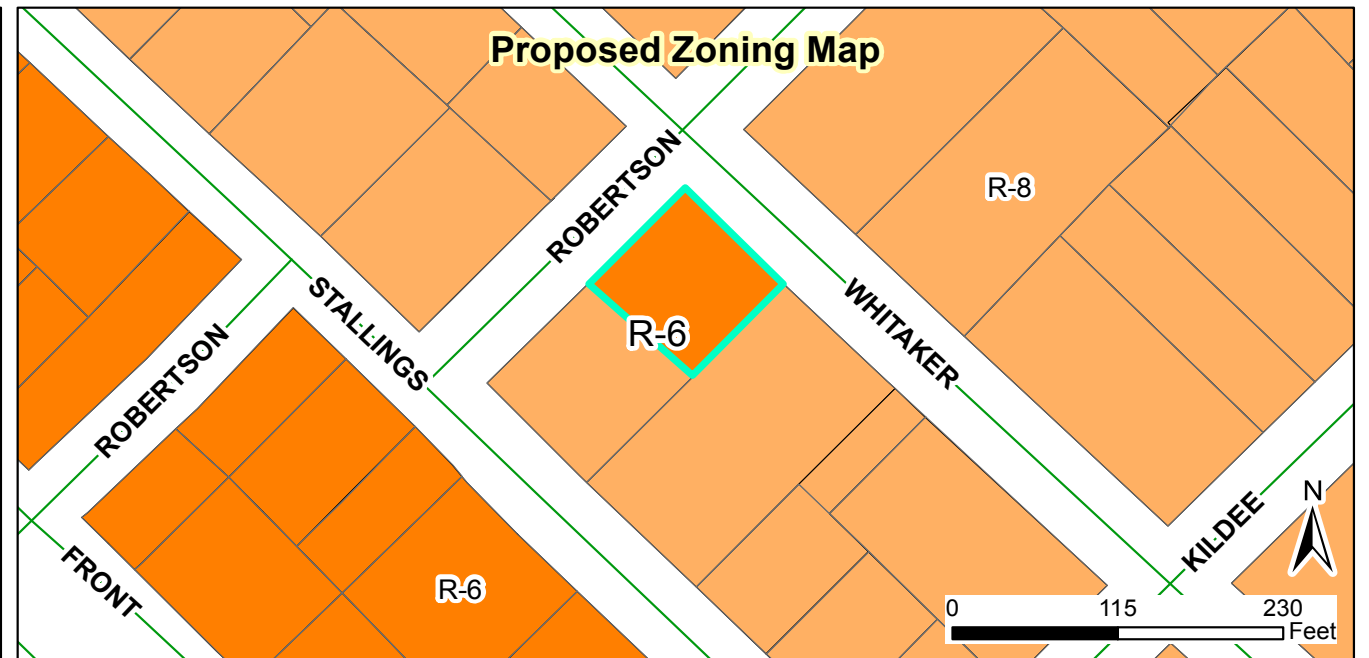
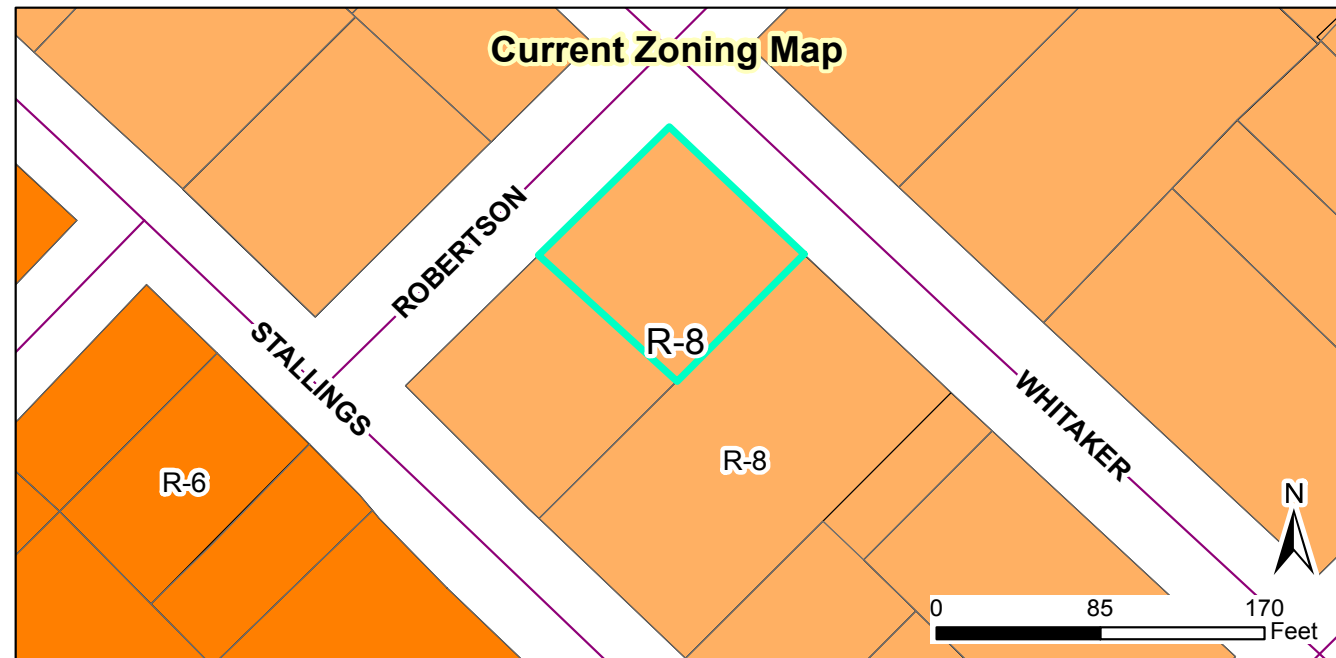
Print Name



Signature of Applicant

5-1-18

Date



2018-87-SUP 330 W Stallings Street Duplex, Special Use Permit
Request: Request to allow the use of a duplex on a portion of the subject property

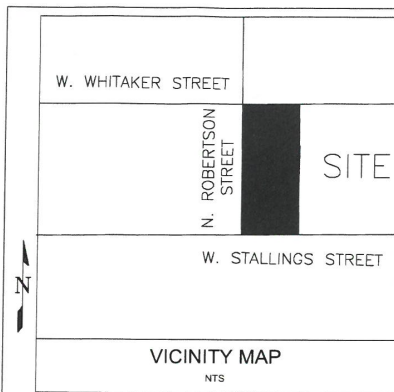
Applicant: CommunitySmith, LLC
 Property Owners: 101 W First Street, LLC
 Parcel ID: 166913-04-1327
 Tag #: 4700780

Document Path: O:\PLANNING\SPECIAL USE\2018\2018-87-SUP 330 W. Stallings St\Maps\2018-87-SUP 330 W Stallings Street special use.mxd

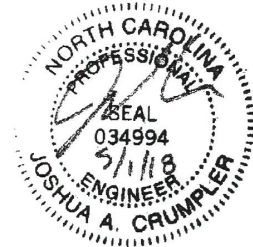
Staff Report Map

05/04/2018
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.

- Legend**
- 100-yr Flood Zone
 - Thoroughfare Overlay
 - Watershed Protection Overlay
 - Site



PRELIMINARY PLANS
NOT FOR CONSTRUCTION



PLOT PLANS FOR 330 W. STALLINGS STREET CLAYTON, NORTH CAROLINA

PREPARED FOR:
COMMUNITYSMITH, LLC
114 W. MAIN STREET, SUITE 105
CLAYTON, NORTH CAROLINA 27520

<u>SHEET</u>	<u>DESCRIPTION</u>
C-1	COVER
C-2	EXISTING CONDITIONS (SURVEY)
C-3	PLOT PLAN



ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL
TOWN OF CLAYTON STANDARDS AND SPECIFICATIONS.

CRUMPLER
Consulting Services, PLLC

2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

PROJECT NO.:	18013
DRAWN BY:	JAC
CHECKED BY:	JAC
DATE:	04/30/18
SCALE:	NO SCALE

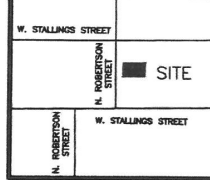
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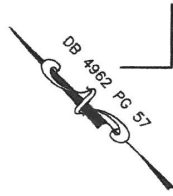
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD
- 4) NO HORIZONTAL CONTROL FOUND WITHIN 2000 FEET OF SURVEY
- 5) BOUNDARY PREDICATED ON EXISTING MONUMENTATION FOUND IN THE FIELD
- 6) NO DETERMINATION HAS BEEN MADE AS TO THE EXISTENCE OF FEMA FLOOD HAZARD AREAS ON THIS PARCEL

MINIMUM BUILDING SETBACKS
ZONING: R-8

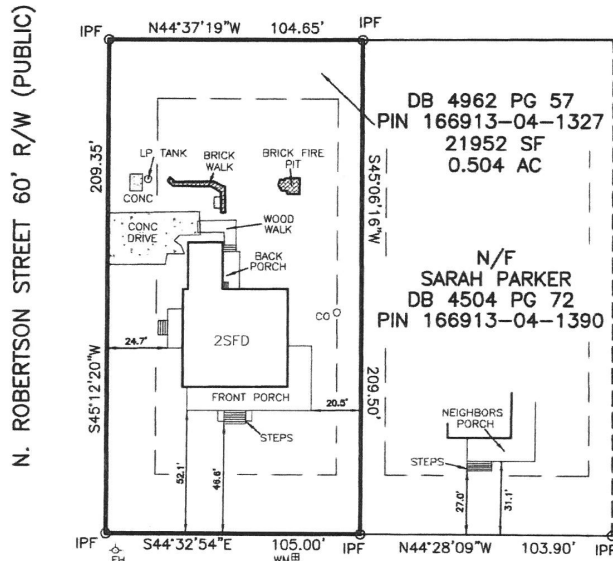
FRONT.....25 FEET
SIDE.....10 FEET
REAR.....25 FEET
CORNER SIDE.....20 FEET



VICINITY MAP
(not to scale)



W. WHITAKER STREET 60' R/W (PUBLIC)



W. STALLINGS STREET 60' R/W (PUBLIC)

SCALE: 1" = 50'



330

W. STALLING STREET

- LEGEND
- IPF IRON PIPE FOUND
 - IPS IRON PIN SET
 - RRSF RAILROAD SPIKE
 - PKNF PARKER-KALON
 - NAIL FOUND
 - WV WATER VALVE
 - WM WATER METER
 - CO CLEAN OUT
 - S.F. SQUARE FEET
 - 100.0 ELEVATIONS
 - CATV CABLE TV BOX
 - ELEC ELECTRIC BOX
 - PB PLAT BOOK
 - PP POWER POLE
 - DB DEED BOOK
 - LINES NOT SURVEYED



PHYSICAL SURVEY
FOR

101 W. FIRST ST., LLC

330 W. STALLING STREET, CLAYTON, NC 27520

CLAYTON TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

NOT PREPARED FOR RECORDATION

JOB NO. 3037.001

I, CURK T. LANE CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED IS 1:10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES.

L - 3990

REGISTRATION NUMBER

SURVEYOR

DATE OF SURVEY: 6/2/17

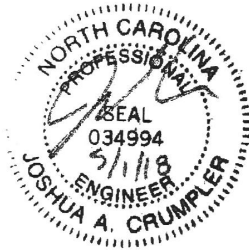
DRAWN: HUSSEIN

DATE: 6/8/17

CHECKED: CURK

PRELIMINARY PLANS

NOT FOR CONSTRUCTION



NOTES

1. ALL FENCING TO BE PLACE
1' INSIDE OF PROPERTY LINE.

2. EXISTING STRUCTURE AS SHOWN
ON SURVEY HAS BEEN PREVIOUSLY
REMOVED FROM SITE.

LOT # 1

IMPERVIOUS SURFACE COVERAGE = 3,765 SF
LOT AREA = 9,960 SF
PERCENTAGE OF IMPERVIOUS AREA = 37.8%

LOT # 2

IMPERVIOUS SURFACE COVERAGE = 2,004 SF
LOT AREA = 5,990 SF
PERCENTAGE OF IMPERVIOUS AREA = 33.5%

LOT # 3

IMPERVIOUS SURFACE COVERAGE = 2,014 SF
LOT AREA = 6,002 SF
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PLOT PLAN

330 W. STALLINGS STREET
CLAYTON, NORTH CAROLINA

CRUMPLER
Consulting Services, PLLC

2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

PROJECT NO.: 18013

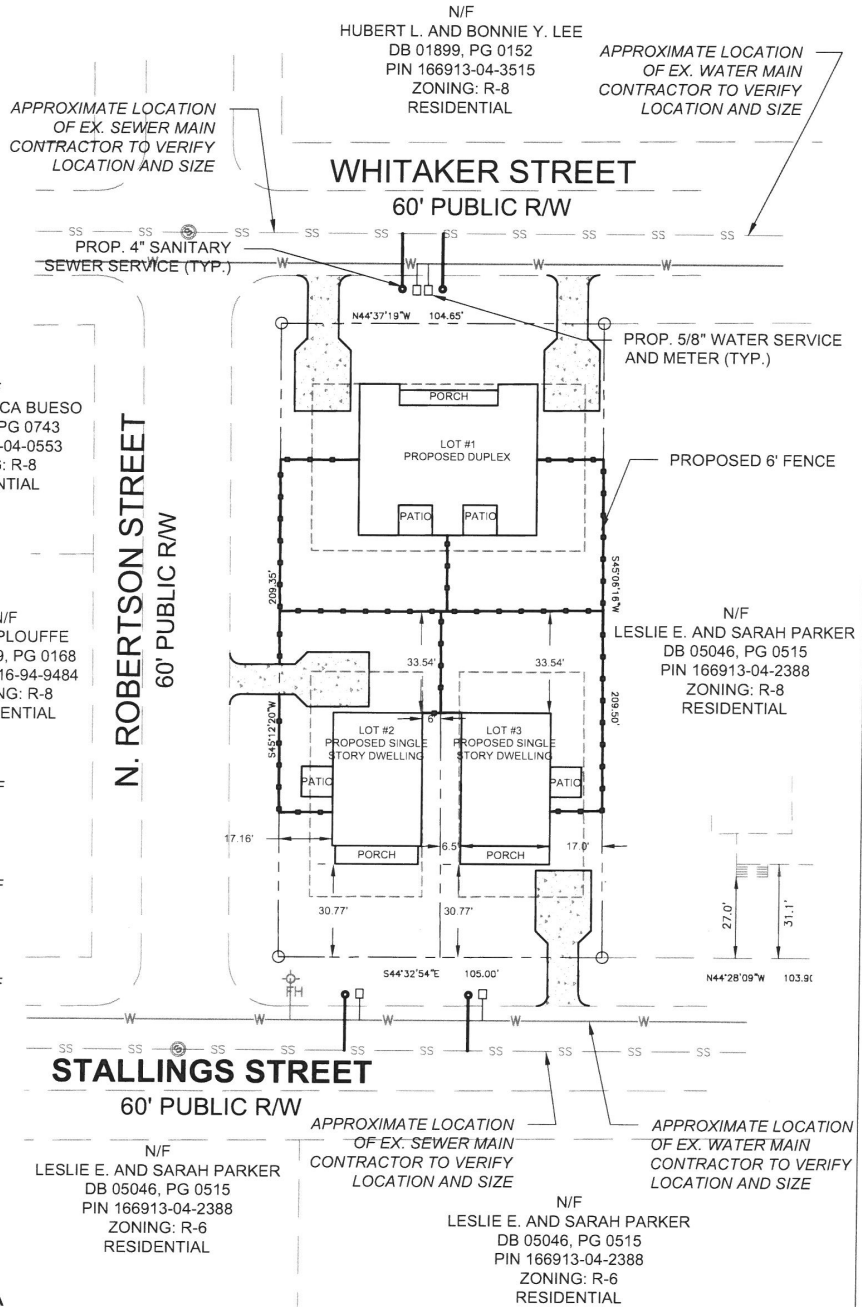
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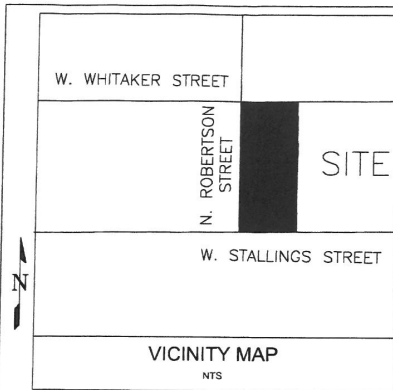
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DATE: 04/30/18

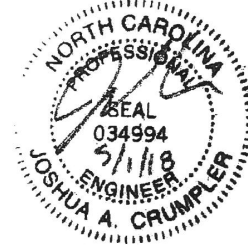
SCALE: 1 : 50

C-3





PRELIMINARY PLANS
NOT FOR CONSTRUCTION



PLOT PLANS **FOR** **330 W. STALLINGS STREET** **CLAYTON, NORTH CAROLINA**

PREPARED FOR:
COMMUNITYSMITH, LLC
114 W. MAIN STREET, SUITE 105
CLAYTON, NORTH CAROLINA 27520

<u>SHEET</u>	<u>DESCRIPTION</u>
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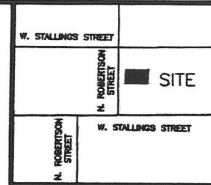
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NOTES:

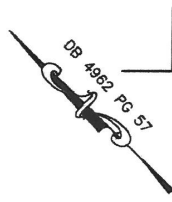
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MINIMUM BUILDING SETBACKS
ZONING: R-8

FRONT.....25 FEET
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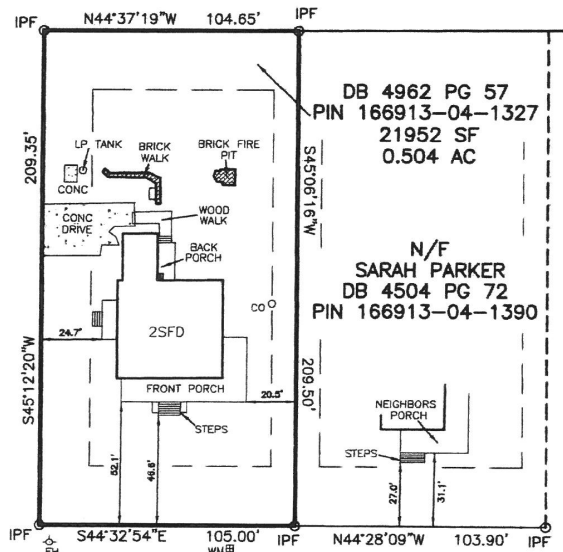


VICINITY MAP
(not to scale)



W. WHITAKER STREET 60' R/W (PUBLIC)

N. ROBERTSON STREET 60' R/W (PUBLIC)



W. STALLINGS STREET 60' R/W (PUBLIC)

SCALE: 1" = 50'



330

W. STALLING STREET

- LEGEND**
- IPF IRON PIPE FOUND
 - IPS IRON PIN SET
 - RRSF RAILROAD SPIKE
 - PKNF PARKER-KALON
 - NAIL FOUND
 - WM WATER VALVE
 - WM WATER METER
 - CO CLEAN OUT
 - S.F. SQUARE FEET
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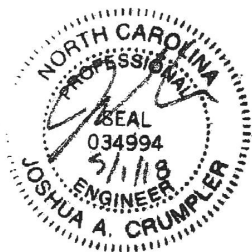
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DRAWN: HUSSEIN

DATE: 6/8/17

CHECKED: CURK

NOT FOR CONSTRUCTION



N/F
RANDI PLOUFFE
DB 045+9, PG 0168
PIN 165916-94-9484
ZONING: R-8
RESIDENTIAL

1. ALL FENCING TO BE PLACE
1' INSIDE OF PROPERTY LINE.

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PLOT PLAN

330 W. STALLINGS STREET
CLAYTON, NORTH CAROLINA

N/F
HUBERT L. AND BONNIE Y. LEE
DB 01899, PG 0152
PIN 166913-04-3515
ZONING: R-8
RESIDENTIAL

APPROXIMATE LOCATION
OF EX. WATER MAIN
CONTRACTOR TO VERIFY
LOCATION AND SIZE

WHITAKER STREET
60' PUBLIC R/W

APPROXIMATE LOCATION
OF EX. SEWER MAIN
CONTRACTOR TO VERIFY
LOCATION AND SIZE

PROP. 4" SANITARY
SEWER SERVICE (TYP.)

PROP. 5/8" WATER SERVICE
AND METER (TYP.)

PROPOSED 6' FENCE

N/F
LESLIE E. AND SARAH PARKER
DB 05046, PG 0515
PIN 166913-04-2388
ZONING: R-8
RESIDENTIAL

STALLINGS STREET
60' PUBLIC R/W

APPROXIMATE LOCATION
OF EX. SEWER MAIN
CONTRACTOR TO VERIFY
LOCATION AND SIZE

APPROXIMATE LOCATION
OF EX. WATER MAIN
CONTRACTOR TO VERIFY
LOCATION AND SIZE

N/F
LESLIE E. AND SARAH PARKER
DB 05046, PG 0515
PIN 166913-04-2388
ZONING: R-6
RESIDENTIAL

N/F
LESLIE E. AND SARAH PARKER
DB 05046, PG 0515
PIN 166913-04-2388
ZONING: R-6
RESIDENTIAL

CRUMPLER
Consulting Services, PLLC

2308 Ridge Road
Raleigh, North Carolina 27612
Ph. 919-413-1704
P-1533

PROJECT NO.: 18013

DRAWN BY: JAC

CHECKED BY: JAC

DATE: 04/30/18

SCALE: 1 : 50

C-3

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information provided at the Neighborhood Meeting:

At a minimum, the following materials must be present for inspection at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

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

- ☒ Adjacent Property Owner's List (aka "mailing list")
- ☒ Copy of the letter mailed
- ☒ Attendance Roster (aka "sign-in sheet")
- ☒ Neighborhood Meeting Summary Form with minutes (see below)

ADJACENT PROPERTY OWNERS LIST

Project Name: 330 W. Stallings Street Duplex

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
05031057	LEE, HUBERT L & BONNIE Y	2236 SHOTWELL RD CLAYTON, NC 27520-8223
05031032	PARKER, LESLIE E. & SARAH K	320 W STALLINGS ST CLAYTON, NC 27520-1726
05030010	PLOUFFE, RANDI	310 N ROBERTSON ST CLAYTON, NC 27520
05031027	LARGENT, KATIE I.	327 W STALLINGS ST CLAYTON, NC 27520-1725
05031026	MINTER, M L & GERALDINE G	579 RANCH RD CLAYTON, NC 27520-6465
05031029	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05031028	KIMBLE, PAUL L JR & LAURIE A	PO BOX 875 CLAYTON, NC 27528-0875
05030001	SPENCE, AVA C; COLLINS, EARL J	4579 C BARBER MILL RD CLAYTON, NC 27520-0000
05030084	JOHNSON, DERRICK B & KEITHA	404 N ROBERTSON STREET CLAYTON, NC 27520-0000
05030017	BUESO, CELEA PATRICIA	10936 STAGE DR RALEIGH, NC 27603-9697
05031056	LEE, CHARLES FRED & TEXIE C	2130 SHOTWELL RD CLAYTON, NC 27520-8221



Dear Clayton Area Property Owner:

May 1, 2018

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

Meeting Date: Wednesday, May 16th, 2018 Meeting Time: 6:00pm

Meeting Location: Blvd. West Coffee Shop, 104 W. Main Street, Clayton, NC 27520

Type of Application: Rezoning And Special Use Permit

Project/proposal property address: 330 W. Stallings Street, Clayton, NC 27520

Description of project/proposal: The project involves rezoning the parcel from R-8 to R-6, allowing for two single family homes to be built on the Stallings Street frontage, and a duplex to be built on the Whitaker frontage which requires requesting a special use permit from the Town of Clayton.

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

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

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal. If you have any questions prior to or after this meeting, you may contact us at 919-827-1089 Ext. 202. You may also contact the Planning Department at 919-553-5002.

Sincerely,

A handwritten signature in black ink that reads 'Holton Wilkerson'.

Holton Wilkerson
President, CommunitySmith, LLC
Cc: Town of Clayton Planning Dept.



NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: 330 W. Stallings Street Duplex

Application: 330 W. Stallings Street Duplex

Location/Date: Blvd. West Coffee Shop - 5/16/2018

	NAME	ADDRESS
1	N/A;	Applicant was only person present.
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Duplex - 330 W Stallings Street - Clayton, NC

Date of Mailing: May 2, 2018

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:

Printed Name: Holton Wilkerson

Signature: 

Date of Meeting: May 16, 2018 Time of Meeting: 6:00PM

Location of Meeting: Blvd. West Coffee Shop - 104 W Main Street - Clayton, NC

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.*

N/A; Applicant, Holton Wilkerson of CommunitySmith, LLC
was the only person present thus there are no meeting notes.
Applicant was present at Boulevard West Coffee Shop at
104 W Main Street with all applicable materials printed and
available for review. Once it was clear that no neighbors or
others would be attending, Mr. Wilkerson packed up all said
materials and left.

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



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
May 29, 2018*

STAFF REPORT

Application Number: 2018-87-SUP

Project Name: 330 W. Stallings Street Duplex Special Use Permit

NC PIN / Tag #: 166913-04-1327 / 4700780
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: CommunitySmith LLC
Owner: 101 W. First Street LLC
Location: 330 W. Stallings Street; site of the former Champion House

Public Noticing:

- Neighborhood meeting May 16, 2018
- Sign posted prior to May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Request to allow the use of a duplex on a portion of the subject property (outlined in blue below). A rezoning request (2018-88-RZ) is running concurrently with this application to rezone the parcel from Residential-8 to Residential-6.

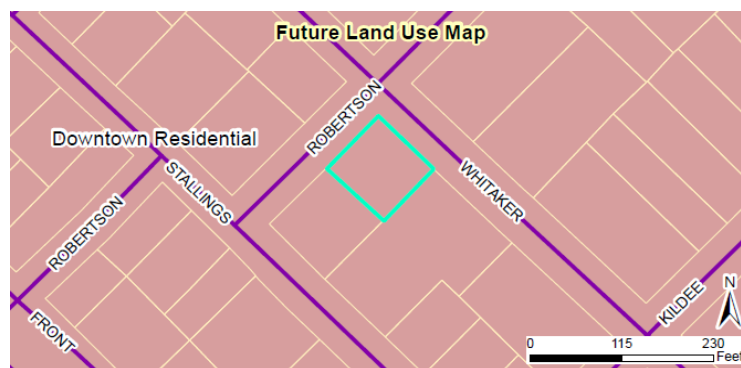


SITE DATA:**Acreage:** 0.22 acres**Existing Use:** Vacant; formerly vacant single family residential lot**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	Residential-8	Single family residential, Multi-family residential (apartment, quadplex)
South	Residential-6	Single family residential
East	Residential-8	Single family residential
West	Residential-8, Residential-6	Single family residential, with Multi-family residential nearby on the intersection of Robertson Street and Stallings Street

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting issuance of a special use permit in order to develop the use of a duplex on .22 acres of the overall .5 acre subject property. Per UDC requirements, a duplex requires a special use permit in order to be permitted. Running concurrently with this request is a rezoning request (2018-88-RZ) for the entire parcel, requesting to be rezoned from R-8 to R-6. The subject property is currently vacant. It is adjacent to and bordered by a quadplex apartment to the north, and is otherwise generally bordered by single-family residential.

**Consistency with the Comprehensive Plan 2040**

The property is identified in the Future Land Use Map as Downtown Residential. This district typically allows single-family residential uses, but does also allow higher density housing types in areas that are located in close proximity to the Downtown Core. Therefore, this request is consistent with the Comprehensive Plan 2040.

Consistency with Surrounding Land Uses

The proposed use of a duplex is consistent with the surrounding land uses, which consist of apartments and single-family residential homes.

Site Plan

The proposed duplex will be 2,836 square feet in size, and will consist of two units. The duplex will front on Whitaker Street and the applicant is proposing 5' wide sidewalk along the frontage. Both units will be accessed via private driveways off Whitaker Street. The rear yard will be enclosed within a 6' tall wooden privacy fence.

Landscaping and Buffering

A class "A" compatibility landscape buffer is required and proposed along the eastern property line, abutting Residential-8 zoning. Required street trees are also proposed at the rate of one canopy tree per 40 linear feet.

CONSIDERATIONS:

- Special Use Permits are decided upon by Town Council. Planning Board shall make a recommendation to Town Council.
- The Special Use Permit shall only be valid for the portion of the property included within the associated site plan.

RECOMMENDED CONDITIONS OF APPROVAL:

1. This Special Use Permit shall only be valid for the .229 acres of the property included within this application and associated site plan.
2. The Class "A" compatibility landscape buffer shall be installed along the eastern property line prior to issuance of a Certificate of Occupancy.
3. All mechanical equipment shall be screened entirely from view, per requirements within the Unified Development Code.
4. Per UDC requirements, driveways must have a minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least 20 feet from the point of tangency of the radius curvature, or 20 feet from the intersection of the right-of-way lines, whichever is greater.
5. The architectural elevations, including materials and features, shall be consistent on all four sides of the structure.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Site Plan



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

Pursuant to Article 7, Section 155.704 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 amend the Official Zoning Map.

Application Fees: **Standard Rezoning Fee: \$500.00**
Rezoning to Planned Development District Fee: \$1,000.00 + \$5.00 acre
Advertisement Fee: \$100.00
All fees are due when the application is submitted.

Note on Planned Developments: Requests to rezone to a Planned Development District must be accompanied by a Master Plan submittal. Master Plans are approved as Preliminary Subdivision Plats – please submit a concurrent Preliminary Subdivision Plat application and Master Plan.

SITE INFORMATION

Name of Project: Steeplechase Master Plan Acreage of Property: 266.724+/-
County Tag Number: Portion of 05H02009 NC PIN: Portion of 166900-39-5182
Address/Location: 1162 Covered Bridge Road, Clayton, NC
Existing Zoning District: R-E, R-10, B-2
Proposed Zoning District: PD-R

APPLICANT INFORMATION

Applicant: Shenandoah Homes, Inc., David Stallings
Mailing Address: 3724 National Drive, Suite 220, Raleigh, NC 27612
Phone Number: 919-415-2740 Fax: _____
Contact Person: Kathryn McPherson, ESP Associates, Inc. 2200 Gateway Centre Blvd.
Email Address: kmcpherson@espassociates.com Morrisville, NC 27560

FOR OFFICE USE ONLY

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

October 2017

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee & Mary Earp Worley

Mailing Address: 7020 NC Hwy 42 East, Selma, NC 27576

Phone Number: 919-965-6113

Fax: N/A

Email Address: winkworley@gmail.com

EXPLANATION OF PROJECT

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

See Attached Steeplechase Planned Development Master Plan - Explanation of the Project

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			For staff use only:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: January 3, 2018	•				
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments) and Advertisement Fee (\$100)	•				
3. Completed application	•				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	•				
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	•				
6. If property to be rezoned is a <u>portion</u> of a parcel: - Property legal description typed (10 pt. font or greater, and also submitted electronically in MS Word format.) - Plat showing property to be rezoned, matching legal description.	•				
7. Adjacent property owners list	•				
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>			To be submitted once date and location determined		
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>					
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	•				



Steeplechase Planned Development Master Plan - Explanation of the Project

Shenandoah Homes, Inc. requests to rezone a portion of PIN# 166900-39-5182 comprised of 266.72± acres bound by North O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and the Sam's Branch Creek on the south to a Planned Development – Mixed Use (PD-MU) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed mix of uses will allow for commercial uses (general store with mailboxes) with up to 600 units maximum of residential housing types (townhomes, single-family residential front and rear-loaded lots and age-targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks along both sides of tree-lined streets, multi-use paths and pocket-parks).

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phone: 919.678.1070 • fax: 919-677-1252
www.espassociates.com

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.
See Attached Rezoning Approval Criteria

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

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

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

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

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

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 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.

David Stallings
Print Name


Signature of Applicant

5/18/2018
Date



Steeplechase Planned Development–Mixed Use - Rezoning Approval Criteria

1. Consistency with the adopted plans of the Town.

The Steeplechase Master Plan and rezoning is consistent with the Town's Unified Development Code (UDC), Comprehensive Growth Plan 2040, Parks and Recreation Comprehensive Plan, Comprehensive Bicycle Plan, Johnston County Comprehensive Transportation Plan and Clayton General Design Guidelines.

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

The proposed Planned Development-Mixed Use (PD-MU) zoning district provides flexibility and opportunities for a mix of housing types with associated amenities as well as selective commercial and service uses within a planned development with appropriate perimeter buffering and open space where the current zoning of Residential-Estate (R-E), Single-Family Residential-10 (R-10), and Neighborhood-Business (B-2) independently does not provide.

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

The proposed rezoning will provide and meet the need for a range of housing types and options for residents with varying needs and stages of life in the Town.

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

There are adequate public facilities and services for the Steeplechase Planned Development. A Wastewater Allocation request for 310,210gpd is being submitted to the Town with this request for approval by Town Council. Gravity sewer will be extended throughout the development and will connect to the 12" Sam's Branch outfall. Public water will connect to a 12" existing water line along O'Neil Street and waterline along City Road. Drainage, erosion control and stormwater will be managed on-site per local and state regulations. The development is proposing to dedicate right-of-way for future widening along Covered Bridge Road and O'Neil Street. The community will connect to the adjacent Sam's Branch Greenway Trail and nearby Legends Park via internal and perimeter multi-use paths and pedestrian walks. The Master Planned community will also provide recreational opportunities with a private clubhouse/swimming pool, tennis courts, amenity lake, trails, and pocket parks for the residents. Johnston County Schools is in the process of updating their future growth plans.

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

The rezoning request is reasonable, promotes the good of the community and health, safety, and general welfare of the public.

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

The Steeplechase Planned Development will produce no adverse effects on the surrounding property owners or community. The proposed development will enhance the surrounding community providing a variety of attractive housing types, connectivity via multi-use paths and pedestrian paths and an interconnected tree-lined street network to disperse traffic making it compatible with the surrounding residential uses. The Master Plan's Type C perimeter buffer will mitigate any impacts on surrounding uses.

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

The rezoning of the property will not benefit the any property owners to the detriment of the general public.

Steeplechase Planned Development Master Plan – Legal Description

February 21, 2018

Beginning at a point, said point being a point located at the intersection of City Road (SR 1709) and Covered Bridge Road (SR 1700) in Clayton Township, Johnston County, North Carolina. Said point further described as being located along the eastern right-of-way of City Road and the southern right-of-way of Covered Bridge Road and the POINT OF BEGINNING. Thence continuing along the southern right-of-way of Covered Bridge Road in a southeasterly direction S 76°33'44" E a distance of 134.27 feet to a point. Thence with a curve turning to the right with an arc length of 203.00 feet, a radius of 890.00 feet, a chord bearing of S 52°45'56" E, and a chord length of 202.56 feet to a point. Thence S 46°13'53" E a distance of 195.90 feet to a point. Thence with a curve turning to the left with an arc length of 178.02 feet, a radius of 6840.96 feet, a chord bearing of S 46°58'37" E, and a chord length of 178.01 feet to a point. Thence N 42°16'39" E a distance of 10.00 feet to a point. Thence with a curve turning to the left with an arc length of 658.70 feet, a radius of 5850.00 feet, a chord bearing of S 50°35'49" E, and a chord length of 658.35 feet to a point. Thence S 53°49'21" E a distance of 125.41 feet to a point. Thence with a curve turning to the left with an arc length of 286.98 feet, a radius of 1250.00 feet, a chord bearing of S 60°23'59" E, and a chord length of 286.35 feet to a point. Thence S 66°58'37" E a distance of 785.25 feet to a point. Thence with a curve turning to the left with an arc length of 593.47 feet, a radius of 5430.00 feet, a chord bearing of S 70°08'42" E, and a chord length of 593.18 feet to a point. Thence S 73°16'34" E a distance of 1185.04 feet to a point. Thence with a curve turning to the left with an arc length of 252.73 feet, a radius of 1005.00 feet, a chord bearing of S 80°28'49" E, and a chord length of 252.06 feet to a point. Thence leaving the southern right-of-way of Covered Bridge Road S 46°39'49" E a distance of 1497.95 feet to a point. Said point being located along the western right-of-way of N O'Neil Street (SR 1708). Thence along the western right-of-way of N O'Neil Street in a southerly direction S 07°35'33" E a distance of 186.59 feet to a point. Thence with a curve turning to the right with an arc length of 367.66 feet, a radius of 1780.27 feet, a chord bearing of S 01°39'32" E, and a chord length of 367.01 feet to a point. Thence S 04°19'08" W a distance of 819.87 feet to a point. Thence with a curve turning to the right with an arc length of 229.78 feet, a radius of 1320.00 feet, a chord bearing of S 09°17'53" W, and a chord length of 229.49 feet to a point. Thence S 14°18'31" W a distance of 756.87 feet to a point. Thence with a curve turning to the right with an arc length of 130.94 feet, a radius of 1060.00 feet, a chord bearing of S 17°50'51" W, and a chord length of 130.86 feet to a point at the run of Sam's Branch. Thence along the run of Sam's Branch in a northwesterly direction N 68°22'48" W a distance of 54.82 feet to a point. Thence N 45°00'04" W a distance of 55.30 feet to a point. Thence N 31°01'56" W a distance of 35.81 feet to a point. Thence N 21°35'11" W a distance of 71.21 feet to a point. Thence N 10°46'32" W a distance of 69.38 feet to a point. Thence N 20°18'57" W a distance of 27.57 feet to a point. Thence N 39°26'49" W a distance of 54.26 feet to a point. Thence N 30°18'17" E a distance of 19.74 feet to a point. Thence N 03°25'08" W a distance of 15.80 feet to a point. Thence N 32°52'53" W a distance of 12.59 feet to a point. Thence N 63°36'45" W a distance of 25.28 feet to a point. Thence S 88°22'42" W a distance of 9.46 feet to a point. Thence S 48°48'30" W a distance of 42.88 feet to a point. Thence N 62°17'19" W a distance of 40.34 feet to a point. Thence N 25°28'06" W a distance of 66.84 feet to a point. Thence N 37°32'55" W a distance of 64.95 feet to a point. Thence N 65°49'20" W a distance of 66.77 feet to a point. Thence N 70°20'45" W a distance of 44.26 feet to a point. Thence N 41°43'41" W a distance of 50.71 feet to a point. Thence N 22°10'52" W a distance of 65.37 feet to a point. Thence N 36°58'10" W a distance of 84.09 feet to a point. Thence N 14°55'39" W a distance of 59.02 feet to a point. Thence N 24°21'23" W a distance of 68.05 feet to a point. Thence N 46°14'39" W a distance of 92.25 feet to a point. Thence N 26°18'25" W a distance of 83.28 feet to a point. Thence N 17°41'06" W a distance of 61.58 feet to a point. Thence N 43°38'40" W a distance of 20.09 feet to a point. Thence N 62°50'21" W a distance of 49.48 feet to a point. Thence S 82°17'59" W a distance of 86.87 feet to a point. Thence S 79°07'39" W a distance of 57.45 feet to a point. Thence N 87°03'50" W a distance of 122.72 feet to a point. Thence S 85°03'51" W a distance of 57.26 feet to a point. Thence S 77°00'51" W a distance of 90.83 feet to a point. Thence N 71°47'00" W a distance of 108.59 feet to a point. Thence N 35°43'08" W a distance of 50.88 feet to a point. Thence N 09°25'19" W a distance of 72.95 feet to a point. Thence N 54°15'50" W a distance of 84.79 feet to a point. Thence N 31°07'13" W a distance of 34.06 feet to a point. Thence N 16°40'18" W a distance of 98.00 feet to a point. Thence N 36°01'25" W a distance of 38.80 feet to a

point. Thence N 77°32'10" W a distance of 19.64 feet to a point. Thence N 89°22'39" W a distance of 44.35 feet to a point. Thence N 65°23'15" W a distance of 27.92 feet to a point. Thence N 47°04'21" W a distance of 68.54 feet to a point. Thence N 55°50'55" W a distance of 87.81 feet to a point. Thence N 62°48'31" W a distance of 29.70 feet to a point. Thence N 65°02'29" W a distance of 71.02 feet to a point. Thence N 77°48'47" W a distance of 24.70 feet to a point. Thence S 45°06'00" W a distance of 24.51 feet to a point. Thence S 06°22'12" W a distance of 31.73 feet to a point. Thence S 38°27'00" E a distance of 35.79 feet to a point. Thence S 59°26'45" E a distance of 71.72 feet to a point. Thence S 13°37'28" W a distance of 28.25 feet to a point. Thence N 69°33'57" W a distance of 76.68 feet to a point. Thence N 54°46'22" W a distance of 37.79 feet to a point. Thence S 83°46'40" W a distance of 16.73 feet to a point. Thence S 10°10'06" W a distance of 85.68 feet to a point. Thence S 20°09'29" W a distance of 122.53 feet to a point. Thence S 75°31'08" W a distance of 103.55 feet to a point. Thence S 62°57'11" W a distance of 58.40 feet to a point. Thence S 70°05'52" W a distance of 80.21 feet to a point. Thence S 75°47'12" W a distance of 61.28 feet to a point. Thence S 77°51'09" W a distance of 46.17 feet to a point. Thence S 63°46'59" W a distance of 75.51 feet to a point. Thence S 64°45'25" W a distance of 26.12 feet to a point. Thence S 76°28'40" W a distance of 43.61 feet to a point. Thence S 53°48'52" W a distance of 79.19 feet to a point. Thence N 89°58'29" W a distance of 72.73 feet to a point. Thence N 84°41'21" W a distance of 117.79 feet to a point. Thence N 84°03'12" W a distance of 68.10 feet to a point. Thence N 83°05'53" W a distance of 80.01 feet to a point. Thence N 77°52'22" W a distance of 62.52 feet to a point. Thence N 83°23'33" W a distance of 130.27 feet to a point. Thence N 73°28'36" W a distance of 90.61 feet to a point. Thence S 87°44'54" W a distance of 93.77 feet to a point. Thence N 78°45'25" W a distance of 144.94 feet to a point. Thence N 86°29'45" W a distance of 44.76 feet to a point. Thence N 83°27'49" W a distance of 27.87 feet to a point. Thence S 79°58'30" W a distance of 29.29 feet to a point. Thence S 59°40'56" W a distance of 47.26 feet to a point. Thence leaving the run of Sam's Branch N 00°29'04" W a distance of 126.60 feet to a point. Thence N 87°30'56" E a distance of 132.30 feet to a point. Thence N 00°16'04" W a distance of 1009.09 feet to an iron pipe found. Thence N 88°49'16" E a distance of 128.40 feet to an iron pipe found. Thence N 17°42'29" E a distance of 835.24 feet to an iron pipe found. Thence N 69°25'27" W 1010.24 feet to an iron pipe found. Thence N 69°25'27" W 1065.11 feet to a point along the eastern right-of-way of City Road. Thence along the eastern right-of-way of City Road in a northerly direction N 00°05'56" W a distance of 1676.40 feet to a point and the POINT OF BEGINNING and containing 266.716 acres (11618149) square feet according to a map by **True Line Surveying, P.C.** entitled "Boundary Survey for Raymond Elmore Earp, Jr. Family Trust", dated February 16, 2018 and having a job number of 2160.003.

ADJACENT PROPERTY OWNERS LIST

Project Name: Steeplechase Master Plan

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

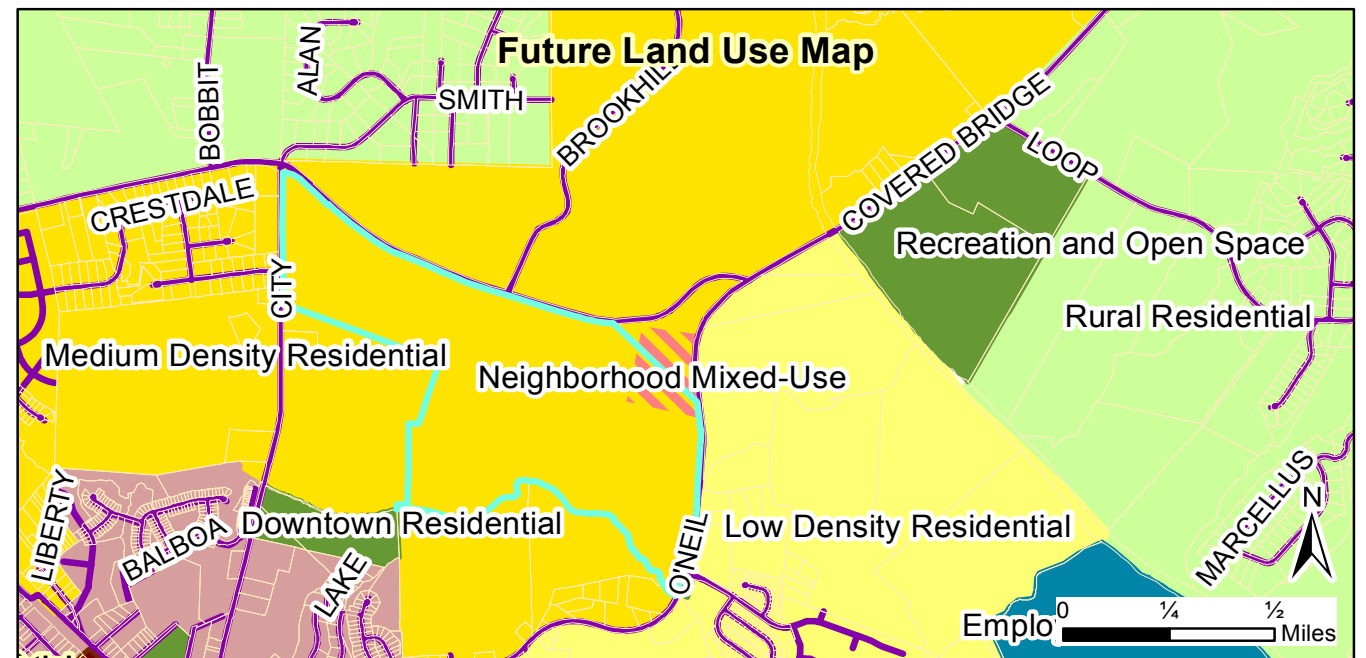
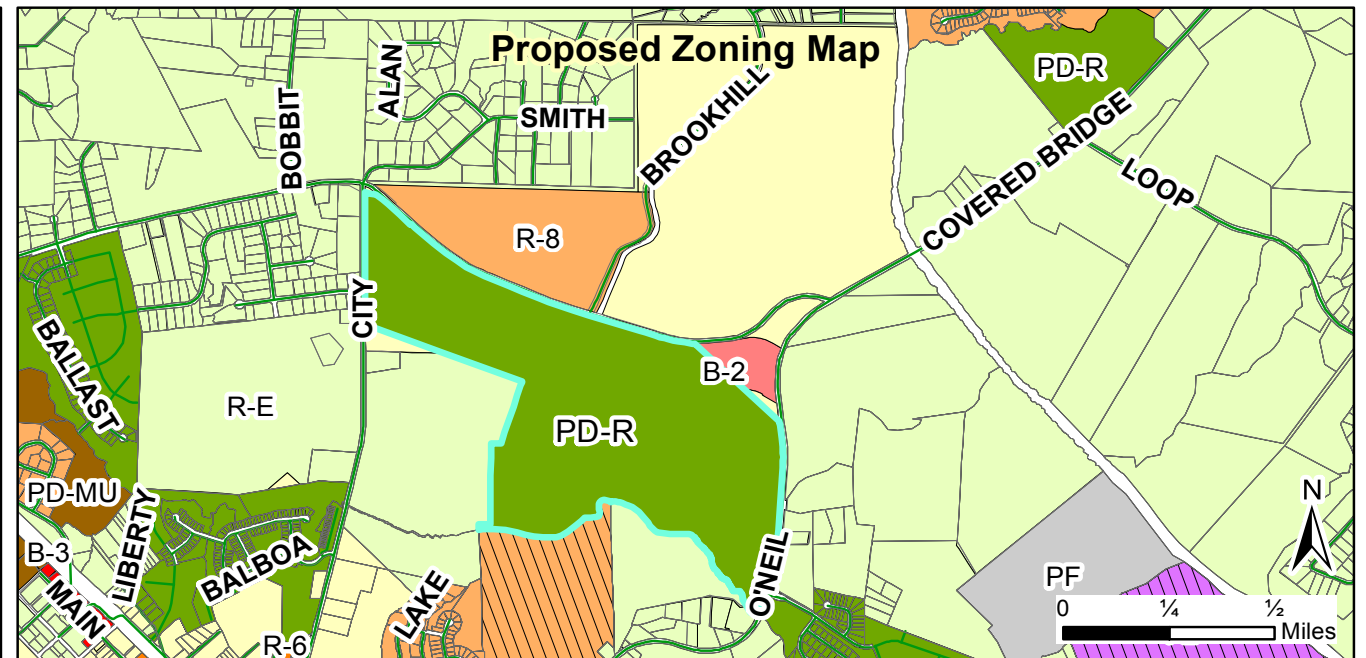
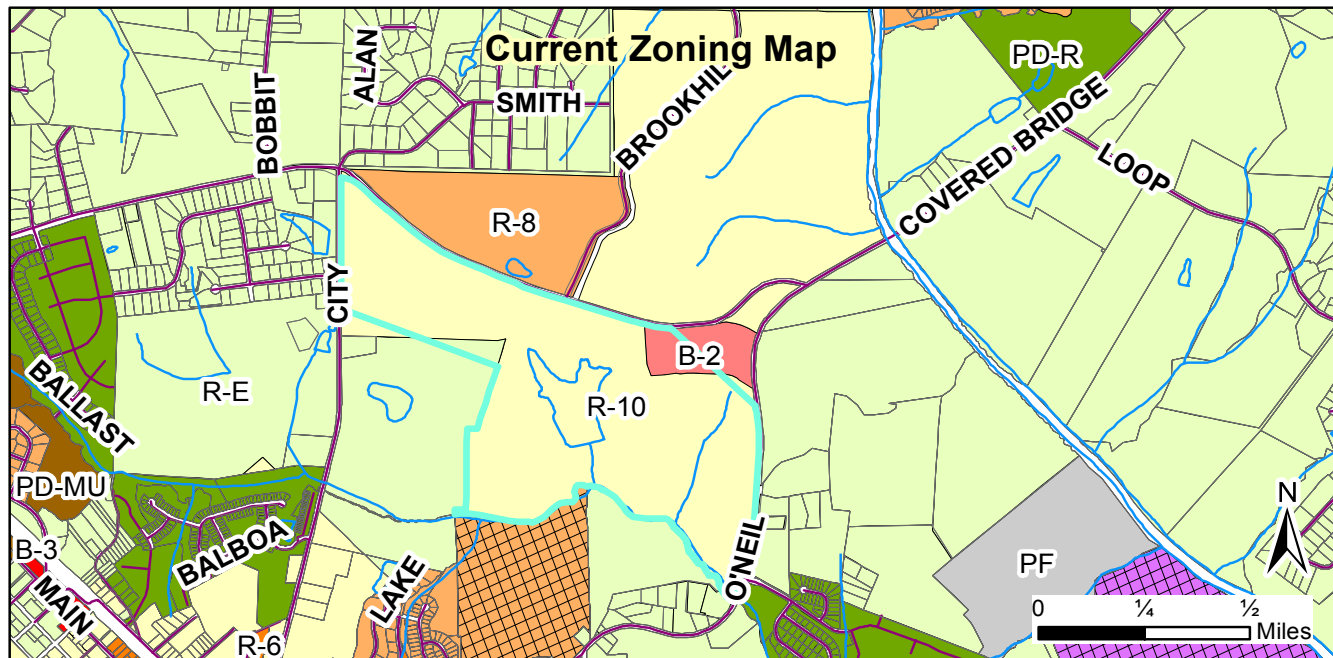
PARCEL NUMBER	NAME	ADDRESS
See Attached List		

ADJACENT PROPERTY OWNERS LIST
Steeplechase Master Plan

	PARCEL	NAME	ADDRESS
1	176000-01-4713	PILKINGTON, DAVID D JR	1331 CITY ROAD CLAYTON, NC 27520-0000
2	176000-01-4124	PILKINGTON, DAVID D JR	1331 CITY ROAD CLAYTON, NC 27520-0000
3	176000-00-4780	MADDOX, JAMES WILLIAM MADDOX, SHANDA TAYLOR	22 CEDARDALE CT CLAYTON, NC 27520-5542
4	176000-00-4476	MUNDAY, KIMBERLY ANN	27 CEDARDALE CT CLAYTON, NC 27520-0000
5	176000-00-4236	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F	1057 CITY RD CLAYTON, NC 27520-5907
6	165908-99-1146	MIMS, ALLEN L JR	920 CITY RD CLAYTON, NC 27520-0000
7	166909-17-1164	TOWN OF CLAYTON	PO BOX 777 CLAYTON, NC 27528-0777
8	166910-36-0755	PEEDIN, EDNA S	2721 US 70 EAST SELMA, NC 27576-8174
9	166910-47-5025	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-2155
10	166900-56-1474	CAPPS, BILLY WADE	1119 N ONEIL STREET EXT CLAYTON, NC 27520-6240
11	166900-56-4098	MCINTYRE, MARTHA ANN	1233 MT CARMEL CHURCH RD TROY, NC 27371-0220
12	166900-56-8375	TOWN OF CLAYTON	P O BOX 879 CLAYTON, NC 27528-0000
13	166900-66-4354	ASHCROFT PARTNERS, LLC	114 W MAIN ST STE 102 CLAYTON, NC 27520-2397
14	166900-67-0102	JONES, TRACY L JONES, DEANNA L	1504 N ONEIL ST EXT CLAYTON, NC 27520
15	166900-57-9493	JONES, DEANNA LYNNE	1500 N O'NEIL ST EXT CLAYTON, NC 27520-0000
16	166900-68-3043	JONES, TRACY L	1538 NORTH ONEIL STREET EXT CLAYTON, NC 27520-0000
17	166900-79-1467	JEAN K SMITH TRUST SMITH, JAMES D TRUSTEE	1814 N ONEIL STREET EXT CLAYTON, NC 27520-6236
18	176000-60-9362	RAYMOND ELMORE EARP JR FAMILY TRUST EARP, NANCY CREWS TRUSTEE	7030 NC HIGHWAY 42 E SELMA, NC 27576-6128

19	176000-70-3713	MASSEY, JOHN WESLEY	8041 ST ANDREWS DR LAURINBURG, NC 28352-0000
20	176000-71-6415	SORRELL, DAVID M SORRELL, SABRINA	2641 COVERED BRIDGE RD CLAYTON, NC 27527-0000
21	176000-82-1830	HOUSE, MAVIS C	2873 COVERED BRIDGE RD CLAYTON, NC 27527-0000
23	176000-64-9005	OBRIEN, ANGELLA J OBRIEN, DAVID MICHAEL	147 BAYHILL DR ADVANCE, NC 27006-7183
24	176000-64-3056	ALFORD, KENNETH W ALFORD, ANNETTE R	150 MICHAEL WAY CLAYTON, NC 27520-5507
25	176000-64-1118	FILLHART, ALAN THEODORE FILLHART, JEAN M	118 MICHAEL WAY CLAYTON, NC 27520-5507
26	176000-54-9169	HUBERT, PETER G. HUBERT, PATRICE A.	114 MICHAEL WAY CLAYTON, NC 27520-5507
27	176000-54-8156	WETMORE, MARK L WETMORE, TAMELA LYNN	104 MICHAEL WAY CLAYTON, NC 27520-0000
28	176000-54-7160	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE	101 MICHAEL WAY CLAYTON, NC 27520-0000
29	176000-54-6039	FARMER, MARY ANN	100 MICHAEL WAY CLAYTON, NC 27520-5507
30	176000-54-1106	HASKINS, WESLEY L HASKINS, ERIN L	1009 BROOKHILL DRIVE CLAYTON, NC 27520-0000
31	176000-44-8293	MOORE, AMY J CARAWAN, CLIFFORD C	101 KATIE DR CLAYTON, NC 27520-0000
32	176000-44-4078	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN	105 KATIE DR CLAYTON, NC 27520-5509
33	176000-44-1066	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA	111 KATIE DR CLAYTON, NC 27520-0000
34	176000-44-1147	MURRAY, RICHARD H MURRAY, JOELY A	115 KATIE DRIVE CLAYTON, NC 27520-0000
35	176000-15-9320	LEE BROTHERS RENTAL	400 W MAIN STREET CLAYTON, NC 27520-0000
36	176000-33-7839	SCHULTZE, HENRY NEAL SCHULTZE, JUDY	2005 DONNA COURT CLAYTON, NC 27520-0000
37	176000-33-7679	COON, STEVEN M COON, ERIN M	2009 DONNA COURT CLAYTON, NC 27520-0000
38	176000-33-7319	COATS, JEFFREY LAWRENCE 2008 DONNA CT	2005 DONNA COURT CLAYTON, NC 27520-0000

39	176000-32-6986	WHITLEY, WILLARD H WHITLEY, BETTY J	2000 KEVIN CT CLAYTON, NC 27520-0000
40	176000-32-6235	ROBINSON, PAUL W ROBINSON, VIRGINIE E	2304 SMITH DRIVE CLAYTON, NC 27520-0000
41	176000-32-2320	BELL, BRIAN O BELL, AMANDA H	2212 SMITH DR CLAYTON, NC 27520-9031
42	176000-22-9067	LAUFER, ANDREW N. WOOD, HEATHER L.	2009 WILLIAM LN CLAYTON, NC 27520-8257
43	176000-22-5017	FISCHER, DANIELLE FISCHER, PAUL	2008 WILLIAM LANE CLAYTON, NC 27520-0000
44	176000-21-3907	HILL, MICHAEL WAYNE	2013 MISSY LANE CLAYTON, NC 27520-0000
45	176000-12-9050	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D	2012 MISSY LANE CLAYTON, NC 27520-9033
46	176000-11-3998	DOLDE, DONALD ANTHONY DOLDE, SANDRA RAE	2020 SMITH DR CLAYTON, NC 27520-9029
47	176000-01-9959	POPE, BILLY R POPE, BOBBIE	2008 SMITH DR CLAYTON, NC 27520-9029
48	176000-01-7918	POURRON, CHARLES WAYNE	2000 SMITH DR CLAYTON, NC 27520-9029
49	176000-02-6216	CREASY, JEFFREY L CREASY, SHARON	2001 SMITH DR CLAYTON, NC 27520-5908
50	176000-02-1779	PILKINGTON, DAVID DANIEL JR	1331 CITY ROAD CLAYTON, NC 27520-5908



**Request:
2018-30-PDD & 2018-31-SD, Steeplechase Planned
Development, Rezoning and Master Plan**

Applicant: Shenandoah Homes, Inc.
Property Owners: Raymond Elmore Earp Jr., Family Trust; Nancy Crews Earp Trustee and Mary Worley
Parcel ID: southern portion of 166900-39-5182
Tag #: southern portion of 05h02009

Staff Report Map



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2018\2018-31-SD Steeplechase Master Plan\Map\Map 2018-31-SD, 2018-30-PDD Steeplechase Planned Development.mxd

Legend

- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay

05/04/2018

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



STEEPLECHASE
2018-31-SD & 2018-30-PDD

NEIGHBORHOOD MEETING SUMMARY
REPORTS, DOCUMENTS & EXHIBITS

MAY 17, 2018



ESP Associates, Inc.
2200 Gateway Centre Blvd., Suite 216
Morrisville, NC 27560
919.678.1070
www.espassociates.com



NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for minor modifications to an approved.*

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

Return the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board meeting in electronic or hard copy format:

- ☒ Neighborhood Meeting Summary Form
- ☒ Copy of the letter mailed
- ☒ Mailing list
- ☒ Attendance roster

- ☒ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. (If not already submitted with the application). *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.* Submitted with Application

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: April 27, 2018

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

Printed Name: Kathryn McPherson

Signature: Kathryn R. McPherson

Date of Meeting: May 10, 2018

Time of Meeting: 6-8 pm

Location of Meeting: York Meeting Room, The Clayton Center, 111 East 2nd 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.

01/06/2016

Page 16 of 23



May 17, 2018

MEETING SUMMARY

Subject: Steeplechase Rezoning Neighborhood Meeting

Meeting Date/Time: May 10, 2018, 6-8 pm

Meeting Location: The Clayton Center, York Meeting Room,
111 East 2nd Street, Clayton, NC

Attendance: Shenandoah Homes: David Stallings, Mark Ward, Jeff Palmer, Wayne Koluch
ESP Associates, Inc.: Kathryn McPherson, Peter Tatge, Salman Moazzam, Jessica Grinstead
Neighbors: See attached Attendance Sheet, Exhibit D.

Below is a summary of the neighborhood meeting with Shenandoah Homes and ESP Associates' Planners and Engineer regarding the proposed Steeplechase rezoning and Preliminary Plat.

MEETING NOTIFICATION: A representative of the applicant mailed a written notice of the date, time and location of the Neighborhood meeting, with an overview of the proposed request, to individuals and organizations set out in Exhibit A, attached. A copy of the written notice, Exhibit B, attached, was sent via U.S. Mail on April 27, 2018.

MEETING SUBJECT: To provide adjoining property owners and other neighbors of the project the opportunity to examine the proposed master plan design and voice comments, questions and/or concerns. Four copies of the Master Plan, Exhibit C, attached, were positioned in the meeting room and representatives from Shenandoah Homes and ESP Associates, Inc. were available at each to answer questions or comments. After 30 minutes, Mark Ward spoke to neighbors and described the rezoning process and overview of the Steeplechase Master Plan and Shenandoah Homes. There was no specific opposition from the attendees to the proposed project. Most comments, see below, discussed off-site road safety concerns. After direct questions and comments from the neighbors and answers from Shenandoah Homes and ESP, discussions shifted into small groups and the meeting was concluded by 8:00 pm.

COMMENTS, QUESTIONS AND RESPONSE: (in no particular order)

1. Concern that the local schools were "very full" and that while Clayton has some high achieving schools they were all located away from the attendance zone for this site.

Would there be a school site as part of this development?

Response: Johnston County Schools were contacted about need for school sites and they were looking at larger tracts of land to create Elementary/Middle School or Middle and High School campuses.

2200 Gateway Center Blvd., Suite 216 • Morrisville, NC 27660
919.678.1070 • Fax 919.677.1252
www.espassociates.com

2. When will the traffic signal be placed on Covered Bridge Road and O'Neil?
Response: The traffic signal has been approved for the intersection and when the re-alignment is complete the signal will be placed at the new intersection of C.B.R. and O'Neil St. Date for placement is not known.
3. The Cul-De-Sac on O'Neil just north of the Greenway will be difficult due to steep grades in the area. How will that be addressed?
Response: Lot adjustments will occur as necessary during Construction Drawings.
4. What are the plans for the development of the northern side of CBR?
Response: Shenandoah Homes does not have any active interest on the remainder of the Steeplechase property. With the size and scope of the current project the northern parcel is at least 5+ years out.
5. What are the next steps and how can we, as neighbors, stay informed?
Response: The Town Planning Board will meet on May 29 to and a letter will be mailed out to the surrounding property owners informing them of the Public Hearing at the Town Council Meeting on June 18th. The Town Web site should be updated soon and will provide links to staff reports and exhibits.
6. How are NCDOT, the Town of Clayton and the developer addressing traffic concerns? What road improvements will be required and how will additional row affect the layout shown?
*Response: The Master Plan drawing is showing the additional ROW required by the Town of Clayton. A Traffic Impact Analysis is in progress and under review with NCDOT and will state the road improvements required for the surrounding streets. *several of the neighbors requested copies of the TIA.*
7. Will sidewalks/walking trails be provided along the perimeter roads, (Covered Bridge, City and O'Neil), to connect to the Sam's Branch Greenway?
Will sidewalks be provided on the interior roads?
Response: 10' Wide, asphalt walking trails will be provided along all frontages of City Road, Covered Bridge Road and O'Neil Street. A connection will also be provided along the existing powerline easement to connect the trail along O'Neil with the trail on Covered Bridge. The walking trails will be located within the street ROW. All internal public streets within Steeplechase will have public sidewalks on both sides of the street, (The road crossing at the dam shall only have a 10' asphalt trail on one-side).
8. What type of traffic calming devices (speed bumps?) will be provided along the main internal road from Covered Bridge Road to O'Neil?
Response: None are planned at this time but may be added during the construction drawings.
9. The aerial map shows the Smith Ridge Estates as Brook hill Estates.
Response: The map will be corrected.
10. Shotwell Road is heavily congested in the mornings and has minimal exits. Will a signal be placed there?
Response: Required road improvements will be part of NCDOT's comment responses to TIA. We have not yet received these comments.
11. ***City Road and Covered Bridge Road intersection. This intersection was "improved" by NCDOT and the result has made the crossing of Covered Bridge Road while on City Road more dangerous. Drivers and pedestrian have limited sight distance due to curve and grade change and the speed of vehicles on Covered Bridge Road (45 mph) to safely cross the intersection. No

May 14, 2018

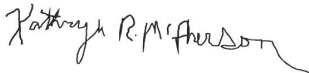
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

Response: **This was by far the most discussed issue at the meeting.** Neighbors were very adamant that while they recognize that development is inevitable and that traffic would increase with new homes they were not as concerned with traffic but were very concerned with SAFETY. The developer agreed to bring this issue up in discussions with the traffic consultant, NCDOT and the Town of Clayton to determine what measures could be employed to address these safety concerns.

***The primary concern/discussion point with the attendees.

The Meeting Summary outline above is an account of the items discussed.

Respectfully Submitted,



Kathryn McPherson, RLA, ASLA
ESP Associates, Inc.

CC: Shenandoah Homes
ESP Associates

EXHIBIT A

ALFORD, KENNETH W
ALFORD, ANNETTE R
150 MICHAEL WAY
CLAYTON, NC 27520-5507

BLACKLEY, DOUGLAS E
BLACKLEY, LINDA F
1057 CITY RD
CLAYTON, NC 27520-5907

CASSEDALE PROPERTY OWNERS ASSOC.
5160 NC HWY. 42 WEST
GARNER, NC 27529

DOLDE, DONALD ANTHONY
DOLDE, SANDRA RAE
2020 SMITH DR
CLAYTON, NC 27520-9029

FISCHER, DANIELLE
FISCHER, PAUL
2008 WILLIAM LANE
CLAYTON, NC 27520-0000

HOUSE, MAVIS C
2873 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

JEAN K SMITH TRUST SMITH,
JAMES D TRUSTEE
1814 N ONEIL STREET EXT
CLAYTON, NC 27520-6236

JONES, DEANNA LYNNE
1500 N O'NEIL ST EXT
CLAYTON, NC 27520-0000

MADDOX, JAMES WILLIAM
MADDOX, SHANDA TAYLOR
22 CEDARDALE CT
CLAYTON, NC 27520-5542

MIMS, ALLEN L JR
920 CITY RD
CLAYTON, NC 27520-0000

ASHCROFT PARTNERS
114 W. MAIN ST. STE. 102
CLAYTON, NC 27520

CAPPS, BILLY WADE
1119 N ONEIL STREET EXT
CLAYTON, NC 27520-6240

COON, STEVEN M
COON, ERIN M
2009 DONNA COURT
CLAYTON, NC 27520-0000

FARMER, MARY ANN
100 MICHAEL WAY
CLAYTON, NC 27520-5507

HASKINS, WESLEY L
HASKINS, ERIN L
1009 BROOKHILL DRIVE
CLAYTON, NC 27520-0000

HUBERT, PETER G.
HUBERT, PATRICE A.
114 MICHAEL WAY
CLAYTON, NC 27520-5507

JONES, TRACY L
JONES, DEANNA L
1504 N ONEIL ST EXT
CLAYTON, NC 27520

LAUFER, ANDREW N.
WOOD, HEATHER L.
2009 WILLIAM LN
CLAYTON, NC 27520-8257

MASSEY, JOHN WESLEY
8041 ST ANDREWS DR
LAURINBURG, NC 28352-0000

MURRAY, RICHARD H
MURRAY, JOELY A
115 KATIE DRIVE
CLAYTON, NC 27520-0000

BELL, BRIAN O
BELL, AMANDA H
2212 SMITH DR
CLAYTON, NC 27520-9031

COATS, JEFFERY I.
2008 DONNA CT.
CLAYTON, NC 27520-0000

CREASY, JEFFREY L
CREASY, SHARON
2001 SMITH DR
CLAYTON, NC 27520-0000

FILLHART, ALAN THEODORE
FILLHART, JEAN M
118 MICHAEL WAY
CLAYTON, NC 27520-5507

HILL, MICHAEL WAYNE
2013 MISSY LANE
CLAYTON, NC 27520-0000

HUTCHINS, JOSHUA P
HUTCHINS, PATRICIA
111 KATIE DR
CLAYTON, NC 27520-0000

JONES, TRACY L
1538 NORTH ONEIL STREET EXT
CLAYTON, NC 27520-0000

MOORE, AMY J
CARAWAN, CLIFFORD C
101 KATIE DR
CLAYTON, NC 27520-0000

MCINTYRE, MARTHA ANN
1233 MT CARMEL CHURCH RD
TROY, NC 27371-0220

MUNDAY, KIMBERLY ANN
27 CEDARDALE CT
CLAYTON, NC 27520-5541

NOWAKOWSKI, GREGORY A
NOWAKOWSKI, WENDY D
2012 MISSY LANE
CLAYTON, NC 27520-9033

OBRIEN, ANGELLA J
OBRIEN, DAVID MICHAEL
147 BAYHILL DR
ADVANCE, NC 27006-7183

OLE MILL STREAM ASSOCIATION
P.O. BOX 1265
CLAYTON, NC 27528

PEEDIN, EDNA S
2721 US 70 EAST
SELMA, NC 27576-8174

PILKINGTON, DAVID D JR
1331 CITY ROAD
CLAYTON, NC 27520-5908

LEE BROTHERS
400 W. MAIN STREET
CLAYTON, NC 27520-0000

POPE, BILLY R
POPE, BOBBIE
2008 SMITH DR
CLAYTON, NC 27520-9029

POURRON, CHARLES WAYNE
2000 SMITH DR
CLAYTON, NC 27520-9029

RAYMOND E EARP JR REVOCABLE
TRUST EARP, NANCY CREWS TRUSTEE
7230 NC HIGHWAY 42 E
SELMA, NC 27576-6005

ROBINSON, PAUL W
ROBINSON, VIRGINIE E
2304 SMITH DRIVE
CLAYTON, NC 27520-0000

SCHULTZE, HENRY NEAL
SCHULTZE, JUDY
2005 DONNA COURT
CLAYTON, NC 27520-0000

SORRELL, DAVID M
SORRELL, SABRINA
2641 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

TOWN OF CLAYTON
P O BOX 879
CLAYTON, NC 27528-0000

TOWN OF CLAYTON
PO BOX 777
CLAYTON, NC 27528-0777

TYNDALL, CHARLES B JR
TYNDALL, JUNE MARIE
101 MICHAEL WAY
CLAYTON, NC 27520-0000

WETMORE, MARK L
WETMORE, TAMELA LYNN
104 MICHAEL WAY
CLAYTON, NC 27520-0000

WHITLEY, WILLARD H
WHITLEY, BETTY J
2000 KEVIN CT
CLAYTON, NC 27520-0000

WHITMAN, BRIAN HAROLD
WHITMAN, GINA MUNDEN
105 KATIE DR
CLAYTON, NC 27520-5509

EXHIBIT B



April 27, 2018

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: May 10, 2018

Location: The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

Time: 6-8 pm

Type of Application:

Rezoning and Subdivision: Major Subdivision (Preliminary Subdivision Plat).

General Description of proposed request:

Shenandoah Homes, Inc., requests to rezone a portion of PIN# 166900-39-5182 comprised of +/-266.72 acres bounded by O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and Sam's Branch Creek on the south to a Planned Development-Residential (PD-R) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed community will be comprised of a maximum 600 residential units with a mix of housing types (townhomes, single-family detached homes with a mix of front loaded and rear loaded homes, and age targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks on all streets, multi-use paths with connections to the Sam's Branch Greenway and pocket parks).

SHENANDOAHhomes.us
2840 Plaza Place Suite 200
Raleigh, North Carolina 27612

At the Neighborhood Meeting, the following items will be available for your inspection and comment:

1. A copy of the project application.
2. A map to scale showing the project area and neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

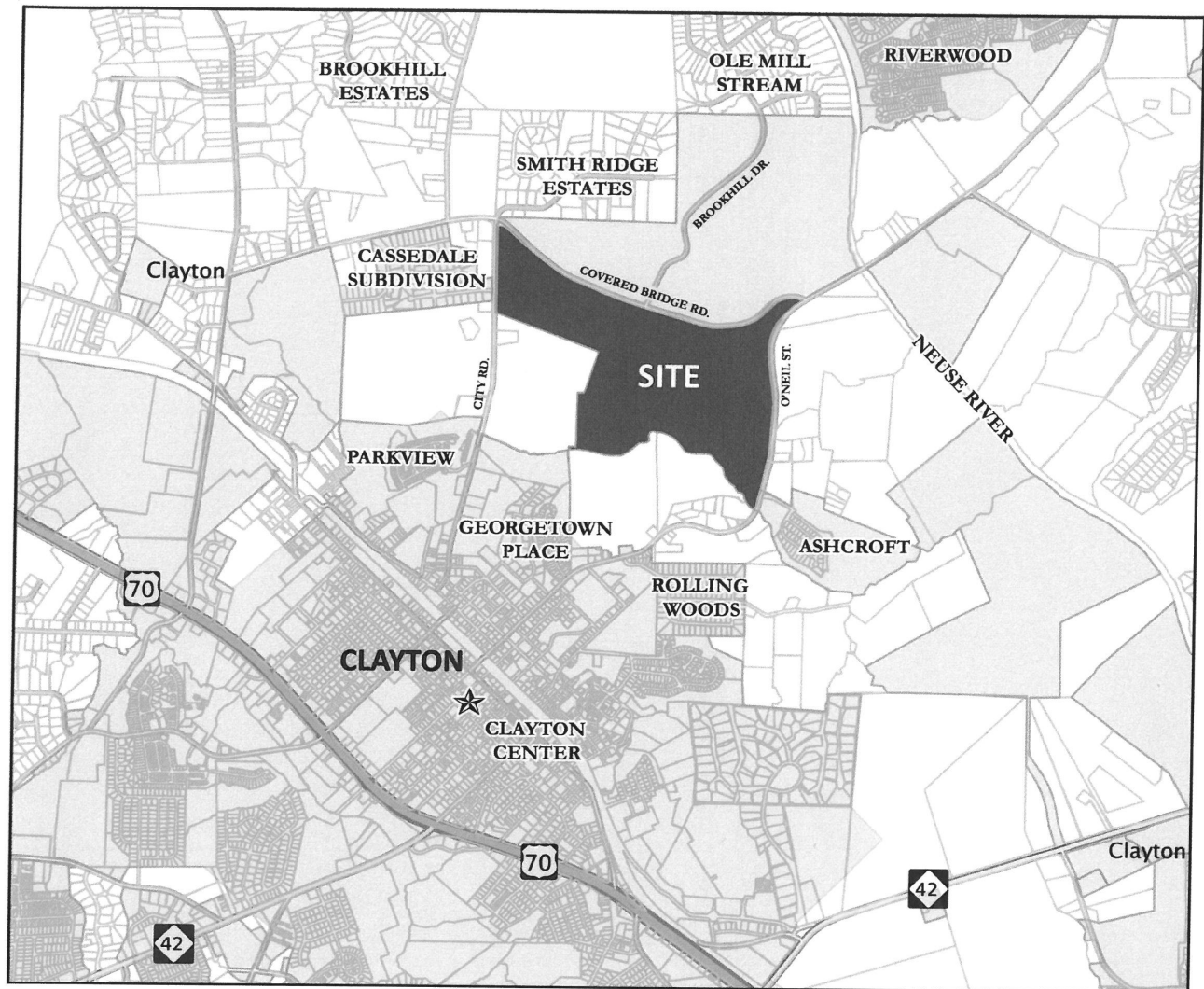
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Palmer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeff Palmer
Shenandoah Homes, Inc.

Cc: Clayton Planning Department



STEEPLECHASE NEIGHBORHOOD MEETING

THE CLAYTON CENTER
YORK MEETING ROOM
111 EAST 2ND STREET, CLAYTON

MAY 10, 2018
6-8 PM

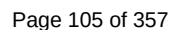


EXHIBIT D

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
1	Mavis House	2873 Cov. Bridge Rd.
2	Mike & Joy Hill	8013 Missy Lane mh1115@nc-rr.com
3	Douglas E Blockley	1857 City Rd.
4	DON DOLDE	2020 Smith Dr.
5	Sandi Dolde	2020 Smith Dr.
6	Linn Carson	2008 Missy Lane Clayton, NC
7	John R. House	2975 COVERED BRIDGE RD.
8	PETER TATGE	2731 CREEKWOOD LAKE, CHARL, NC
9	Wayne Pourra	2000 Smith Drive, CLYDE
10	Steve Smith	1814 N. ONEIL ST Ext Clayton 27520
11	James D Smith	1814 N. ONEIL ST Ext Clayton
12	Mark A. Peedin	154 Peedin Ext Selma, NC. 275.
13	mark.peedin@gmail.com	(FARM TO SOUTH GREENWAY EXT.)
14	Willard Whitley	2000 Kevin Ct Clayton, N.C.
15		
16		
17		
18		
19		
20		

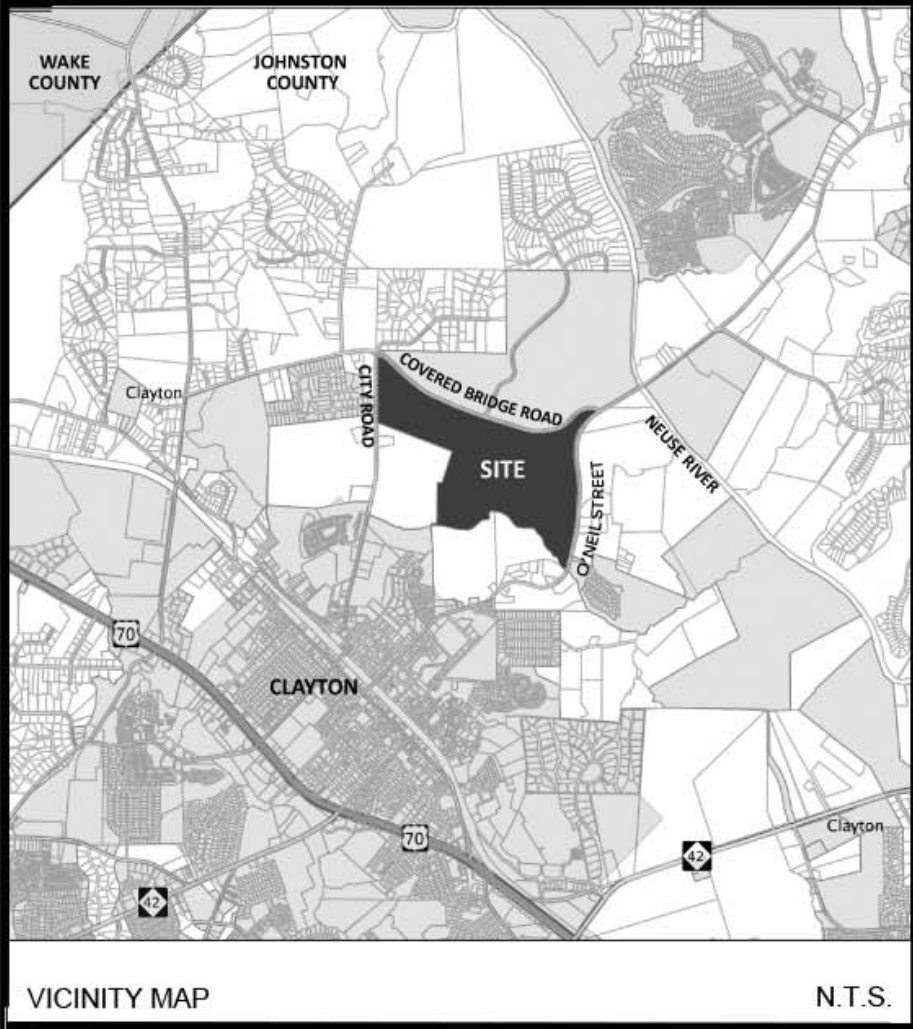
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

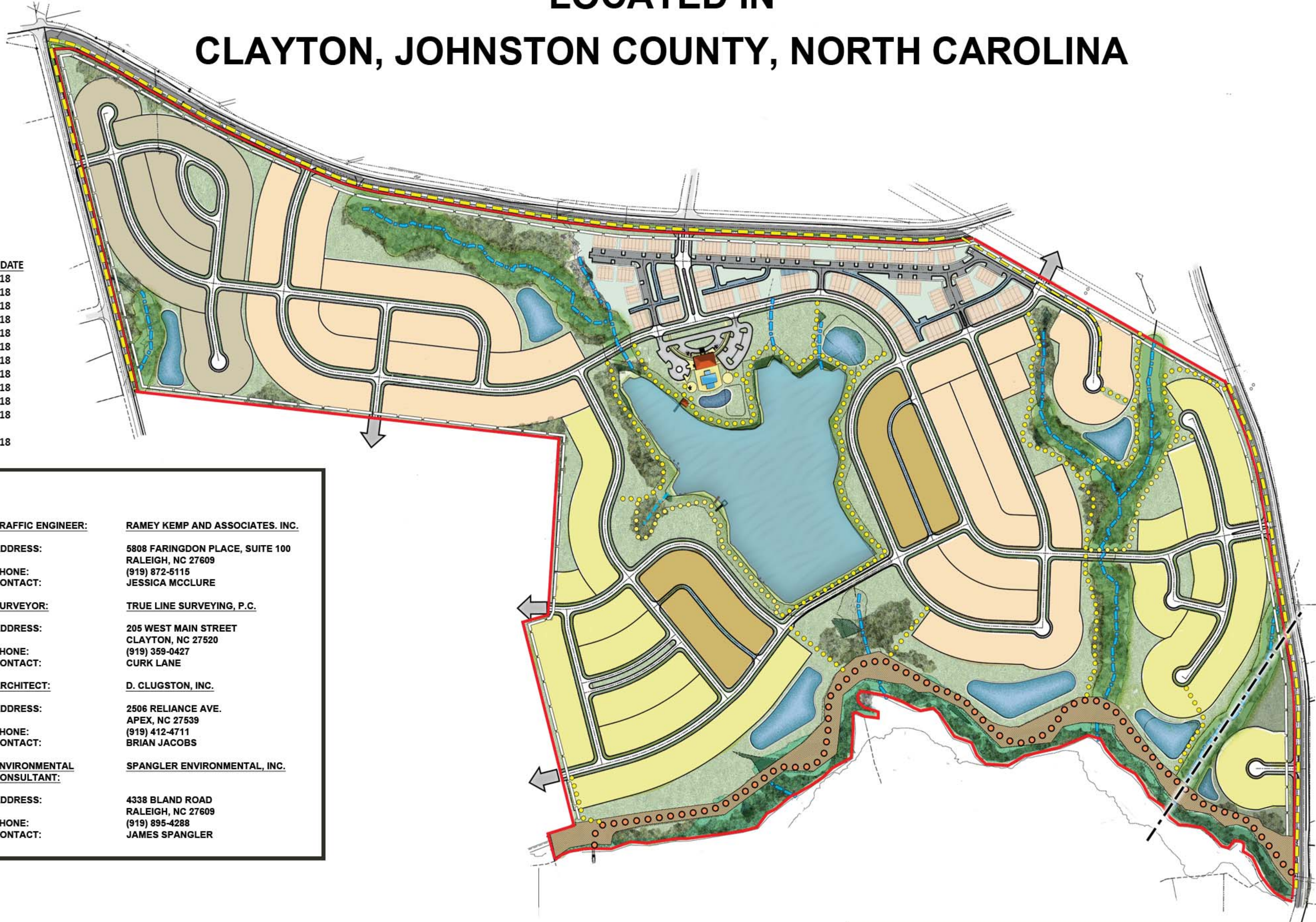
	Name	Address
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INDEX OF SHEETS			
SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
C0.0	COVER SHEET	03-01-2018	04-06-2018
C1.0	ADJOINING OWNERS AND ZONING	03-01-2018	04-06-2018
C1.1	EXISTING CONDITIONS	03-01-2018	04-06-2018
C2.0	MASTER PLAN	03-01-2018	04-06-2018
C3.0	PHASING PLAN	03-01-2018	04-06-2018
C4.0	TRANSPORTATION AND CIRCULATION PLAN	03-01-2018	04-06-2018
C4.1	TYPICAL STREET SECTIONS AND WAIVERS	03-01-2018	04-06-2018
C5.0	HOUSING TYPES	03-01-2018	04-06-2018
C6.0	RECREATION AND OPEN SPACE PLAN	03-01-2018	04-06-2018
C6.1	RECREATION ELEMENTS	03-01-2018	04-06-2018
C7.0	PRELIMINARY UTILITIES	03-01-2018	04-05-2018
C8.0	PRELIMINARY STORM DRAINAGE	04-05-2018	04-05-2018
A0.0	CLUBHOUSE CONCEPT	03-01-2018	04-06-2018

PROJECT TEAM:			
REVIEW AGENCY:	TOWN OF CLAYTON	TRAFFIC ENGINEER:	RAMEY KEMP AND ASSOCIATES, INC.
ADDRESS:	111 E. SECOND STREET CLAYTON, NC 27528 (919) 553-5002	ADDRESS:	5808 FARINGDON PLACE, SUITE 100 RALEIGH, NC 27609 (919) 872-5116
FAX:		PHONE:	JESSICA MCCLURE
PROPERTY OWNER:	RAYMOND ELMORE EARP, JR. FAMILY TRUST EARP, NANCY CREWS, TRUSTEE & WORLEY, MARY EARP	CONTACT:	
ADDRESS:	7020 NC HIGHWAY 42 E, SELMA, NC 27576-6128	SURVEYOR:	TRUE LINE SURVEYING, P.C.
APPLICANT:	SHENANDOAH HOMES/CAPITAL PROPERTIES	ADDRESS:	205 WEST MAIN STREET CLAYTON, NC 27520 (919) 359-0427
ADDRESS:	3724 NATIONAL DRIVE, SUITE 220 RALEIGH, NC 27612 (919) 230-8177	CONTACT:	CURK LANE
PHONE:		ARCHITECT:	D. CLUGSTON, INC.
CONTACT:	DAVID STALLINGS	ADDRESS:	2506 RELIANCE AVE. APEX, NC 27539 (919) 412-4711
LAND PLANNING/		PHONE:	BRIAN JACOBS
ENGINEERING:	ESP ASSOCIATES, INC.	CONTACT:	
ADDRESS:	2200 GATEWAY CENTRE BLVD, SUITE 216 MORRISVILLE, NC 27560 (919) 678-1070, EXT. 634	ENVIRONMENTAL	SPANGLER ENVIRONMENTAL, INC.
PHONE:		CONSULTANT:	
FAX:	(919) 677-1292	ADDRESS:	4338 BLAND ROAD RALEIGH, NC 27609 (919) 895-4288
CONTACT:	KATHRYN R. MCPHERSON, R.L.A., ASLA SALMAN MOAZZAM, PE	PHONE:	
		CONTACT:	JAMES SPANGLER



Conditions of Approval:

PRELIMINARY PLANS NOT FOR CONSTRUCTION

ESP Associates, Inc.
2200 Gateway Centre Blvd
Morrisville, NC 27560
919-678-1070
www.espassociates.com
NC LICENSE #F-1407

ESP

NORTH CAROLINA
LICENSE NO.:
F-1407
ESP ASSOCIATES, INC.

05/16/2018

028116

SEAL

PROFESSIONAL ENGINEER

CLAYTON, NC

COVER

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

DRAWN BY: KRM

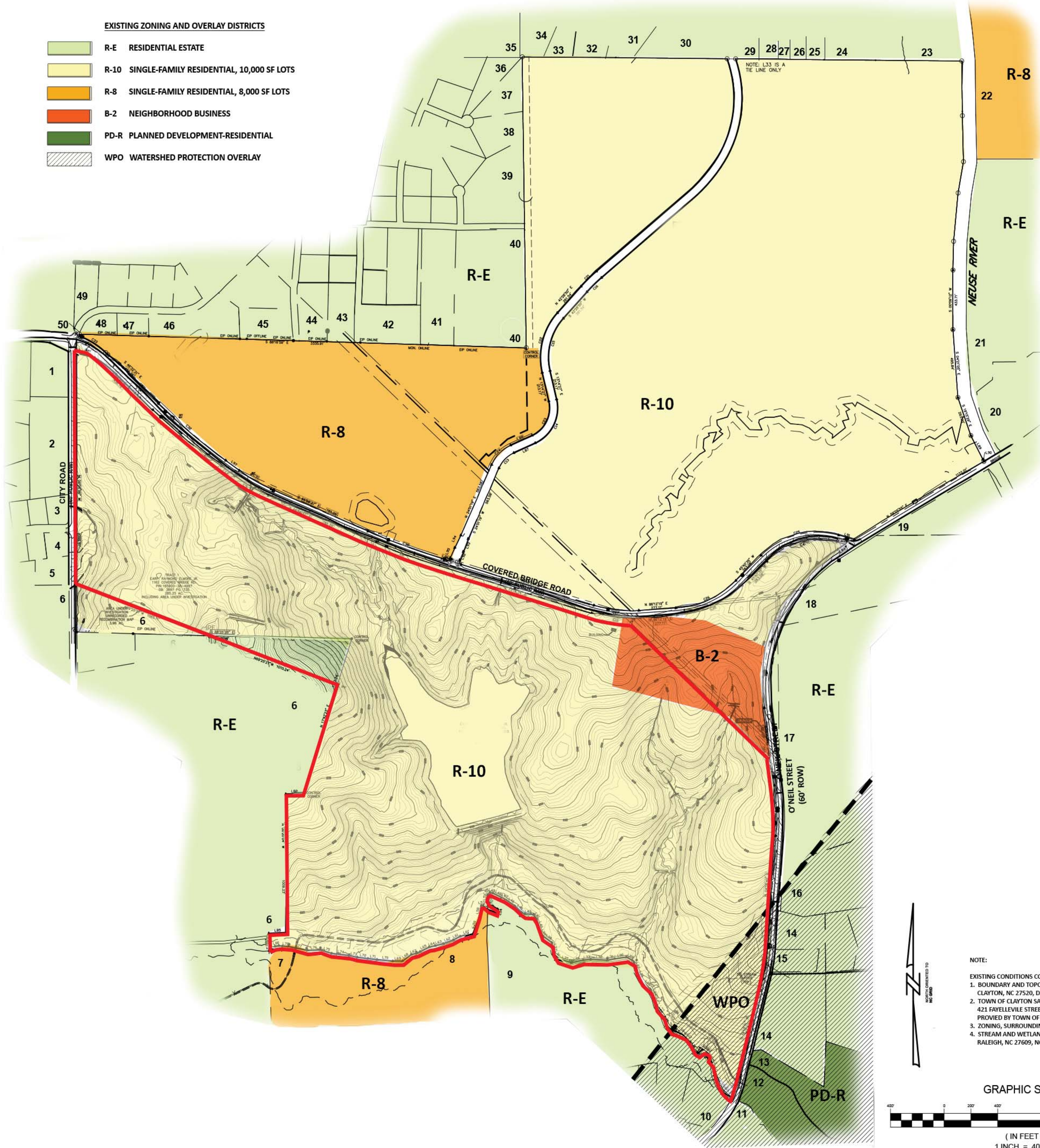
PROJECT NUMBER: FR51

ORIGINAL DATE: 03/01/2018

SHEET: C0.0

Page 108 of 357

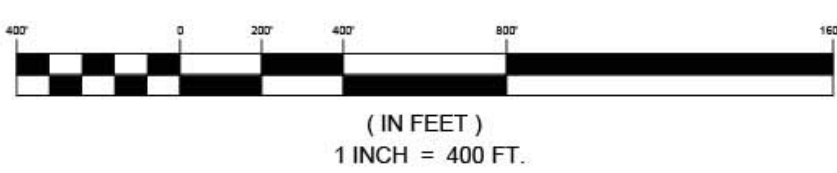
- EXISTING ZONING AND OVERLAY DISTRICTS
- R-E RESIDENTIAL ESTATE
 - R-10 SINGLE-FAMILY RESIDENTIAL, 10,000 SF LOTS
 - R-8 SINGLE-FAMILY RESIDENTIAL, 8,000 SF LOTS
 - B-2 NEIGHBORHOOD BUSINESS
 - PD-R PLANNED DEVELOPMENT-RESIDENTIAL
 - WPO WATERSHED PROTECTION OVERLAY



NOTE:
EXISTING CONDITIONS COMPILED FROM:
1. BOUNDARY AND TOPOGRAPHIC SURVEY: TRUE LINE SURVEYING, P.C., 205 WEST MAIN STREET, CLAYTON, NC 27520, DATED FEBRUARY 16, 2018.
2. TOWN OF CLAYTON SAM'S BRANCH GREENWAY AND EASEMENT: STEWART ENGINEERING, 421 FAYELLEVILLE STREET SUITE 400, RALEIGH, NC 27601, DATED JANUARY 28, 2016. DRAWINGS PROVIDED BY TOWN OF CLAYTON.
3. ZONING, SURROUNDING INFORMATION: JONSTON COUNTY GIS.
4. STREAM AND WETLAND DELINEATIONS: SPANGLER ENVIRONMENTAL, INC., 4338 BLAND ROAD, RALEIGH, NC 27609, NCDWQ CONFIRMATION* SEPTEMBER 2, 2014.



GRAPHIC SCALE



ADJACENT PROPERTY OWNERS LIST Steeplechase Master Plan				
PARCEL	NAME	ADDRESS	ACREAGE	ZONING
1	176000-01-4713	PILKINGTON, DAVID D JR 1331 CITY ROAD CLAYTON, NC 27520-0000	2.44 AC	RE
2	176000-01-4124	PILKINGTON, DAVID D JR 1331 CITY ROAD CLAYTON, NC 27520-0000	4.14 AC	RE
3	176000-00-4780	MADDOX, JAMES WILLIAM MADDOX, SHANDA TAYLOR 22 CEDARDALE CT CLAYTON, NC 27520-5542	0.76 AC	RE
4	176000-00-4476	MUNDAY, KIMBERLY ANN 27 CEDARDALE CT CLAYTON, NC 27520-0000	0.7 AC	RE
5	176000-00-4236	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F 1057 CITY RD CLAYTON, NC 27520-5907	1.06 AC	RE
6	165908-99-1146	MIMS, ALLEN L JR 920 CITY RD CLAYTON, NC 27520-0000	213.7 AC	RE R-10
7	166909-17-1164	TOWN OF CLAYTON PO BOX 777 CLAYTON, NC 27528-0777	21.85 AC	RE
8	166910-36-0755	PEEDIN, EDNA S 2721 US 70 EAST SELMA, NC 27578-8174	71.69 AC	R-8, SLD
9	166910-47-5025	MASSEY, JOHN WESLEY 8041 ST ANDREWS DR LAURINBURG, NC 28352-2155	33.03 AC	RE
10	166900-56-1474	CAPPS, BILLY WADE 1119 N ONEIL STREET EXT CLAYTON, NC 27520-6240	4.67 AC	RE
11	166900-56-4098	MCINTYRE, MARTHA ANN 1233 MT CARMEL CHURCH RD TROY, NC 27371-0220	4.37 AC	RE
12	166900-56-8375	TOWN OF CLAYTON P O BOX 879 CLAYTON, NC 27528-0000	5.41 AC	PD-R
13	166900-66-4354	ASHCROFT PARTNERS, LLC 114 W MAIN ST STE 102 CLAYTON, NC 27520-2397		RE
14	166900-67-0102	JONES, TRACY L JONES, DEANNA L 1504 N ONEIL ST EXT CLAYTON, NC 27520	10.25 AC	RE
15	166900-57-9493	JONES, DEANNA LYNNE 1500 N O'NEIL ST EXT CLAYTON, NC 27520-0000	1.27 AC	RE
16	166900-68-3043	JONES, TRACY L 1538 NORTH ONEIL STREET EXT CLAYTON, NC 27520-0000	8.4 AC	RE
17	166900-79-1467	JEAN K SMITH TRUST SMITH, JAMES D TRUSTEE 1814 N ONEIL STREET EXT CLAYTON, NC 27520-6236	89.93 AC	RE
18	176000-60-9362	RAYMOND ELMORE EARP JR FAMILY TRUST EARP, NANCY CREWS TRUSTEE 7030 NC HIGHWAY 42 E SELMA, NC 27578-6128	630.63 AC	R-8 R-10
19	176000-70-3713	MASSEY, JOHN WESLEY 8041 ST ANDREWS DR LAURINBURG, NC 28352-0000	5.25 AC	RE
20	176000-71-6415	SORRELL, DAVID M SORRELL, SABRINA 2641 COVERED BRIDGE RD CLAYTON, NC 27527-0000	7.28 AC	RE
21	176000-82-1830	HOUSE, MAVIS C 2873 COVERED BRIDGE RD CLAYTON, NC 27527-0000	68.94 AC	RE
23	176000-64-9005	O'BRIEN, ANGELLA J O'BRIEN, DAVID MICHAEL 147 BAYHILL DR ADVANCE, NC 27006-7183	1.88 AC	R-8
24	176000-64-3056	ALFORD, KENNETH W ALFORD, ANNETTE R 150 MICHAEL WAY CLAYTON, NC 27520-5507	1.07 AC	RE
25	176000-64-1118	FILHART, ALAN THEODORE FILHART, JEAN M 118 MICHAEL WAY CLAYTON, NC 27520-5507	1.06 AC	RE
26	176000-54-9169	HUBERT, PETER G. HUBERT, PATRICE A. 114 MICHAEL WAY CLAYTON, NC 27520-5507	1.09 AC	RE
27	176000-54-8156	WETMORE, MARK L WETMORE, TAMELA LYNN 104 MICHAEL WAY CLAYTON, NC 27520-0000	0.92 AC	RE
28	176000-54-7160	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE 101 MICHAEL WAY CLAYTON, NC 27520-0000	0.43 AC	RE
29	176000-54-6039	FARMER, MARY ANN 100 MICHAEL WAY CLAYTON, NC 27520-5507	0.92 AC	RE
30	176000-54-1106	HASKINS, WESLEY L HASKINS, ERIN L 1009 BROOKHILL DRIVE CLAYTON, NC 27520-0000	3.3 AC	RE
31	176000-44-8293	MOORE, AMY J CARAWAN, CLIFFORD C 101 KATIE DR CLAYTON, NC 27520-0000	2.75 AC	RE
32	176000-44-4078	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN 105 KATIE DR CLAYTON, NC 27520-5509	0.92 AC	RE
33	176000-44-1066	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA 111 KATIE DR CLAYTON, NC 27520-0000	0.92 AC	RE
34	176000-44-1147	MURRAY, RICHARD H MURRAY, JOELY A 115 KATIE DRIVE CLAYTON, NC 27520-0000	1.15 AC	RE
35	176000-15-9320	LEE BROTHERS RENTAL 400 W MAIN STREET CLAYTON, NC 27520-0000	213.94 AC	RE
36	176000-33-7839	SCHULTZE, HENRY NEAL SCHULTZE, JUDY 2005 DONNA COURT CLAYTON, NC 27520-0000	1.6 AC	RE
37	176000-33-7679	COON, STEVEN M COON, ERIN M 2009 DONNA COURT CLAYTON, NC 27520-0000	1.83 AC	RE
38	176000-33-7319	COATS, JEFFREY LAWRENCE 2008 DONNA CT CLAYTON, NC 27520-0000	2.0 AC	RE
39	176000-32-6986	WHITLEY, WILLARD H WHITLEY, BETTY J 2000 KEVIN CT CLAYTON, NC 27520-0000	4.64 AC	RE
40	176000-32-6235	ROBINSON, PAUL W ROBINSON, VIRGINIE E 2304 SMITH DRIVE CLAYTON, NC 27520-0000	9.77 AC	RE
41	176000-32-2320	BELL, BRIAN O BELL, AMANDA H 2212 SMITH DR CLAYTON, NC 27520-9031	4.82 AC	RE
42	176000-22-9067	LAUFER, ANDREW N. WOOD, HEATHER L. 2009 WILLIAM LN CLAYTON, NC 27520-8257	3.0 AC	RE
43	176000-22-5017	FISCHER, DANIELLE FISCHER, PAUL 2008 WILLIAM LANE CLAYTON, NC 27520-0000	2.02 AC	RE
44	176000-21-3907	HILL, MICHAEL WAYNE 2013 MISSY LANE CLAYTON, NC 27520-0000	1.05 AC	RE
45	176000-12-9050	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D 2012 MISSY LANE CLAYTON, NC 27520-9033	2.05 AC	RE
46	176000-11-3998	DOLDE, DONALD ANTHONY DOLDE, SANDRA RAE 2020 SMITH DR CLAYTON, NC 27520-9029	3.57 AC	RE
47	176000-01-9559	POPE, BILLY R POPE, BOBBIE 2008 SMITH DR CLAYTON, NC 27520-9029	1.0 AC	RE
48	176000-01-7918	POURBON, CHARLES WAYNE 2000 SMITH DR CLAYTON, NC 27520-9029	0.92 AC	RE
49	176000-02-6216	CREASY, JEFFREY L CREASY, SHARON 2001 SMITH DR CLAYTON, NC 27520-5908	1.47 AC	RE
50	176000-02-1779	PILKINGTON, DAVID DANIEL JR 1331 CITY ROAD CLAYTON, NC 27520-5908	32.42 AC	RE

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ESP

SEAL
028116
07/16/2018

BY: KRM

NO. 1

DATE 04-06-2018

REASON TRC LIST REVIEW COMMENTS

ADJOINING OWNERS & ZONING

STEEPLECHASE MASTER PLAN

CLAYTON, NC

ADJOINING OWNERS & ZONING

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

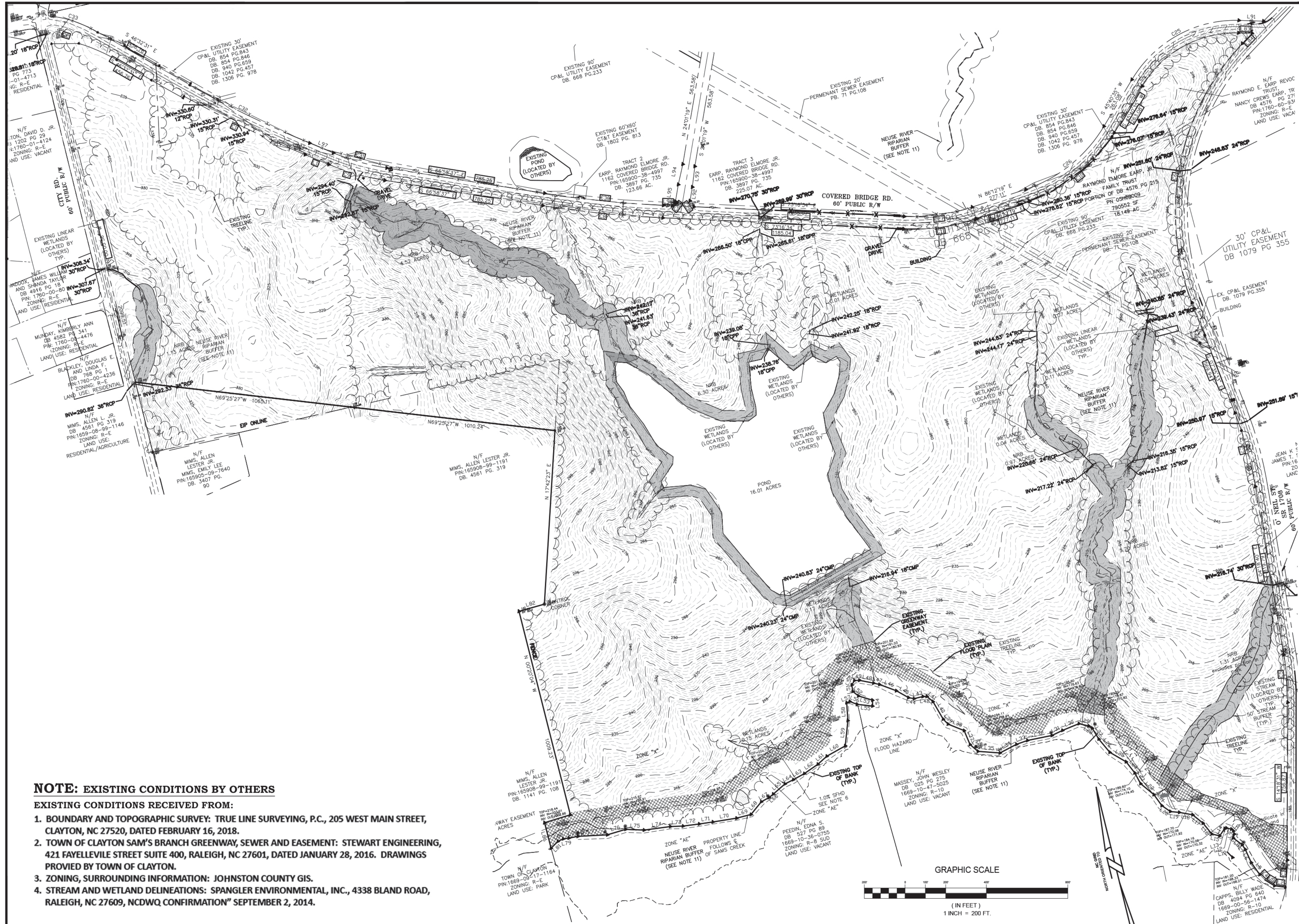
DRAWN BY: KRM

PROJECT NUMBER: FRS1

ORIGINAL DATE: 03/01/2018

SHEET:

C1.0



NOTE: EXISTING CONDITIONS BY OTHERS
EXISTING CONDITIONS RECEIVED FROM:
1. BOUNDARY AND TOPOGRAPHIC SURVEY: TRUE LINE SURVEYING, P.C., 205 WEST MAIN STREET, CLAYTON, NC 27520, DATED FEBRUARY 16, 2018.
2. TOWN OF CLAYTON SAM'S BRANCH GREENWAY, SEWER AND EASEMENT: STEWART ENGINEERING, 421 FAYELLEVILLE STREET SUITE 400, RALEIGH, NC 27601, DATED JANUARY 28, 2016. DRAWINGS PROVIDED BY TOWN OF CLAYTON.
3. ZONING, SURROUNDING INFORMATION: JOHNSTON COUNTY GIS.
4. STREAM AND WETLAND DELINEATIONS: SPANGLER ENVIRONMENTAL, INC., 4338 BLAND ROAD, RALEIGH, NC 27609, NCDWQ CONFIRMATION# SEPTEMBER 2, 2014.

FOR INFORMATION PURPOSES ONLY - BY OTHERS



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NC LICENSE #1407

NO.	DATE	REVISION	BY	REASON
1	04-06-2018		KRM	TRC LIST REVIEW COMMENTS

EXISTING CONDITIONS

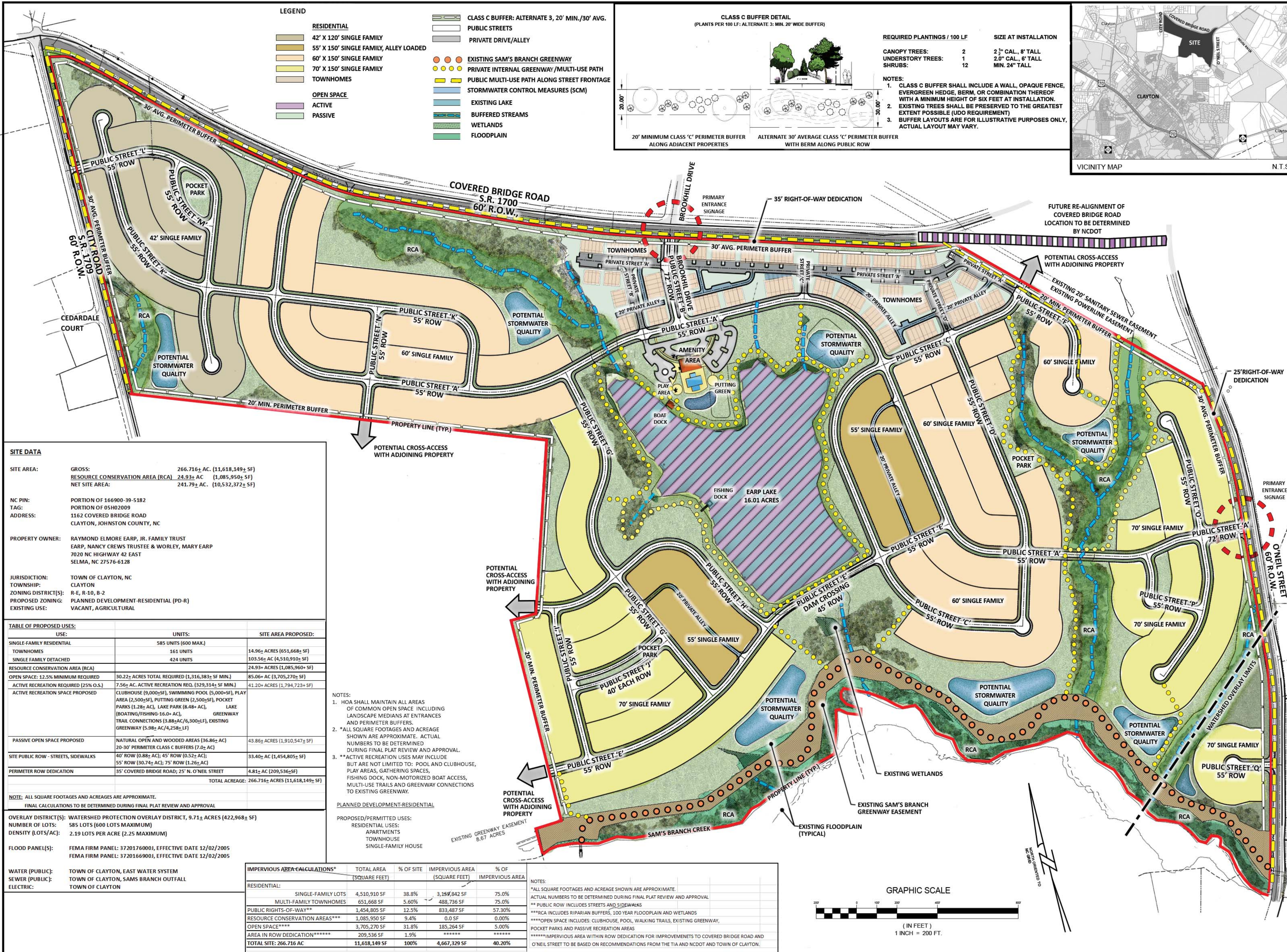
STEEPLECHASE MASTER PLAN

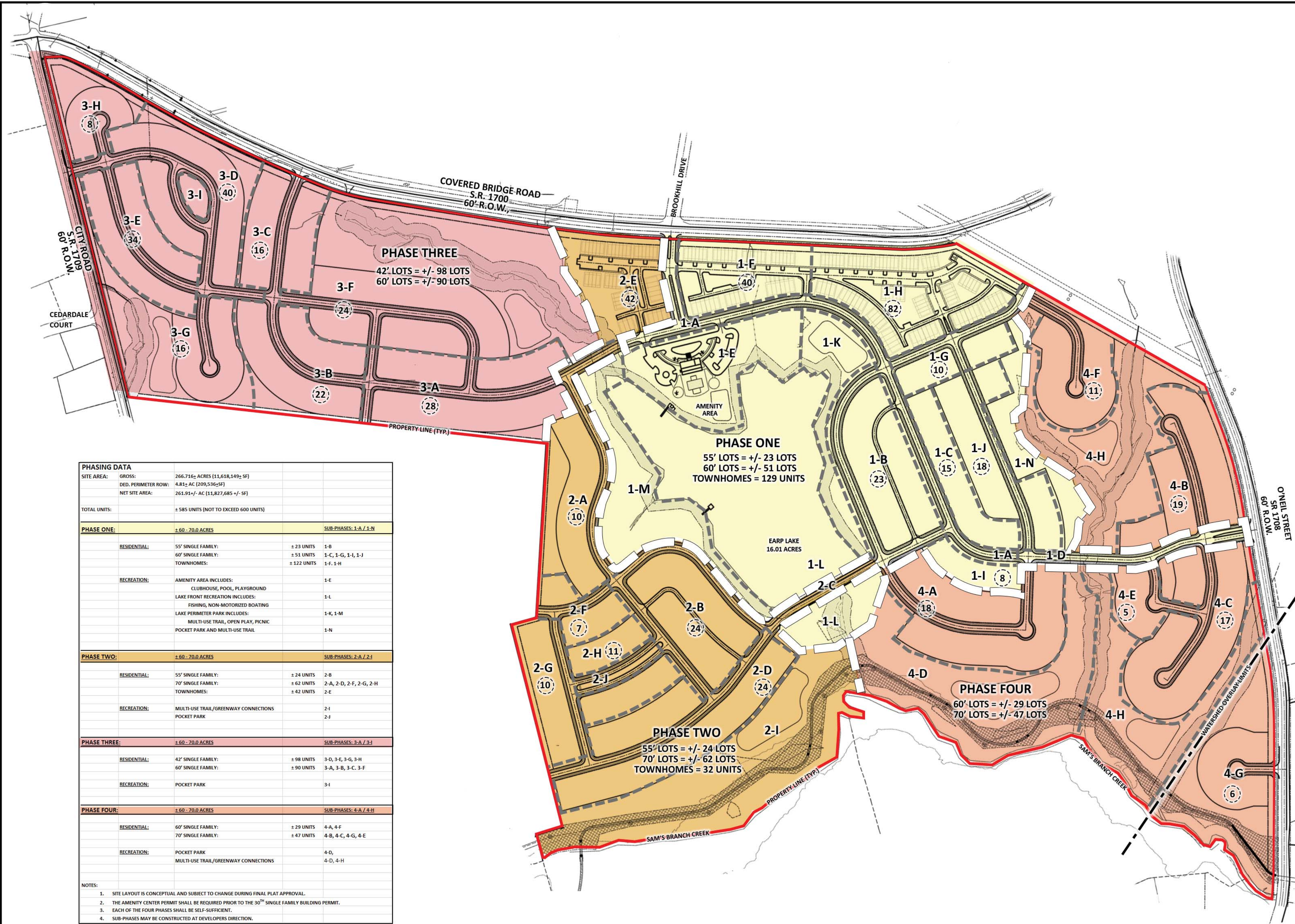
CLAYTON, NC

SHEWANDOH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	C1.1





PHASING DATA			
SITE AREA:	GROSS:	266.71± ACRES (11,618,149± SF)	
	DED. PERIMETER ROW:	4.81± AC (209,536±SF)	
	NET SITE AREA:	261.91±/- AC (11,827,685 +/- SF)	
TOTAL UNITS:	± 585 UNITS (NOT TO EXCEED 600 UNITS)		
PHASE ONE:		± 60 - 70.0 ACRES	SUB-PHASES: 1-A / 1-N
RESIDENTIAL:	55' SINGLE FAMILY:	± 23 UNITS	1-B
	60' SINGLE FAMILY:	± 51 UNITS	1-C, 1-G, 1-I, 1-J
	TOWNHOMES:	± 122 UNITS	1-F, 1-H
RECREATION:	AMENITY AREA INCLUDES:		1-E
	CLUBHOUSE, POOL, PLAYGROUND		
	LAKE FRONT RECREATION INCLUDES:		1-L
	FISHING, NON-MOTORIZED BOATING		
	LAKE PERIMETER PARK INCLUDES:		1-K, 1-M
	MULTI-USE TRAIL, OPEN PLAY, PICNIC POCKET PARK AND MULTI-USE TRAIL		1-N
PHASE TWO:		± 60 - 70.0 ACRES	SUB-PHASES: 2-A / 2-I
RESIDENTIAL:	55' SINGLE FAMILY:	± 24 UNITS	2-B
	70' SINGLE FAMILY:	± 62 UNITS	2-A, 2-D, 2-F, 2-G, 2-H
	TOWNHOMES:	± 42 UNITS	2-E
RECREATION:	MULTI-USE TRAIL/GREENWAY CONNECTIONS	2-I	
	POCKET PARK	2-J	
PHASE THREE:		± 60 - 70.0 ACRES	SUB-PHASES: 3-A / 3-I
RESIDENTIAL:	42' SINGLE FAMILY:	± 98 UNITS	3-D, 3-E, 3-G, 3-H
	60' SINGLE FAMILY:	± 90 UNITS	3-A, 3-B, 3-C, 3-F
RECREATION:	POCKET PARK	3-I	
PHASE FOUR:		± 60 - 70.0 ACRES	SUB-PHASES: 4-A / 4-H
RESIDENTIAL:	60' SINGLE FAMILY:	± 29 UNITS	4-A, 4-F
	70' SINGLE FAMILY:	± 47 UNITS	4-B, 4-C, 4-G, 4-E
RECREATION:	POCKET PARK		4-D,
	MULTI-USE TRAIL/GREENWAY CONNECTIONS		4-D, 4-H
NOTES:			
1. SITE LAYOUT IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL PLAT APPROVAL.			
2. THE AMENITY CENTER PERMIT SHALL BE REQUIRED PRIOR TO THE 30 TH SINGLE FAMILY BUILDING PERMIT.			
3. EACH OF THE FOUR PHASES SHALL BE SELF-SUFFICIENT.			
4. SUB-PHASES MAY BE CONSTRUCTED AT DEVELOPERS DIRECTION.			

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NC LICENSE #F-1407

BY: KRM
DATE: 04-06-2018
REVISION: 1
TBC 1ST REVIEW COMMENTS

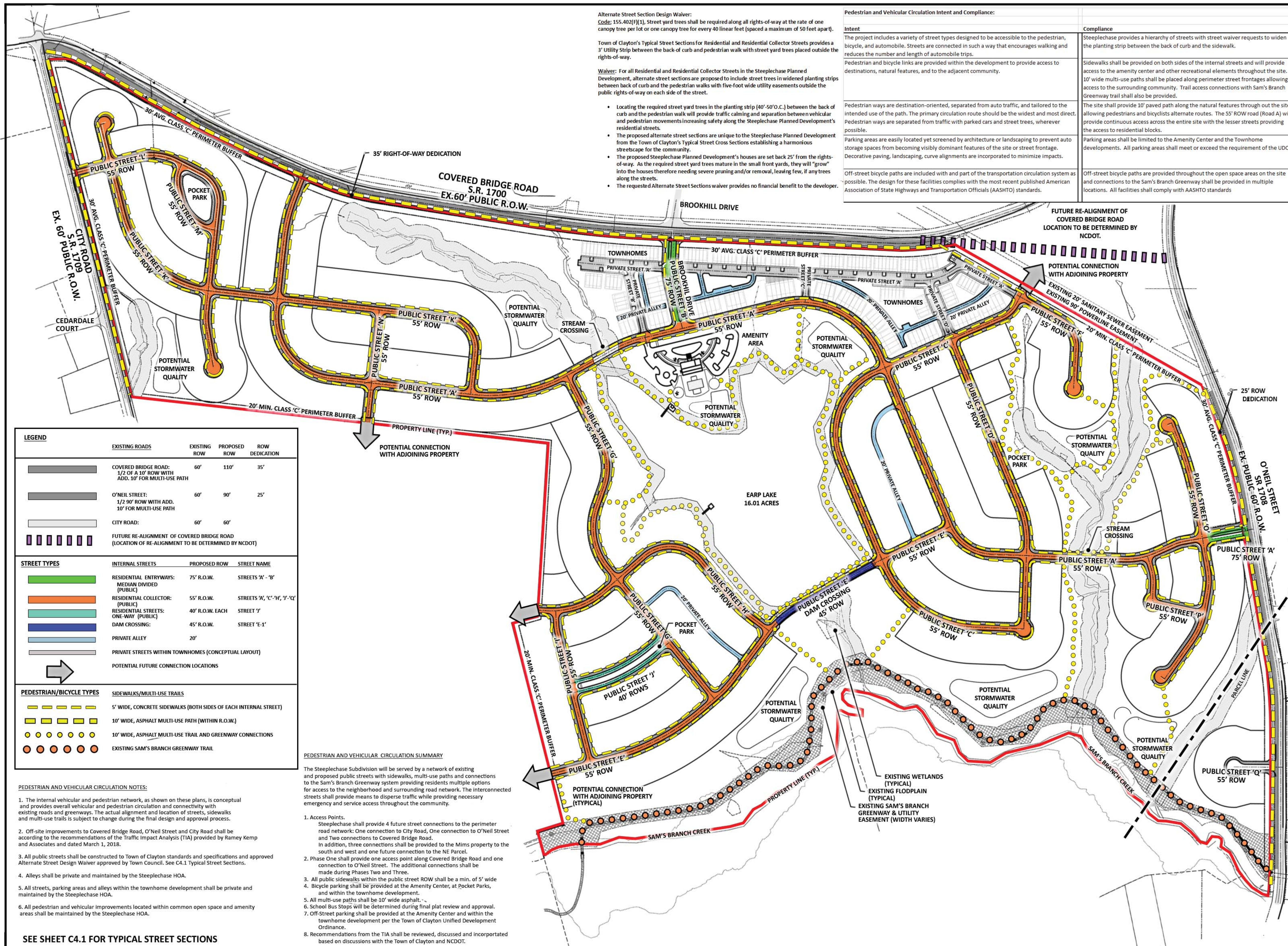
PHASING PLAN

STEEPLECHASE MASTER PLAN

SHEWANDA H. HINES
CLAYTON, NC

PROJECT INFORMATION

PROJECT MANAGER: KRM
DESIGNED BY: KRM
DRAWN BY: KRM
PROJECT NUMBER: FR51
ORIGINAL DATE: 03/01/2018
SHEET: C3.0



LEGEND				
EXISTING ROADS		EXISTING ROW	PROPOSED ROW	ROW DEDICATION
COVERED BRIDGE ROAD: 1/2 OF A 10' ROW WITH ADD. 10' FOR MULTI-USE PATH		60'	110'	35'
O'NEIL STREET: 1/2 90' ROW WITH ADD. 10' FOR MULTI-USE PATH		60'	90'	25'
CITY ROAD:		60'	60'	
FUTURE RE-ALIGNMENT OF COVERED BRIDGE ROAD (LOCATION OF RE-ALIGNMENT TO BE DETERMINED BY NCDOT)				
STREET TYPES		INTERNAL STREETS	PROPOSED ROW	STREET NAME
RESIDENTIAL ENTRYWAYS: MEDIAN DIVIDED (PUBLIC)		75' R.O.W.		STREETS 'A' - 'B'
RESIDENTIAL COLLECTOR: (PUBLIC)		55' R.O.W.		STREETS 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z'
RESIDENTIAL STREETS: ONE-WAY (PUBLIC)		40' R.O.W. EACH		STREET 'Y'
DAM CROSSING:		45' R.O.W.		STREET 'E-1'
PRIVATE ALLEY		20'		
PRIVATE STREETS WITHIN TOWNHOMES (CONCEPTUAL LAYOUT)				
POTENTIAL FUTURE CONNECTION LOCATIONS				
PEDESTRIAN/BICYCLE TYPES		SIDEWALKS/MULTI-USE TRAILS		
		5' WIDE, CONCRETE SIDEWALKS (BOTH SIDES OF EACH INTERNAL STREET)		
		10' WIDE, ASPHALT MULTI-USE PATH (WITHIN R.O.W.)		
		10' WIDE, ASPHALT MULTI-USE TRAIL AND GREENWAY CONNECTIONS		
		EXISTING SAM'S BRANCH GREENWAY TRAIL		

- PEDESTRIAN AND VEHICULAR CIRCULATION NOTES:
- The internal vehicular and pedestrian network, as shown on these plans, is conceptual and provides overall vehicular and pedestrian circulation and connectivity with existing roads and greenways. The actual alignment and location of streets, sidewalks and multi-use trails is subject to change during the final design and approval process.
 - Off-site improvements to Covered Bridge Road, O'Neil Street and City Road shall be according to the recommendations of the Traffic Impact Analysis (TIA) provided by Ramey Kemp and Associates and dated March 1, 2018.
 - All public streets shall be constructed to Town of Clayton standards and specifications and approved Alternate Street Design Waiver approved by Town Council. See C4.1 Typical Street Sections.
 - Alleys shall be private and maintained by the Steeplechase HOA.
 - All streets, parking areas and alleys within the townhome development shall be private and maintained by the Steeplechase HOA.
 - All pedestrian and vehicular improvements located within common open space and amenity areas shall be maintained by the Steeplechase HOA.

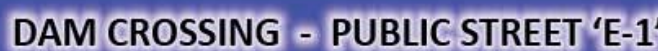
- PEDESTRIAN AND VEHICULAR CIRCULATION SUMMARY
- The Steeplechase Subdivision will be served by a network of existing and proposed public streets with sidewalks, multi-use paths and connections to the Sam's Branch Greenway system providing residents multiple options for access to the neighborhood and surrounding road network. The interconnected streets shall provide means to disperse traffic while providing necessary emergency and service access throughout the community.
- Access Points.
Steeplechase shall provide 4 future street connections to the perimeter road network: One connection to City Road, One connection to O'Neil Street and Two connections to Covered Bridge Road.
In addition, three connections shall be provided to the Mims property to the south and west and one future connection to the NE Parcel.
 - Phase One shall provide one access point along Covered Bridge Road and one connection to O'Neil Street. The additional connections shall be made during Phases Two and Three.
 - All public sidewalks within the public street ROW shall be a min. of 5' wide
 - Bicycle parking shall be provided at the Amenity Center, at Pocket Parks, and within the townhome development.
 - All multi-use paths shall be 10' wide asphalt.
 - School Bus Stops will be determined during final plat review and approval.
 - Off-Street parking shall be provided at the Amenity Center and within the townhome development per the Town of Clayton Unified Development Ordinance.
 - Recommendations from the TIA shall be reviewed, discussed and incorporated based on discussions with the Town of Clayton and NCDOT.

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NC LICENSE #F-1407

BY	DATE	REVISION
1.	04-26-2018	TIC-157 REVIEW COMMENTS

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018
SHEET:	C4.0

TRANSPORTATION AND CIRCULATION PLAN
STEEPLECHASE MASTER PLAN
SHEMANDOAH HOMES
CLAYTON, NC



Street Section Notes:

1. The internal street and sidewalk network, as shown on these plans, is conceptual and provided to show overall vehicular and pedestrian circulation and connectivity with existing roads and greenways. The actual alignment and location of streets, sidewalks and multi-use trails is subject to change during the final plat design and approval process.
2. All road improvements to Covered Bridge Road, O'Neal Street and City Road shall be according to the recommendations of the Traffic Impact Analysis (TIA) provided by Ramey Kemp and Associates and dated March 1, 2018.
3. All internal streets shall have sidewalks on both sides of the street to provide a network of pedestrian accessibility throughout the neighborhood and to provide connections to the internal private trail system proposed for the Steeplechase Subdivision and connections to the Sam's Branch Greenway.
4. The dam crossing street shall only provide sidewalk on one side of the street.
5. All streets shall have rolled curb & gutter except where noted.
6. All residential streets shall have a seven and one-half foot wide planting strip between the back of curb and the sidewalk to allow optimal area for the healthy growth of the required street trees.
7. All utilities shall be located underground and within the S' Utility Easements. Sanitary Sewer and Waterlines shall be placed within the street pavement sections and shall comply with all Town of Clayton standards and specifications.
8. All streets, sidewalks, curb and gutter, multi-use trails and other public road improvements shall comply with all Town of Clayton Standards and Specifications. All road improvements to Covered Bridge Road, O'Neal Street and City Road shall comply with all NCDOT Standards and Specifications.

Suggested Street Trees Species:

- Bosque Lacebark Elm
- Highpoint Nuttall Oak
- Highbeam Overcup Oak
- Panache Shumard Oak
- Hightower Willow Oak
- Green Vase Zelkova
- Autumn Gold Bld Cypress

Ulmus parvifolia 'UPMTF' PP#11295
 Quercus nuttallii 'QNFTA' PP#13524
 Quercus lyrata 'QLFTB' PP#13470
 Quercus shumardii 'QSFTC' PP#14424
 Quercus phellos 'QPSTA' PP#13677
 Zelkova serrata 'Green Vase'
 Taxodium distichum 'Sofine'

PROJECT INFORMATION	
PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	

C4.1

The diagram illustrates a residential lot layout and an illustrative house elevation. The lot is bounded by a Public Street on the left and a Public Street on the bottom. The layout includes a 2-Car Driveway, a Pedestrian Zone, and a Grass Planting Strip. The lot is divided into three sections, each containing a House, a Garage, and a Porch. The lot is also divided into a Property Line Buildable Zone and a Fence Zone. The lot is bounded by a 5' Utility Easement, a 5' Right-of-Way, and a 5' Public Sidewalk. The lot is also bounded by Street Lights.

Property Line Buildable Zone

- Street Lights
- 5' Utility Easement
- Right-of-Way
- 5' Public Sidewalk

Property Line Buildable Zone

Fence

House Elevation

Max. 50' O.C.

Grass Planting Strip

2-Car Driveway, Face of Garage Setback Min. 23' from Back of Sidewalk

Public Street

Public Street

Pedestrian Zone

House Elevation for illustrative purposes only.

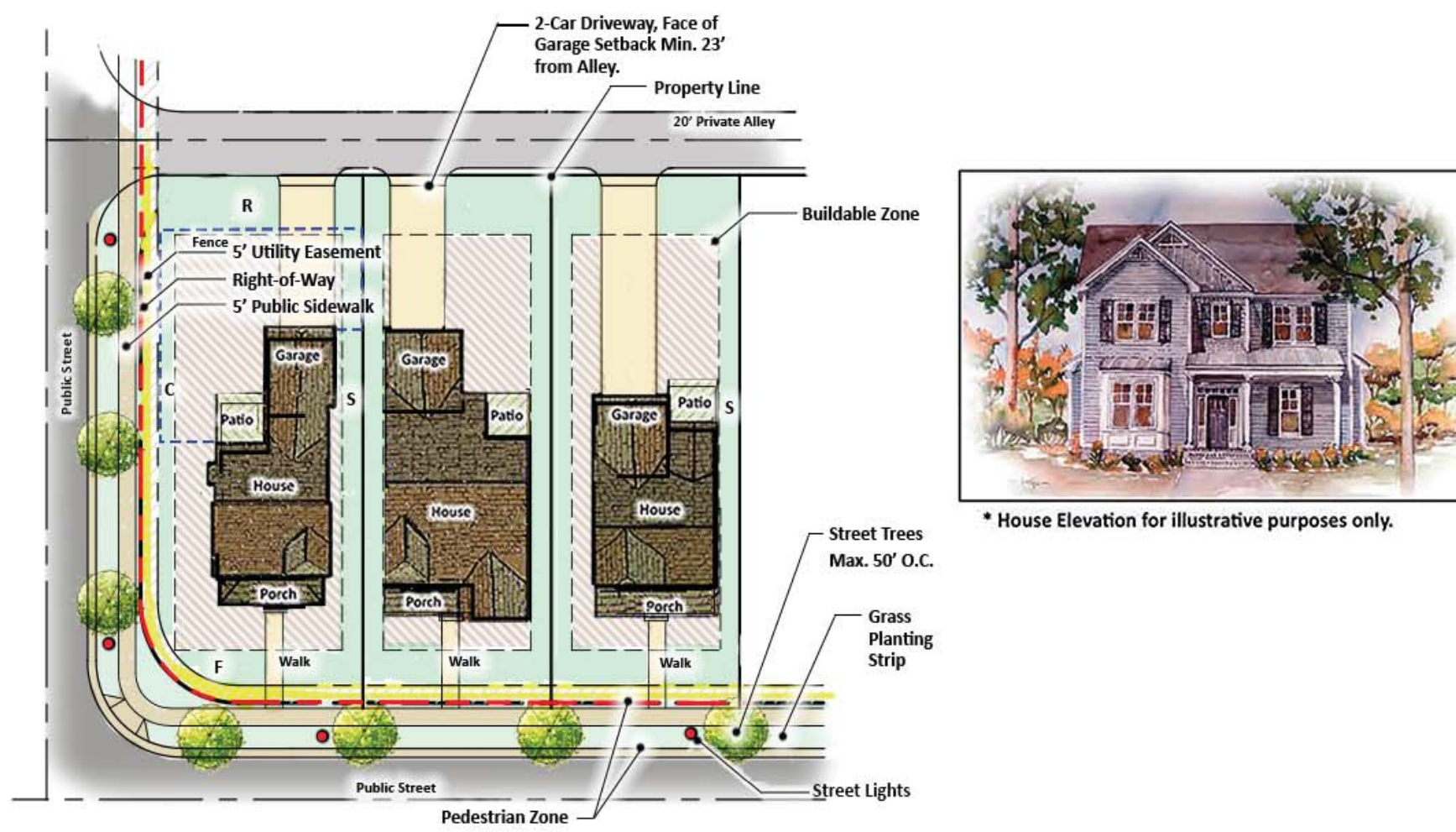
The diagram illustrates a residential lot layout with the following labeled zones and features:

- Street Lights**: Located along the top and left boundaries.
- Property Line**: The boundary between the lot and the adjacent property.
- 5' Utility Easement**: A narrow strip along the top boundary.
- Right-of-Way**: The area along the left boundary.
- 5' Public Sidewalk**: A strip along the bottom boundary.
- Buildable Zone**: The central area of the lot, shaded in light green.
- Fence**: A dashed line indicating the boundary of the buildable zone.
- Public Street**: The street on the left and bottom.
- Pedestrian Zone**: The area along the bottom boundary, adjacent to the sidewalk.
- 2-Car Driveway, Face of**: The driveway area at the bottom right.
- Grass Planting Strip**: A strip of grass along the bottom boundary.
- Street Trees**: Trees planted along the left and bottom boundaries.
- Max. 50' O.C.**: Maximum spacing between street trees.

The lot is divided into three main sections, each containing a house, a patio, a porch, and a garage. The houses are labeled "House", the patios are labeled "Patio", the porches are labeled "Porch", and the garages are labeled "Garage".

*** House Elevation for illustrative purposes only.**

LOT STANDARDS								
HOUSING TYPE	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	TYPICAL LOT WIDTH/DEPTH	MINIMUM LOT SIZE (SF)	MAXIMUM IMPERVIOUS AREA	BUILDING SETBACKS	BEDROOMS	
42' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	42'	110'	42' x 120'	5,000 SF	90%	FRONT: (F) 22' CORNER SIDE: (C) 10' SIDE: (S) 5' REAR: (R) 10' ACCESSORY: (A) 5'	3-5	
55' SINGLE FAMILY 2-CAR GARAGE ALLEY LOADED	55'	130'	55' x 150'	8,000 SF	60%	FRONT: (F) 20' CORNER SIDE: (C) 10' SIDE: (S) 6' REAR: (R) 23' ACCESSORY: (A) 5'	3-5	
60' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	60'	130'	60' x 150'	9,000 SF	50%	FRONT: (F) 25' CORNER SIDE: (C) 10' SIDE: (S) 6' REAR: (R) 15' ACCESSORY: (A) 5'	3-5	
70' SINGLE FAMILY 2-CAR GARAGE FRONT/SIDE LOADED	70'	130'	70' x 150'	10,000 SF	50%	FRONT: (F) 25' CORNER SIDE: (C) * 10' SIDE: (S) 6' REAR: (R) 15' ACCESSORY: (A) 5'	3-5	
*SIDE LOADED GARAGES SHALL HAVE A 23' CORNER SIDE SETBACK TO FACE OF GARAGE								
TOWNHOMES	18' - 22'	NONE	VARIES	1,200 SF	90% *WITHIN EACH LOT	FRONT: (F) 15' CORNER SIDE: (C) 10' SIDE: (S) 5' INTERIOR SIDE 0' REAR: (R) 10' ACCESSORY(Attached-No Garage Option) 5'	3	



The diagram illustrates a residential lot layout with various setbacks and easements. Key features include:

- Public Street:** Located on the left and bottom edges of the lot.
- 5' Utility Easement:** A narrow strip along the top boundary.
- Right-of-Way:** The area between the utility easement and the public street.
- 5' Public Sidewalk:** A strip along the bottom boundary.
- Property Line:** The boundary of the lot.
- Buildable Zone:** The area within the lot where construction is permitted.
- Fence:** A dashed line indicating a potential fence location.
- Shed / Accessory Bldg:** A small structure located near the top right corner.
- House:** Three house footprints are shown, each with a garage and a porch.
- Patio:** A paved area adjacent to each house.
- Walk:** Paths connecting the houses and other structures.
- Street Trees:** Trees planted along the sidewalk, with a maximum spacing of 50' O.C.
- Grass Planting Strip:** A strip of grass located between the sidewalk and the street.
- Street Lights:** Lights positioned along the sidewalk.
- 2-Car Driveway:** A driveway located at the back of the lot, with a minimum width of 23'.
- Garage Setback:** A minimum setback of 23' from the back of the sidewalk.
- Pedestrian Zone:** The area along the sidewalk.

* House Elevation for illustrative purposes only.

NOTES:

The diagram illustrates the layout of a townhome development. It shows a grid of townhome units with various setbacks and easements. Key features include:

- Buildable Zone / Property Line:** Indicated by a dashed line within the townhome footprint.
- Community Open Space:** Located to the right of the townhome units.
- Shed (Typ.):** Small structures located between the townhome units.
- Townhome No Garage:** A specific unit type shown in the middle row.
- Work / Sidewalk:** Located along the bottom edge of the townhome units.
- Pedestrian Zone / Building Setback (Typ.):** A setback area along the bottom edge.
- 5' Utility Easement:** A narrow strip along the bottom edge.
- 1.5' Grass Planting Strip:** A strip along the bottom edge.
- Parking and Private Street:** Located at the bottom of the diagram.

An inset image shows a perspective view of the townhome development, illustrating the elevations and the layout of the townhome units.

The diagram illustrates the layout of a townhome lot. Key features include:

- 20' Private Alley**: Located at the top of the lot.
- Buildable Zone**: The area within the property line where construction is permitted.
- Property Line**: The boundary of the lot.
- 2-Car Driveway (Typ.)**: Located on the left side of the lot.
- Garage (Typ.)**: Located adjacent to the driveway.
- Townhome with Garage**: The main structure of the townhome.
- 5' Public Sidewalk**: Located on the left side of the lot.
- Right-of-Way**: The area adjacent to the public sidewalk.
- Curb & Gutter**: The boundary between the sidewalk and the street.
- Public or Private Street**: Located at the bottom of the lot.
- Pedestrian Zone**: The area adjacent to the public street.
- Building Setbacks**: The required distance between the building and the property lines.
- Grass Planting Strip**: The area between the building setbacks.
- 5' Utility Easement**: Located on the right side of the lot.
- 1.5'**: A specific setback dimension.

An illustrative townhome elevation is shown in the top right corner, featuring a two-story structure with multiple windows and a gabled roof. The caption below it reads: *** Townhome Elevations for illustrative purposes only.**

1. MULTI-FAMILY RESIDENTIAL (TOWNHOMES)
2. ALL SURFACE PARKING AREAS SHALL COMPLY WITH ALL TOWN OF CLAYTON LANDSCAPE REQUIREMENTS FOR PARKING LOTS AND ISLANDS.
3. ALL IVAC AND MECHANICAL EQUIPMENT SHALL BE LOCATED AT THE REAR OF EACH UNIT AND SCREENED FROM THE PUBLIC RIGHTS-OF-WAY.
4. COMMUNAL TRASH AND RECYCLING COMPACTOR LOCATION PROVIDED FOR SOLID WASTE DISPOSAL AND RECYCLING COLLECTION BY PRIVATE COMPANY.
5. ALL COMMON AREAS SHALL MEET THE SITE INTERIOR LANDSCAPING REQUIREMENTS AS PER THE TOWN OF CLAYTON CODE, SECTION 155.40(2)(D).
6. ALL COMMON AREAS SHALL BE MAINTAINED BY THE STEEPLECHASE HOA.
7. ALL BUILDING UNITS SHALL MAINTAIN A 20 FOOT MINIMUM BUILDING SEPARATION.
8. GUEST PARKING SHALL BE PROVIDED AT A RATIO OF 1 SPACE PER 4 TOWNHOMES.
9. MAXIMUM BUILDING HEIGHT SHALL BE 45'.
10. AN INTERNAL LANDSCAPE ISLAND SHALL BE PROVIDED BETWEEN EVERY 10 PARKING SPACES.
11. ALL REQUIRED LANDSCAPE ISLANDS SHALL BE A MINIMUM OF 150' IN AREA AND NO LESS THAN 8' WIDE.
12. ALL PARKING AREAS SHALL BE SCREENED FROM THE PUBLIC RIGHTS-OF-WAY TO A MINIMUM HEIGHT OF 3 FEET.
13. STAND ALONE GARAGE UNITS MAY BE PROVIDED IN ADDITION TO ANY REQUIRED PARKING.
14. STAND ALONE GARAGE UNITS SHALL COMPLY WITH ALL SETBACK REQUIREMENTS.
15. MULTI-FAMILY RESIDENTIAL TOWNHOMES ARE DEFINED AS 2 OR MORE ATTACHED DWELLING UNITS WITH A SHARED INTERIOR FIRE-RATED PARTY WALLS. DWELLING UNITS MAY BE LOCATED ON INDIVIDUALLY OWNED LOTS OR ON A SINGLE LOT WITH COMMON OPEN SPACE, SHARED PARKING, SIDEWALKS AND STREET NETWORKS.
16. SIDE YARDS ARE NOT REQUIRED FOR INTERIOR TOWNHOME UNITS WITHIN EACH CLUSTER.
17. STREET AND REAR YARDS SHALL BE PROVIDED FOR ALL TOWNHOMES.
18. SEPARATION BETWEEN EACH TOWNHOME CLUSTER SHALL BE A MINIMUM OF 20'.
19. EACH CLUSTER OF TOWNHOMES SHALL HAVE A MAXIMUM OF 6 UNITS PER CLUSTER.
20. TWO UNIT TYPES ARE PROPOSED:
 - A. 2-STORY UNITS WITH GARAGE. SURFACE PARKING SHALL BE PROVIDED ON INTERNAL, PRIVATE STREETS.
 - B. 3-STORY UNITS WITH ALLEY LOADED GARAGES. GARAGE UNITS SHALL BE ACCESSED BY INTERNAL PRIVATE ALLEYS WITH ADDITIONAL GUEST PARKING LOCATED OFF THE ALLEY.
21. THE MINIMUM PARKING REQUIREMENT SHALL BE CALCULATED AS FOR APARTMENT OR MULTI-FAMILY DEVELOPMENT.
22. NO STAND-ALONE ACCESSORY BUILDINGS SHALL BE PERMITTED.
23. ROOF PITCHES SHALL BE BETWEEN 3:12 AND 10:12.

ARCHITECTURAL AND CONTEXTURAL STANDARDS FOR ALL RESIDENTIAL HOUSING:

1. ALL ARCHITECTURAL STANDARDS SHALL BE CONSISTENT WITH THE STANDARDS SET FOR BY THE ARCHITECTURAL REVIEW COMMITTEE.
2. ALL SINGLE FAMILY DETACHED AND MULTI-FAMILY ATTACHED HOMES SHALL REQUIRE REVIEW AND APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE.

CLAYTON, NC

PROJECT INFORMATION

PROJECT MANAGER:	KRM
------------------	-----

DESIGNED BY:	KRM
--------------	-----

DRAWN BY:	KRI
-----------	-----

PROJECT NUMBER:	FRS
PROJECT NAME:	

ORIGINAL DATE:	03/01/
SHEET:	

C50

C3.0



ESP Associates, Inc.
2200 Gateway Center Blvd
Charlotte, NC 27260
919-475-1070
www.espassociates.com
NC LICENSE #F-1407

ESP

SEAL
028116
JULY 16, 2018

RECREATION AND OPEN SPACE

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

DRAWN BY: KRM

PROJECT NUMBER: FR51

ORIGINAL DATE: 03/01/2018

SHEET: C6.0



MINI-PARK/POCKET PARK

- 1. MINIMUM 2500 SF AREA
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- SEATING
 - SHADE SHELTER
 - CHESS/CHECKERS TABLES
 - PUTTING GREEN
 - BOCCE BALL COURT
 - PLAY EQUIPMENT
 - FITNESS EQUIPMENT
 - BIKE RACK
 - DOG WASTE STATION



AMENITY CENTER/NEIGHBORHOOD PARK

- 1. MINIMUM 1-5 ACRES
- 2. MAINTAINED BY HOA
- 3. POOL MINIMUM 5,000 SF
- 4. CLUBHOUSE 9,000 SF

- MAY INCLUDE:
- POOL
 - PLAYGROUND
 - OUTDOOR SEATING/DINING
 - PUTTING GREEN
 - SCENIC OVERLOOK
 - GATHERING SPACE
 - FITNESS CENTER
 - BIKE RACKS
 - CENTRAL MAILBOX KIOSK



POCKET PARKS

- 1. SIZE 2,500 SF - 1 ACRE
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- PLAYGROUND
 - NATURAL OPEN PLAY
 - DOG PARK
 - BENCHES
 - DOG WASTE STATIONS



LAKE SHORE PARK

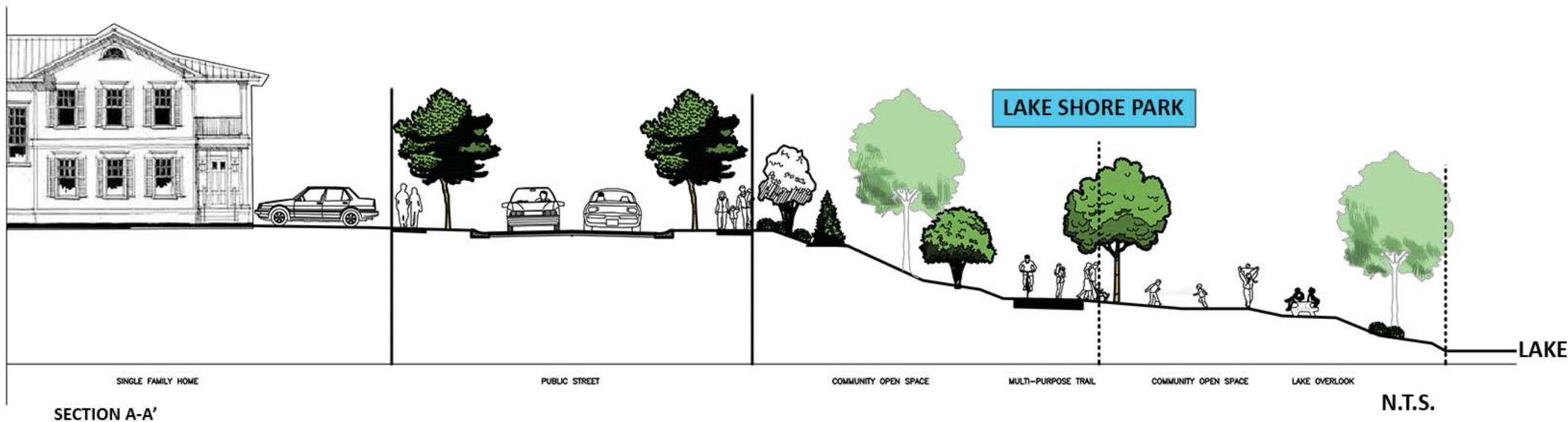
- 1. MINIMUM SIZE 1-5 ACRES
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- PICNIC TABLES
 - MULTI-USE TRAIL
 - NON-MOTORIZED BOATING
 - FISHING
 - NATURAL OPEN PLAY
 - DOG PARK
 - BENCHES
 - DOG WASTE STATIONS



MULTI-USE PATHS/
GREENWAY CONNECTIONS

- 1. FOLLOW NATURAL FEATURES
- 2. MAINTAINED BY HOA



ESP Associates, Inc.
2200 Gateway Center Blvd
Suite 216
Mooresville, NC 28115
www.espaceassociates.com
NC LICENSE #F-1407

ESP

LICENSE NO. F-1407

ESP ASSOCIATES, INC.

SEAL

028116

ENGINEER

05/16/2018

NO.	DATE	REVISION	BY	REVIEW COMMENTS
1	04-06-2018		KRM	THE 1ST REVIEW COMMENTS

RECREATION AND OPEN SPACE

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

DRAWN BY: KRM

PROJECT NUMBER: FR51

ORIGINAL DATE: 03/01/2018

SHEET:

C6.1



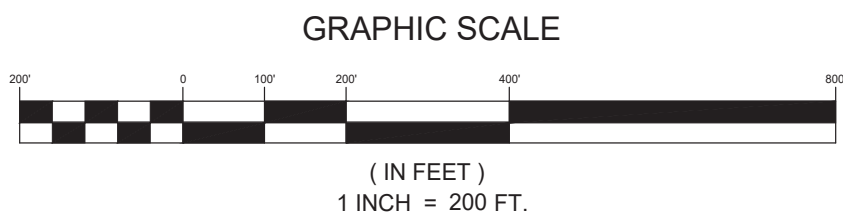
WATER/SEWER NOTES

1. A PRECONSTRUCTION MEETING WILL BE REQUIRED BEFORE WORK BEGINS ON ANY PROJECT. THE MEETING WILL CONSIST OF, AT MINIMUM, THE DEVELOPER'S ENGINEER, THE CONTRACTOR, AND A REPRESENTATIVE OF UTILITY. OTHER ATTENDEES CAN BE REQUIRED BY UTILITY AS NEEDED. INCLUDING ANY SUBCONTRACTORS AND REGULATORS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ANY LOCAL AND STATE REGULATORS TO SEE IF THEIR PRESENCE IS REQUIRED AT THE PRECONSTRUCTION MEETING.
2. TOWN OF CLAYTON SHALL BE NOTIFIED 48 HOURS BEFORE CONSTRUCTION IS TO BEGIN.
3. TOWN OF CLAYTON SHALL BE NOTIFIED 48 HOURS BEFORE ANY CONSTRUCTION IS BURIED.
4. A MINIMUM HORIZONTAL SEPARATION OF TEN FEET, OUTSIDE OF PIPE TO OUTSIDE OF PIPE, SHALL BE MAINTAINED BETWEEN POTABLE WATER PIPING AND DOMESTIC WASTEWATER GRAVITY PIPING OR STORM WATER PIPING.
5. A MINIMUM VERTICAL SEPARATION OF EIGHTEEN INCHES, OUTSIDE OF PIPE TO OUTSIDE OF PIPE, SHALL BE MAINTAINED BETWEEN POTABLE WATER PIPING, WASTEWATER GRAVITY PIPING, STORM SEWER PIPING OR RECLAIMED WATER PIPING. A 24 INCH SEPARATION SHALL BE PROVIDED BETWEEN STORM SEWER AND SANITARY SEWER LINES.
6. WHERE THE EIGHTEEN INCHES OF NET VERTICAL CLEARANCE BETWEEN POTABLE WATER PIPE AND THE WASTEWATER GRAVITY PIPE CANNOT BE MAINTAINED, THE WASTEWATER GRAVITY PIPE SHALL BE DUCTILE IRON PIPE AND SHALL BE HYDROSTATICALLY PRESSURE TESTED WITH WATER TO ENSURE JOINT TIGHTNESS. PIPES SHALL BE LOCATED SO THAT THE POINTS ARE AS FAR AS POSSIBLE FROM EACH OTHER.
7. ALL CONSTRUCTION SHALL CONFORM TO TOWN OF CLAYTON STANDARDS, SPECIFICATIONS, AND DETAILS.

WATER AND SEWER

NOTE: WATER AND SEWER DESIGN AND UTILITY EASEMENTS REPRESENTED ON THIS SHEET ARE FOR CONCEPT PURPOSES ONLY.

DRY UTILITIES SUCH AS POWER, TELECOM, GAS, ETC. WILL BE LOCATED IN THE PUBLIC UTILITY EASEMENT LOCATED OUTSIDE OF THE STREET RIGHT-OF-WAY. PUBLIC UTILITY EASEMENT IS PROVIDED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY.



ESP Associates, Inc.
2200 Gateway Center Blvd
Merrillville, NC 27560
Phone 919.675.1070
Fax 919.677.1262
www.essp.com
NC LICENSE: P-1407

North Carolina

Professional Engineer

Seal

028116

05/16/2018

BY

DATE

NO.

REVISION

PRELIMINARY UTILITIES

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEWANDA HONES

PROJECT INFORMATION

PROJECT MANAGER: CH

DESIGNED BY: RDD

DRAWN BY: RDD

PROJECT NUMBER: FR51

ORIGINAL DATE: 03/01/2018

SHEET: C7.0

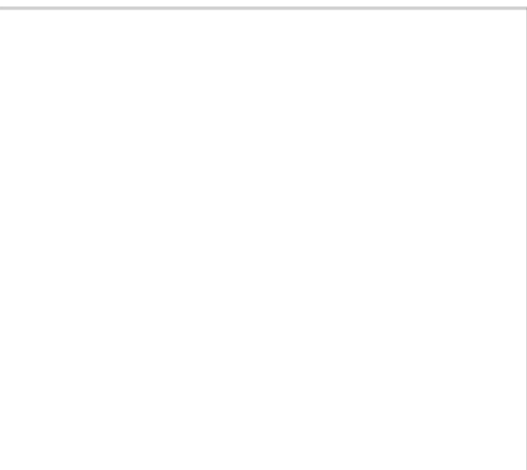


FRONT ELEVATION - COLOR RENDERING

CERTAINTEED - LANDMARK ASPHALT ROOF SINGLES
COLOR: CHARCOAL - ARCHITECTURAL STYLE



NOTE: ALTERNATE ROOFING: BLACK
STANDING SEAM METAL



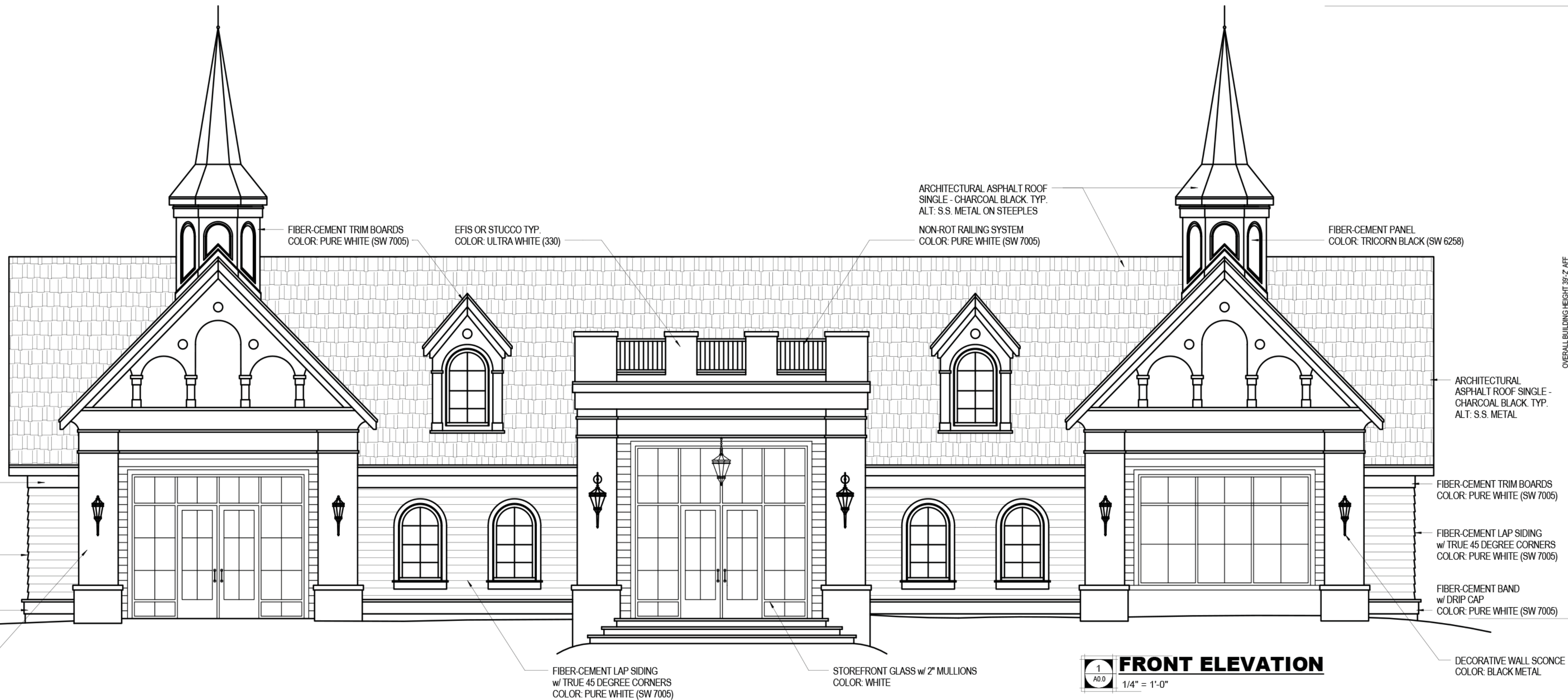
PURE WHITE (SW 7005)

FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT BAND
w/ DRIP CAP
COLOR: PURE WHITE (SW 7005)

EFIS OR STUCCO TYP.
COLOR: ULTRA WHITE (330)



FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

STOREFRONT GLASS w/ 2" MULLIONS
COLOR: WHITE

1
A0.0
1/4" = 1'-0"

FRONT ELEVATION

ARCHITECTURAL
ASPHALT ROOF SINGLE -
CHARCOAL BLACK, TYP.
ALT: S.S. METAL

FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT BAND
w/ DRIP CAP
COLOR: PURE WHITE (SW 7005)

DECORATIVE WALL SCONCE
COLOR: BLACK METAL

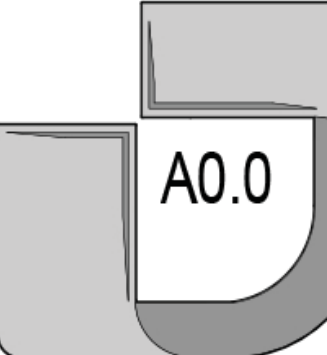
OVERALL BUILDING HEIGHT 39'-2" AFF

NO.	REVISION	DATE

SHEET DESCRIPTION
**PLANNING
ELEVATION**

PROJECT #:	2018.006
DATE ISSUED:	02/25/2018
DRAWING BY:	BSJ
CHECKED BY:	DSC

**STEEPLECHASE AMENITY
SHENANDOAH HOMES
CLUBHOUSE CONCEPT
CLAYTON, NC**





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

May 29, 2018

STAFF REPORT

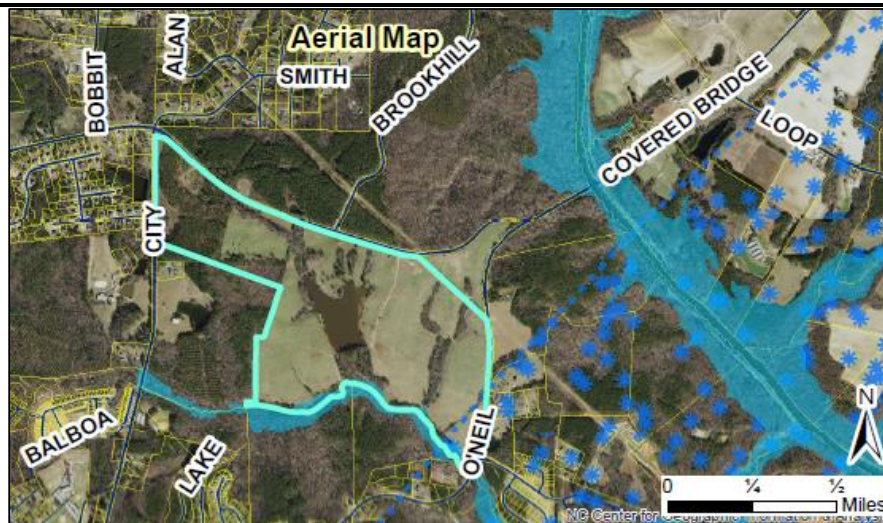
Application Number: 2018-30-PDD Project Name: Steeplechase Planned Development, Rezoning

NC PIN / Tag #: Southern portion of 166900-39-5182 / 05h02009
Town Limits/ETJ: Town Limits
Overlay: Southeasternmost 9.71 acres in Watershed Protection Overlay
Applicant: Shenandoah Homes Inc.
Owner: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee, and Mary Worley
Location: 266.72± acres generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase horse races.

Public Noticing:

- Neighborhood meeting held on May 10, 2018
- Sign posted May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Rezone 266.72± acres of the Earp tract to Planned Development-Residential (PD-R) and entitle that land per the associated Planned Development Master Plan (application #2018-31-SD).



SITE DATA:

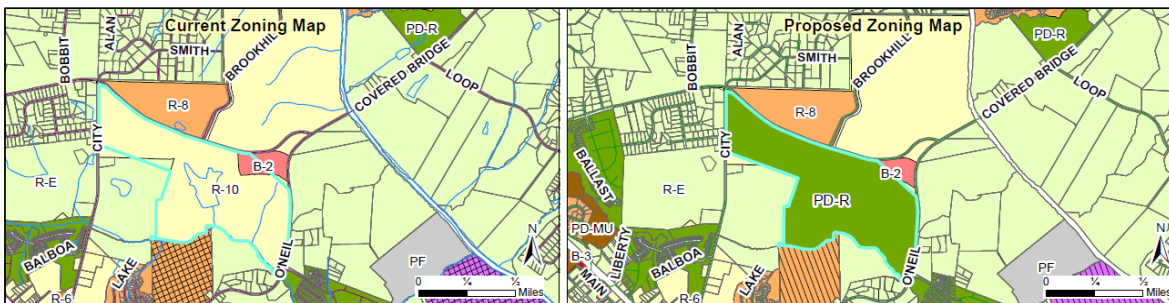
Acreage: 266.72± acres; the southern portion of the Earp tract.

Existing Use: Vacant/Agricultural

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-10, Residential-8, and small portion of Neighborhood Business (B-2)	Vacant
South	Residential-Estate, Residential-8-Special Use District	Town Park (Legend Park), Vacant
East	Residential-Estate	Vacant, Single family residential
West	Residential-Estate	Vacant, Agricultural, Single family residential

The Master Plan which would be the guiding development document for this tract of land is detailed in an associated application (2018-31-SD).



STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 266± acres of land from Residential-Estate, Residential-10 (R-10), and Neighborhood Business (B-2) to Planned Development-Residential (PD-R). A small number of nonresidential uses are also included as accessory uses at the Amenity Center for the development, which is located central to the neighborhood, on the north side of the large pond in the middle of the tract.

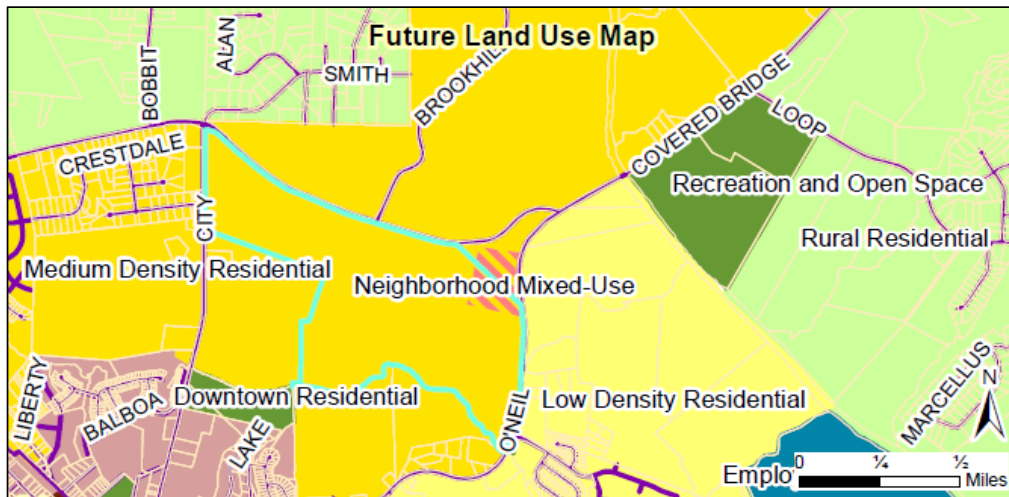
This application is running concurrently with a preliminary plat application, which is acting as a Master Plan (2018-31-SD, Steeplechase Master Plan). The master plan designates the uses, dimensional standards, and other associated design elements, including unique road design cross sections, that are part of the planned community. If this Planned Development rezoning and the associated Master Plan are approved, then individual phases of the development would be allowed to proceed to platting and construction through staff-level review, as each phase is developed.

Compatibility with surrounding land uses and potential for adverse effects

The proposed use is a residential subdivision and is compatible with the surrounding land uses, which are primarily single family residential (served by private septic), or vacant. The sewer line that was recently installed by the Town along Sam's Branch Creek (the southern border of the property, will allow the development to be served by Town sewer service. Even with the additional density often associated with public sewer service, the overall density of the tract will be 2.19± units per acre, with ample landscape buffers provided along the perimeter. This is due to the massive amounts of open space, the preservation of the pond, and the large riparian areas and external landscaping buffer areas incorporated into the design. The multifamily portion of the project (townhomes) are clustered along Covered Bridge Road.

Consistency with the Comprehensive Plan 2040

The Comprehensive Plan 2040 designates this property as "medium density residential" in the (underlying) residential future land use, with a small "neighborhood mixed-use" (aka "neighborhood center") located in the northeast corner. The requested planned development is compatible with this category(ies) based on the proposed density (2.19± dwellings/acre), requested zoning change, and master plan.

**Capacity/adequacy of public facilities and services**

The site is (or can easily be) served by the Sam's Branch sewer line, as well as public water. If capacity exists, it may be approved by Council.

A Traffic Impact Analysis has been performed designating where off site improvements are needed. This report will be reviewed by NCDOT, which own N O'Neil Street and Covered Bridge Road.

CONSIDERATIONS:

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

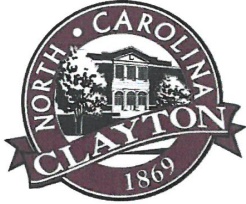
- When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town and explaining why the Council considers the action taken to be reasonable and in the public interest.
 - This rezoning is running concurrently with a major preliminary plat request (2018-31-SD, Steeplechase Master Plan, acting as a master plan for the planned development).
 - Dimensional standards and other criteria for a planned development are set within the master plan.
-

APPROVAL CRITERIA:

The applicant has addressed the Rezoning Approval Criteria and Master Plan Approval Criteria outlined in §155.704 and .705. The applicant's responses are incorporated in the application, as an attachment to the Staff Report.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Map
- 3) Neighborhood Meeting Materials
- 4) Associated Master Plan (2018-31-SD)



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: MAJOR SUBDIVISION (Preliminary Subdivision Plat)

Pursuant to Article 7, §155.706 of the Unified Development Code (UDC), 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 of land. Please complete all fields in this application and submit to the Planning Department with all required materials.

Application Fees: **Major Preliminary Subdivision Plat Fee: \$400.00 + \$5.00 per lot**

Advertisement Fee: \$100.00

Modifications to Approved Plans Fee:

Major Modification: \$400.00 + \$5.00 per lot modified

Minor Modification: \$200.00 + \$5.00 per lot modified

See §155.706(F) of the UDC for a definition of Major vs. Minor Subdivisions.

See §155.706(I) for Preliminary Plat approval (major subdivision) process/approval information.

See §155.203(F), (G), and (H) for information on Conventional vs. Open Space Subdivisions.

See §155.706(N) for information on minor and major modifications.

See UDC Article 6 for Subdivision Standards.

SITE INFORMATION

☐ New Major Subdivision

Conventional: _____ Open Space: _____

☐ Modification to Approved Preliminary Plat

Major: _____ Minor: _____

☒ New Subdivision Master Plan

Name of Project: Steeplechase Master Plan Acreage of Property: 266.72+/-

Tag #: Portion of 05H02009 NC PIN: Portion of 166900-39-5182

Location: 1162 Covered Bridge Road, Clayton, NC

Number of Lots (existing): 1 (Proposed) 600 units Max. Min Lot Size: 42'x120' (5,040sf)

Zoning District: R-E, R-10, B-2

Electric Provider: Duke Progress

☐ Septic

☐ Well

Wastewater: ☒ Sewer (check one)

Water: ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☐ Fee in lieu ☒ Land Dedication – Acreage: 14.0+/-

Covered Bridge Rd RW: 3.66+/- ac; O'Neil St RW: 1.63+/- ac; Parks & Recreation Land Dedication: 9.71+/- ac.

FOR OFFICE USE ONLY

Date Received: _____

MAR 01 2018

Amount Paid: _____

\$3,500

File Number: _____

2018-31-SD

01/06/2016

TOWN OF CLAYTON
PLANNING DEPARTMENT

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PROPERTY OWNER INFORMATION

Name: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee & Mary Earp Worley
Mailing Address: 7020 NC Hwy 42 East, Selma, NC 27576
Phone Number: 919-965-6113 Fax: N/A
Email Address: winkworley@gmail.com

APPLICANT INFORMATION

Applicant: Shenandoah Homes, Inc.
Mailing Address: 3724 National Drive, Suite 220, Raleigh, NC 27612
Phone Number: 919-230-8177 Fax: _____
Contact Person: Alex Crow
Email Address: alex@shenandoahhomes.us

REQUIRED INFORMATION (to be submitted with the application)

MAJOR PSP
The following items must accompany the application: **See Planned Development : Master Plan (PSP) Checklist**

To be completed by the applicant:			To be completed by staff:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: <u>January 3, 2018</u>	☒				
2. Completed Application	☒				
3. Review Fee and Advertisement Fee	☒				
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☒	☐			
6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	☒				
7. Plat sheet(s) meeting requirements of the Requirements Checklist	☒	☐			
8. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7).	☒	☐			
9. Adjacent Property Owners List	☒	☐			
10. Road Name Application <i>Included in this packet</i>	☒	☐			
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	☒	☐			

01/06/2016

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12. A signed and sealed Traffic Impact Analysis (required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC)	☒	☐			
13. Neighborhood Meeting Notice Letter* (1 copy) See sample letter and meeting requirement, included in this packet. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development	☐	☐	To be submitted once date and location determined.		
14. Neighborhood Meeting summary form* Included in this packet – NOT submitted with application. *Not required for minor modifications or subdivisions *Not required for subdivisions that are part of an approved planned development		☐	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
15. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list. *Not required for minor modifications This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.	☒				

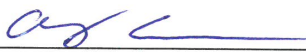
EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.
See Attached Steeplechase Planned Development Master Plan - Explanation of the Project

APPLICANT AFFIDAVIT

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

Alex Crow
Print Name


Signature of Applicant

March 1, 2018
Date

01/06/2016

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Steeplechase Planned Development Master Plan - Explanation of the Project

Shenandoah Homes, Inc. requests to rezone a portion of PIN# 166900-39-5182 comprised of 266.72± acres bound by North O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and the Sam's Branch Creek on the south to a Planned Development – Mixed Use (PD-MU) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed mix of uses will allow for commercial uses (general store with mailboxes) with up to 600 units maximum of residential housing types (townhomes, single-family residential front and rear-loaded lots and age-targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks along both sides of tree-lined streets, multi-use paths and pocket-parks).

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www.espassociates.com

PD-MU MASTER PLAN

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany the application:

To be completed by the applicant:			To be completed by staff:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: January 3, 2018	☒				
2. Completed Application	☒				
3. Review Fee and Advertisement Fee	☒				
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
5. Planned Development Approval Criteria Response, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☒	☐			
6. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☒	☐			
7. Master Plan / Preliminary Plat Subdivision Requirements Checklist form, completed and signed <i>Checklist is included in this packet</i>	☒				
8. Plat sheet(s) meeting requirements of the Requirements Checklist	☒	☐			
9. If subdivision waivers are requested, applicant must attach a separate typed document requesting the waivers. The document must specifically list the waivers requested, including Code references, and must address the 4 considerations outlined in §155.706(l)(7). <i>Waiver Request sheet included with this application.</i>	☒	☐			
10. Adjacent Property Owners List	☒	☐			
11. Road Name Application <i>Included in this packet</i>	☒	☐			
12. Wastewater allocation request OR verification of wastewater allocation	☒	☐			
13. A signed and sealed Traffic Impact Analysis (<i>required for projects which generate at least 100 vehicle trips at peak hour. See §155.708 of the UDC</i>)	☒	☐			
14. Neighborhood Meeting Notice Letter* (1 copy) <i>See sample letter and meeting requirement, included in this packet.</i> <i>*Not required for minor modifications</i>	☐	☐	To be submitted once date and location determined.		
15. Neighborhood Meeting summary form* <i>Included in this packet – NOT submitted with application.</i> <i>*Not required for minor modifications</i>		☐	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.		
16. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list.* <i>*Not required for minor modifications</i> <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

01/06/2016

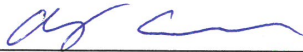
Page 3 of 23

APPLICANT AFFIDAVIT

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

Alex Crow

Print Name



Signature of Applicant

March 1, 2018

Date

FINDINGS OF FACT: MASTER PLAN ACTING AS A PRELIMINARY SUBDIVISION PLAT

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.

See attached Steeplechase Planned Development Master Plan - Findings of Fact

- (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.

- (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.

- (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.

Project Name: Steeplechase Master Plan

Alex Crow
Print Name


Signature of Applicant

March 1, 2018
Date

01/06/2016

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Steeplechase Planned Development Master Plan – Findings of Fact

The proposed Steeplechase Planned Development Master Plan addresses the following findings:

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

The proposed Master Plan is consistent with and meets or exceeds the Town's Unified Development Code (UDC), Subdivision Standards, Street Design and General Design Guidelines for zoning uses, density, streets, lots, blocks, utilities, recreation and open space, off-street parking, landscaping, screening and buffers, and natural resources protections.

- (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.

The proposed Master Plan will have a mix of residential housing types, styles, lot sizes and supporting services to meet the various needs of residents and in keeping with the surrounding community. The existing lake is being maintained and improved for its scenic views and recreational enjoyment for the residents by the Homeowner's Association.

- (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.

The proposed Steeplechase Master Plan includes an internal hierarchy of inter-connected tree-lined streets with pedestrian walks on both sides and four access points to distribute vehicular traffic onto existing thoroughfares. The development is proposing to dedicate right-of-way for future widening along Covered Bridge Road and O'Neil Street. Recommendations of the Traffic Impact Analysis are currently being reviewed by the Town and NCDOT. Multi-use paths will be installed along the perimeter roadways, connecting internal pedestrian walks and multi-use paths to Sam's Branch Greenway. Public sewer and water will be connected and extended throughout the community. A Wastewater Allocation request is being submitted to the Town for approval by Town Council. All improvements will be permitted per local, county and state regulations to ensure protection of the environment and health, safety and general welfare of the public.

- (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.

The proposed Master Plan promotes and supports the quality growth and development. The Town's Comprehensive Plan 2040 Future Land Use Plan recommends "Medium Density

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Residential” development with a density of three to five units per acre with compatible R-8 and R-10 zoning districts and access to recreation/open space for the Steeplechase property. The development will provide a transition from the more suburban areas to the Town more urban character. The PD-MU zoning category is consistent with the strategic growth plan envisioned for this property. The Steeplechase Master Plan is consistent with the following Comprehensive Goals, Objectives and Recommendations:

- Encourage a mix of residential and non-residential land uses within Neighborhood and Community centers identified on the Future Land Use Map.
- Encourage quality development which maximizes existing infrastructure, promotes walking and biking, and enhances travel safety.
- Utilize landscaping to enhance collector streets that transverse through higher-density land uses to soften the visual impacts of high-intensity/density development.
- Update the Town’s roadway cross-sections to incorporate street tree requirements and landscaped medians.
- Encourage a range of housing types, styles and lot sizes within Planned Developments that meets the needs of various income levels, family sizes, and ages.
- Provide sidewalks, multi-use paths, and bicycle infrastructure along roadways as part of new development.
- Support interconnected street systems that efficiently disperse traffic with stub streets for future connections to adjacent parcels.
- Dedication of right-of-way for widening of existing roadways.
- Encourage the placement of underground utilities and co-location of utilities to reduce aesthetic impacts.

MASTER PLAN APPROVAL CRITERIA

Section 155.705(K) of the Unified Development Code requires that a Master Plan must successfully address the following elements. Outline below (you may attach additional sheets) how the application addresses each of the following criteria:

- (1) Compliance with §155.705(K) of the Unified Development Code (UDC) and all other applicable requirements of the UDC.

See attached Steeplechase Planned Development Master Plan - Approval Criteria

- (2) Consistency with the Clayton General Design Guidelines.

- (3) Conformance of the proposal with the stated purpose of the requested planned development district (see §155.200(A)(3) and §155.203(L) of the UDC).

- (4) Compatibility of the proposed development with the adjacent community.

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

- (6) Compatible relationships between each component of the overall project.

- (7) Self-sufficiency of each phase of the overall development.

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

- (9) The fiscal impact of the proposal and the proposed financing of required improvements.

- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

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

Alex Crow
Print Name


Signature of Applicant

March 1, 2018
Date

01/06/2016

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Steeplechase Planned Development - Master Plan Approval Criteria

- (1) Compliance with 155.705(K) of the Unified Development Code (UDC) and all other applicable requirements of the UDC.

The proposed Steeplechase Master Plan is in compliance with the Town of Clayton's Unified Development Code (UDC) for zoning uses, density, streets, lots, blocks, utilities, recreation and open space, off-street parking, landscaping, screening and buffers, and natural resources protections.

- (2) Consistency with the Clayton General Design Guidelines.

The proposed Master Plan is consistent with the Town of Clayton General Design Guidelines in enhancing the community's appearance and protecting its natural resources. The Master Plan incorporates sustainable site planning with open space and recreation, will provide for positive drainage, erosion control and stormwater management, a variety of housing types with quality construction materials, off-street parking, multi-modal circulation and connections to adjacent neighborhoods and attractions, attractive streetscapes, landscaping and screening with inviting amenities creating a unique sense of place and contributing to the quality of the Town.

- (3) Conformance of the proposal with the stated purpose of the requested planned development district.

The Planned Development has a unique set of Design Guidelines and dimensional standards based on the Unified Development Code (UDC) Design Standards, specifically a coordinated mix of housing types and uses, resource conservation areas along Sam's Branch Creek, recreation and open space with the preservation and improvements to Earp Lake, comprehensive stormwater management, development phasing and perimeter boundary buffers.

- (4) Compatibility of the proposed development with the adjacent community.

The adjacent property owners and community are comprised of undeveloped/agricultural land and single-family residential subdivisions. The proposed Steeplechase development will enhance the surrounding community providing a variety of attractive housing types, connectivity via multi-use paths and pedestrian paths and an interconnected tree-lined street network to disperse traffic making it compatible with the surrounding residential uses. The properties directly west of the site are single-family residences on larger lots in an R-E zoning district. The Master Plan's Type C perimeter buffer will mitigate any impacts on surrounding uses.

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

The Steeplechase Master Plan includes groupings or “pods” of differing housing options cohesively linked together with tree-lined streets, pedestrian walks and shared amenities such as a clubhouse/pool with fitness center, meeting rooms, general store and mail boxes, multi-use paths with connection to the Sam’s Branch Greenway Trail, optional tennis courts and pickle ball, fishing dock, pocket parks with dog stations, playground equipment, picnic tables, and benches. Repair of the Earp Lake dam will provide a central unifying amenity and active recreation for the community.

- (6) Compatible relationships between each component of the overall project.

Development of the Master Plan provides an overall framework ensuring a holistic, comprehensive and compatible implementation of the various housing types and amenities to the highest level and consistent with local community development goals and plans consistent with the Town’s Design Guidelines. The Planned Development will create a sense of place meeting the needs of the residents and community as a place to live and play.

- (7) Self-sufficiency of each phase of the overall development.

The Steeplechase Master Plan has four phases of approximately 60-70± acres each and sub-phasing within each to allow flexibility in implementation. Development will occur so each phase of the development will have adequate site access, utilities, roadway and stormwater infrastructures, open space and amenities. Each phase will meet the Town’s UDC requirements and be subject to consistency with the Clayton General Design Guidelines.

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

All public infrastructure is to be constructed to the Town of Clayton Standards and approved by the Public Works Department. A Wastewater Allocation request for 310,210gpd is being submitted to the Town with this request for approval by Town Council. Gravity sewer will be extended throughout the development and will connect to the 12” Sam’s Branch outfall. Public water will connect to a 12” existing water line along O’Neil Street and waterline along City Road. The development is proposing to dedicate right-of-way for future widening along Covered Bridge Road and O’Neil Street. Off-site roadway improvements will be according to NCDOT requirements. The community will connect to the adjacent Sam’s Branch Greenway Trail and nearby Legends Park via internal and perimeter multi-use paths and pedestrian walks. The Master Planned community will also provide recreational opportunities with a private clubhouse/swimming pool, tennis courts, amenity lake, trails, and pocket parks for the residents. All improvements will be provided according to and permitted per local, county and state regulations.

- (9) The fiscal impact of the proposal and the proposed financing of required improvements.

Shenandoah Homes, the developer, assumes financial responsibility for the development and required improvements. It is anticipated the fiscal impact of the Steeplechase development at full build-out will exceed \$165 million in investment.

- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.

The Steeplechase Master Plan provides pedestrian walks on both sides of all internal streets, multi-use paths along the perimeter boundary of O'Neil Street, Covered Bridge Road and City Road, around the lake and connecting to the Sam's Branch Greenway and adjacent community. Bicycle racks will be provided at the clubhouse and amenity areas.

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

The site's existing wetlands have been delineated and mapped with no anticipated impacts. There are two proposed stream crossings requiring US Army Corp of Engineers permits. 50' stream buffers are being maintained along all streams. The existing Earp Lake dam is being repaired and the lake maintained for a stormwater quantity and as an amenity feature. A small southeast portion of the site adjacent to O'Neil Street and the Sam's Branch Greenway Trail lies in the Neuse River Watershed Protection Overlay area. The 9.71± acres will be dedicated to Clayton's Park and Recreation department for a future park/greenway trail head.

MASTER PLAN – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

The applicant is responsible for completing this checklist. Please sign and submit with the completed application.

Approval Criteria applicable to each sheet are provided for reference and guidance.

, consisting of color renderings including, but not limited to, architectural elevations, recreational features, fencing, lighting features, entry features, landscape buffers, site amenities, street/sidewalk/trail cross-sections.

To be completed by the applicant:			Staff:
	Yes	N/A	
GENERAL (ALL SHEETS):			
1. Plans are a maximum of 24" x 36", folded to an 8.5" x 11" format, with a scale no smaller than 1 inch = 100 feet (scale of 1" = 20' to 60' preferred). <i>Regulating Plan may be on 8.5"x11" or 11"x17". Plans are 1" = 200' per Town Planning Staff</i>	☒	☐	
2. Separate sheets for each: - Existing Conditions - Overall Master Plan - Phasing Plan - Recreation and Open Space - Transportation (street circulation, bicycle and pedestrian facilities, access points) - Parking Plan (if applicable). <i>May be included in transportation plan or overall plan if appropriate.</i> - Generalized Stormwater Plan Included on Master Plan - Major Utilities Plan - "Regulating Plan" with typical details for site elements. <i>May be on 8.5"x11" or 11"x17" sheets if desired.</i> - Information in this checklist should be placed on the appropriate sheet. (Additional sheets may be required depending on scope of the project).	☒	☐	
3. Multiple sheets are consecutively numbered (e.g. Sheet 1 of 4).			
4. Engineer/Surveyor Logo Box (name, address, phone number, fax, and e-mail, if applicable)	☒	☐	
5. Name of development (including phase numbers if applicable) and title "Master Plan."	☒	☐	
6. Revision Date	☐	☒	
EXISTING CONDITIONS SHEET:			
7. On the existing conditions sheet, provide topography with two-foot contour intervals, showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.	☒	☐	
8. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☒	☐	
9. Existing structures, existing streets and roadway improvements, and existing	☒	☐	

01/06/2016

Page 9 of 23

To be completed by the applicant:			Staff:																		
	Yes	N/A																			
utilities within 100 feet of the site.																					
10. Label adjacent property acreage, owners, and zoning districts.	☒	☐																			
11. Label subject parcel property owner, acreage, and zoning.	☒	☐																			
MASTER PLAN SHEET:																					
- The project is compatible with the adjacent community, and takes into account existing development patterns, architecture, scale, and use. - Compatibility among different uses is achieved through effective site planning and architectural design. - Project phases/components are compatible with one another.																					
12. Name of township, county, and state in which the property is located.	☒	☐																			
13. Vicinity sketch/map.	☒	☐																			
14. Surveyor or professional engineer's name and seal.	☒	☐																			
15. Date of plan preparation.	☒	☐																			
16. Provide the following project data in <u>Tabular</u> form:	☒	☐																			
- Area of tract in square feet and acres	☒	☐																			
- NC Parcel Identification Number (and/or County Tag #)	☒	☐																			
- Owner's name and address	☒	☐																			
- Within Town limits or ETJ	☒	☐																			
- Zoning District	☒	☐																			
- Existing Use(s)	☒	☐																			
- Table of Proposed Use(s) and associated acreages	☒	☐																			
<i>Example:</i> <table border="1"> <tbody> <tr> <td>Single Family Residential</td> <td>500 units (max)</td> <td>200 acres (max)</td> </tr> <tr> <td>Commercial (Retail)</td> <td>25,000 sf (max)</td> <td>10 acres (max)</td> </tr> <tr> <td>Resource Conservation Area (RCA)</td> <td>---</td> <td>80 acres (min)</td> </tr> <tr> <td>Active/Improved Recreation</td> <td>5,000 sf of clubhouse + 10 acres of park (min) + 2 miles (105,600 sf) of greenway</td> <td>20 acres (min)</td> </tr> <tr> <td>Open Space (unimproved, does not include RCAs)</td> <td>---</td> <td>8 acres</td> </tr> <tr> <td>Total:</td> <td>---</td> <td>338 acres</td> </tr> </tbody> </table>				Single Family Residential	500 units (max)	200 acres (max)	Commercial (Retail)	25,000 sf (max)	10 acres (max)	Resource Conservation Area (RCA)	---	80 acres (min)	Active/Improved Recreation	5,000 sf of clubhouse + 10 acres of park (min) + 2 miles (105,600 sf) of greenway	20 acres (min)	Open Space (unimproved, does not include RCAs)	---	8 acres	Total:	---	338 acres
Single Family Residential	500 units (max)	200 acres (max)																			
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Resource Conservation Area (RCA)	---	80 acres (min)																			
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Open Space (unimproved, does not include RCAs)	---	8 acres																			
Total:	---	338 acres																			
- Overlay District(s)	☒	☐																			
- Indicate if the site is within a Watershed Protection Overlay	☒	☐																			
- Total Number of Lots	☒	☐																			
- Number of lots per acre (density)	☒	☐																			
- Acreage in Resource Conservation Areas (UDC §155.500)	☐	☒																			
- Annexation # (if applicable)	☐	☒																			
- FEMA designated flood plain and floodway (include FIRM panel reference number and effective date) or certification that no flood plain exists within the subdivision.	☒	☐																			
- Electric Provider	☒	☐																			
- Water Provider (or indicate if well)	☒	☐																			

To be completed by the applicant:			Staff:
	Yes	N/A	
- Sewer Provider (or indicate if septic)			
17. An accurately positioned north arrow 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.	☒	☐	
18. Provide a color-coded layout of the proposed land use organization, including traffic circulation, parks, open space, and major land features. <i>Example:</i> 	☒	☐	
19. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas. See §155.500 of the UDC for a definition of RCAs.	☒	☐	
20. The name and location of all adjoining subdivisions and adjoining lot property lines.	☒	☐	
21. Call out landscape buffer location, type, and width. See §155.402 for information on landscape buffers. A Class C buffer is required around the perimeter of the site. Waivers must be obtained if proposing an alternate buffer.	☒	☐	
22. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels.	☒	☐	
23. Location and orientation of freestanding signs (signage is permitted separately).	☒	☐	
PHASING PLAN SHEET • Each phase of the overall project is self-sufficient.	☒	☐	
24. Using the master plan sheet layout, provide numbered or lettered phase lines, with each phase labeled accordingly.	☒	☐	
GREEN INFRASTRUCTURE / RECREATION AND OPEN SPACE SHEET • Required for all developments with a residential component. See §155.203(l) for information on recreation areas. Planned Developments with residential components are required to meet the minimum standards set forth for Open Space subdivisions. • Open space is a significant element of the project's design. Formal and informal, active	☒	☐	

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To be completed by the applicant:			Staff:
	Yes	N/A	
<i>and passive open spaces are included.</i> • Project design protects and features the unique aspects of a site such as waterways, significant trees, public open space, or sense of history. • The project protects and preserves the ecologically sensitive areas within the development.			
25. Use color coding to differentiate between Resource Conservation Areas (RCAs), unimproved open space/landscape buffers, and improved active recreation space.	☒	☐	
26. Provide a table identifying the acreage/square feet of each type of open space provided within the development, and % of gross acreage.			
27. Label active recreation areas with the park type, using the definitions outlined in §155.203(l) of the UDC. <i>The regulation plan sheets shall include typical</i>	☒	☐	
28. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas. If none are present, note that no RCAs are present. See §155.500 of the UDC for a definition of RCAs. <i>Include a note that RCAs will remain undisturbed per the requirements of Article 5 of the Unified Development Code.</i> <i>Include a note that the extents of all areas to be preserved will be delineated by orange temporary fencing during grading and construction.</i>	☒	☐	
29. Delineation of tree preservation areas.	☐	☒	
30. Indicate the boundaries of any utility / greenway easements to be dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☐	☒	
31. Indicate the boundaries of any park land to be dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☒	☐	
TRANSPORTATION / CIRCULATION PLAN SHEET • The project includes a variety of street types designed to be accessible to the pedestrian, bicycle, and automobile. Streets are connected in such a way that encourages walking and reduces the number and length of automobile trips. • Pedestrian and bicycle links are provided within the development to provide access to destinations, natural features, and to the adjacent community. • Pedestrian ways are destination-oriented, separated from auto traffic, and tailored to the intended use of the path. The primary circulation route should be the widest and most direct. Pedestrian ways are separated from traffic with parked cars and street trees wherever possible. • Parking areas are easily located yet screened by architecture or landscaping to prevent auto storage spaces from becoming visually dominant features of the site or street frontage. Decorative paving, landscaping, and curved alignments are incorporated to minimize impacts. • Off street bicycle paths and/or bicycle lanes on streets are included with and part of the transportation circulation system as possible. The design for these facilities complies with the most recently published American Association of State Highway and Transportation Officials (AASHTO) standards.	☒	☐	
32. Color code proposed roadway types. See §155.602(D) for definitions of street types. Indicate which are proposed for dedication to the Town or NCDOT, and which will remain private.	☒	☐	

01/06/2016

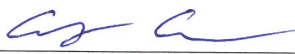
Page 12 of 23

To be completed by the applicant:			Staff:
	Yes	N/A	
33. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels.	☒	☐	
34. Note requirements for # of access points to identify timing/phasing, i.e. "Two access points shall be constructed prior to Certificate of Occupancy of more than 30 units" (see §155.400 for requirements).	☒	☐	
35. Show sidewalk circulation. Note width.	☒	☐	
36. Show on-road bicycle lanes.	☐	☒	
37. Show bicycle parking areas.	☒	☐	
38. Show multi-use paths / greenways. Note width and materials.	☒	☐	
39. Identify school bus stop areas, if provided.	☐	☒	
40. Indicate location of proposed parking areas.	☒	☐	
41. Show proposed on and off-site traffic improvements (such as those identified by a Traffic Impact Analysis).	☒	☐	
REGULATING PLAN SHEETS <i>The project is compatible with the adjacent community, and takes into account existing development patterns, architecture, scale, and use.</i> <i>Compatibility among different uses is achieved through effective site planning and architectural design.</i> <i>Architecture and landscape design are based on the local climate, topography, history, and building practice.</i> <i>Public art, including but not limited to, monuments, sculpture, and water features, is encouraged.</i> <i>Parking areas are easily located yet screened by architecture or landscaping to prevent auto storage spaces from becoming visually dominant features of the site or street frontage. Decorative paving, landscaping, and curved alignments are incorporated to minimize impacts.</i> <i>The project includes a variety of street types designed to be accessible to the pedestrian, bicycle, and automobile.</i>			
42. All dimensional standards are shown in table format. Dimensional standards shall include but are not limited to: building setbacks (min. or max.), min. lot size per land use, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot), density, max height, and min dwelling unit size. Dimensional standards tables shall be provided for each type of land use. <i>All dimensional standards are established and approved as part of the Master Plan.</i>	☒	☐	
43. Proposed Street Cross-Sections and associated graphics, indicating if they will be public or private ROW	☒	☐	
44. Typical architectural detail (color graphic) for each type of land use, noting primary construction materials and applicable notes on design features. - Graphics depicting the final "vision" of the land use can be utilized. - Examples of language guiding land use and architecture include: "commercial areas shall be brought up to the sidewalk and be pedestrian-oriented," "townhome parking shall be alley-loaded," or "commercial area shall include	☒	☐	

01/06/2016

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To be completed by the applicant:			Staff:
	Yes	N/A	
second-story residential with commercial uses on the first floor." Example: 			
45. Typical color graphics identifying design of project features, including but not limited to: - Entry features (public art, pavement stamping, landscaping, etc) - Signage - Lighting fixtures - Landscape buffers and other identified planting areas (<i>plants species need not be identified, though minimum caliper and height should be established</i>). - Parks and green space with amenities - Other site elements as applicable.	☒	☐	
GENERALIZED STORMWATER PLAN SHEET			
46. Show preliminary stormwater management ponds and basins.	☒	☐	
MAJOR UTILITIES SHEET	☒	☐	
47. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☒	☐	
OTHER	☐	☒	
48. Any other information considered by either the applicant or the Town to be pertinent to the review.	☐	☒	

Signed by Applicant:  Date: 3/1/18

PLANNED DEVELOPMENT MASTER PLAN WAIVER REQUESTS:

Per §155.203(L)(1)(d) and §155.706(I)(7), waivers to the subdivision standards specified in UDC § 155.400 through 155.400 and 155.600 through 155.607 may be granted by Town Council if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and there are special circumstances, such as unique characteristics of the lot and area, or strict interpretation of the requirements render the subdivision of the property not feasible or desirable. Unless a waiver is granted, all development standards outlined in these sections shall apply.

Please list Waiver requests:

Code Section	Requirement	Waiver
155.402(F)(1) Street Yard Trees	1-Canopy tree/lot of every 40lf (max.50lf) along ROW	1-Street Tree in Planting Strip between back of curb & pedestrian walk
Clayton Typical Street Sections	3' Utility Strip between back of curb & pedestrian walk	5' Utility Easement outside ROW

For each waiver, provide a typed document addressing the following four elements:

- (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

See Attached Steeplechase Planned Development Master Plan Design Waiver Request - Alternate Street Sections

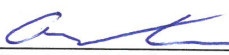
- (2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property.

- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced.

- (4) The purpose of the waiver is not based primarily upon financial consideration.

Alex Crow

Print Name
 01/06/2016



Signature of Applicant

March 1, 2018

Date
 Page 8 of 23



Steeplechase Planned Development Master Plan Design Waiver Request:

1. **Alternate Street Sections:** (See Proposed Alternate Street Sections on Sheet C4.1)
Code: 155.402(F)(1), 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 (spaced a maximum of 50 feet apart).

Town of Clayton's Typical Street Sections for Residential and Residential Collector Streets provides a 3' Utility Strip between the back-of curb and pedestrian walk with street yard trees placed outside the rights-of-way.

Waiver: For all Residential and Residential Collector Streets in the Steeplechase Planned Development, alternate street sections are proposed to include street trees in widened planting strips between back of curb and the pedestrian walks with five-foot wide utility easements outside the public rights-of-way on each side of the street.

- (1) The Alternate Street Section design waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood.

Locating the required street yard trees in the planting strip (40'-50'O.C.) between the back of curb and the pedestrian walk will provide traffic calming and separation between vehicular and pedestrian movements increasing safety along the Steeplechase Planned Development's residential streets.

- (2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property.

The proposed alternate street sections are unique to the Steeplechase Planned Development from the Town of Clayton's Typical Street Cross Sections establishing a harmonious streetscape for the community.

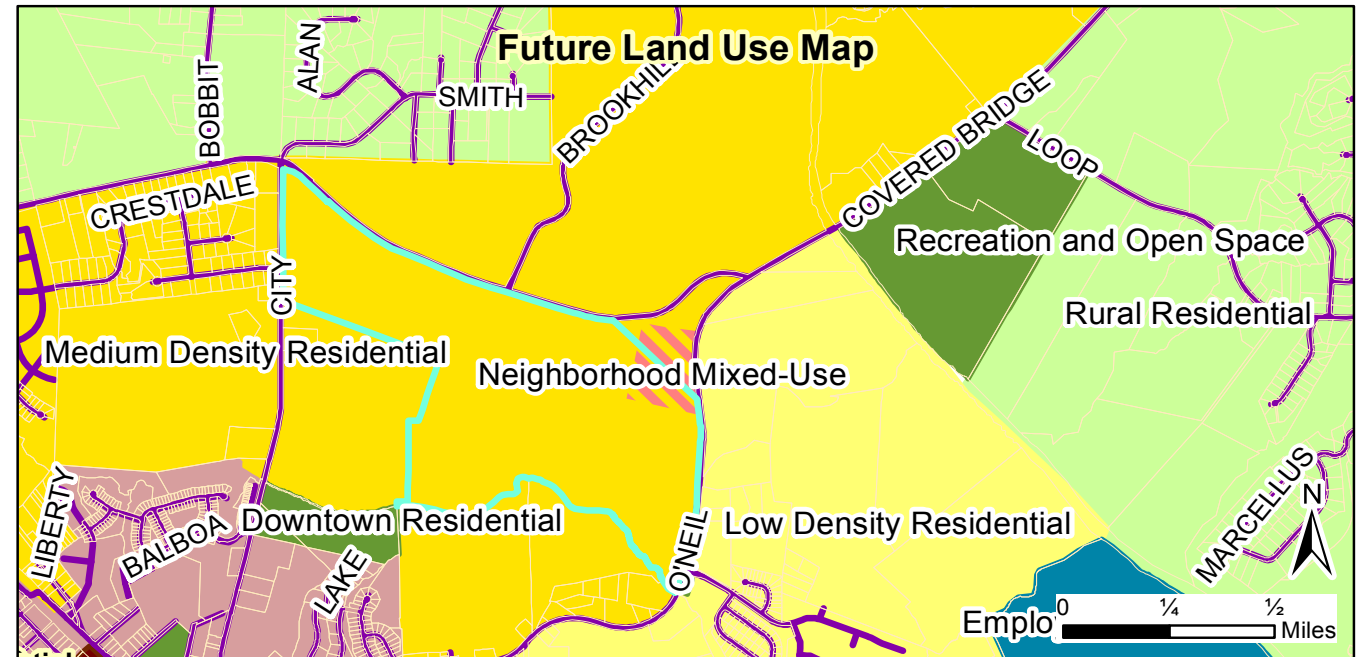
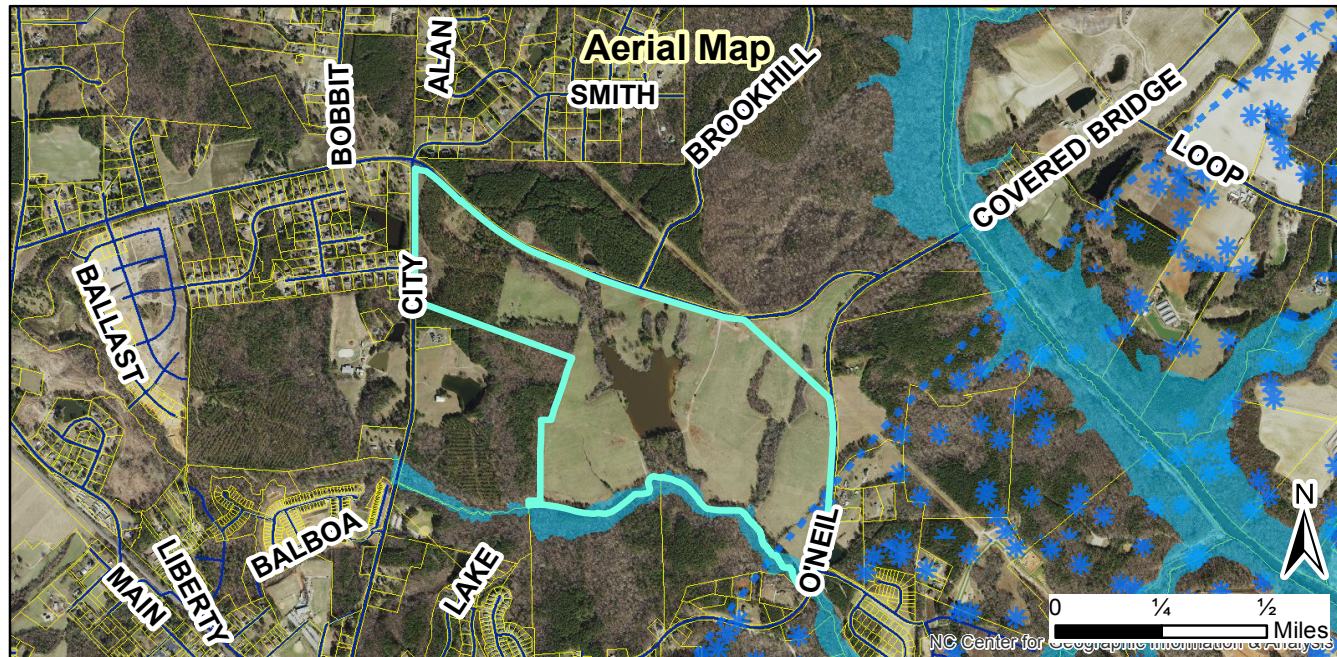
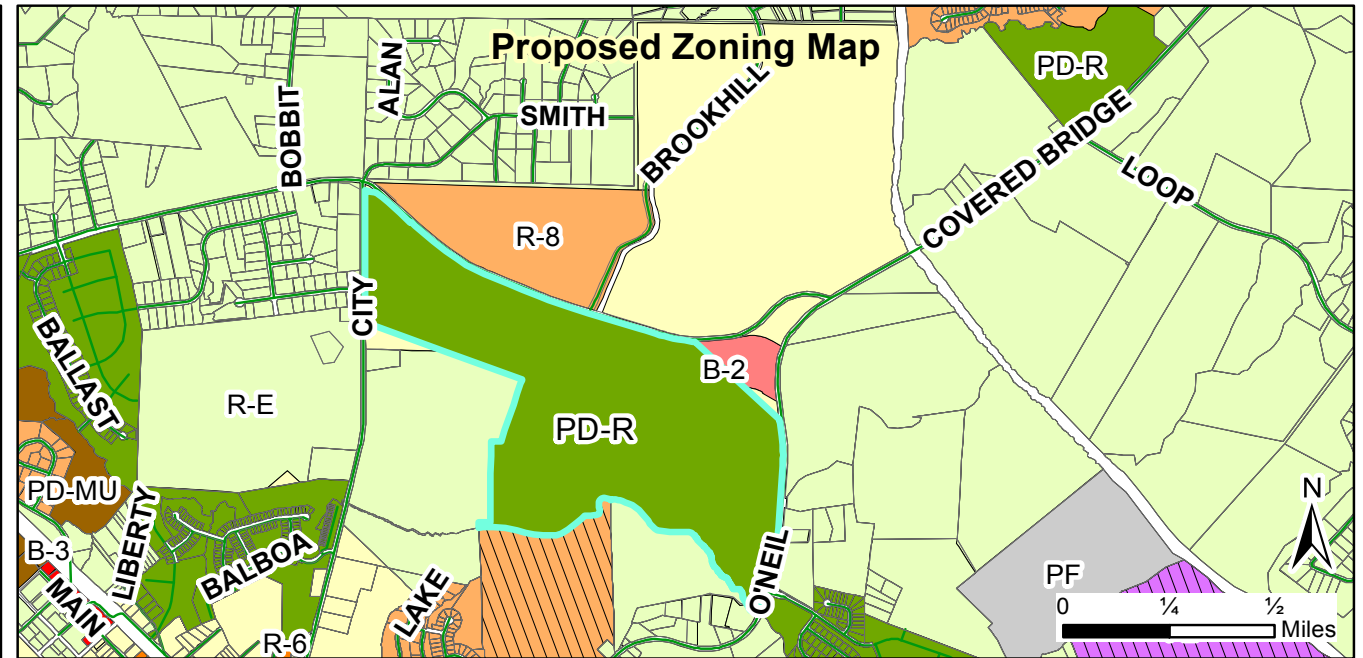
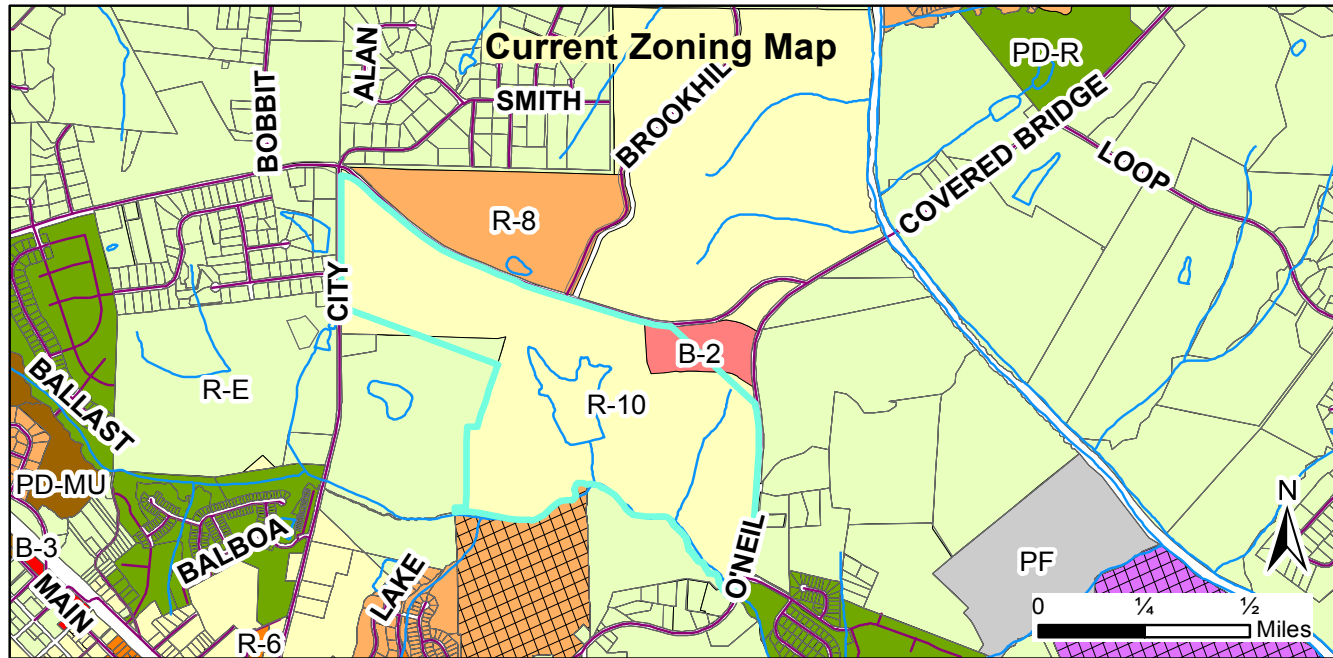
- (3) Because of the particular physical surroundings, shape, or topographic conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter is enforced.

The proposed Steeplechase Planned Development's houses are set back 25' from the rights-of-way. As the required street yard trees mature in the small front yards, they will "grow" into the houses therefore needing severe pruning and/or removal, leaving few, if any trees along the streets.

- (4) The purpose of the waiver is not based primarily upon financial consideration.

The requested Alternate Street Sections waiver provides no financial benefit to the developer.

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phone: 919.678.1070 · fax: 919-677-1252
www.espassociates.com



**Request:
2018-30-PDD & 2018-31-SD, Steeplechase Planned
Development, Rezoning and Master Plan**

Applicant: Shenandoah Homes, Inc.
Property Owners: Raymond Elmore Earp Jr., Family Trust; Nancy Crews Earp Trustee and Mary Worley
Parcel ID: southern portion of 166900-39-5182
Tag #: southern portion of 05h02009

Staff Report Map



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2018\2018-31-SD Steeplechase Master Plan\Map\Map 2018-31-SD, 2018-30-PDD Steeplechase Planned Development.mxd

Legend

- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay

05/04/2018

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



STEEPLECHASE
2018-31-SD & 2018-30-PDD

NEIGHBORHOOD MEETING SUMMARY
REPORTS, DOCUMENTS & EXHIBITS

MAY 17, 2018



ESP Associates, Inc.
2200 Gateway Centre Blvd., Suite 216
Morrisville, NC 27560
919.678.1070
www.espassociates.com



NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for minor modifications to an approved.*

Purpose:

The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request.

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

Alert the Planning Department when the date, location, and time are determined. Planning staff may attend the neighborhood meeting to answer process/code questions.

Return the following items to the Planning Department at least ten (10) calendar days prior to the Planning Board meeting in electronic or hard copy format:

- ☒ Neighborhood Meeting Summary Form
- ☒ Copy of the letter mailed
- ☒ Mailing list
- ☒ Attendance roster

- ☒ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. (If not already submitted with the application). *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.* **Submitted with Application**

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: April 27, 2018

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

Printed Name: Kathryn McPherson

Signature: Kathryn R. McPherson

Date of Meeting: May 10, 2018

Time of Meeting: 6-8 pm

Location of Meeting: York Meeting Room, The Clayton Center, 111 East 2nd 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.

01/06/2016

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May 17, 2018

MEETING SUMMARY

Subject: Steeplechase Rezoning Neighborhood Meeting

Meeting Date/Time: May 10, 2018, 6-8 pm

Meeting Location: The Clayton Center, York Meeting Room,
111 East 2nd Street, Clayton, NC

Attendance: Shenandoah Homes: David Stallings, Mark Ward, Jeff Palmer, Wayne Koluch
ESP Associates, Inc.: Kathryn McPherson, Peter Tatge, Salman Moazzam, Jessica Grinstead
Neighbors: See attached Attendance Sheet, **Exhibit D.**

Below is a summary of the neighborhood meeting with Shenandoah Homes and ESP Associates' Planners and Engineer regarding the proposed Steeplechase rezoning and Preliminary Plat.

MEETING NOTIFICATION: A representative of the applicant mailed a written notice of the date, time and location of the Neighborhood meeting, with an overview of the proposed request, to individuals and organizations set out in **Exhibit A.** attached. A copy of the written notice, **Exhibit B.** attached, was sent via U.S. Mail on April 27, 2018.

MEETING SUBJECT: To provide adjoining property owners and other neighbors of the project the opportunity to examine the proposed master plan design and voice comments, questions and/or concerns. Four copies of the Master Plan, **Exhibit C.** attached, were positioned in the meeting room and representatives from Shenandoah Homes and ESP Associates, Inc. were available at each to answer questions or comments. After 30 minutes, Mark Ward spoke to neighbors and described the rezoning process and overview of the Steeplechase Master Plan and Shenandoah Homes. There was no specific opposition from the attendees to the proposed project. Most comments, see below, discussed off-site road safety concerns. After direct questions and comments from the neighbors and answers from Shenandoah Homes and ESP, discussions shifted into small groups and the meeting was concluded by 8:00 pm.

COMMENTS, QUESTIONS AND RESPONSE: (in no particular order)

1. Concern that the local schools were "very full" and that while Clayton has some high achieving schools they were all located away from the attendance zone for this site.

Would there be a school site as part of this development?

Response: Johnston County Schools were contacted about need for school sites and they were looking at larger tracts of land to create Elementary/Middle School or Middle and High School campuses.

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www.espassociates.com

2. When will the traffic signal be placed on Covered Bridge Road and O'Neil?
Response: The traffic signal has been approved for the intersection and when the re-alignment is complete the signal will be placed at the new intersection of C.B.R. and O'Neil St. Date for placement is not known.
3. The Cul-De-Sac on O'Neil just north of the Greenway will be difficult due to steep grades in the area. How will that be addressed?
Response: Lot adjustments will occur as necessary during Construction Drawings.
4. What are the plans for the development of the northern side of CBR?
Response: Shenandoah Homes does not have any active interest on the remainder of the Steeplechase property. With the size and scope of the current project the northern parcel is at least 5+ years out.
5. What are the next steps and how can we, as neighbors, stay informed?
Response: The Town Planning Board will meet on May 29 to and a letter will be mailed out to the surrounding property owners informing them of the Public Hearing at the Town Council Meeting on June 18th. The Town Web site should be updated soon and will provide links to staff reports and exhibits.
6. How are NCDOT, the Town of Clayton and the developer addressing traffic concerns? What road improvements will be required and how will additional row affect the layout shown?
*Response: The Master Plan drawing is showing the additional ROW required by the Town of Clayton. A Traffic Impact Analysis is in progress and under review with NCDOT and will state the road improvements required for the surrounding streets. *several of the neighbors requested copies of the TIA.*
7. Will sidewalks/walking trails be provided along the perimeter roads, (Covered Bridge, City and O'Neil), to connect to the Sam's Branch Greenway?
Will sidewalks be provided on the interior roads?
Response: 10' Wide, asphalt walking trails will be provided along all frontages of City Road, Covered Bridge Road and O'Neil Street. A connection will also be provided along the existing powerline easement to connect the trail along O'Neil with the trail on Covered Bridge. The walking trails will be located within the street ROW. All internal public streets within Steeplechase will have public sidewalks on both sides of the street, (The road crossing at the dam shall only have a 10' asphalt trail on one-side).
8. What type of traffic calming devices (speed bumps?) will be provided along the main internal road from Covered Bridge Road to O'Neil?
Response: None are planned at this time but may be added during the construction drawings.
9. The aerial map shows the Smith Ridge Estates as Brook hill Estates.
Response: The map will be corrected.
10. Shotwell Road is heavily congested in the mornings and has minimal exits. Will a signal be placed there?
Response: Required road improvements will be part of NCDOT's comment responses to TIA. We have not yet received these comments.
11. ***City Road and Covered Bridge Road intersection. This intersection was "improved" by NCDOT and the result has made the crossing of Covered Bridge Road while on City Road more dangerous. Drivers and pedestrian have limited sight distance due to curve and grade change and the speed of vehicles on Covered Bridge Road (45 mph) to safely cross the intersection. No

May 14, 2018

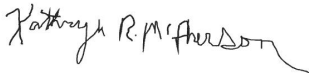
safety measures were provided when the intersection was widened. This resulted in increasing the risk because vehicles on Covered Bridge now go faster through the intersection.

Response: **This was by far the most discussed issue at the meeting.** Neighbors were very adamant that while they recognize that development is inevitable and that traffic would increase with new homes they were not as concerned with traffic but were very concerned with SAFETY. The developer agreed to bring this issue up in discussions with the traffic consultant, NCDOT and the Town of Clayton to determine what measures could be employed to address these safety concerns.

***The primary concern/discussion point with the attendees.

The Meeting Summary outline above is an account of the items discussed.

Respectfully Submitted,



Kathryn McPherson, RLA, ASLA
ESP Associates, Inc.

CC: Shenandoah Homes
ESP Associates

EXHIBIT A

ALFORD, KENNETH W
ALFORD, ANNETTE R
150 MICHAEL WAY
CLAYTON, NC 27520-5507

BLACKLEY, DOUGLAS E
BLACKLEY, LINDA F
1057 CITY RD
CLAYTON, NC 27520-5907

CASSEDALE PROPERTY OWNERS ASSOC.
5160 NC HWY. 42 WEST
GARNER, NC 27529

DOLDE, DONALD ANTHONY
DOLDE, SANDRA RAE
2020 SMITH DR
CLAYTON, NC 27520-9029

FISCHER, DANIELLE
FISCHER, PAUL
2008 WILLIAM LANE
CLAYTON, NC 27520-0000

HOUSE, MAVIS C
2873 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

JEAN K SMITH TRUST SMITH,
JAMES D TRUSTEE
1814 N ONEIL STREET EXT
CLAYTON, NC 27520-6236

JONES, DEANNA LYNNE
1500 N O'NEIL ST EXT
CLAYTON, NC 27520-0000

MADDOX, JAMES WILLIAM
MADDOX, SHANDA TAYLOR
22 CEDARDALE CT
CLAYTON, NC 27520-5542

MIMS, ALLEN L JR
920 CITY RD
CLAYTON, NC 27520-0000

ASHCROFT PARTNERS
114 W. MAIN ST. STE. 102
CLAYTON, NC 27520

CAPPS, BILLY WADE
1119 N ONEIL STREET EXT
CLAYTON, NC 27520-6240

COON, STEVEN M
COON, ERIN M
2009 DONNA COURT
CLAYTON, NC 27520-0000

FARMER, MARY ANN
100 MICHAEL WAY
CLAYTON, NC 27520-5507

HASKINS, WESLEY L
HASKINS, ERIN L
1009 BROOKHILL DRIVE
CLAYTON, NC 27520-0000

HUBERT, PETER G.
HUBERT, PATRICE A.
114 MICHAEL WAY
CLAYTON, NC 27520-5507

JONES, TRACY L
JONES, DEANNA L
1504 N ONEIL ST EXT
CLAYTON, NC 27520

LAUFER, ANDREW N.
WOOD, HEATHER L.
2009 WILLIAM LN
CLAYTON, NC 27520-8257

MASSEY, JOHN WESLEY
8041 ST ANDREWS DR
LAURINBURG, NC 28352-0000

MURRAY, RICHARD H
MURRAY, JOELY A
115 KATIE DRIVE
CLAYTON, NC 27520-0000

BELL, BRIAN O
BELL, AMANDA H
2212 SMITH DR
CLAYTON, NC 27520-9031

COATS, JEFFERY I.
2008 DONNA CT.
CLAYTON, NC 27520-0000

CREASY, JEFFREY L
CREASY, SHARON
2001 SMITH DR
CLAYTON, NC 27520-0000

FILLHART, ALAN THEODORE
FILLHART, JEAN M
118 MICHAEL WAY
CLAYTON, NC 27520-5507

HILL, MICHAEL WAYNE
2013 MISSY LANE
CLAYTON, NC 27520-0000

HUTCHINS, JOSHUA P
HUTCHINS, PATRICIA
111 KATIE DR
CLAYTON, NC 27520-0000

JONES, TRACY L
1538 NORTH ONEIL STREET EXT
CLAYTON, NC 27520-0000

MOORE, AMY J
CARAWAN, CLIFFORD C
101 KATIE DR
CLAYTON, NC 27520-0000

MCINTYRE, MARTHA ANN
1233 MT CARMEL CHURCH RD
TROY, NC 27371-0220

MUNDAY, KIMBERLY ANN
27 CEDARDALE CT
CLAYTON, NC 27520-5541

NOWAKOWSKI, GREGORY A
NOWAKOWSKI, WENDY D
2012 MISSY LANE
CLAYTON, NC 27520-9033

OBRIEN, ANGELLA J
OBRIEN, DAVID MICHAEL
147 BAYHILL DR
ADVANCE, NC 27006-7183

OLE MILL STREAM ASSOCIATION
P.O. BOX 1265
CLAYTON, NC 27528

PEEDIN, EDNA S
2721 US 70 EAST
SELMA, NC 27576-8174

PILKINGTON, DAVID D JR
1331 CITY ROAD
CLAYTON, NC 27520-5908

LEE BROTHERS
400 W. MAIN STREET
CLAYTON, NC 27520-0000

POPE, BILLY R
POPE, BOBBIE
2008 SMITH DR
CLAYTON, NC 27520-9029

POURRON, CHARLES WAYNE
2000 SMITH DR
CLAYTON, NC 27520-9029

RAYMOND E EARP JR REVOCABLE
TRUST EARP, NANCY CREWS TRUSTEE
7230 NC HIGHWAY 42 E
SELMA, NC 27576-6005

ROBINSON, PAUL W
ROBINSON, VIRGINIE E
2304 SMITH DRIVE
CLAYTON, NC 27520-0000

SCHULTZE, HENRY NEAL
SCHULTZE, JUDY
2005 DONNA COURT
CLAYTON, NC 27520-0000

SORRELL, DAVID M
SORRELL, SABRINA
2641 COVERED BRIDGE RD
CLAYTON, NC 27527-0000

TOWN OF CLAYTON
P O BOX 879
CLAYTON, NC 27528-0000

TOWN OF CLAYTON
PO BOX 777
CLAYTON, NC 27528-0777

TYNDALL, CHARLES B JR
TYNDALL, JUNE MARIE
101 MICHAEL WAY
CLAYTON, NC 27520-0000

WETMORE, MARK L
WETMORE, TAMELA LYNN
104 MICHAEL WAY
CLAYTON, NC 27520-0000

WHITLEY, WILLARD H
WHITLEY, BETTY J
2000 KEVIN CT
CLAYTON, NC 27520-0000

WHITMAN, BRIAN HAROLD
WHITMAN, GINA MUNDEN
105 KATIE DR
CLAYTON, NC 27520-5509

EXHIBIT B



April 27, 2018

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: May 10, 2018

Location: The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

Time: 6-8 pm

Type of Application:

Rezoning and Subdivision: Major Subdivision (Preliminary Subdivision Plat).

General Description of proposed request:

Shenandoah Homes, Inc., requests to rezone a portion of PIN# 166900-39-5182 comprised of +/-266.72 acres bounded by O'Neil Street on the east, Covered Bridge Road on the north, City Road on the west and Sam's Branch Creek on the south to a Planned Development-Residential (PD-R) district concurrently with the Steeplechase Master Plan as a Major Preliminary Subdivision Plat. The proposed community will be comprised of a maximum 600 residential units with a mix of housing types (townhomes, single-family detached homes with a mix of front loaded and rear loaded homes, and age targeted homes) and amenities (private clubhouse/swimming pool, lake, pedestrian walks on all streets, multi-use paths with connections to the Sam's Branch Greenway and pocket parks).

SHENANDOAHhomes.us
2840 Plaza Place Suite 200
Raleigh, North Carolina 27612

At the Neighborhood Meeting, the following items will be available for your inspection and comment:

1. A copy of the project application.
2. A map to scale showing the project area and neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

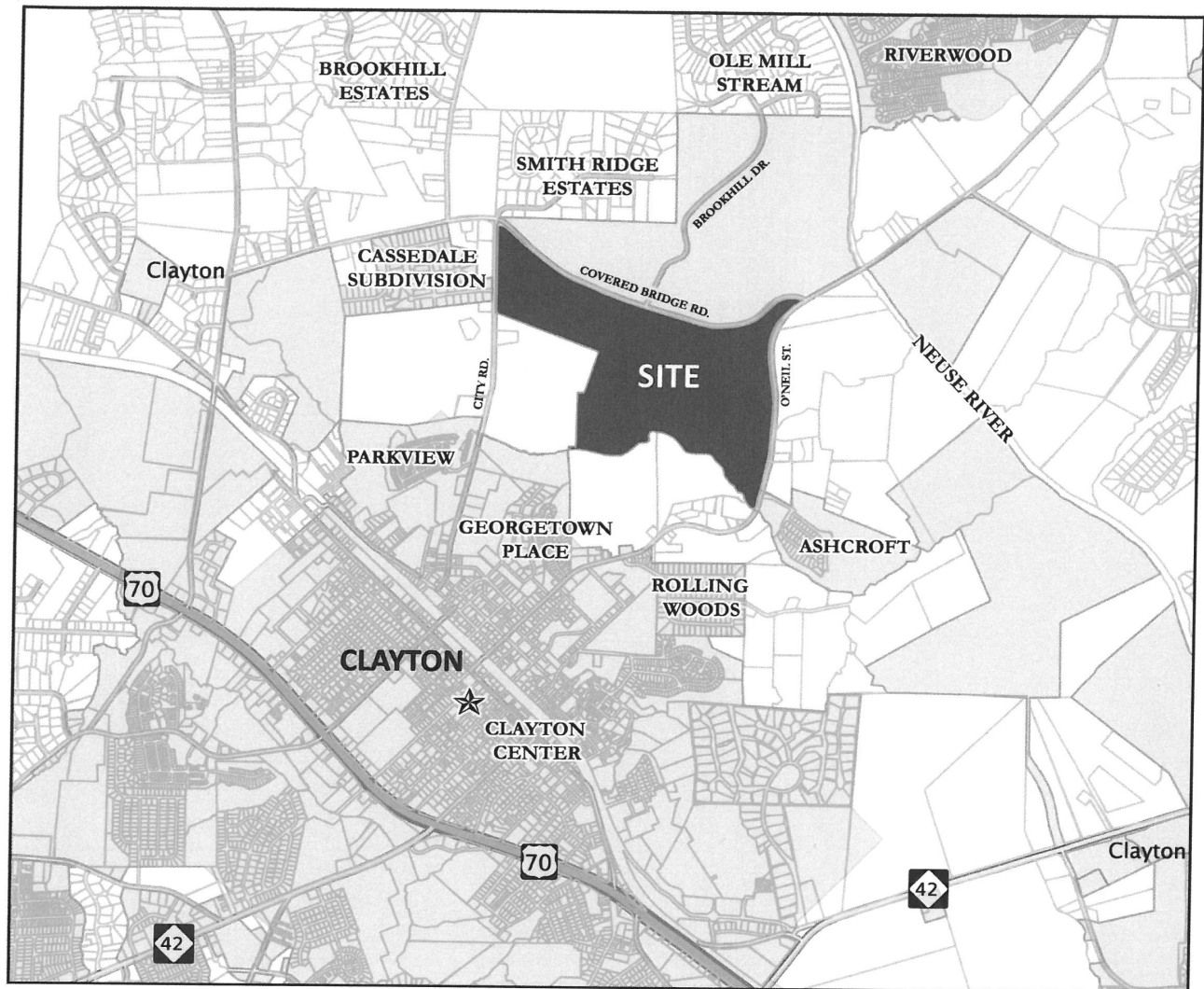
If you have any questions prior to or after this meeting, you may contact us at (984) 200-5540.

Sincerely,



Jeff Palmer
Shenandoah Homes, Inc.

Cc: Clayton Planning Department



STEEPLECHASE NEIGHBORHOOD MEETING

THE CLAYTON CENTER
YORK MEETING ROOM
111 EAST 2ND STREET, CLAYTON

MAY 10, 2018
6-8 PM

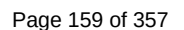


EXHIBIT D

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
1	Mavis House	2873 Cov. Bridge Rd.
2	Mike & Joy Hill	8013 Missy Lane mh1115@nc-rr.com
3	Douglas E Blockley	1857 City Rd.
4	DON DOLDE	2020 Smith Dr.
5	Sandi Dolde	2020 Smith Dr.
6	Linn Carson	2008 Missy Lane Clayton, NC
7	John R. House	2975 COVERED BRIDGE RD.
8	PETER TATGE	2731 CREEKBRIDGE LAKE, CHARL, NC
9	Wayne Pourra	2000 Smith Drive, CLYDE
10	Steve Smith	1814 N. ONEIL ST Ext Clayton 27520
11	James D Smith	1814 N. ONEIL ST Ext Clayton
12	Mark A. Peedin	154 Peedin Ext Selma, NC. 275.
13	mark.peedin@gmail.com	(FARM TO SOUTH GREENWAY QUEST.)
14	Willard Whitley	2000 Kevin Ct Clayton, N.C.
15		
16		
17		
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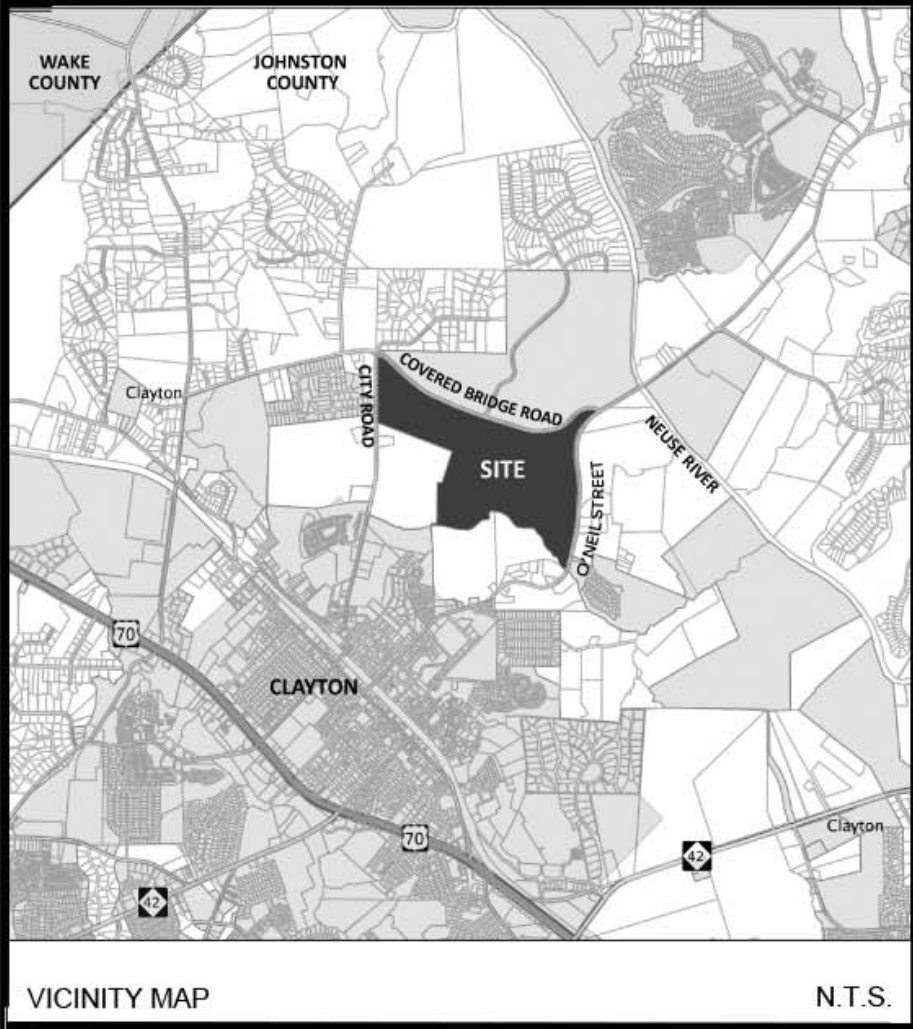
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____ Shenandoah Homes: Steeplechase

Location/Date: _____ May 10, 2018, The Clayton Center, York Meeting Room, 111 East 2nd Street, Clayton

	Name	Address
21		
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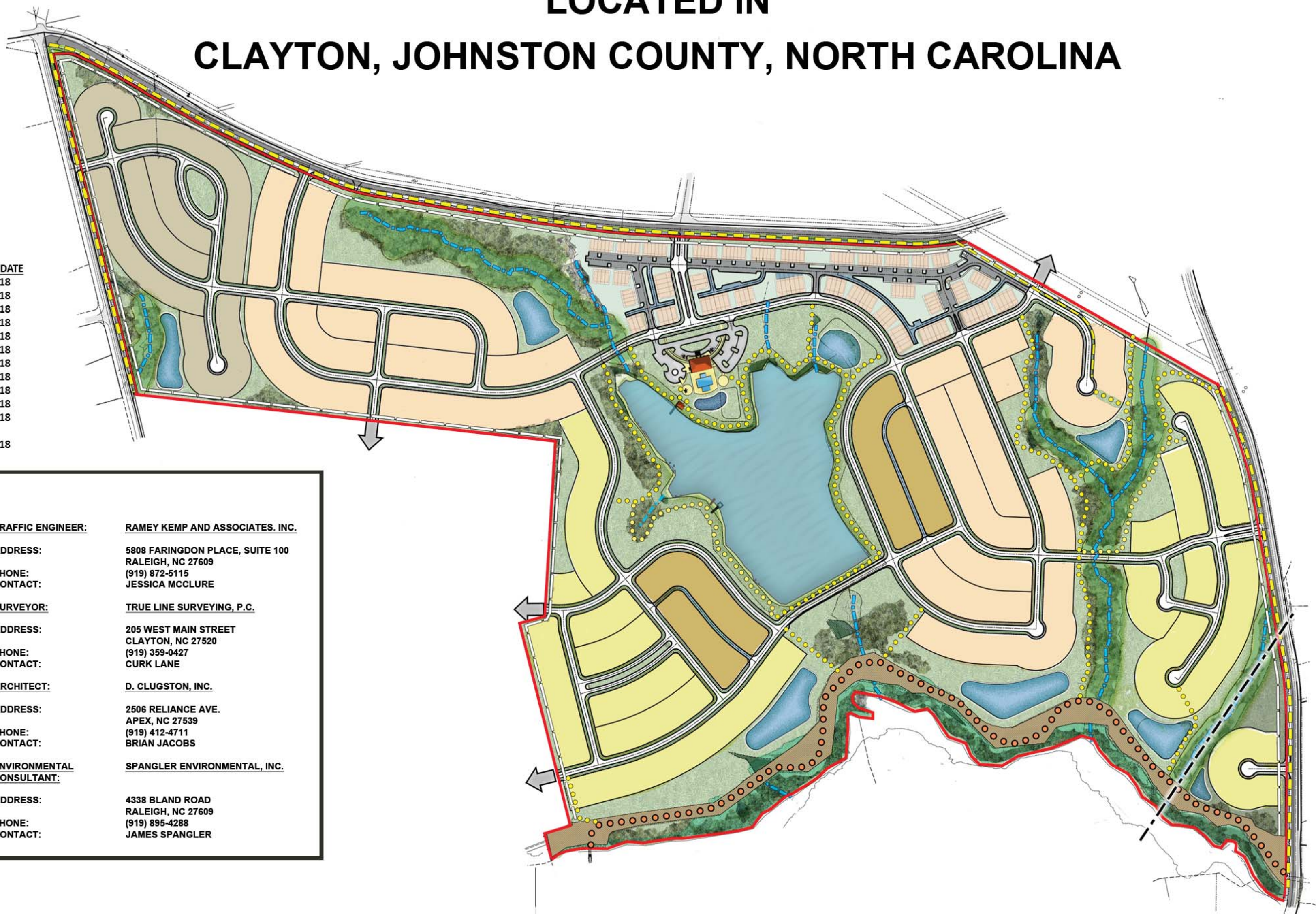


Town of Clayton Project: 2018-31-SD & 2018-30-PDD
PLANNED DEVELOPMENT MASTER PLAN
STEEPLECHASE
LOCATED IN
CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

INDEX OF SHEETS

SHEET NO.	SHEET NAME	ORIGINAL DATE	REVISED DATE
C0.0	COVER SHEET	03-01-2018	04-06-2018
C1.0	ADJOINING OWNERS AND ZONING	03-01-2018	04-06-2018
C1.1	EXISTING CONDITIONS	03-01-2018	04-06-2018
C2.0	MASTER PLAN	03-01-2018	04-06-2018
C3.0	PHASING PLAN	03-01-2018	04-06-2018
C4.0	TRANSPORTATION AND CIRCULATION PLAN	03-01-2018	04-06-2018
C4.1	TYPICAL STREET SECTIONS AND WAIVERS	03-01-2018	04-06-2018
C5.0	HOUSING TYPES	03-01-2018	04-06-2018
C6.0	RECREATION AND OPEN SPACE PLAN	03-01-2018	04-06-2018
C6.1	RECREATION ELEMENTS	03-01-2018	04-06-2018
C7.0	PRELIMINARY UTILITIES	03-01-2018	04-05-2018
C8.0	PRELIMINARY STORM DRAINAGE	04-05-2018	04-05-2018
A0.0	CLUBHOUSE CONCEPT	03-01-2018	04-06-2018

PROJECT TEAM:			
REVIEW AGENCY:	TOWN OF CLAYTON	TRAFFIC ENGINEER:	RAMEY KEMP AND ASSOCIATES, INC.
ADDRESS:	111 E. SECOND STREET CLAYTON, NC 27528 (919) 553-5002	ADDRESS:	5808 FARINGDON PLACE, SUITE 100 RALEIGH, NC 27609 (919) 872-5116 JESSICA MCCLURE
FAX:		PHONE:	
PROPERTY OWNER:	RAYMOND ELMORE EARP, JR. FAMILY TRUST EARP, NANCY CREWS, TRUSTEE & WORLEY, MARY EARP	CONTACT:	
ADDRESS:	7020 NC HIGHWAY 42 E, SELMA, NC 27576-6128	SURVEYOR:	TRUE LINE SURVEYING, P.C.
APPLICANT:	SHENANDOAH HOMES/CAPITAL PROPERTIES	ADDRESS:	205 WEST MAIN STREET CLAYTON, NC 27520 (919) 359-0427 CURK LANE
ADDRESS:	3724 NATIONAL DRIVE, SUITE 220 RALEIGH, NC 27612 (919) 230-8177	PHONE:	
CONTACT:	DAVID STALLINGS	CONTACT:	
ARCHITECT:	D. CLUGSTON, INC.	ENVIRONMENTAL CONSULTANT:	SPANGLER ENVIRONMENTAL, INC.
LAND PLANNING/ENGINEERING:	ESP ASSOCIATES, INC.	ADDRESS:	4338 BLAND ROAD RALEIGH, NC 27609 (919) 895-4288 JAMES SPANGLER
ADDRESS:	2200 GATEWAY CENTRE BLVD, SUITE 216 MORRISVILLE, NC 27560 (919) 678-1070, EXT. 634 (919) 677-1292	PHONE:	
CONTACT:	KATHRYN R. MCPHERSON, R.L.A., ASLA SALMAN MOAZZAM, PE	CONTACT:	



Conditions of Approval:

PRELIMINARY PLANS NOT FOR CONSTRUCTION

ESP Associates, Inc.
2200 Gateway Centre Blvd
Morrisville, NC 27560
919-678-1070
www.espassociates.com
NC LICENSE #F-1407

05/16/2018

BY	DATE	REVISION	THE 1ST REVIEW COMMENTS
KRM	10-05-2018	1	

PROJECT INFORMATION
PROJECT MANAGER: KRM
DESIGNED BY: KRM
DRAWN BY: KRM
PROJECT NUMBER: FR51
ORIGINAL DATE: 03/01/2018
SHEET: C0.0

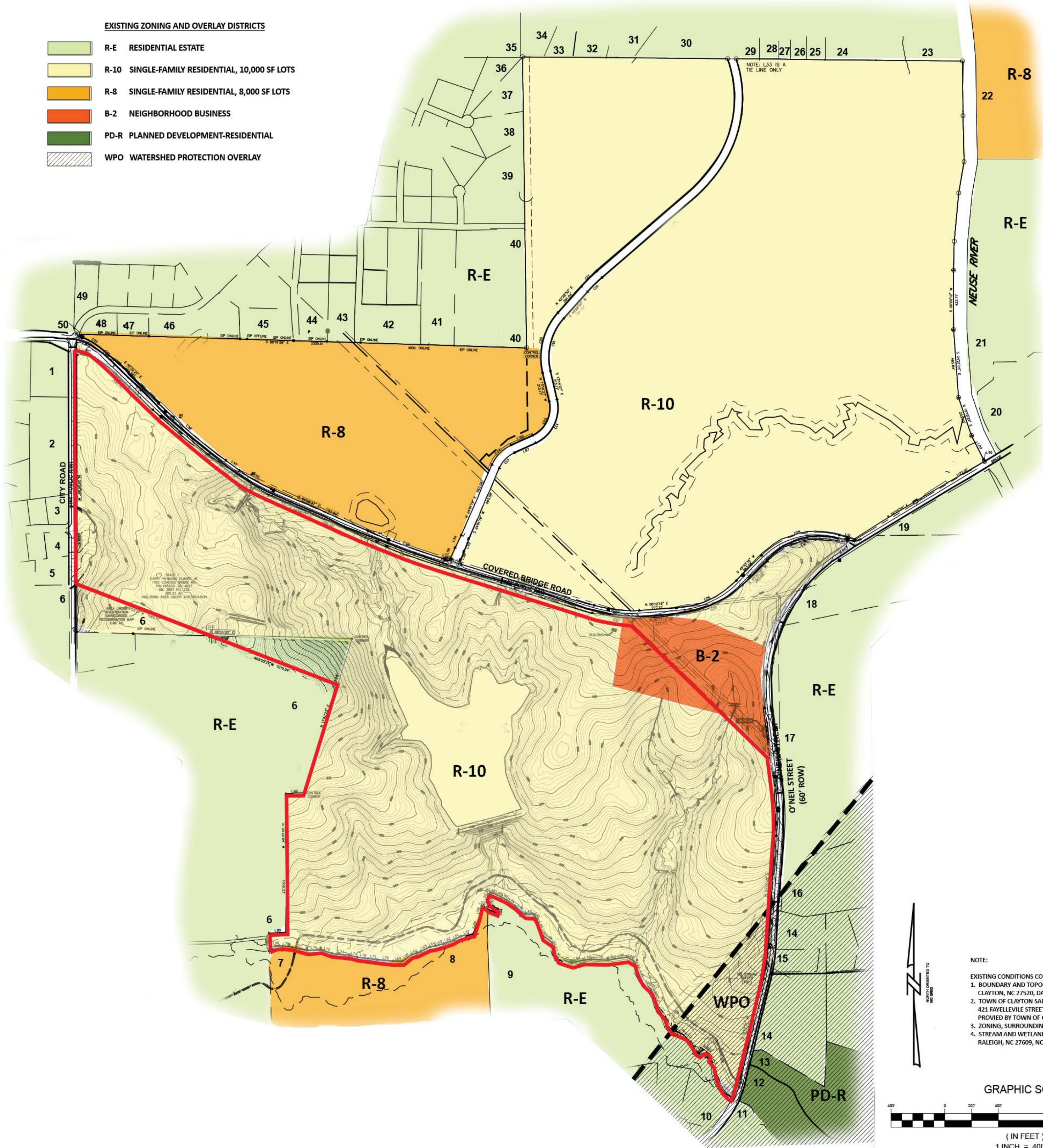
COVER

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

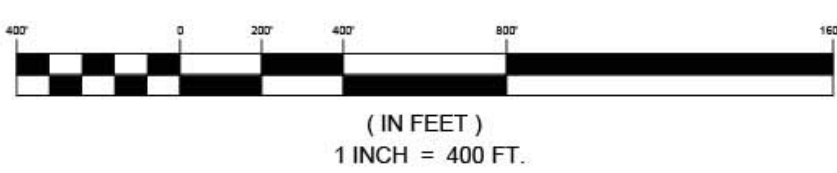
- EXISTING ZONING AND OVERLAY DISTRICTS
- R-E RESIDENTIAL ESTATE
 - R-10 SINGLE-FAMILY RESIDENTIAL, 10,000 SF LOTS
 - R-8 SINGLE-FAMILY RESIDENTIAL, 8,000 SF LOTS
 - B-2 NEIGHBORHOOD BUSINESS
 - PD-R PLANNED DEVELOPMENT-RESIDENTIAL
 - WPO WATERSHED PROTECTION OVERLAY



NOTE:
EXISTING CONDITIONS COMPILED FROM:
1. BOUNDARY AND TOPOGRAPHIC SURVEY: TRUE LINE SURVEYING, P.C., 205 WEST MAIN STREET, CLAYTON, NC 27520, DATED FEBRUARY 16, 2018.
2. TOWN OF CLAYTON SAM'S BRANCH GREENWAY AND EASEMENT: STEWART ENGINEERING, 421 FAYLEVILLE STREET SUITE 400, RALEIGH, NC 27601, DATED JANUARY 28, 2016. DRAWINGS PROVIDED BY TOWN OF CLAYTON.
3. ZONING, SURROUNDING INFORMATION: JONSTON COUNTY GIS.
4. STREAM AND WETLAND DELINEATIONS: SPANGLER ENVIRONMENTAL, INC., 4338 BLAND ROAD, RALEIGH, NC 27609, NCDWG CONFIRMATION# SEPTEMBER 2, 2014.



GRAPHIC SCALE



ADJACENT PROPERTY OWNERS LIST				
Steeplechase Master Plan				
PARCEL	NAME	ADDRESS	ACREAGE	ZONING
1	176000-01-4713	PILKINGTON, DAVID D JR 1331 CITY ROAD CLAYTON, NC 27520-0000	2.44 AC	RE
2	176000-01-4124	PILKINGTON, DAVID D JR 1331 CITY ROAD CLAYTON, NC 27520-0000	4.14 AC	RE
3	176000-00-4780	MADDOX, JAMES WILLIAM MADDOX, SHANDA TAYLOR 22 CEDARDALE CT CLAYTON, NC 27520-5542	0.76 AC	RE
4	176000-00-4476	MUNDAY, KIMBERLY ANN 27 CEDARDALE CT CLAYTON, NC 27520-0000	0.7 AC	RE
5	176000-00-4236	BLACKLEY, DOUGLAS E BLACKLEY, LINDA F 1057 CITY RD CLAYTON, NC 27520-5907	1.06 AC	RE
6	165908-99-1146	MIMS, ALLEN L JR 920 CITY RD CLAYTON, NC 27520-0000	213.7 AC	RE R-10
7	166909-17-1164	TOWN OF CLAYTON PO BOX 777 CLAYTON, NC 27528-0777	21.85 AC	RE
8	166910-36-0755	PEEDIN, EDNA S 2721 US 70 EAST SELMA, NC 27576-8174	71.69 AC	R-8 SLD
9	166910-47-5025	MASSEY, JOHN WESLEY 8041 ST ANDREWS DR LAURINBURG, NC 28352-2155	33.03 AC	RE
10	166900-56-1474	CAPPS, BILLY WADE 1119 N ONEIL STREET EXT CLAYTON, NC 27520-6240	4.67 AC	RE
11	166900-56-4098	MCINTYRE, MARTHA ANN 1233 MT CARMEL CHURCH RD TROY, NC 27371-0220	4.37 AC	RE
12	166900-56-8375	TOWN OF CLAYTON P O BOX 879 CLAYTON, NC 27528-0000	5.41 AC	PD-R
13	166900-66-4354	ASHCROFT PARTNERS, LLC 114 W MAIN ST STE 102 CLAYTON, NC 27520-2397		RE
14	166900-67-0102	JONES, TRACY L JONES, DEANNA L 1504 N ONEIL ST EXT CLAYTON, NC 27520	10.25 AC	RE
15	166900-57-9493	JONES, DEANNA LYNNE 1500 N O'NEIL ST EXT CLAYTON, NC 27520-0000	1.27 AC	RE
16	166900-68-3043	JONES, TRACY L 1538 NORTH ONEIL STREET EXT CLAYTON, NC 27520-0000	8.4 AC	RE
17	166900-79-1467	JEAN K SMITH TRUST SMITH, JAMES D TRUSTEE 1814 N ONEIL STREET EXT CLAYTON, NC 27520-6236	89.93 AC	RE
18	176000-60-9362	RAYMOND ELMORE EARP JR FAMILY TRUST EARP, NANCY CREWS TRUSTEE 7030 NC HIGHWAY 42 E SELMA, NC 27576-6128	630.63 AC	R-8 R-10
19	176000-70-3713	MASSEY, JOHN WESLEY 8041 ST ANDREWS DR LAURINBURG, NC 28352-0000	5.25 AC	RE
20	176000-71-6415	SORRELL, DAVID M SORRELL, SABRINA 2641 COVERED BRIDGE RD CLAYTON, NC 27527-0000	7.28 AC	RE
21	176000-82-1830	HOUSE, MAVIS C 2873 COVERED BRIDGE RD CLAYTON, NC 27527-0000	68.94 AC	RE
23	176000-64-9005	O'BRIEN, ANGELLA J O'BRIEN, DAVID MICHAEL 147 BAYHILL DR ADVANCE, NC 27006-7183	1.88 AC	R-8
24	176000-64-3056	ALFORD, KENNETH W ALFORD, ANNETTE R 150 MICHAEL WAY CLAYTON, NC 27520-5507	1.07 AC	RE
25	176000-64-1118	FILIHART, ALAN THEODORE FILIHART, JEAN M 118 MICHAEL WAY CLAYTON, NC 27520-5507	1.06 AC	RE
26	176000-54-9169	HUBERT, PETER G. HUBERT, PATRICE A. 114 MICHAEL WAY CLAYTON, NC 27520-5507	1.09 AC	RE
27	176000-54-8156	WETMORE, MARK L WETMORE, TAMELA LYNN 104 MICHAEL WAY CLAYTON, NC 27520-0000	0.92 AC	RE
28	176000-54-7160	TYNDALL, CHARLES B JR TYNDALL, JUNE MARIE 101 MICHAEL WAY CLAYTON, NC 27520-0000	0.43 AC	RE
29	176000-54-6039	FARMER, MARY ANN 100 MICHAEL WAY CLAYTON, NC 27520-5507	0.92 AC	RE
30	176000-54-1106	HASKINS, WESLEY L HASKINS, ERIN L 1009 BROOKHILL DRIVE CLAYTON, NC 27520-0000	3.3 AC	RE
31	176000-44-8293	MOORE, AMY J CARAWAN, CLIFFORD C 101 KATIE DR CLAYTON, NC 27520-0000	2.75 AC	RE
32	176000-44-4078	WHITMAN, BRIAN HAROLD WHITMAN, GINA MUNDEN 105 KATIE DR CLAYTON, NC 27520-5509	0.92 AC	RE
33	176000-44-1066	HUTCHINS, JOSHUA P HUTCHINS, PATRICIA 111 KATIE DR CLAYTON, NC 27520-0000	0.92 AC	RE
34	176000-44-1147	MURRAY, RICHARD H MURRAY, JOELY A 115 KATIE DRIVE CLAYTON, NC 27520-0000	1.15 AC	RE
35	176000-15-9320	LEE BROTHERS RENTAL 400 W MAIN STREET CLAYTON, NC 27520-0000	213.94 AC	RE
36	176000-33-7839	SCHULTZE, HENRY NEAL SCHULTZE, JUDY 2005 DONNA COURT CLAYTON, NC 27520-0000	1.6 AC	RE
37	176000-33-7679	COON, STEVEN M COON, ERIN M 2009 DONNA COURT CLAYTON, NC 27520-0000	1.83 AC	RE
38	176000-33-7319	COATS, JEFFREY LAWRENCE 2008 DONNA CT CLAYTON, NC 27520-0000	2.0 AC	RE
39	176000-32-6986	WHITLEY, WILLARD H WHITLEY, BETTY J 2000 KEVIN CT CLAYTON, NC 27520-0000	4.64 AC	RE
40	176000-32-6235	ROBINSON, PAUL W ROBINSON, VIRGINIE E 2304 SMITH DRIVE CLAYTON, NC 27520-0000	9.77 AC	RE
41	176000-32-2320	BELL, BRIAN O BELL, AMANDA H 2212 SMITH DR CLAYTON, NC 27520-9031	4.82 AC	RE
42	176000-22-9067	LAUFER, ANDREW N. WOOD, HEATHER L. 2009 WILLIAM LN CLAYTON, NC 27520-8257	3.0 AC	RE
43	176000-22-5017	FISCHER, DANIELLE FISCHER, PAUL 2008 WILLIAM LANE CLAYTON, NC 27520-0000	2.02 AC	RE
44	176000-21-3907	HILL, MICHAEL WAYNE 2013 MISSY LANE CLAYTON, NC 27520-0000	1.05 AC	RE
45	176000-12-9050	NOWAKOWSKI, GREGORY A NOWAKOWSKI, WENDY D 2012 MISSY LANE CLAYTON, NC 27520-9033	2.05 AC	RE
46	176000-11-3998	DOLDE, DONALD ANTHONY DOLDE, SANDRA RAE 2020 SMITH DR CLAYTON, NC 27520-9029	3.57 AC	RE
47	176000-01-9559	POPE, BILLY R POPE, BOBBIE 2008 SMITH DR CLAYTON, NC 27520-9029	1.0 AC	RE
48	176000-01-7918	POURBON, CHARLES WAYNE 2000 SMITH DR CLAYTON, NC 27520-9029	0.92 AC	RE
49	176000-02-6216	CREASY, JEFFREY L CREASY, SHARON 2001 SMITH DR CLAYTON, NC 27520-5908	1.47 AC	RE
50	176000-02-1779	PILKINGTON, DAVID DANIEL JR 1331 CITY ROAD CLAYTON, NC 27520-5908	32.42 AC	RE

ESP Associates, Inc.
2300 Gateway Centre Blvd
Morrisville, NC 27560
919-675-1070
www.espacehomes.com
NC LICENSE #F-1407

ESP

SEAL
028116
07/16/2018

BY: KRM

NO. 1

DATE 04-06-2018

REASON TRC LIST REVIEW COMMENTS

ADJOINING OWNERS & ZONING

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER: KRM

DESIGNED BY: KRM

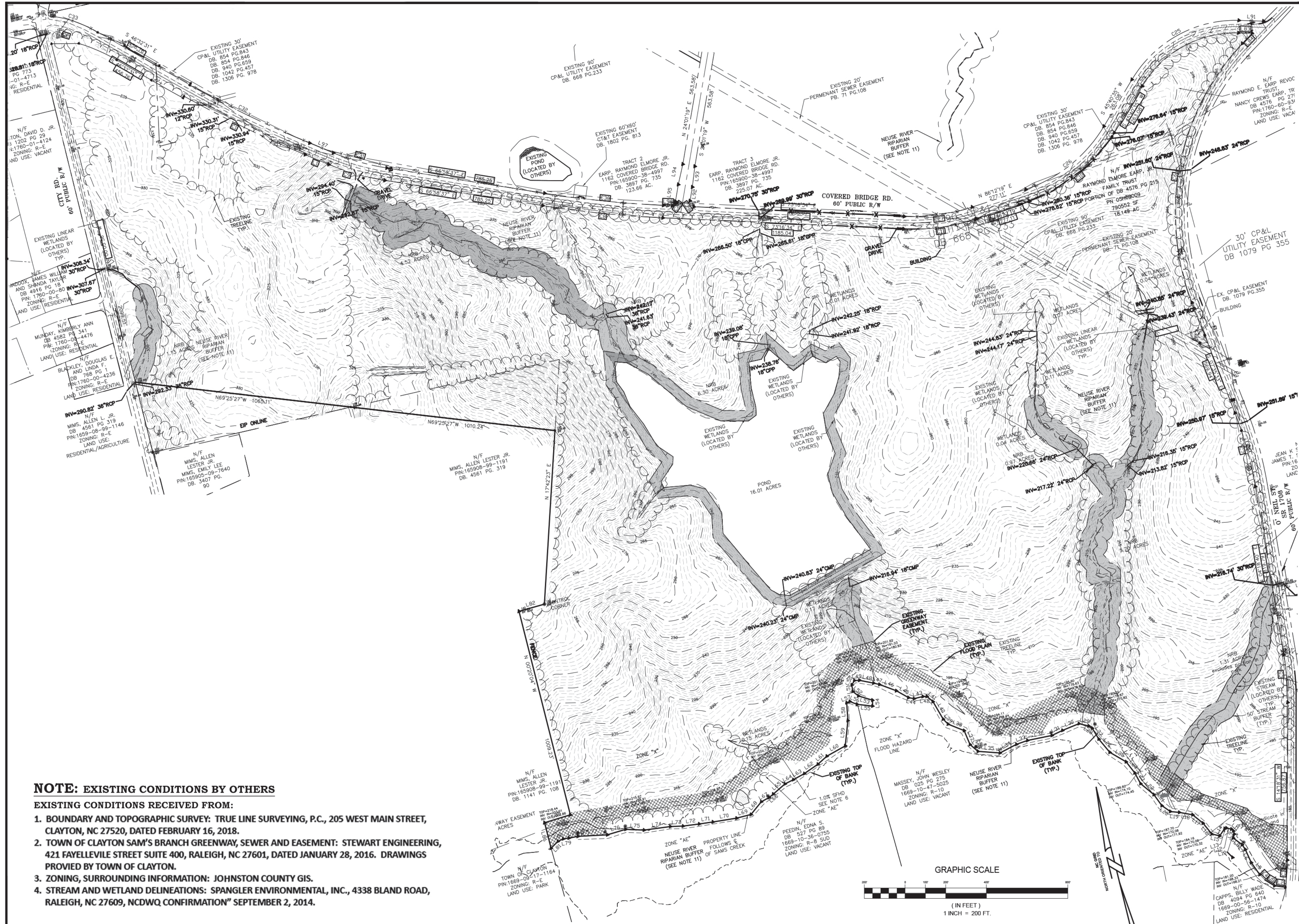
DRAWN BY: KRM

PROJECT NUMBER: FRS1

ORIGINAL DATE: 03/01/2018

SHEET:

C1.0



NOTE: EXISTING CONDITIONS BY OTHERS
EXISTING CONDITIONS RECEIVED FROM:
1. **BOUNDARY AND TOPOGRAPHIC SURVEY:** TRUE LINE SURVEYING, P.C., 205 WEST MAIN STREET, CLAYTON, NC 27520, DATED FEBRUARY 16, 2018.
2. **TOWN OF CLAYTON SAM'S BRANCH GREENWAY, SEWER AND EASEMENT:** STEWART ENGINEERING, 421 FAYETTEVILLE STREET SUITE 400, RALEIGH, NC 27601, DATED JANUARY 28, 2016. DRAWINGS PROVIDED BY TOWN OF CLAYTON.
3. **ZONING, SURROUNDING INFORMATION:** JOHNSTON COUNTY GIS.
4. **STREAM AND WETLAND DELINEATIONS:** SPANGLER ENVIRONMENTAL, INC., 4338 BLAND ROAD, RALEIGH, NC 27609, NCDWQ CONFIRMATION⁷ SEPTEMBER 2, 2014.

FOR INFORMATION PURPOSES ONLY - BY OTHERS



ESP Associates, Inc.
2300 Gateway Center Blvd
Morrisville, NC 27560
919-675-1070
www.espsolutions.com
NC LICENSE #1407

NO.	DATE	REVISION	BY	REASON
1	04-06-2018		KRM	TRC LIST REVIEW COMMENTS

EXISTING CONDITIONS

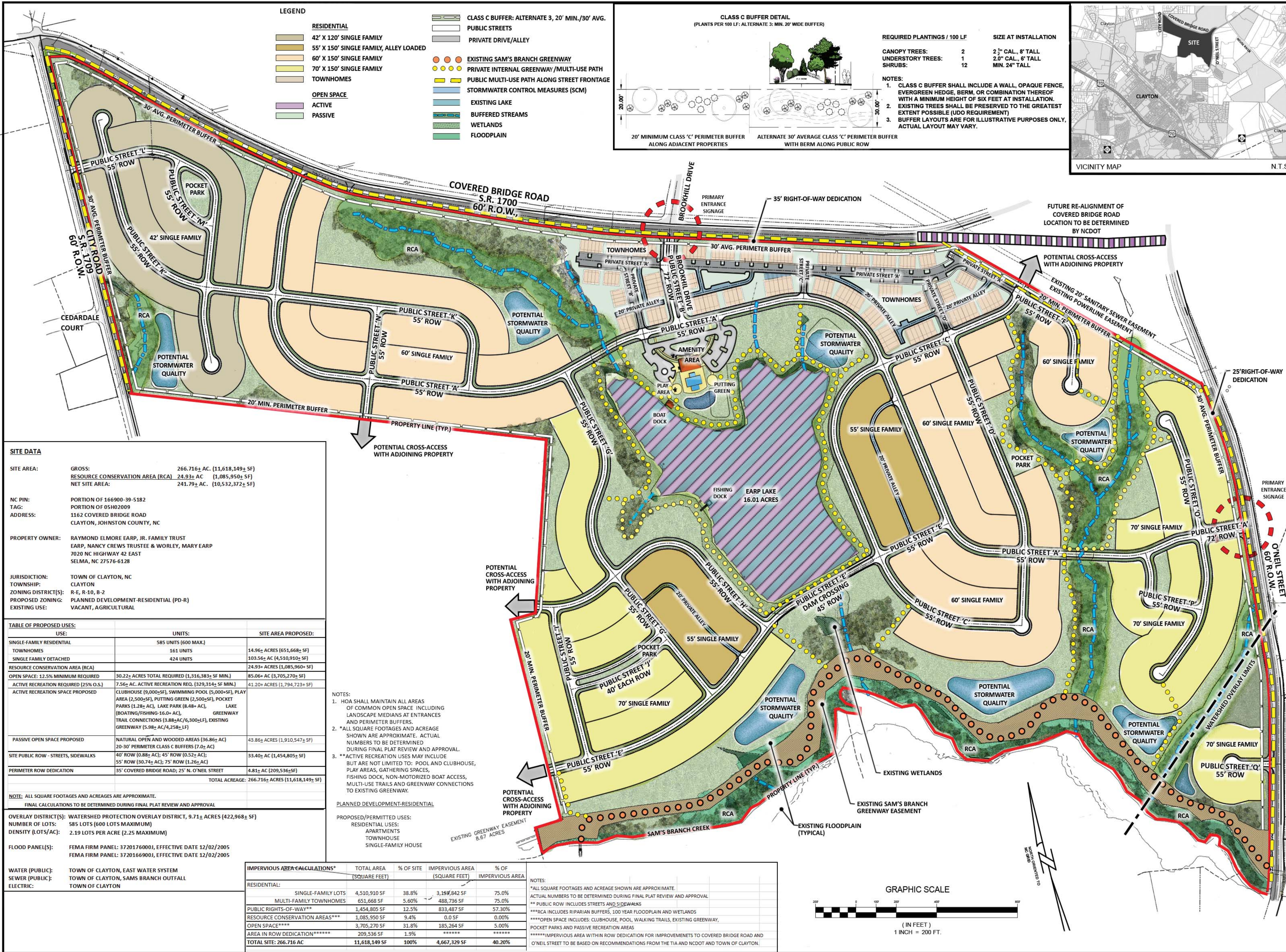
STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEWANDAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018
SHEET:	C1.1



ESP Associates, Inc.
2200 Gateway Centre Blvd
Morrisville, NC 27560
919.475.1070
www.espsolutions.com
NC LICENSE #F-1407

SEAL
028116
05/16/2018

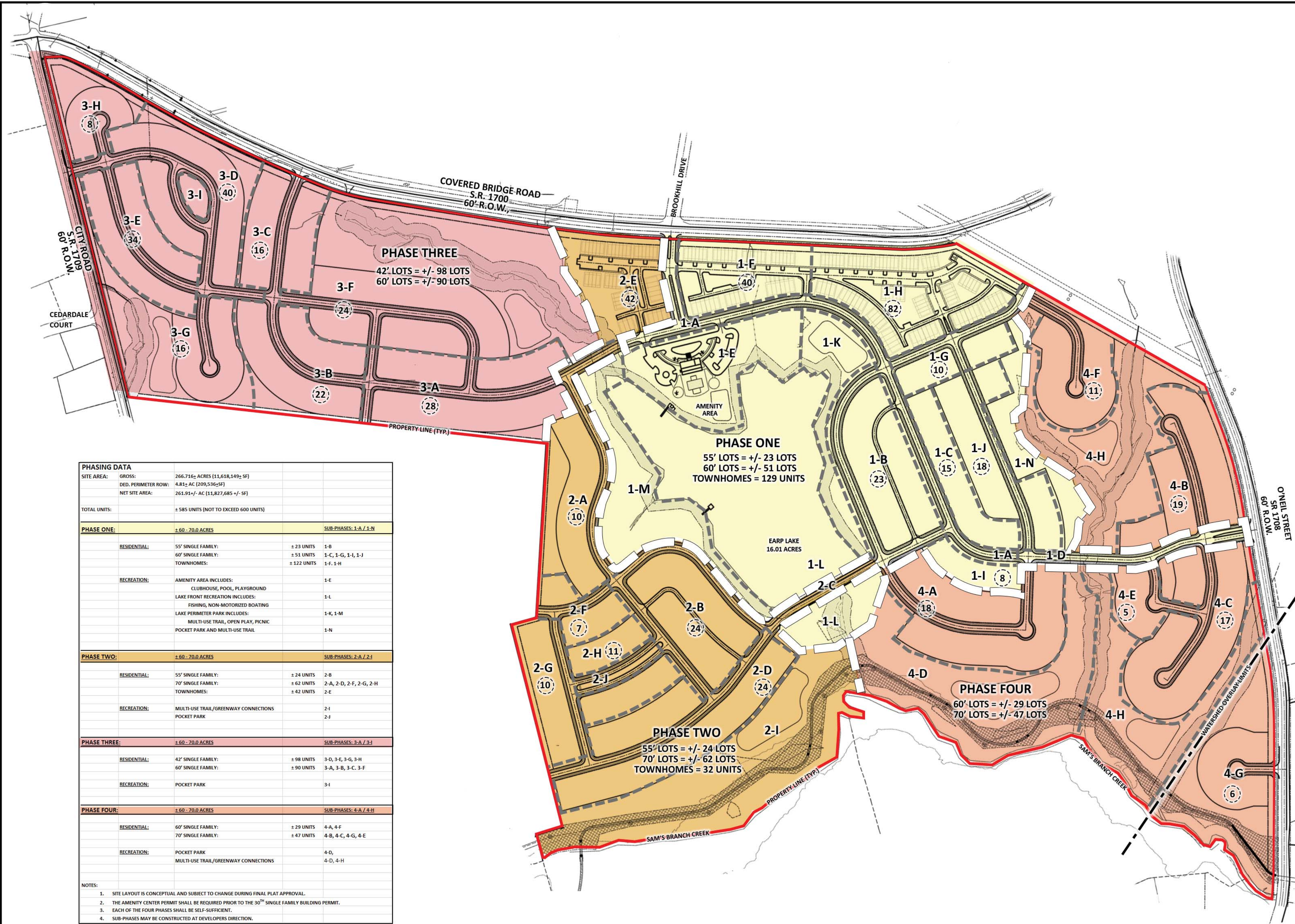
STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018
SHEET:	C2.0



PHASING DATA			
SITE AREA:	GROSS:	266.71± ACRES (11,618,149± SF)	
	DED. PERIMETER ROW:	4.81± AC (209,536±SF)	
	NET SITE AREA:	261.91±/- AC (11,827,685 +/- SF)	
TOTAL UNITS:	± 585 UNITS (NOT TO EXCEED 600 UNITS)		
PHASE ONE:		± 60 - 70.0 ACRES	SUB-PHASES: 1-A / 1-N
RESIDENTIAL:	55' SINGLE FAMILY:	± 23 UNITS	1-B
	60' SINGLE FAMILY:	± 51 UNITS	1-C, 1-G, 1-I, 1-J
	TOWNHOMES:	± 122 UNITS	1-F, 1-H
RECREATION:	AMENITY AREA INCLUDES:		1-E
	CLUBHOUSE, POOL, PLAYGROUND		
	LAKE FRONT RECREATION INCLUDES:		1-L
	FISHING, NON-MOTORIZED BOATING		
	LAKE PERIMETER PARK INCLUDES:		1-K, 1-M
	MULTI-USE TRAIL, OPEN PLAY, PICNIC		
POCKET PARK AND MULTI-USE TRAIL		1-N	
PHASE TWO:		± 60 - 70.0 ACRES	SUB-PHASES: 2-A / 2-I
RESIDENTIAL:	55' SINGLE FAMILY:	± 24 UNITS	2-B
	70' SINGLE FAMILY:	± 62 UNITS	2-A, 2-D, 2-F, 2-G, 2-H
	TOWNHOMES:	± 42 UNITS	2-E
RECREATION:	MULTI-USE TRAIL/GREENWAY CONNECTIONS	2-I	
	POCKET PARK	2-J	
PHASE THREE:		± 60 - 70.0 ACRES	SUB-PHASES: 3-A / 3-I
RESIDENTIAL:	42' SINGLE FAMILY:	± 98 UNITS	3-D, 3-E, 3-G, 3-H
	60' SINGLE FAMILY:	± 90 UNITS	3-A, 3-B, 3-C, 3-F
	TOWNHOMES:		
RECREATION:	POCKET PARK	3-I	
PHASE FOUR:		± 60 - 70.0 ACRES	SUB-PHASES: 4-A / 4-H
RESIDENTIAL:	60' SINGLE FAMILY:	± 29 UNITS	4-A, 4-F
	70' SINGLE FAMILY:	± 47 UNITS	4-B, 4-C, 4-G, 4-E
RECREATION:	POCKET PARK		4-D,
	MULTI-USE TRAIL/GREENWAY CONNECTIONS		4-D, 4-H
NOTES:			
1. SITE LAYOUT IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL PLAT APPROVAL.			
2. THE AMENITY CENTER PERMIT SHALL BE REQUIRED PRIOR TO THE 30 TH SINGLE FAMILY BUILDING PERMIT.			
3. EACH OF THE FOUR PHASES SHALL BE SELF-SUFFICIENT.			
4. SUB-PHASES MAY BE CONSTRUCTED AT DEVELOPERS DIRECTION.			

ESP Associates, Inc.
2200 Gateway Centre Blvd
Suite 215
Morrisville, NC 27560
919.275.1070
www.espassociates.com
NC LICENSE #F-1407

NORTH CAROLINA
LICENSE NO.: F-1407
ESP ASSOCIATES, INC.

BY	KRM
DATE	04-06-2018
REVISION	1
NO.	1
DATE	04-06-2018
REVISION	1
NO.	1
DATE	04-06-2018
REVISION	1
NO.	1

PHASING PLAN

STEEPLECHASE MASTER PLAN

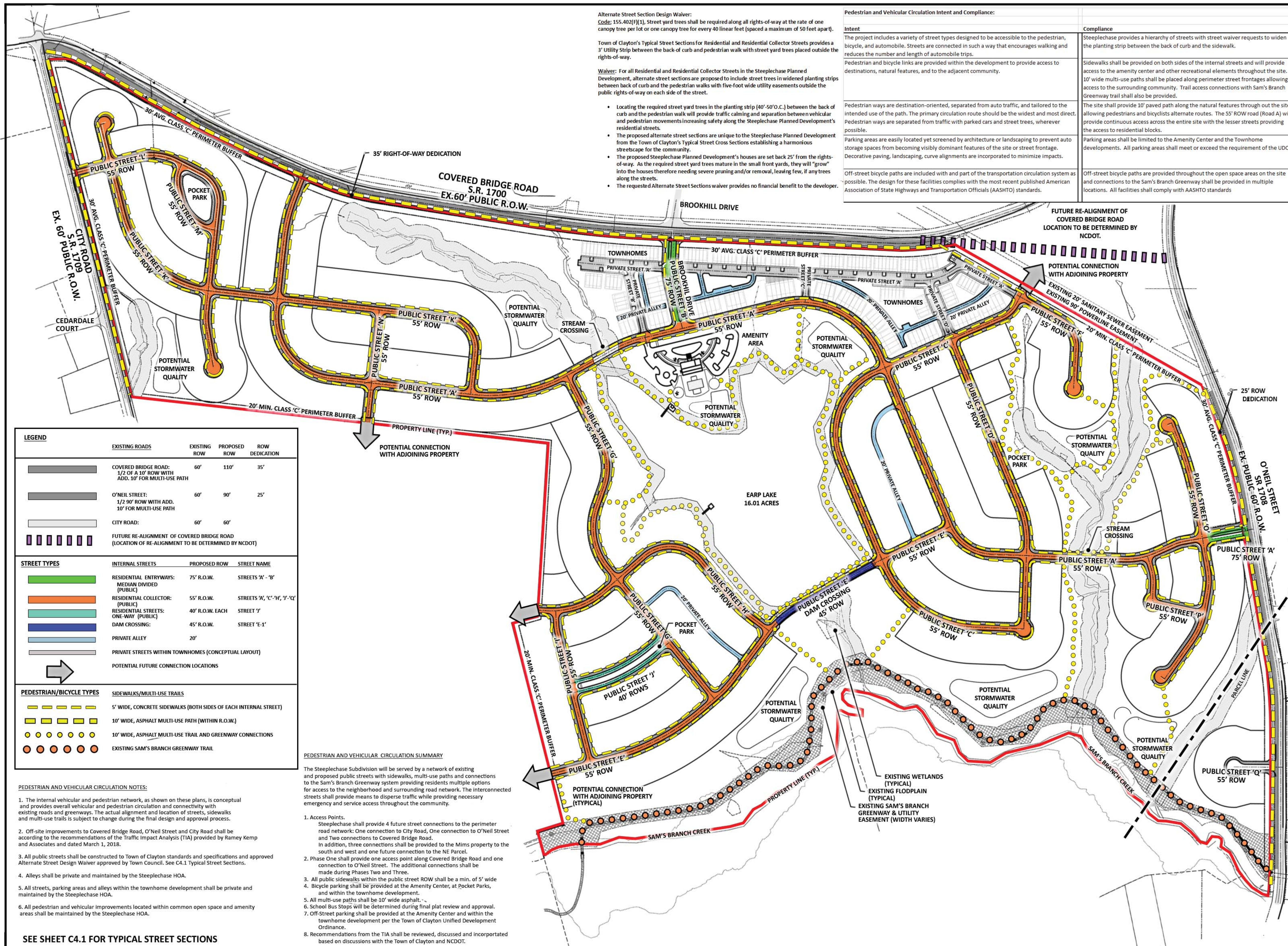
SHEWANDA H. HINES

CLAYTON, NC

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FR51
ORIGINAL DATE:	03/01/2018

SHEET:
C3.0



ESP Associates, Inc.
2200 Gateway Centre Blvd
Morrisonville, NC 27560
919-676-1070
www.espsolutions.com
NC LICENSE #F-1407

NO.	DATE	REVISION	BY	CHK	DATE
1	04-26-2018	TIC-157 REVIEW COMMENTS			

TRANSPORTATION AND CIRCULATION PLAN

STEEPLECHASE MASTER PLAN

CLAYTON, NC

SHEMANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KFM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018

SHEET: C4.0

[illegible]



MINI-PARK/POCKET PARK

- 1. MINIMUM 2500 SF AREA
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- SEATING
 - SHADE SHELTER
 - CHESS/CHECKERS TABLES
 - PUTTING GREEN
 - BOCCE BALL COURT
 - PLAY EQUIPMENT
 - FITNESS EQUIPMENT
 - BIKE RACK
 - DOG WASTE STATION



AMENITY CENTER/NEIGHBORHOOD PARK

- 1. MINIMUM 1-5 ACRES
- 2. MAINTAINED BY HOA
- 3. POOL MINIMUM 5,000 SF
- 4. CLUBHOUSE 9,000 SF

- MAY INCLUDE:
- POOL
 - PLAYGROUND
 - OUTDOOR SEATING/DINING
 - PUTTING GREEN
 - SCENIC OVERLOOK
 - GATHERING SPACE
 - FITNESS CENTER
 - BIKE RACKS
 - CENTRAL MAILBOX KIOSK



POCKET PARKS

- 1. SIZE 2,500 SF - 1 ACRE
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- PLAYGROUND
 - NATURAL OPEN PLAY
 - DOG PARK
 - BENCHES
 - DOG WASTE STATIONS



LAKE SHORE PARK

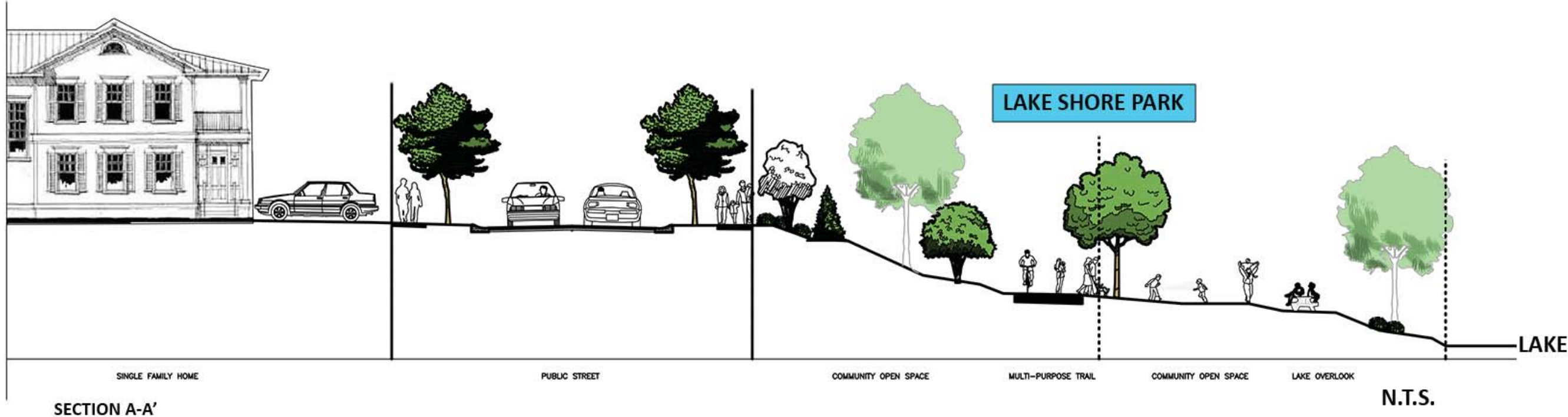
- 1. MINIMUM SIZE 1-5 ACRES
- 2. MAINTAINED BY HOA

- MAY INCLUDE:
- PICNIC TABLES
 - MULTI-USE TRAIL
 - NON-MOTORIZED BOATING
 - FISHING
 - NATURAL OPEN PLAY
 - DOG PARK
 - BENCHES
 - DOG WASTE STATIONS



MULTI-USE PATHS/
GREENWAY CONNECTIONS

- 1. FOLLOW NATURAL FEATURES
- 2. MAINTAINED BY HOA



ESP Associates, Inc.
2200 Gateway Center Blvd
Suite 216
Mooresville, NC 28117
www.essassociates.com
NC LICENSE #F-1407

NO.	DATE	REVISION	BY	REVIEW	COMMENTS
1	04-06-2018		KRM		THE 1ST REVIEW COMMENTS

RECREATION AND OPEN SPACE

STEPPLECHASE MASTER PLAN

CLAYTON, NC

SHENANDOAH HOMES

PROJECT INFORMATION

PROJECT MANAGER:	KRM
DESIGNED BY:	KRM
DRAWN BY:	KRM
PROJECT NUMBER:	FRS1
ORIGINAL DATE:	03/01/2018

SHEET:

C6.1

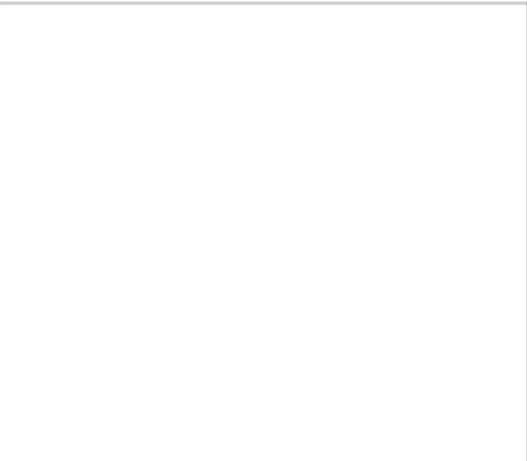


FRONT ELEVATION - COLOR RENDERING

CERTAINTEE® LANDMARK ASPHALT ROOF SINGLES
COLOR: CHARCOAL - ARCHITECTURAL STYLE



NOTE: ALTERNATE ROOFING: BLACK
STANDING SEAM METAL



PURE WHITE (SW 7005)

FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT BAND
w/ DRIP CAP
COLOR: PURE WHITE (SW 7005)

EFIS OR STUCCO TYP.
COLOR: ULTRA WHITE (330)



FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

EFIS OR STUCCO TYP.
COLOR: ULTRA WHITE (330)

ARCHITECTURAL ASPHALT ROOF
SINGLE - CHARCOAL BLACK, TYP.
ALT: S.S. METAL ON STEEPLES
NON-ROT RAILING SYSTEM
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT PANEL
COLOR: TRICORN BLACK (SW 6258)

ARCHITECTURAL
ASPHALT ROOF SINGLE -
CHARCOAL BLACK, TYP.
ALT: S.S. METAL

FIBER-CEMENT TRIM BOARDS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

FIBER-CEMENT BAND
w/ DRIP CAP
COLOR: PURE WHITE (SW 7005)

DECORATIVE WALL SCONCE
COLOR: BLACK METAL

FIBER-CEMENT LAP SIDING
w/ TRUE 45 DEGREE CORNERS
COLOR: PURE WHITE (SW 7005)

STOREFRONT GLASS w/ 2" MULLIONS
COLOR: WHITE

1
A0.0
1/4" = 1'-0"

FRONT ELEVATION

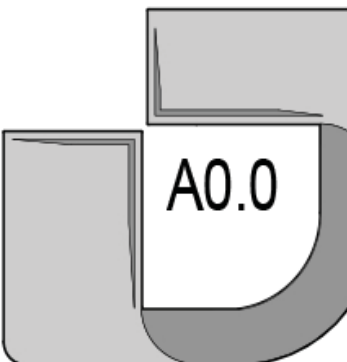
OVERALL BUILDING HEIGHT 39'-2" AFF

NO.	REVISION	DATE

SHEET DESCRIPTION
PLANNING
ELEVATION

PROJECT #:	2018.006
DATE ISSUED:	02/25/2018
DRAWING BY:	BSJ
CHECKED BY:	DSC

STEEPLECHASE AMENITY
SHENANDOAH HOMES
CLUBHOUSE CONCEPT
CLAYTON, NC





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

May 29, 2018
Planning Board

STAFF REPORT

Application Number: 2018-31-SD

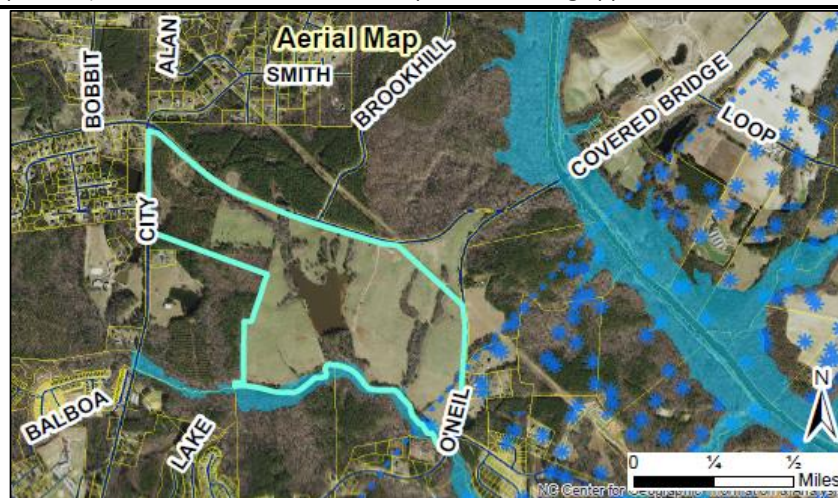
Project Name: Steeplechase Planned Development Master Plan

NC PIN / Tag #: Southern portion of 166900-39-5182 / 05h02009
Town Limits/ETJ: Town Limits
Overlay: Southeasternmost 9.71 acres in Watershed Protection Overlay
Applicant: Shenandoah Homes Inc.
Owner: Raymond Elmore Earp, Jr. Family Trust, Nancy Crews Earp Trustee, and Mary Worley
Location: 266.72± acres generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase horse races.

Public Noticing:

- Neighborhood meeting held on May 10, 2018
- Sign posted May 18, 2018
- Letters mailed June 5, 2018
- Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Entitle the Master Plan for the Steeplechase Planned Development, up to 600 dwellings on 266.72± acres of the Earp tract. (The associated Planned Development rezoning application is #2018-30-PDD.)



SITE DATA:

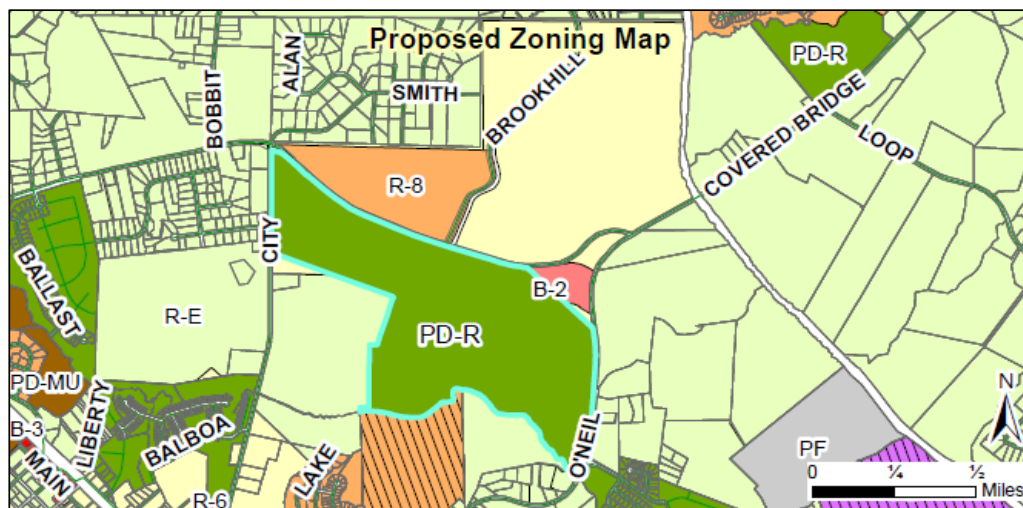
Acreage: 266.72± acres; the southern portion of the Earp tract.

Existing Use: Vacant/Agricultural

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-10, Residential-8, and small portion of Neighborhood Business (B-2)	Vacant
South	Residential-Estate, Residential-8-Special Use District	Town Park (Legend Park), Vacant
East	Residential-Estate	Vacant, Single family residential
West	Residential-Estate	Vacant, Agricultural, Single family residential

Although currently zoned R-10 and a small portion B-2, this tract is proposed for a rezoning to Planned Development-Residential, as part of an associated application (2018-30-PDD).



DEVELOPMENT DATA:

Proposed Uses: 585 residential units (600 max.) with approx. 161 of those as townhomes; amenity center; recreational waterbody; multi-use trails; parks.

Number of Stories: Maximum height of 35' for single family and 45' for townhomes.

Proposed Impervious Surface: From 50% on the largest residential lots to 90% on the townhomes and narrowest residential lots. Due to lots of open space, the overall impervious surface for the tract will be closer to 40%.

Required / Proposed Parking:	2 spaces per unit / 2 spaces per unit; Townhomes with shared parking will also provide 1 guest parking space per four units.
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	There will be major access points to N. O'Neil Street, Covered Bridge Road and City Road. Stub-outs are also provided to the west and south (to the Mims Property) and to the north (which will ultimately connect to a realigned Covered Bridge Road).
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton & Duke; the tract has portions that will be served by each.

STAFF ANALYSIS:

Overview

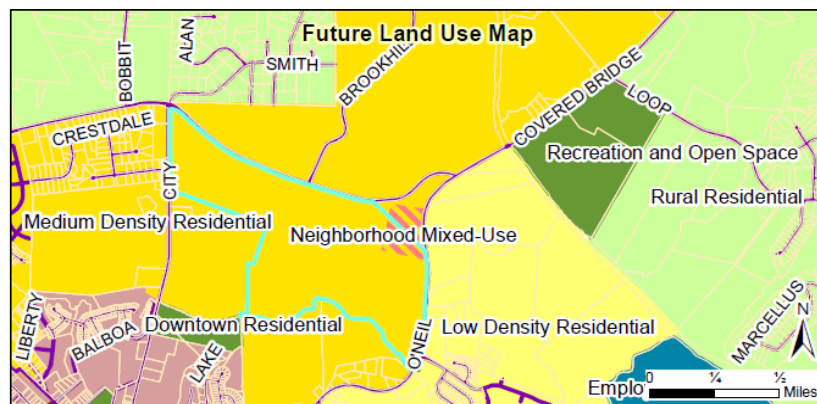
The applicant is requesting to establish a Planned Development via Master Plan approval for 600 dwellings on 266± acres on the Earp Property. The tract is generally located west of O'Neil Street, north of Sam's Branch Creek, east of City Road, and south of Covered Bridge Road; site of the old Steeplechase horse races. There will be major access points to N. O'Neil Street, Covered Bridge Road and City Road. Stub-outs are also provided to the west and south (to the Mims Property) and to the north (which will ultimately connect to a realigned Covered Bridge Road). Townhomes (accounting for almost 25% of the total units) are clustered along Covered Bridge Road and the other single family detached homes of various lot sizes are dispersed throughout the site. The homes are connected by a series of multi-use trails, which ultimately connect to the Sam's Branch Greenway and a multi-use trail which is proposed along the property boundary on City Road, Covered Bridge Road, and N O'Neil Street. A unique street design incorporates wide planter strips that bring trees between edge of curb and sidewalks to provide for traffic calming, and enhanced pedestrian environment, and (in the future) a canopy road. The lake is retained as a recreational feature (including a boat dock and fishing pier), and pocket parks are scattered throughout as an amenity. Nearly a third of the site is retained as resource conservation areas, open space, or amenity/park areas.

Consistency with Adopted Plans:

- **Comprehensive Plan**

The Comprehensive Plan 2040 designates this property as "medium density residential" in the (underlying) residential future land use, with a small "neighborhood mixed-use" (aka "neighborhood center") located in the northeast corner. The requested planned

development is compatible with this category(ies) based on the proposed density (2.19± dwellings/acre), requested zoning change, and master plan.



- **Unified Development Code**

If approved, the proposed development will be consistent with the Unified Development Code (UDC). Dimensional standards and other associated criteria are required to be consistent with the approved Master Plan.

Compatibility with Surrounding Land Uses

The proposed use is a residential subdivision and is compatible with the surrounding land uses, which are primarily single family residential (served by private septic), or vacant. The sewer line that was recently installed by the Town along Sam's Branch Creek (the southern border of the property), will allow the development to be served by Town sewer service. Even with the additional density often associated with public sewer service, the overall density of the tract will be 2.19± units per acre, with ample landscape buffers provided along the perimeter. This is due to the massive amounts of open space, the preservation of the pond, and the large riparian areas and external landscaping buffer areas incorporated into the design. The multifamily portion of the project (townhomes) are clustered along Covered Bridge Road.

Development Standards

The proposed lot standards are shown below, and recorded on the "Housing Types" sheet of the plans (currently Sheet 5.0). A variety of lot sizes and housing types are proposed. Garages are setback enough to accommodate a parked car in the front without encroaching into the sidewalk. Maximum building heights are comparable with other single family residential neighborhoods, and the townhomes are proposed at up to 45' tall. Townhomes will be either alley-loaded or with shared, surface parking.

LOT STANDARDS								
HOUSING TYPE	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	TYPICAL LOT WIDTH/DEPTH	MINIMUM LOT SIZE (SF)	MAXIMUM IMPERVIOUS AREA	BUILDING SETBACKS		BEDROOMS
42' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	42'	110'	42' x 120'	5,000 SF	90%	FRONT: (F)	22'	3-5
						CORNER SIDE: (C)	10'	
						SIDE: (S)	5'	
						REAR: (R)	10'	
						ACCESSORY: (A)	5'	
55' SINGLE FAMILY 2-CAR GARAGE ALLEY LOADED	55'	130'	55' x 150'	8,000 SF	60%	FRONT: (F)	20'	3-5
						CORNER SIDE: (C)	10'	
						SIDE: (S)	6'	
						REAR: (R)	23'	
						ACCESSORY: (A)	5'	
60' SINGLE FAMILY 2-CAR GARAGE FRONT LOADED	60'	130'	60' x 150'	9,000 SF	50%	FRONT: (F)	25'	3-5
						CORNER SIDE: (C)	10'	
						SIDE: (S)	6'	
						REAR: (R)	15'	
						ACCESSORY: (A)	5'	
70' SINGLE FAMILY 2-CAR GARAGE FRONT/SIDE LOADED	70'	130'	70' x 150'	10,000 SF	50%	FRONT: (F)	25'	3-5
						CORNER SIDE: (C)*	10'	
						SIDE: (S)	6'	
						REAR: (R)	15'	
						ACCESSORY: (A)	5'	
*SIDE LOADED GARAGES SHALL HAVE A 23' CORNER SIDE SETBACK TO FACE OF GARAGE								
TOWNHOMES	18' - 22'	NONE	VARIES	1,200 SF	90%	FRONT: (F)	15'	3
					WITHIN EACH LOT	CORNER SIDE: (C)	10'	
						SIDE: (S)	5'	
						INTERIOR SIDE	0'	
						REAR: (R)	10'	
						ACCESSORY(Attached-No Garage Option)	5'	

Landscaping and Buffering

A Class C perimeter landscaping buffer is required along the boundary of residential planned developments. The riparian area is used to meet the requirement where it coincides with the property line on the south, and elsewhere a generous (min. 20' width) landscaping buffer is proposed. A multi-use trail is proposed on the public roads bordering the project. Street trees are provided throughout, per code, with a unique streetscape proposed that provides a generous 7.5'-8.0' planting strip. This planting strip is much wider than other projects with this street profile (ex – Parkview, 6'), and even wider than the minimum required by other jurisdictions, such as Wake Forest (6.5') or Raleigh (6').

Recreation and Open Space

Recreation and open space requirements have been met by the overall Planned Development, sufficient to justify the payment of half recreation impact fees. Nearly a third of the development is open space, recreation area, or resource conservation area, including the 16-acre pond, which will have a boat dock and fishing pier. The dam on the pond ("Earp Lake") will be reconstructed and a road constructed on top. There will be a walking trail circling the pond. Pocket parks will be distributed throughout the community, to serve more local needs for open space and recreation. A main amenity area provides the focal point, with a pool, playground, adult playground (i.e. – putting green), and other associated nonresidential amenities (coffee shop, small food service restaurant, possibly a small postal service shop, etc.) that support a larger residential area. These amenities are intended for the residents only, and will not draw people from the surrounding neighborhoods.

Access/Streets

The development provides one major access point on N. O'Neil Street, two major access points on Covered Bridge Road, and one major access point on City Road. A smaller entrance will serve a cul-de-sac for 6± units on N. O'Neil Street, closer to the Town's Sam's Branch trailhead parking lot. Stub-outs are also provided to the west, to connect to the adjacent Mims property, which will provide interconnectivity when that property develops. Right-of-way is dedicated to the NCDOT proportional with planned future expansions to adjacent state highways.

A stub-out is provided to the northeast that will one day connect under the electric transmission lines over to a re-aligned Covered Bridge Road. It is unclear at this time if the realignment will be included in a phase of this development. It may be necessary to pave the extension a little further (i.e. – completely across the transmission line easement) to ensure this connection occurs. If it does not occur, then this section of the neighborhood will exceed the maximum cul-de-sac length, which was established to protect health/safety by providing adequate emergency services access.

The townhome sections are either rear-loaded with garages on the lot, or with shared, surface parking. The streets serving these sections are proposed as either private streets or private alleys. Private streets must still meet the construction standards for the Town, per code, including vertical street design profiles. Private alleys are proposed at 20' wide, and units served by alleys will front on public streets.

Multi-Modal Access

Sidewalks are provided along both sides of each street, with private greenways (multi-use trails) provided throughout the development. These private greenways connect to the public Sam's Branch Greenway along the creek, as well as to perimeter greenways along City Road, Covered Bridge Road, and N. O'Neil Street. The reconstructed dam will also have a greenway across it, which will serve as part of the walking loop around the pond.

Traffic Impact Analysis

The Traffic Impact Analysis (TIA) for this project is currently under review by NCDOT, and comments are expected to be delivered prior to the Planning Board meeting, with impacts discussed at that time.

Garbage / Recycling

Roll-outs will be at each single family detached home. Compactors will be used for the multi-family (townhome) section.

Architecture/Design

Since there is no proposed minimum home size for the single family detached residential, it is assumed that these homes will meet the minimum floor area requirements of the Code, which are easily achievable. No materials are specified for the townhomes, so it is assumed that the architecture will be consistent with the amenity center, which is themed after horse racing venues and includes fiber-cement siding and asphalt shingles on the roof.

Waivers/Deviations/Variations from Code Requirements

- The development will use the pond as part of the amenity package, which will involve the development of access points to serve the residents.

CONSIDERATIONS:

- This approval is subject to concurrent approval of the Planned Development rezoning, 2018-30-PDD.
- Since this master plan does not meet the requirements of a preliminary plat, each individual phase or amenity area shall require review and approval as either a Minor Preliminary Plat or Minor Site Plan, prior to platting.
- Off-site traffic improvements have yet to be determined.

FINDINGS:

The applicant has addressed the Master Plan Approval Criteria outlined in §155.705(K) and §155.706(I)(10).

CONDITIONS:

If approved, staff recommends the following conditions be applied:

General

1. Following Board approvals, three copies of the Planned Development Master Plan meeting the Conditions of Approval shall be submitted to Planning Department for final approval. The Conditions of Approval for the master plan shall be recorded on the cover sheet and shall be binding upon the master preliminary plat and upon the planned development rezoning.
2. Recreational amenities shall be constructed prior to or concurrent with any adjacent phases, and shall at all times provide enough amenity facilities to serve the portion of the project that is platted. The pond shall not be counted in this calculation of proportional amenity area, but shall be developed at the time of the main clubhouse building.

3. Each individual phase, park, greenway section, or amenity area shall be reviewed as either a minor preliminary plat or minor site plan, prior to associated plat recordation.
4. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed.
5. Any right-of-way dedication shall occur concurrently with (or before) the platting of the adjacent phase.
6. All roadway and traffic improvements recommended by the Town and/or NCDOT shall be constructed or financially guaranteed prior to the platting of the phase of development that will trigger their necessity. If no phase is specified, the improvements shall be required immediately.
7. All required landscaping buffers or plantings shall be installed or bonded prior to the platting of the phase in which they occur.
8. Multi-use trails shall be constructed or bonded prior to platting for the phase in which they occur.
9. Multi-use trails along existing public rights-of-way (City Road, Covered Bridge Road, N O'Neil Street) shall be constructed or bonded prior to platting for the adjacent phase.
10. Review and site plan approval of multi-use trails shall occur prior to platting for the phase in which they occur, or are adjacent to.
11. Prior to site grading and construction activities, tree protection fencing shall be installed around all Resource Conservation Areas and other areas of protected vegetation.
12. The pond ("Earp Lake") will serve as part of the amenity package, which will involve the development of access points to serve the residents.
13. Unless otherwise specified and approved, the materials for the townhomes shall be consistent with that used for the other nonresidential building on site - the clubhouse - which consists of fiber-cement siding and asphalt shingles.

ATTACHMENTS:

- 1) Application
- 2) Map
- 3) Neighborhood Meeting Materials
- 4) Master 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: 919-553-1770

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Private Streets Amendment
Private Streets (600), Sidewalks (600), Lots and Blocks

Existing title of Code Section(s): (600)

Code Section Number(s): Title XV, Chapter 155, Articles 602 and 603

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton, Planning Department

Mailing Address: P.O. Box 879, Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

Contact Person: Haley Hogg (Planner) or Samantha Wullenwaber (Planning Director)

Email Address: hhogg@townofclaytonnc.org or swullenwaber@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

The purpose of this amendment is to allow lots to front on private streets as well as public streets. This amendment includes design standards for private streets, which will vary based upon the number of lots such streets will serve. These standards are proposed to ensure public safety and long-term durability of private streets.

FOR OFFICE USE ONLY

Date Received: APR 16 2018

Amount Paid: N/A - Town initiated

File Number: 2018-74-DA

Version 05/10/2016

Page 1 of 2

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:	For staff use only:				
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	X			
2. Review Fee and Advertisement Fee	☐	X			
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The proposed changes are consistent with the remainder of the chapter.
2. The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed changes creates specific design standards for private streets that do not exist currently.
3. Whether or not the proposed text amendment corrects an error in the chapter.
The proposed amendment does not correct an error in the chapter.
4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed amendment does not revise the chapter to comply with state or federal statutes or case law.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Code of Ordinances 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.

Haley Hogg
Print Name

Haley Hogg
Signature of Applicant

4-16-18
Date

ARTICLE 6: SUBDIVISION STANDARDS

CONTENTS:

§ 155.600 APPLICABILITY	1
§ 155.601 SEQUENCE OF IMPROVEMENTS	2
§ 155.602 STREETS	3
§ 155.603 LOTS AND BLOCKS	13
§ 155.604 UTILITIES.....	Error! Bookmark not defined.
§ 155.605 PUBLIC FACILITIES	Error! Bookmark not defined.
§ 155.606 PERMANENT REFERENCE POINTS	Error! Bookmark not defined.
§ 155.607 GUARANTEE OF IMPROVEMENTS	Error! Bookmark not defined.

§ 155.600 APPLICABILITY

- (A) This subchapter shall apply to all development within the town's planning jurisdiction, unless expressly exempted by the language of the sections below.
- (B) Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements specified in this subchapter or guaranteed their installation as provided.
- (C) No municipal services or utilities shall be extended or furnished to any subdivision either within or outside the town until the applicant shall have installed the improvements specified in this subchapter or guaranteed their installation as provided.
- (D) The appropriate acreage fees in accordance with § 50.02 of the town code of ordinances, which addresses the water and sewer extension policy, shall be collected by the town prior to permission being granted to connect lines serving the property to the town's facilities.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.601 SEQUENCE OF IMPROVEMENTS

Subdivision improvements shall be installed on the site in the following sequence:

- (A) Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement.
- (B) Street base material.
- (C) Curb and gutter and sidewalks.
- (D) Street paving.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.602 STREETS

(A) GENERAL

- (1) Streets within the town are intended for multi-purpose use, as follows:
 - (a) To carry motor vehicle traffic, and, in some cases, allow on-street parking;
 - (b) To provide a safe and convenient passageway for pedestrian traffic; and
 - (c) To serve as an important link in the town's drainage system.
- (2) All public streets which serve properties connected to the town's utility system shall be constructed in conformance with town standards and specifications; however, if the roadway is maintained by NCDOT, then the roadway shall be constructed in conformance with either town or NCDOT standards and specifications, whichever is more stringent.
- (3) If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with § 155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6.

(B) STREET IMPROVEMENTS

- (1) Required Improvements
- (1) The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the town's Engineering Design Manual.
 - (a) The applicant shall be responsible for making improvements to thoroughfare rights-of-way, as designated on the town's Transportation Plan. The improvements to be installed are as follows: the thoroughfare sub-base and surface paving materials, thoroughfare grading, and the remaining standards of applicable minimum residential, residential collector, collector, or commercial streets shall be made to extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 1. The thoroughfare improvements would provide necessary access to the development or adjoining properties.
 2. The improvement would be an extension of an already existing section of thoroughfare roadway.

3. The traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

(2) **Fee-In-Lieu**

- (a) The town may require a fee-in-lieu of installation payment to the town for minimum residential, residential collector, collector, or commercial streets for the length of the thoroughfare if any of the following criteria are met:
 1. No direct access to the thoroughfare is proposed.
 2. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation.
 3. Where the new thoroughfare right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible.
- (b) The Town Council may allow fee-in-lieu of minimum street construction payments to the town for residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:
 1. Where existing unimproved streets have:
 - A. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 - B. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 - C. There are no plans for town improvements on the same block; and
 - D. The area is sufficiently developed (75% of the block) such that few future subdivision or site plan submittals are anticipated.
 2. Where construction of the streets by the town or other party is imminent.
 3. Where construction of only a sidewalk is required without street improvements, and the new sidewalk is less than one block in length and would not connect to an existing sidewalk.
 4. Where approved by the Town Council for a new street that traverses a site when:
 - A. Street construction will not connect to an existing improved street;
 - B. There are no plans to construct an adjoining street in the near future; and
 - C. A letter of credit is not an appropriate financial security.

5. Where approved by the Town Council, when for reasons of topography, street construction is impractical due to:
 - A. The need for off-site construction or slope encroachment;
 - B. Proper street alignment should be determined with off-site development; or
 - C. Design of bridges or culverts are required and only a portion of the structure is on the development's property.
- (c) Developments will not be responsible for the cost and installation of any paving construction requirements along existing or planned roadways, if any of the following conditions exist:
 1. The roadway is a freeway, expressway or any other fully controlled access facility.
 2. The roadway is in the town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the town.
 3. The roadway is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no town contribution or participation in funding the project. If the town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution towards town-funded improvements.

(C) **STREET CLASSIFICATION**

In all new subdivisions, streets that are dedicated to public use shall be classified as provided in (D) of this section.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day or during the peak hour of the day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive; and
- (3) Whenever a subdivision street continues on an existing street or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(D) **STREET TYPES**

See Defined Terms (§155.802) for description of each Street Type.

- (1) Residences should not front on a major thoroughfare.

- (2) Where a parcel of land to be subdivided adjoins a major thoroughfare, the Planning Board or Town Council may require that such lots be provided access by a frontage road.

(E) **THOROUGHFARE DEDICATION**

- (1) Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare system roadway and is so designated in the town's Transportation Plan, after such part of it has been adopted by the proper authority, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. This requirement shall not require the applicant to dedicate rights-of-way unless indicated on the town's Transportation Plan. It is the responsibility of the applicant to take future roadway plans of the town and the NCDOT into account when laying out a development plan.
- (2) Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such improvements shall be in conformance with town standards and shall be measured from the right-of-way centerline.

(F) **CROSS-SECTIONS**

- (1) Appropriate street cross-sections shall be approved by the town or NCDOT. Appendix A contains approved street cross-sections for the town. Alternative cross-sections may be approved by the Town Council as a waiver (see § 155.706(l)(7)), and when necessary in conjunction with NCDOT.
- (2) Cul-de-sacs shall be used only when it is determined by the Town Council that extension of the street to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential streets serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and sanitation trucks. Medians may be permitted where the cul-de-sac radius is increased and it can be demonstrated that emergency vehicles and sanitation trucks can be accommodated. Unless specifically agreed upon with the town, landscaped medians are not to be maintained by the town, and a private maintenance agreement for the median shall be required to be approved by the Town Attorney.
- (3) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified in Appendix A. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way, measured from the center line of the existing street, shall be provided where a new subdivision is located on one side of an existing street.
- (4) A slope easement of 20 feet in width may be required adjoining each side of a street right-of-way. The town may reduce or increase the slope easement width, if due to terrain. If the applicant submits to the town sufficient information to show that improvements to be located in the slope easement do not interfere with the right of the public to construct within

the adjoining right-of-way streets, sidewalks, or both, then the town shall allow the proposed improvement.

(G) **CUL-DE-SAC LENGTH**

- (1) No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
- (2) No commercial street cul-de-sac shall exceed 400 feet in length.

(H) **SIDEWALKS**

- (1) In order to enhance pedestrian safety and mobility, except as set forth below, sidewalks shall be required on both sides of all streets (see Appendix A for approved street cross-sections).

(a) Sidewalks shall not be required on the following roadways:

1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, open space, trail or greenway lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required.
2. Residential streets serving less than or equal to ten dwelling units. Corner lots that have frontage on both a connective or loop street shall not be included in determining the number of dwelling units served by the street. Street stubs temporarily serving ten lots or less shall provide sidewalks on both sides of the street.

3. Class "A" and Class "B" private streets.

3-4. Commercial street cul-de-sacs that are less than 150 feet in length.

(b) Sidewalks shall be required on only one side of a frontage road.

- (2) Sidewalk access ramps, also commonly referred to as wheelchair ramps for the physically handicapped, shall be provided at all intersections where curb and gutter are provided (see (I) of this section), and where sidewalks and/or greenway trails intersect any street.
- (3) Pedestrian crosswalks are required on any residential street at each intersection and at any mid-block pedestrian or bicycle connections.
- (4) The Town Council may allow a fee-in-lieu for sidewalk construction as set forth in (B)(2)(b) of this section.

(I) **CURB AND GUTTER**

Unless granted a waiver (see § 155.706(l)(7)) by the Town Council, all public streets, inside the corporate limits of the town and outside the town when water or sewer is connected to the town utility system, shall be constructed with curb and gutter (see Appendix A for approved street cross-sections). Curb and gutter shall be a combination curb and gutter or such other construction approved in the town's Engineering Design Manual. Rolled or valley-type curbs are permitted for new collector, residential collector, and residential streets.

(J) **RELATIONSHIP OF STREETS TO TOPOGRAPHY**

- (1) Streets shall be designed to relate appropriately to the topography of a site. In particular, streets shall be designed to facilitate the storm drainage requirements specified in § 155.604(E) and, subject to the design requirements relating to maximum grades set forth in (J)(2) of this section, street grades shall conform as closely as practicable to the original topography.
- (2) The maximum grade for street construction shall meet design requirements of the town or NCDOT. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety or cause any substantial degradation to the street or drainage system.

(K) **STREET LAYOUT**

- (1) The street layout of any development should be in conformity with the town's Transportation Plan and all other applicable adopted plans and policies of the town. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.
- (2) Each side of a collector street, commercial street or residential street shall, within every 1,500 foot length of the street, be intersected by at least one connective street. The 1,500 foot length shall be measured from the origination point, if established, of the collector, commercial, residential or residential street.
- (3) A waiver (see § 155.706(l)(7)) may be granted by the Town Council for developments that do not meet the above layout or creates a violation of this layout if:
 - (a) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation.
 - (b) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the 1,500-foot point, that would provide equivalent benefits as an intersecting street within 1,500 feet.
 - (c) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of 1,500 feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.

- (4) Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended, as determined by the Town Council, shall be terminated in a permanent cul-de-sac.
- (5) Where a proposed development will extend a public street that is already stubbed out to the property line, such extension as a public street shall be required.
- (6) Wherever there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required, constructed.
- (7) Where a through street or a series of streets establishes a connection between two public streets and the connection is greater than 1,200 feet in length, or the connection may encourage through traffic not generated by the development, the street shall be a public street, except in instances where the Town Council determines that requiring such connection to be a public street will serve no purpose, due to the existing or proposed street pattern, traffic flow or traffic volumes.
- (8) Where a proposed development utilizing private streets has an area of 20 or more acres, ~~at least one public through street must be provided in a location determined by the Town Council to assure continuity of the public street system, except in instances where the Town Council determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The~~ the Town Council may also require additional public through streets for the provision of emergency services, such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

(L) **CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All streets and sidewalks required by this section shall be constructed according to the specifications of the town's Engineering Design Manual, except that the Town Council may permit sidewalks to be constructed with other materials when they conclude that:

- (1) Such sidewalks would serve the residents of the development as adequately as concrete sidewalks;
- (2) Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; or
- (3) Such sidewalks could be maintained as adequately as concrete sidewalks.

(M) **PRIVATE STREETS**

(1) Intent

- (a) Private streets serving single-family residential lots shall be permitted only within the Residential-Estate zoning district.
- (b) The private street standards of this section establish private street design and construction standards that vary based upon the number of single-family lots such streets will serve. These standards are intended to ensure public safety and the long-term durability of private streets while keeping public improvement costs as low as possible for the smallest of subdivisions.
- (c) The Town requires the logical and safe extension of public streets throughout the Town's jurisdiction. The Town shall allow private streets as outlined below, so long as the private streets are designed to protect the health, safety, and welfare of the residents whose primary access is the private street.
- (d) Private streets shall be designated on final plats as either "existing", "new", or "extended", in accordance with the standards of this section. Further, the initial purchasers of a newly created lot served by a private street shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.
- (e) In the event that private streets are later made public through dedication to the Town, such streets shall be brought up to the current public construction and maintenance standards, prior to their acceptance by the Town.

~~All private streets shall be constructed according to the town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The town shall have the discretion to require a public street connection for safety or access purposes.~~

~~The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchasers of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.~~

~~All private streets shall be maintained by a designated responsible party in accordance with town standards.~~

~~Where private streets are later made public through dedication to the town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the town.~~

(2) Existing Private Streets

- (a) Private access easements or streets, the existence of which as of July 1, 2018, can be established by documentary evidence, aerial photograph, or judicial decree, will be considered existing private streets.

- (b) All other private streets are considered new private streets or extensions of existing private streets, and must meet the standards set forth in sections (M)(3) and (M)(4) below.

(3) New or Extended Private Streets

- (a) New or extended private streets that serve as frontage for lots shall meet or exceed private street standards within this section.
- (b) Where an extension of an existing private street is proposed, the connecting private street shall be upgraded to comply with the private street standards within this article.

(4) Class "A" and "B" Private Streets

- (a) Class "A" private streets shall be permitted only when the proposed street will provide a maximum of six to ten single-family residential lots. Extensions of private streets that will result in the provision of more than ten (10) lots shall be brought up to public street standards as set forth by the Town of Clayton.
- (b) Class "B" private streets shall be permitted only when the proposed street will provide a maximum of five (5) single-family residential lots. No extension of a Class "B" private street beyond five (5) lots shall be permitted. Extensions of such roads that will result in the provision of more than five (5) lots shall be permitted only if the entire length of the road is brought up to Class "A" private or public street standards (based upon the number of lots to be served).
- (c) Subdivisions proposing lots served by private streets shall record the following notation on the final plat: "Further subdivision of any lot shown on this plat may require upgrades to the private street or its conversion to a public street, based upon the number of lots to be served. All maintenance and repair of private streets shall be borne by the owners of the lots served by the private street".

(5) Design Standards for Private Streets

- (a) These standards described herein are the minimum set forth by the Town of Clayton for Class "A" and Class "B" private street standards.
- (b) Class "A" private streets shall be paved and designed in accordance with the requirements outlined in the Town of Clayton Engineering Design Guidelines manual.
- (c) Class "B" private streets may consist of alternative materials as permitted by the Town Engineer, and shall be designed in accordance with the requirements outlined in the Town of Clayton Engineering Design Guidelines manual.
- (d) Class "A" and Class "B" private streets shall maintain 20' travel-way width to provide access for emergency vehicles.

(e) The property owners are responsible for all maintenance of Class "A" and Class "B" private streets, and shall be required to enter into a road maintenance agreement prior to plat recordation.

(N) **STREET NAMES AND SIGNS**

- (1) Street names shall be subject to the approval of the Planning Department and Johnston County, ~~Town Council~~. New street names shall not duplicate or be similar to existing street names in Johnston County. Existing street names, however, shall be projected where appropriate.
- (2) Street name signs shall be in place prior to approval of any certificate of occupancy for structures to be located on the street.

(Ord. 2005-11-02, passed 11-21-05; (Ord. 2016-04-04, adopted 2016-04-04)

§ 155.603 LOTS AND BLOCKS

(A) LOTS

- (1) Every lot shall abut or front on a public or private street that complies with all applicable standards of this ordinance. ~~street.~~
- (2) Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas. All lots approved after January 6, 1997 shall contain the minimum required lot width of the applicable zoning district within 50 feet of the street right-of-way adjoining the front yard.
- (3) Double frontage lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a street of residential scale, and discouraged or prohibited on the thoroughfare.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

(B) BLOCKS

- (1) Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- (2) Blocks shall not exceed 1,500 feet in length.
- (3) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (4) A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
- (5) A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

(Ord. 2005-11-02, passed 11-21-05)

ARTICLE 6: SUBDIVISION STANDARDS

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§ 155.600 APPLICABILITY

- (A) This subchapter shall apply to all development within the town's planning jurisdiction, unless expressly exempted by the language of the sections below.
- (B) Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements specified in this subchapter or guaranteed their installation as provided.
- (C) No municipal services or utilities shall be extended or furnished to any subdivision either within or outside the town until the applicant shall have installed the improvements specified in this subchapter or guaranteed their installation as provided.
- (D) The appropriate acreage fees in accordance with § 50.02 of the town code of ordinances, which addresses the water and sewer extension policy, shall be collected by the town prior to permission being granted to connect lines serving the property to the town's facilities.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.601 SEQUENCE OF IMPROVEMENTS

Subdivision improvements shall be installed on the site in the following sequence:

- (A) Street grading and installation of water distribution lines, sanitary sewers, storm sewers, gas, telephone, cable television, and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement.
- (B) Street base material.
- (C) Curb and gutter and sidewalks.
- (D) Street paving.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.602 STREETS

(A) GENERAL

- (1) Streets within the town are intended for multi-purpose use, as follows:
 - (a) To carry motor vehicle traffic, and, in some cases, allow on-street parking;
 - (b) To provide a safe and convenient passageway for pedestrian traffic; and
 - (c) To serve as an important link in the town's drainage system.
- (2) All public streets which serve properties connected to the town's utility system shall be constructed in conformance with town standards and specifications; however, if the roadway is maintained by NCDOT, then the roadway shall be constructed in conformance with either town or NCDOT standards and specifications, whichever is more stringent.
- (3) If the final plat for a residential subdivision outside the town limits but within the town's extraterritorial jurisdiction has been approved and improvements have been guaranteed by the developer in accordance with § 155.607, the applicant shall provide the town and purchasers of land in the subdivision with an agreement providing for adequate maintenance of the newly constructed streets until such time that the streets are taken over by the NCDOT, as required by G.S. § 136-102.6.

(B) STREET IMPROVEMENTS

- (1) Required Improvements
 - (1) The applicant shall be responsible for the cost and installation of the applicable standard residential, residential collector, collector, or commercial street width and pavement design requirements. Paving shall be installed for roadways through and adjoining the development in accordance with town standards and specifications (or NCDOT standards if applicable). The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the town's Engineering Design Manual.
 - (a) The applicant shall be responsible for making improvements to thoroughfare rights-of-way, as designated on the town's Transportation Plan. The improvements to be installed are as follows: the thoroughfare sub-base and surface paving materials, thoroughfare grading, and the remaining standards of applicable minimum residential, residential collector, collector, or commercial streets shall be made to extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 1. The thoroughfare improvements would provide necessary access to the development or adjoining properties.
 2. The improvement would be an extension of an already existing section of thoroughfare roadway.

3. The traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

(2) Fee-In-Lieu

- (a) The town may require a fee-in-lieu of installation payment to the town for minimum residential, residential collector, collector, or commercial streets for the length of the thoroughfare if any of the following criteria are met:
 1. No direct access to the thoroughfare is proposed.
 2. The minimum street improvement is one-half of an existing unimproved right-of-way, and improvements, if constructed, would not be used for traffic circulation.
 3. Where the new thoroughfare right-of-way is only partially contained on the development site and therefore, construction of only a portion of the new street cross-section is possible.
- (b) The Town Council may allow fee-in-lieu of minimum street construction payments to the town for residential, residential collector, collector, or commercial streets if any of the following criteria and their conditions are satisfied:
 1. Where existing unimproved streets have:
 - A. Insufficient lineal footage to serve overall traffic circulation purposes or interrupts an existing swale/ditch storm drainage system with curb and gutter, which would disrupt the drainage system operation;
 - B. Curb and gutter improvements would not connect to existing curb and gutter, or there are no similar improvements on the same block;
 - C. There are no plans for town improvements on the same block; and
 - D. The area is sufficiently developed (75% of the block) such that few future subdivision or site plan submittals are anticipated.
 2. Where construction of the streets by the town or other party is imminent.
 3. Where construction of only a sidewalk is required without street improvements, and the new sidewalk is less than one block in length and would not connect to an existing sidewalk.
 4. Where approved by the Town Council for a new street that traverses a site when:
 - A. Street construction will not connect to an existing improved street;

- B. There are no plans to construct an adjoining street in the near future; and
- C. A letter of credit is not an appropriate financial security.
- 5. Where approved by the Town Council, when for reasons of topography, street construction is impractical due to:
 - A. The need for off-site construction or slope encroachment;
 - B. Proper street alignment should be determined with off-site development; or
 - C. Design of bridges or culverts are required and only a portion of the structure is on the development's property.
- (c) Developments will not be responsible for the cost and installation of any paving construction requirements along existing or planned roadways, if any of the following conditions exist:
 - 1. The roadway is a freeway, expressway or any other fully controlled access facility.
 - 2. The roadway is in the town's Capital Improvement Program, final design plans have been initiated, and the project will fall under the assessment policy of the town.
 - 3. The roadway is on NCDOT's Transportation Improvement Program, final design plans have been initiated, and there will be no town contribution or participation in funding the project. If the town funds a portion of the project, then a fee-in-lieu of installation will be required as a contribution towards town-funded improvements.

(C) **STREET CLASSIFICATION**

In all new subdivisions, streets that are dedicated to public use shall be classified as provided in (D) of this section.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day or during the peak hour of the day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive; and
- (3) Whenever a subdivision street continues on an existing street or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(D) **STREET TYPES**

See Defined Terms (§155.802) for description of each Street Type.

- (1) Residences should not front on a major thoroughfare.
- (2) Where a parcel of land to be subdivided adjoins a major thoroughfare, the Planning Board or Town Council may require that such lots be provided access by a frontage road.

(E) **THOROUGHFARE DEDICATION**

- (1) Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare system roadway and is so designated in the town's Transportation Plan, after such part of it has been adopted by the proper authority, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. This requirement shall not require the applicant to dedicate rights-of-way unless indicated on the town's Transportation Plan. It is the responsibility of the applicant to take future roadway plans of the town and the NCDOT into account when laying out a development plan.
- (2) Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such improvements shall be in conformance with town standards and shall be measured from the right-of-way centerline.

(F) **CROSS-SECTIONS**

- (1) Appropriate street cross-sections shall be approved by the town or NCDOT. Appendix A contains approved street cross-sections for the town. Alternative cross-sections may be approved by the Town Council as a waiver (see § 155.706(I)(7)), and when necessary in conjunction with NCDOT.
- (2) Cul-de-sacs shall be used only when it is determined by the Town Council that extension of the street to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential streets serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and sanitation trucks. Medians may be permitted where the cul-de-sac radius is increased and it can be demonstrated that emergency vehicles and sanitation trucks can be accommodated. Unless specifically agreed upon with the town, landscaped medians are not to be maintained by the town, and a private maintenance agreement for the median shall be required to be approved by the Town Attorney.
- (3) Subdivisions along existing streets of inadequate right-of-way shall provide additional right-of-way to meet the minimum widths specified in Appendix A. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing street, and one-half the required right-of-way, measured from the center line of the existing street, shall be provided where a new subdivision is located on one side of an existing street.

- (4) A slope easement of 20 feet in width may be required adjoining each side of a street right-of-way. The town may reduce or increase the slope easement width, if due to terrain. If the applicant submits to the town sufficient information to show that improvements to be located in the slope easement do not interfere with the right of the public to construct within the adjoining right-of-way streets, sidewalks, or both, then the town shall allow the proposed improvement.

(G) **CUL-DE-SAC LENGTH**

- (1) No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length.
- (2) No commercial street cul-de-sac shall exceed 400 feet in length.

(H) **SIDEWALKS**

- (1) In order to enhance pedestrian safety and mobility, except as set forth below, sidewalks shall be required on both sides of all streets (see Appendix A for approved street cross-sections).
 - (a) Sidewalks shall not be required on the following roadways:
 - 1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, open space, trail or greenway lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required.
 - 2. Residential streets serving less than or equal to ten dwelling units. Corner lots that have frontage on both a connective or loop street shall not be included in determining the number of dwelling units served by the street. Street stubs temporarily serving ten lots or less shall provide sidewalks on both sides of the street.
 - 3. Commercial street cul-de-sacs that are less than 150 feet in length.
 - (b) Sidewalks shall be required on only one side of a frontage road.
- (2) Sidewalk access ramps, also commonly referred to as wheelchair ramps for the physically handicapped, shall be provided at all intersections where curb and gutter are provided (see (I) of this section), and where sidewalks and/or greenway trails intersect any street.
- (3) Pedestrian crosswalks are required on any residential street at each intersection and at any mid-block pedestrian or bicycle connections.

- (4) The Town Council may allow a fee-in-lieu for sidewalk construction as set forth in (B)(2)(b) of this section.

(I) **CURB AND GUTTER**

Unless granted a waiver (see § 155.706(I)(7)) by the Town Council, all public streets, inside the corporate limits of the town and outside the town when water or sewer is connected to the town utility system, shall be constructed with curb and gutter (see Appendix A for approved street cross-sections). Curb and gutter shall be a combination curb and gutter or such other construction approved in the town's Engineering Design Manual. Rolled or valley-type curbs are permitted for new collector, residential collector, and residential streets.

(J) **RELATIONSHIP OF STREETS TO TOPOGRAPHY**

- (1) Streets shall be designed to relate appropriately to the topography of a site. In particular, streets shall be designed to facilitate the storm drainage requirements specified in § 155.604(E) and, subject to the design requirements relating to maximum grades set forth in (J)(2) of this section, street grades shall conform as closely as practicable to the original topography.
- (2) The maximum grade for street construction shall meet design requirements of the town or NCDOT. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety or cause any substantial degradation to the street or drainage system.

(K) **STREET LAYOUT**

- (1) The street layout of any development should be in conformity with the town's Transportation Plan and all other applicable adopted plans and policies of the town. Public streets shall be constructed to the boundary lines of the development submitted for approval when required to provide for efficient circulation of traffic within the community.
- (2) Each side of a collector street, commercial street or residential street shall, within every 1,500 foot length of the street, be intersected by at least one connective street. The 1,500 foot length shall be measured from the origination point, if established, of the collector, commercial, residential or residential street.
- (3) A waiver (see § 155.706(I)(7)) may be granted by the Town Council for developments that do not meet the above layout or creates a violation of this layout if:
- (a) Existing surrounding development prevents extending a street to any adjoining developments to meet this regulation.
- (b) The adjoining existing street pattern or a planned "stub" street provides for an appropriate intersecting street beyond the 1,500-foot point, that would provide equivalent benefits as an intersecting street within 1,500 feet.

- (c) Severe topography or other physical features warrant making a connection of an intersecting street at another location either inside or outside the development to provide equivalent benefits as an intersecting street within a distance of 1,500 feet, and this other alternate specific location is provided for at the time the development making the request for an alternate location is approved.
- (4) Existing adjoining public streets, public platted streets, and publicly planned streets shall be continued and extended as public streets as part of the development. Streets that are not to be extended, as determined by the Town Council, shall be terminated in a permanent cul-de-sac.
- (5) Where a proposed development will extend a public street that is already stubbed out to the property line, such extension as a public street shall be required.
- (6) Wherever there exists a dedicated or platted half street adjacent to the parcel to be developed, the other half shall be platted and, where required, constructed.
- (7) Where a through street or a series of streets establishes a connection between two public streets and the connection is greater than 1,200 feet in length, or the connection may encourage through traffic not generated by the development, the street shall be a public street, except in instances where the Town Council determines that requiring such connection to be a public street will serve no purpose, due to the existing or proposed street pattern, traffic flow or traffic volumes.
- (8) Where a proposed development utilizing private streets has an area of 20 or more acres, at least one public through street must be provided in a location determined by the Town Council to assure continuity of the public street system, except in instances where the Town Council determines that such public through street will serve no purpose due to the existing or proposed street pattern, traffic flow or traffic volume. The Town Council may also require additional public through streets for the provision of emergency services, such as police and fire protection, or to provide alternate circulation at congested or critical intersections.

(L) **CONSTRUCTION STANDARDS AND SPECIFICATIONS**

All streets and sidewalks required by this section shall be constructed according to the specifications of the town's Engineering Design Manual, except that the Town Council may permit sidewalks to be constructed with other materials when they conclude that:

- (1) Such sidewalks would serve the residents of the development as adequately as concrete sidewalks;
- (2) Such sidewalks would be more environmentally desirable or more in keeping with the overall design of the development; or
- (3) Such sidewalks could be maintained as adequately as concrete sidewalks.

(M) **PRIVATE STREETS**

- (1) All private streets shall be constructed according to the town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets. The town shall have the discretion to require a public street connection for safety or access purposes.
- (2) The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street. Further, the initial purchasers of a newly-created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the street, in accordance with the requirements set forth in G.S. § 136-102.6.
- (3) All private streets shall be maintained by a designated responsible party in accordance with town standards.
- (4) Where private streets are later made public through dedication to the town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the town.

(N) **STREET NAMES AND SIGNS**

- (1) Street names shall be subject to the approval of the Town Council. New street names shall not duplicate or be similar to existing street names in Johnston County. Existing street names, however, shall be projected where appropriate.
- (2) Street name signs shall be in place prior to approval of any certificate of occupancy for structures to be located on the street.

(Ord. 2005-11-02, passed 11-21-05; (Ord. 2016-04-04, adopted 2016-04-04)

§ 155.603 LOTS AND BLOCKS

(A) LOTS

- (1) Every lot shall abut or front on a public street.
- (2) Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas. All lots approved after January 6, 1997 shall contain the minimum required lot width of the applicable zoning district within 50 feet of the street right-of-way adjoining the front yard.
- (3) Double frontage lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a street of residential scale, and discouraged or prohibited on the thoroughfare.
- (4) Side lot lines shall be substantially at right angles or radial to street lines.

(B) BLOCKS

- (1) Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
- (2) Blocks shall not exceed 1,500 feet in length.
- (3) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
- (4) A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
- (5) A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

(Ord. 2005-11-02, passed 11-21-05)



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
May 29, 2018

STAFF REPORT

Application Number: 2018-74-OA Project Name: Private Streets Ordinance Amendment

Applicant: Town of Clayton

Public Noticing: Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155.602 and §155.603. This amendment seeks to create standards for private streets serving one to ten single-family residential lots.

SECTIONS PROPOSED FOR AMENDMENT:

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

- 602 –Districts Established
 - 603 –Overlay Districts Standards
-

STAFF ANALYSIS AND COMMENTARY:

Overview

This amendment seeks to allow single-family residential lots to front on private streets, and to create specific design guidelines for the development of private streets. As the code is currently written, all single-family lots are required to front on a public street. Staff has received multiple inquiries regarding this requirement from residents hoping to subdivide large tracts of farmland for family members to build homes on. Our current code requirements have proven to be cumbersome in these situations due to the requirement that all lots must front on a public street. The proposed ordinance amendment resolves this issue by allowing single-family lots within the R-E zoning district to front on private streets. This amendment creates specific design standards for private streets in order to ensure public safety for emergency vehicular access and long-term durability.

Specifically, this amendment allows two types of private streets within the R-E zoning district: Class “A” and Class “B”. Class “A” private streets will serve a maximum of six to ten single-family residential lots; these streets will be paved in accordance. Class “B” private streets will serve a maximum of five single-family residential lots; these

streets may be constructed of alternative materials as approved by the Town Engineer. Both types of private streets will be required to maintain a 20' travel-way width in order to ensure access for emergency vehicles.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.

- **Novelty of the request**
The request does not represent novel changes to the Code.

CONSIDERATIONS

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

STAFF RECOMMENDATION:

Staff is recommending approval of the addition of private street standards.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy



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

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Review Bodies Ordinance Amendment

Chapter 155: Review Bodies (700), Summary of Review Authority (701), Planned Development Review (705), Preliminary Plat Review (706), Site Plan Review (707), Special Use Review (711)

Existing title of Code Section(s): Chapter 32: Board of Adjustment (32.001)

Title XV, Chapter 155, Articles 700, 701, 705, 706, 707, and 711

Code Section Number(s): and Chapter 32.001

APPLICANT/CONTACT INFORMATION

Applicant: Town of Clayton, Planning Department

Mailing Address: P.O. Box 879, Clayton, NC 27528

Phone Number: 919-553-5002

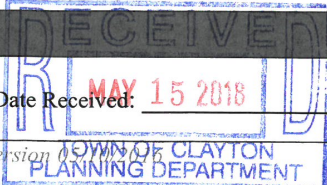
Fax: _____

Contact Person: Samantha Wullenwaber (Planning Director) or Haley Hogg (Planner)

Email Address: swullenwaber@townofclaytonnc.org or hhogg@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

FOR OFFICE USE ONLY		
	Amount Paid: <u>N/A - Town initiated</u>	File Number: <u>2018-98-0A</u>
Version 03/01/2016		Page 1 of 3

Due to the workload of the BOA, staff seeks to streamline board duties by allowing Planning Board to also serve as the Board of Adjustment. The proposed amendment also requests to remove the review authority of quasi-judicial applications from Planning Board and allow these applications to proceed directly to Town Council for a hearing. This is to ensure that all decisions by Town Council are made based upon only the evidence presented at the hearing.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:			For staff use only:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	X			
2. Review Fee and Advertisement Fee	☐	X			
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

- The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The proposed changes are consistent with the remainder of the chapter.
- The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time.
The proposed amendment represents a new idea to remove the review authority of Planning Board from quasi-judicial applications, in order to ensure that decisions are made solely on evidence presented at the hearing. It also represents a revision to the designated duties of the Board of Adjustment, to combine duties with Planning Board and allow the Planning Board to also serve the duties of Board of Adjustment.
- Whether or not the proposed text amendment corrects an error in the chapter.
The proposed amendment does not correct an error in the chapter.
- Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed amendment partly seeks to ensure that quasi-judicial applications are reviewed in accordance with applicable statutes. The proposed changes are consistent with statutes.

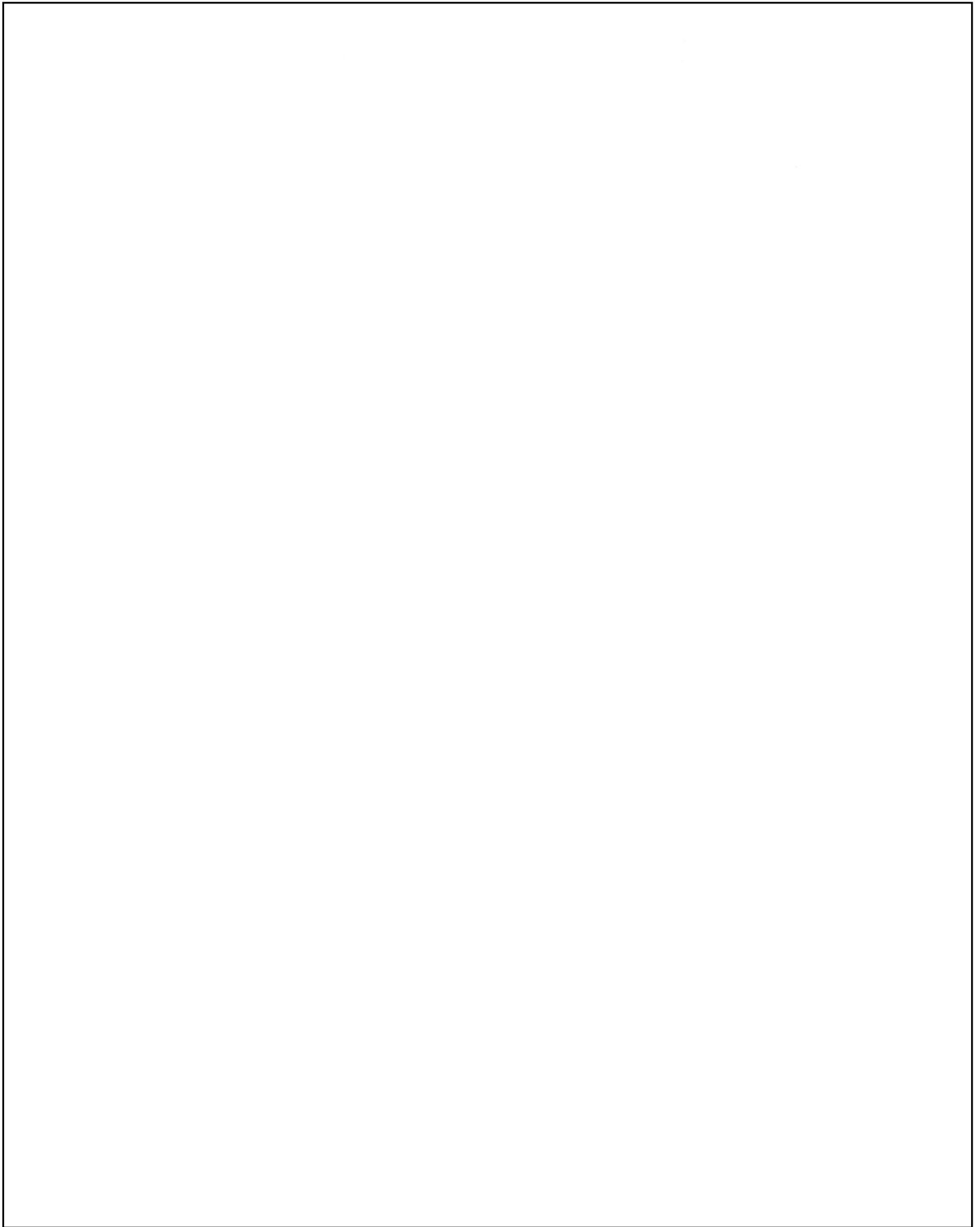
APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Code of Ordinances 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.

Halley Hogg
Print Name

Halley Hogg
Signature of Applicant

5-15-18
Date



CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

Building Inspection Department

32.001 Establishment; duties

Board of Adjustment

32.010 Establishment; composition

32.011 Organization

32.012 Powers and duties

Fire Department

32.040 Establishment and duties of Fire Chief

32.041 Right to enter buildings

32.042 Standard procedures

32.043 Membership

32.044 Command at fire scene; assistance at fires

Library Board

32.060 Establishment

Planning Board

32.075 Members; terms; vacancies

32.076 Officers; rules; records

32.077 Meetings; quorum

32.078 Powers and duties

Police Department

32.090 Composition

32.091 Duties

Recreation Advisory Committee

32.115 Establishment; purpose

32.116 Powers and duties

32.117 Members

32.118 Meetings

32.119 Officers

32.120 Director of Recreation

32.121 Committees

32.122 Annual reports

32.123 Amendment of subchapter

Fire Department Advisory Board

32.145 Purpose

32.146 Scope of responsibility

32.147 Structure of Advisory Board

BUILDING INSPECTION DEPARTMENT

§ 32.001 ESTABLISHMENT; DUTIES.

For provisions concerning the Building Inspection Department, see §§ 150.060 through 150.065.

BOARD OF ADJUSTMENT

§ 32.010 ESTABLISHMENT; COMPOSITION.

- (A) **Establishment.** The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances. Effective July 1, 2018 the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board established under Chapter 32.010 32.075 to 32.078 to perform the duties of a Board of Adjustment as provided in this article. The term "Board of Adjustment" when used in this article shall be construed to mean the Planning Board while performing the duties of the Board of Adjustment under this article. The Planning Board may perform the duties of a Board of Adjustment under this article at meetings concurrently with other duties, or it may hold separate meetings solely for the purpose of performing the duties of a Board of Adjustment.
- (B) **Composition.**
- (1) **Number and term.**
 - (a) The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ); and each member is to be appointed for three years.
 - (b) In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.
 - (2) **Membership.**
 - (a) Membership on the Board of Adjustment shall include representatives from the corporate limits and ETJ.
 - (b) Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.
 - (3) **Attendance.** All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The clerk to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Council liaison and the Town Clerk. The Town Clerk, Town Council liaison, and the Planning Director shall make a decision on this member's continued service to the Board.

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.011 ORGANIZATION.

Proceedings.

- (A) **Meetings.** All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.
- (B) **Minutes.** The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.
- (C) **Quorum.** A quorum shall consist of four members.

(Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.012 POWERS AND DUTIES.

Powers and duties. In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.

- (A) *General authority.* The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- (B) *Final authority.* The Board of Adjustment shall be responsible for final action regarding the following:
 - (1) Conditional Use Review (§ 155.710); ~~and~~
 - (2) Variances (§ 155.716); ~~and~~
 - (3) ~~Administrative Appeal (§155.717).~~

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(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

ARTICLE 7: ADMINISTRATION

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§ 155.700 REVIEW BODIES

(A) TOWN COUNCIL

(1) **Establishment and Composition**

The Town Council is established and composed pursuant to the Town Charter and Chapter 30 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- ~~(d)~~ Preliminary Plat Review (§ 155.706);
- ~~(d)~~(e) Major Site Plan Review, associated with a Special Use Permit (§ 155.707);
- ~~(e)~~(f) Special Use Review (§ 155.711);
- ~~(f)~~(g) Zoning Vested Rights (§ 155.718); and
- ~~(g)~~(h) Alternative Sign Plans (§ 155.703).

(B) **PLANNING BOARD**

(1) **Establishment and Composition**

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) **General Authority**

- 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- 2. The Planning Board shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Board shall make recommendations regarding the following:

- 1. Text Amendments (§ 155.703);
- 2. Rezoning (§ 155.704);
- ~~0. Planned Development Review (§ 155.705);~~
- ~~0. Preliminary Plat Review (§ 155.706); and~~
- ~~0. Special Use Review (§ 155.711).~~

~~(#)~~(c) ***Final Authority***

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review, except those associated with a Special Use Permit application (~~§ 155.707~~); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment and Composition**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances. Effective July 1, 2018 the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board established under Chapter ~~32.010~~ 32.075 to 32.078 to perform the duties of a Board of Adjustment as provided in this article. The term "Board of Adjustment" when used in this article shall be construed to mean the Planning Board while performing the duties of the Board of Adjustment under this article. The Planning Board may perform the duties of a Board of Adjustment under this article at meetings concurrently with other duties, or it may hold separate meetings solely for the purpose of performing the duties of a Board of Adjustment.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) ***General Authority***

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) ***Final Authority***

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716); and
3. Administrative Appeals (§ 155.717).

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);
7. Special Use Review (§ 155.711);
8. Alternative Sign Plans (§ 155.713);
9. Variances (§ 155.716); and
10. Zoning Vested Rights (§ 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);
3. Administrative Amendment (§ 155.707);
4. Minor Site Plan Review (§ 155.707);
5. Traffic Impact Analyses (§ 155.708);
6. Zoning Permits (§ 155.709);
7. Temporary Use Permits (§ 155.712);
8. Sign Permits (§ 155.713);
9. Tree Clearing Certificates (§155.21); and
10. Written Interpretations (§ 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee (TRC) is established for the purpose of performing technical evaluations of land development activities, including but not limited to subdivisions, planned developments, and site plan applications as set forth in Section 155.701(E) of the Unified Development Code (UDC). The TRC is further authorized to complete appropriate analyses of land development activities pursuant to the Town's Code of Ordinances. The Technical Review Committee shall be composed of the persons below, or their designee:

- (a) The Planning Director, chairman;
- (b) Planning department staff, designated with primary review responsibility for each application;
- (c) The Public Works Director;
- (d) The Electric System Director;
- (e) The Town Engineer;
- (f) The Fire Chief;
- (g) The Parks and Recreation Director; and
- (h) The North Carolina Department of Transportation.

The TRC may request input from other governmental agencies including, but not limited to, the School Board, the USPS Clayton Postmaster, Johnston County Department of Public Utilities, North Carolina Railroad and adjacent municipalities as needed.

(2) Powers and Duties.

The Technical Review Committee has the following duties and responsibilities regarding the review and consideration of applications that come before them:

(a) The TRC shall undertake technical evaluations of land development applications and activities to identify deficiencies and/or discrepancies from the provisions of the Town's Unified Development Code and the Town's Code of Ordinances. This includes:

1. Planned Development Review (§ [155.705](#));
2. Minor Plat Review (§ [155.706](#));
3. Preliminary Plat Review (§ [155.706](#));
4. Final Rlat Review (§ [155.706](#));
5. Minor Site Plan Review (§ [155.707](#)); and
6. Major Site Plan Review (§ [155.707](#)).

(b) The TRC, through its chairman, may approve, approve with conditions, disapprove or postpone consideration of applications that require staff-level approval only. Actions by the TRC regarding staff-level approvals shall be final unless appealed in accordance with Section 155.717 of the UDC. Applications which proceed to the Board of Adjustment, Planning Board, or Town Council will be scheduled for the next available agenda, once receiving TRC chairman approval to proceed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08; Am. Ord. 2011-12-02, passed 12-5-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.701 SUMMARY OF REVIEW AUTHORITY

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan ^a	Review	Review		DECISION	<DECISION>*	§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
Tree Clearing Certificate	Review	DECISION				§ 155.721
<Public Hearing Required>						

*Major Site Plans that are associated with a Special Use Permit application shall be reviewed for final decision by Town Council.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.702 COMMON REVIEW PROCEDURES

(A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, a pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (§155.715), Administrative Appeals (§155.717), Zoning Permits (§155.709), and Sign Permits (§155.713).

(B) NEIGHBORHOOD MEETING

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned Development Review (§ 155.705);
 - (c) Major Subdivision / Preliminary Plat Review, (§ 155.706);
 - (d) Major Site Plan Review (§ 155.707);
 - (e) Special Use Review (§ 155.711); and
 - (f) Conditional Use Review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site Plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant.

- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the required information and materials have been submitted for review.
- (c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) **Final Determinations on Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) **Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) **NOTICE AND PUBLIC HEARINGS**

(1) **Summary of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710

Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) **Public Notice Requirements**

(a) ***Published Notice***

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) ***Posted Notice (Sign)***

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) ***Mailed Notice***

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:
 - A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.

- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

A published or mailed notice shall provide at least the following:

1. Parcel identification number;
2. The address of the subject property (if available);
3. The general location of the land that is the subject of the application, which may include, a location map;
4. A description of the action requested;
5. Where a rezoning is proposed, the current and proposed districts;
6. The time, date and location of the public hearing;
7. A phone number to contact the Town; and
8. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706

Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) **DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) **NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) **WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.703 TEXT AMENDMENT

(A) APPLICABILITY

Amendments to the text of this chapter shall be made in accordance with the provisions of this section.

- (1) The Town Council shall consider amendments to the text of this chapter, as may be required from time to time.



(B) INITIATION OF AMENDMENT

A request to amend the text of this chapter may be initiated by the town council, board of adjustment, planning board, planning director, or the general public.

(C) APPLICATION REQUIREMENTS

Applications for a text amendment shall be submitted in accordance with § 155.702(c).

(D) NOTICE AND PUBLIC HEARINGS

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

(E) ACTION BY PLANNING DIRECTOR

- (1) The Planning Director shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.

- (a) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board for a recommendation.

(F) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(G) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a text amendment, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.

(H) **APPROVAL CRITERIA**

- (1) In evaluating any proposed amendment of the text of this chapter, the Planning Board and the Town Council shall consider the following:
 - (a) The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
 - (b) The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
 - (c) Whether or not the proposed text amendment corrects an error in the chapter; and
 - (d) Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
- (2) In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.704 REZONING

(A) APPLICABILITY

- (1) Amendments to the zoning map shall be made in accordance with the provisions of this section.
- (2) The Town Council shall consider amendments to the zoning map, as may be required from time to time.
- (3) Rezoning should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this chapter.
- (4) All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.



(B) INITIATION OF AMENDMENT

- (1) A request for a rezoning may be initiated by the Town Council, the Planning Board, or the Planning Director.
- (2) An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council for a rezoning.

(C) **PRE-APPLICATION CONFERENCE**

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

(D) **NEIGHBORHOOD MEETING**

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

(E) **APPLICATION REQUIREMENTS**

All applications for a rezoning shall be submitted in accordance with § 155.702(c).

(F) **NOTICE AND PUBLIC HEARINGS**

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

(G) **ACTION BY PLANNING DIRECTOR**

- (1) The Planning Director shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the Town and the general requirements of this chapter.
- (2) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board.

(H) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed rezoning request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.

(J) **APPROVAL CRITERIA**

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

- (1) Consistency with the adopted plans and policies of the Town;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MODIFICATION OF APPLICATION**

An applicant in a zoning matter may reduce the geographic scope and or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Planning Director.

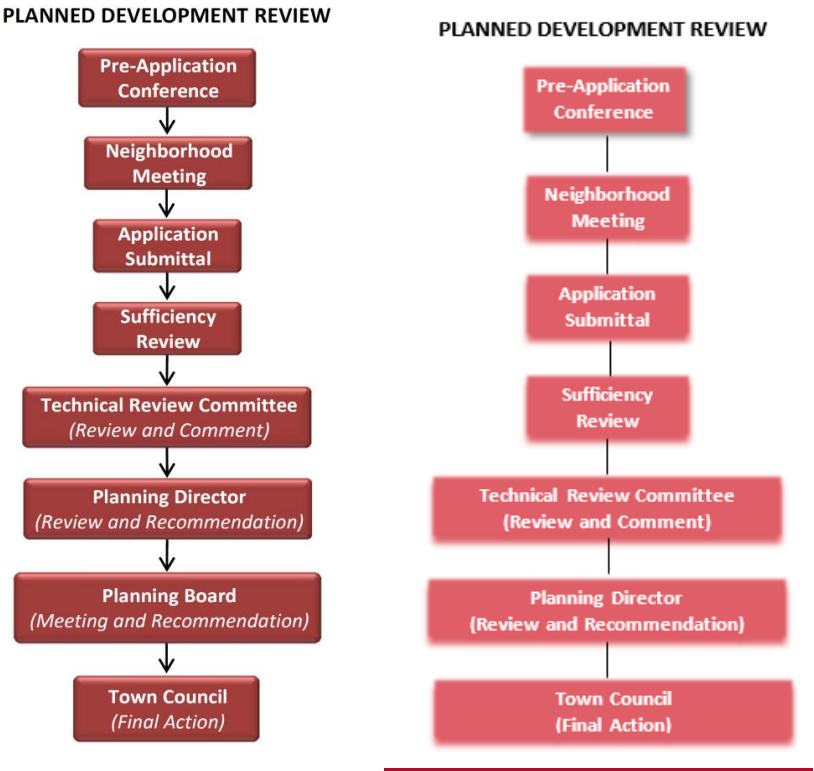
(L) **TIME LAPSE BETWEEN SIMILAR APPLICATIONS**

- (1) In the event of a withdrawal of an application during Town Council review on the merits, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application. Where the application is withdrawn prior to the required public hearing, no expiration period shall be imposed on a new application.

- (2) When the Town Council has voted on a zoning application and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a zoning change for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning district for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(Ord. 2005-11-02, passed 11-21-2005; Am. Ord. 2007-04-05, passed 4-2-2007; Am. Ord. 2009-03-04, passed 3-2-2009; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.705 PLANNED DEVELOPMENT REVIEW



(A) **APPLICABILITY**

- (1) Planned development review shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider planned development rezonings, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(B) **INITIATION OF AMENDMENT**

An owner of land within the jurisdiction of the town (or a duly authorized agent or representative) may petition the town council for planned development rezoning.

(C) **PRE-APPLICATION CONFERENCE**

All applicants petitioning for planned development rezoning shall schedule a pre-application conference with the planning director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for planned development rezoning shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for planned development rezoning, an applicant shall submit a master plan to govern the development and maintenance of the land within the planned development. The master plan shall be prepared by a professionally certified landscape architect, engineer or architect.
- (2) All applications for planned development rezoning shall be submitted in accordance with § 155.702(C).
- (3) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.
- (4) A traffic impact analysis may be required if the proposed planned development meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

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

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, master plan and any related application materials shall be forwarded to the Planning Board.

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

- ~~(0) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.~~

~~(0) Following Planning Board review, the Planning Director shall forward the completed planned development request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.~~

~~(K)~~(H) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a planned development rezoning, the Town Council shall consider the recommendations of the ~~Planning Board and~~ Planning Director.
- (2) The Town Council may approve or deny the Planned Development rezoning, ~~deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.~~
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.
- (4) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.

~~(L)~~(I) **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;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

~~(M)~~(J) **MASTER PLAN APPROVAL CRITERIA**

The master plan review shall include and the applicant shall be responsible for successfully addressing the following:

- (1) Compliance with § 155.203(L) and all other applicable requirements of this chapter;
- (2) Consistency with the Clayton General Design Guidelines;
- (3) Conformance of the proposal with the stated purpose of the requested planned development district;
- (4) Compatibility of the proposed development with the adjacent community;
- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- (6) Compatible relationships between each component of the overall project;
- (7) Self-sufficiency of each phase of the overall project;
- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- (9) The fiscal impact of the proposal and the proposed financing of required improvements;
- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(N)(K) ACTION AFTER APPROVAL

- (1) Upon approval of a planned development rezoning by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved planned development and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a planned development rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Conditional uses not shown on the approved master plan require approval in accordance with § 155.710.
- (7) Special uses not shown on the approved master plan require approval in accordance with § 155.711.

(O)(L) TIME LAPSE BETWEEN SIMILAR APPLICATION

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same planned development contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a planned development and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a planned development for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(P)(M) APPROVED MASTER PLAN MODIFICATIONS

- (1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscape requirements may also be approved administratively by the Planning Director.
- (2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the approved mixture of uses in excess of 10%, and the addition, deletion, or relocation of main vehicular entrances. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the town.

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

§ 155.706 SUBDIVISION REVIEW

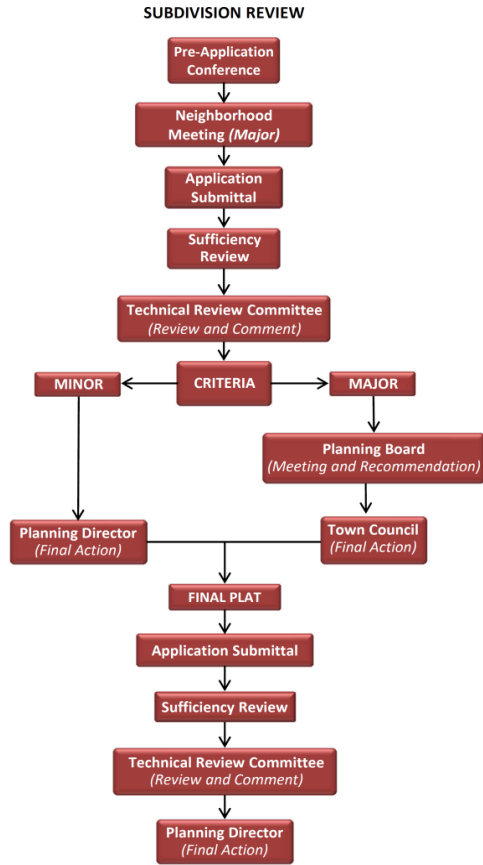
(A) **APPLICABILITY**

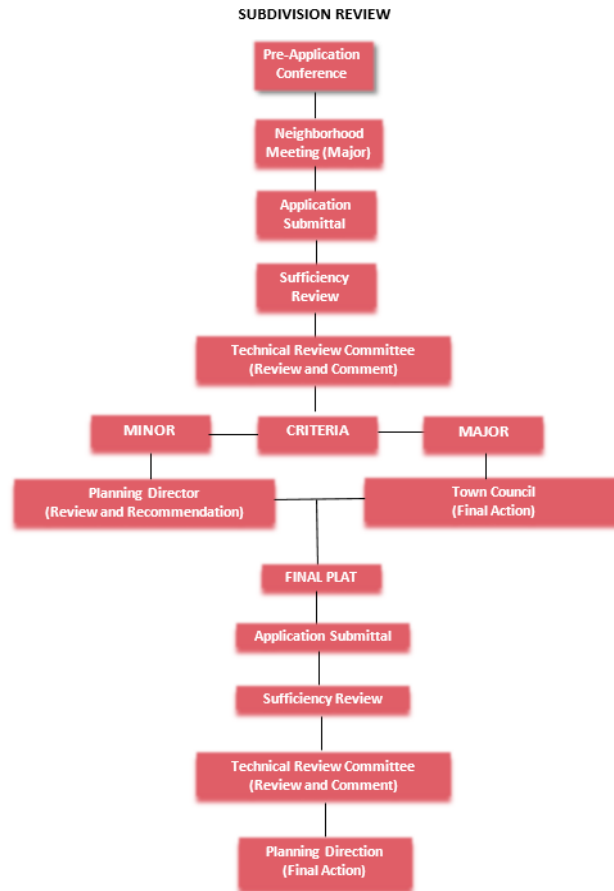
Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

(B) **ACTIONS EXEMPT FROM SUBDIVISION REQUIREMENTS**

The following shall not be considered "subdivision" subject to review under this section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this chapter;





- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for water or sewer infrastructure or the widening or opening of streets;
- (4) The division of a site in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter

(C) **NO SUBDIVISION WITHOUT PLAT APPROVAL**

- (1) No person may subdivide land except in accordance with all of the provisions of this chapter. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded in the Johnston County Registry.

- (2) The Johnston County Register of Deeds shall not record a plat of any subdivision within the town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.
- (3) Not all divisions of land constitute subdivisions that are subject to regulation under this chapter. However, to ensure that such divisions are in fact exempt from the requirements of this chapter, all plats creating a division of land shall be presented to the Planning Director before recordation in the Johnston County Registry and the Planning Director shall indicate on the face of the plat that the division is exempt from the provisions of this chapter if that is the case.
- (4) No street shall be maintained or accepted by the town, or shall any street lights, water, or sewer be extended to or connected with any subdivision of land, or shall any permit be issued by any administrative agent or department of the town for the construction of any building or other improvements requiring permit, upon any land for which a plat is to be approved, unless and until the requirements set forth in this chapter have been complied with.
- (5) There are a variety of requirements for differing levels of resource protection in §§ 155.500 through 155.502, which must be met prior to the subdivision of land.

(D) **DELEGATION OF AUTHORITY**

The town council delegates review and approval authority for all minor plats and final plats to the planning director, with review by the technical review committee.

(E) **UNLAWFUL TO RECORD PLAT WITHOUT FINAL OR MINOR PLAT APPROVAL**

It shall be unlawful to offer and cause to be recorded any final plat within the town limits with the ~~johnston~~Johnston county register of deeds unless the plat bears the endorsement and approval of the planning director or town clerk.

(F) **DEFINITIONS**

(1) **Minor Subdivision**

- (a) A minor subdivision is a subdivision that does not involve any of the following:
 1. Creation of a total of more than five lots;
 2. Creation of any new public streets;
 3. Extension of any water or sewer lines; or
 4. Installation of drainage improvements through one or more lots to serve one or more other lots.
 5. A traffic impact analysis as established in § 155.708.
- (b) Minor subdivisions requires minor plat review and final plat review.

(2) **Major Subdivision**

- (a) All other divisions of land not exempted in (B) of this section or listed in (F)(1) of this section shall be considered major subdivisions.
- (b) Major subdivisions require preliminary plat approval and final plat approval.

(G) **PRE-APPLICATION CONFERENCE AND SKETCH PLAN**

- (1) All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions (see Planning Department for specific submittal requirements).
- (3) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.
- (4) When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

(H) **MINOR PLAT REVIEW**

(1) **Applicability**

- (a) The procedure for approval of a minor subdivision plat is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The difference between the minor and major subdivision processes is that minor subdivisions do not require preliminary plat review.
- (b) There shall be only one minor subdivision approved on any original tax parcel in any three-year period. This division shall not apply to minor subdivisions for which the following conditions are met:
 - 1. The owner and grantee certify that the grantee of each lot is the child or child and spouse, or grandchild and spouse of the owner;
 - 2. The owner and grantee certify that no consideration shall be paid for any of the lots;
 - 3. The owner and grantee certify that the purpose of the minor subdivision is not to circumvent the provisions of this chapter, and that none of the lots shall be conveyed to third parties for a period of not less than three years, and that the record plat shall indicate same.

4. Failure of any person to comply with the provisions of (H)(1)(b)1., 2. and 3. of this section shall be in violation of this chapter, and all of the remedies available in G.S. § 160A-375 shall apply.

(2) **Application Requirements**

All applications for minor plat review shall be submitted in accordance with § 155.702(C).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the minor subdivision plat for review by the Technical Review Committee. The Technical Review Committee shall review the plat for consistency with the requirements of this chapter. The Planning Director shall, after review by the Technical Review Committee, determine whether the plat conforms to the standards of a minor subdivision.
- (b) If the minor subdivision plat is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with preliminary plat approval.

(4) **Action Following Approval**

Upon minor preliminary plat approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this chapter, and other applicable regulations of the town, Johnston County, and the state. The final plat may be recorded in the Johnston County Record of Deeds.

(5) **Continuing Validity of Minor Plats**

Within 24 months of the date of approval of the minor subdivision plat, the applicant shall submit application for final plat review otherwise the minor subdivision plat shall be null and void.

(6) **Minor Plat Approval Criteria**

Minor subdivision plats shall be approved only when the Planning Director, after Technical Review Committee review, finds that all of the following conditions exist:

- (a) Consistency with the adopted plans and of polices of the town;
- (b) The plat complies with the standards of §§ 155.600 through 155.607, and any other applicable requirements of this chapter;
- (c) The plat indicates that all subject lots will have frontage on existing approved streets;
- (d) New or residual parcels conform to the requirements of this chapter and other applicable regulations;
- (e) No new streets are required or are likely to be required for access to interior property;

- (f) No drainage or utility easements will be required to serve interior property;
- (g) No extension of public sewerage or water lines will be required; and
- (h) The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property.

(7) **Waivers for Minor Plat Approval**

The Planning Director may grant exceptions to the requirements for minor plat approval provided that the purposes and intent of this section have been met.

(I) **PRELIMINARY PLAT APPROVAL (MAJOR SUBDIVISIONS ONLY)**

(1) **Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision as set forth in (F) of this section.

(2) **Application Requirements**

- (a) All applications for preliminary plat review shall be submitted in accordance with § 155.702(C).
- (b) A traffic impact analysis may be required if the proposed subdivision meets the thresholds established in § 155.708.
- (c) An application for a waiver from any of the provisions of §§ 155.600 through 155.607 shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.

(3) **Notice and Public Hearings**

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

(4) **Neighborhood Meeting**

All applicants seeking major subdivision approval (open space subdivision only) shall hold a neighborhood meeting in accordance with § 155.702(B).

(5) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the preliminary plat for review by the Technical Review Committee. The Technical Review Committee shall review the preliminary plat for consistency with the requirements of this chapter.

- (b) The following agencies shall be given an opportunity to review the proposed plat as needed:
1. County Superintendent of Schools.
 2. County Health Department.
 3. State Department of Transportation District Engineer.
 4. State Department of Natural Resources and Community Development.
 5. Other agencies and officials as the Planning Director or Planning Board may deem necessary or desirable.
- (c) The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, preliminary plat and any related application materials shall be forwarded to the Planning Board/Town Council.

~~(6)~~ **Action by Planning Board**

~~The Planning Board shall review and make a recommendation to the Town Council on the preliminary plat within 60 days of the required submittal date.~~

~~(8)~~ **(6) Waivers**

- (a) The Town Council may authorize, in specific situations, waivers to certain requirements of §§ 155.600 through 155.607 if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and there are special circumstances, such as unique characteristics of the lot and area, or strict interpretation of the requirements render the subdivision of the property not feasible or desirable.
1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property;
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced; and
 4. The purpose of the wavier is not based primarily upon financial consideration.

- (b) In granting a waiver, the Town Council may require certain conditions that in its judgment, substantially secure the objectives, standards or requirements of this chapter.

(9)(7) Action by Town Council

- (a) The preliminary plat shall be referred to the Town Council for final action after review is completed by the Planning Director and Technical Review Committee. action is taken by the Planning Board. The preliminary plat shall be considered by the Town Council in accordance with its rules of procedure and the General Statutes of North Carolina.
- (b) An evidentiary hearing shall be held after due notice has been given to the applicant and the general public. Sworn parties shall be given the opportunity to present evidence, cross-examine other parties, inspect any documentation, and offer evidence or testimony in rebuttal.
- (c) Findings of fact shall be made by the Town Council that are based on sworn evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material, and competent.
- (d) No final action shall be deemed to have been given by the Town Council on the preliminary plat until the Town Council's written decision on the preliminary plat is delivered to the applicant by the town.
- (e) The Town Council may approve the preliminary plat, deny the preliminary plat, or send the preliminary plat back to the ~~Planning Board~~Technical Review Committee for additional consideration.
- (f) If the Town Council should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

(10)(8) Action Following Approval

- (a) Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. All work shall be performed in compliance with the requirements of §§ 155.600 through 155.607, and other applicable regulations of the town, Johnston County, and the state.
- (b) Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in (J) of this section have been fulfilled and after all other specified conditions have been met.

(11)(9) Findings of Fact Required

No preliminary plat may be approved by the Town Council unless all of the following findings are made concerning the subdivision:

- (a) Consistency with the adopted plans and of policies of the town.
- (b) The subdivision meets all required specifications of this chapter.
- (c) 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.
- (d) 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.

~~(12)~~(10) **Modification of Construction Standards**

Notwithstanding the approval of a preliminary plat, the town shall have the authority to apply any revised construction standards to future plats at the time of application for final plat approval. The Public Works Director shall determine the maximum extent to which such new standards may feasibly apply.

~~(13)~~(11) **Continuing Validity of Preliminary Plats**

- (a) Within 24 months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section of the subdivision otherwise the preliminary plat shall be null and void.
- (b) All sections of an approved preliminary plat must be submitted for final plat approval within three years of preliminary plat approval for a preliminary plat containing up to 100 lots, and within five years for a preliminary plat containing 100 lots or more. Otherwise, the preliminary plat shall be null and void.

(J) **FINAL PLAT REVIEW (MAJOR AND MINOR SUBDIVISIONS)**

(1) **Applicability**

A final plat shall be required for all subdivision of land in the town and its extraterritorial jurisdiction.

(2) **Application Requirements**

All applications for final plat review shall be submitted in accordance with § 155.702(C).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall within 60 days schedule the final plat for review by the Technical Review Committee. The Technical Review Committee shall review the final plat for consistency with the with the approved minor subdivision plat or approved preliminary plat, as applicable, and the general requirements of this chapter.

- (b) Upon completion of the technical review, the Planning Director may approve the final plat, deny the final plat, or send the plat back for additional consideration.
- (c) If the final plat is disapproved by the Planning Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply.

(4) **Final Plat Approval Criteria**

Final plats shall be approved when the following conditions exist:

- (a) Consistency with the adopted plans and of policies of the town;
- (b) The plat substantially complies with the approved minor plat or preliminary plat, as applicable;
- (c) The plat complies with the standards of §§ 155.600 through 155.607 and the other applicable requirements of this chapter;
- (d) New and residual parcels will conform to the requirements of this chapter and other applicable regulations;
- (e) All necessary right-of-way has been offered for reservation or dedication; and
- (f) All necessary drainage easements have been provided.

(5) **Endorsements On Final Plats**

(a) ***Minor Plats***

All minor subdivision final plats shall contain the following certificates:

1. Certificate of ownership;
2. Certificate of survey and accuracy;
3. Certificate of approval by the Planning Director; and
4. Johnston County Plat Review Officer's Certificate

(b) ***Major Plats***

1. All major subdivision final plats shall contain the following certificates:

- A. Certificate of ownership and dedication;
- B. Certificate of survey and accuracy;

- C. Certificate of approval of water supply and sewage and disposal systems (county);
 - D. Certificate of approval of the design and installation of streets, utilities, and other required improvements;
 - E. Certificate of approval by the Town Manager, as applicable; and
 - F. Johnston County Plat Review Officer's Certificate.
2. All final plats located outside the corporate limits of the town, but within the planning jurisdiction, shall contain the following certificates:
- A. NCDOT Engineer Certificate; and
 - B. Certificate of approval of non-municipal water supply & sewage disposal systems.
3. When required by the federal government, all final plats shall contain a certificate for a federally funded project.

(6) Action After Approval

- (a) The applicant shall file the approved final plat with the County Register of Deeds for recording within 60 days after the date of approval. The Planning Director, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this chapter.
- (b) The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance or dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

(K) DEDICATION AND IMPROVEMENTS

- (1) In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.

- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the town elects to install such improvements at a later date.
- (3) For all residential developments approved after July 3, 1995, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(L) **GUARANTEES OF IMPROVEMENTS**

Guarantee of improvements shall be made in accordance with § 155.607.

(M) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections of improvements shall be made in accordance with § 155.607(d).

(N) **APPROVED PLAT MODIFICATIONS**

(1) **Minor Modifications**

(a) ***Preliminary Plat***

Minor revisions to an approved preliminary plat may be approved by the Planning Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

1. Reducing the lot count;
2. Modifying phase lines; and
3. Minor adjustments to lot or street locations.

(b) ***Final Plat***

A final plat may be rerecorded to:

1. Revise or correct dimensions;
2. Change street names;
3. Add, delete or modify easements or private covenants;

4. Change subdivision name; or
5. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Planning Director.

(c) ***Procedures***

1. Preliminary Plat

- A. When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- B. The Planning Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- C. The Planning Director shall distribute copies of the revised plat to the appropriate agencies.

2. Final Plat

- A. When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- B. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
- C. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
- D. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.
- E. The Planning Director shall distribute copies of the recorded final plat to the appropriate agencies.

(2) **Major Modifications**

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

(O) **RESUBDIVISION AND RECOMBINATION PROCEDURES**

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed for an original subdivision. Lot size and configuration may, however, be varied on an approved plat after recording, provided that:

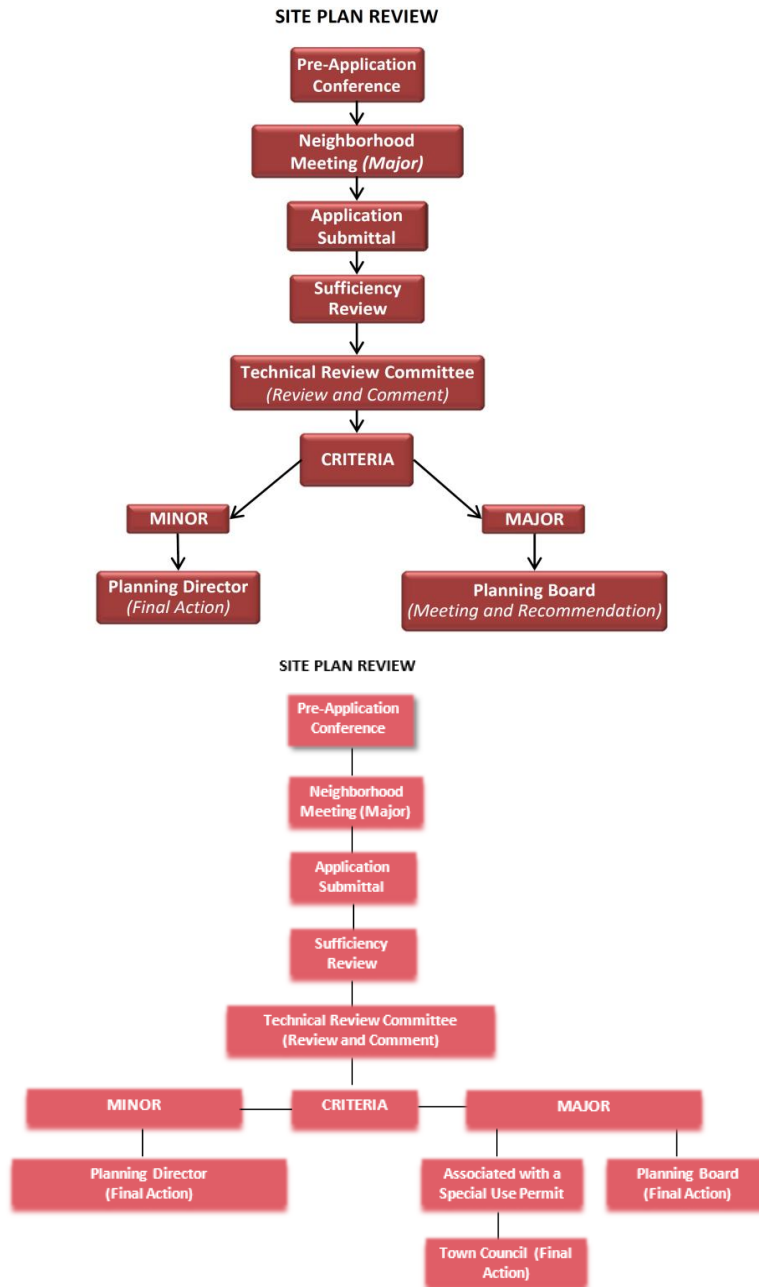
- (1) No lot or parcel of land shall be created or sold that does not conform to the minimum standards of the applicable zoning district;
- (2) Easements or rights-of-way shall not be changed;
- (3) Street alignment and block sizes shall not be changed;
- (4) The character of the area shall be maintained;
- (5) A recombination of existing parcels may be approved by the Planning Director, subject to the following:
 - (a) The resultant lots are equal to the standards of this chapter or more closely conform to the minimum lot size standards in this chapter;
 - (b) The total number of lots is not increased;
 - (c) All the metes and bounds boundaries of the affected lots are shown;
 - (d) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
 - (e) The title block contains the word "recombination";
 - (f) Structures on the affected lots are shown and the requested recombination does not violate setback requirements of the §§ 155.200 through 155.204;
 - (g) The recombination plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
 - (h) The recombination plat is signed and sealed by a registered surveyor;
 - (i) The recombination plat is certified by the Planning Director; and
 - (j) The recombination plat conforms to all laws and ordinances for the recordation of maps.

(P) **APPEAL**

Final action on a final plat may be appealed to the ~~B~~oard of ~~A~~djustment in accordance with § 155.717.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-08-04, passed 8-4-08; Am. Ord. 2011-05-02, passed 5-2-11)

§155.707 SITE PLAN REVIEW



(A) **APPLICABILITY**

- (1) All proposed development, except for single-family detached, zero lot line, and alley-loaded dwelling units on individual lots, shall be subject to the site plan review process.
- (2) Temporary uses may require site plan review (see § 155.712).

(B) **SITE PLAN TYPES**

There are two types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

(1) **Minor Site Plans**

(a) ***Applicability***

1. The following shall be reviewed as a minor site plan:
 - A. Parking lot expansions where there is no increase in excess of 5% of floor area of the principal structure;
 - B. Accessory uses in commercial districts involving structures less than 500 square feet; and
 - C. Amenity facilities, park and open area uses in approved subdivisions.
2. Projects listed below shall also be reviewed as a minor site plan provided they do not require a traffic impact analysis in accordance with § 155.708; do not require modification of the standards established in this chapter other than those which the Planning Director may modify administratively; and do not involve the issuance of a conditional use permit or a special use permit.
 - A. Developments of up to 2,500 square feet of building for nonresidential uses; and
 - B. Expansion of an existing conforming structure or expansion of a previously approved site plan by less than 2,500 square feet or 5% in floor area or number of units, whichever is greater.

(b) ***Approval Authority***

The Planning Director shall be responsible for approving a minor site plan.

(2) **Major Site Plans**

(a) ***Applicability***

Any development requiring site plan review not listed in (B)(1) of this section as a minor site plan shall be considered a major site plan.

(b) **Approval Authority**

The Planning Board shall be responsible for approving ~~all~~ major site plans, ~~including site plans associated with an approved planned development master plan (see (E) of this section), and~~ conditional use permits (see § 155.710);

The Town Council shall be responsible for approval of all major site plans associated with ~~and~~ special use permits (see § 155.711).

(C) **PRE-APPLICATION CONFERENCE**

- (1) All applicants seeking site plan approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

(D) **MINOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for minor site plan approval shall be submitted accordance with § 155.702(C).

(2) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the minor site plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor site plan for consistency with the requirements of this chapter.
- (b) After technical review, the Planning Director shall determine whether the minor site plan conforms to the requirements of this chapter.

(3) **Modifications to Approved Minor Site Plans**

The Planning Director shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this section or refer the modification to the Technical Review Committee if deemed necessary.

(E) **MAJOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for major site plan approval shall be submitted accordance with § 155.702(C).

(2) **Neighborhood Meeting**

All applicants seeking major site plan approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the major site plan for review by the Technical Review Committee. The Technical Review Committee shall review the major site plan for consistency with the requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the Town and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board. If the site plan is running concurrently with an associated Special Use Permit, the site plan and any related application materials shall be forwarded directly to the Town Council for final review.

(4) **Action by Planning Board**

- (a) After considering the Planning Director's comments, the Planning Board shall approve or disapprove the major site plan, or send the site plan back to the Technical Review Committee for additional consideration.
- (b) Major site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

(5) Action by Town Council

- (a) After considering the Planning Director's comments, the Town Council shall approve or disapprove or deny a major site plan associated with a Special Use Permit application, or send the site plan back to the Technical Review Committee for additional consideration.
- (b) Major site plans requiring revisions shall be returned to the Technical Review Committee within 90 days or the application shall be considered withdrawn.

(5)(6) Modifications to Approved Major Site Plans

- (a) Minor deviations. If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written

application for such amendment with the Planning Director who shall act upon such application within ten days of its receipt. Minor deviations shall include, but are not limited to, the following:

1. A less than 5% increase, or any decrease, in the floor area or number of units, provided that the district maximums of the subject property for which an minor site plan has been submitted, is not exceeded.
2. A less than 10% decrease in parking spaces, open space or livability space;
3. The minor relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan unless deemed by the Planning Director to significantly alter the approved plan.

~~(6)~~(7) **Substantial Deviations**

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

- (a) A 5% or greater increase in floor area or number of units;
- (b) A 10% or greater decrease in parking spaces, open space or livability space;
- (c) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan for the distances specified below based on the size of the development:
 1. 25 feet or more for major site plans of two acres or less;
 2. 50 feet or more for major site plans of more than two acres but less than eight acres;
 3. 100 feet or more for major site plans of eight acres but less than 20 acres; and
 4. 150 feet for major site plans of 20 acres or more.

(F) **APPROVAL CRITERIA**

In approving a site plan, the ~~P~~lanning ~~D~~irector, ~~and P~~lanning ~~B~~oard, and Town Council shall consider the following:

- (1) Consistency with the adopted plans and polices of the Town;
- (2) Compliance with all applicable requirements of this chapter;
- (3) Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;

- (4) For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- (5) Adequacy and location of parking areas and pedestrian and vehicular access points;
- (6) Compliance with site construction specifications;
- (7) Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
- (8) 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;
- (9) Compliance with requirements for easements or dedications;
- (10) Compliance with any applicable subdivision improvements; and
- (11) If applicable, compliance with the approved planned development master plan.
- (12) Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood.

(G) **PERIOD OF VALIDITY**

An approved site plan shall expire two years from the date of approval unless the proposed development is pursued as set forth below:

- (1) A complete building permit application has been submitted and remains valid;
- (2) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
- (3) If no building permit is required, a certificate of occupancy has been issued.

(H) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(I) **DEDICATION AND IMPROVEMENTS**

- (1) In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.
- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval of the Planning Director as a condition of site plan approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.
- (3) For all residential and planned developments approved the effective date of this chapter, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(J) **GUARANTEES OF IMPROVEMENTS**

- (1) Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- (2) The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Town Manager. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.
- (3) As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.
- (4) In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

(K) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections during of site improvements shall be made in accordance with § 155.607(d).

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

§ 155.708 TRAFFIC IMPACT ANALYSIS

(A) APPLICABILITY

- (1) A traffic impact analysis may be required to be submitted in conjunction with an application for a planned development, preliminary plat, major site plan, or special use permit.
- (2) Unless exempted in (B) of this section, a traffic impact analysis shall be required for projects, which can be anticipated to generate at least 100 vehicle trips at peak hour from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

***Commentary:** 100 peak hour vehicle trips equates to approximately 100 single-family units or 25,000 square feet of general commercial space.*

(B) EXEMPTIONS

The following projects shall not be required to submit a traffic impact analysis:

- (1) Developments approved prior to the effective date of this chapter that have maintained valid planned development master plans, preliminary plats, major site plans or special use permits.
- (2) Redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.
- (3) Minor site plans.

(C) PRE-APPLICATION CONFERENCE

- (1) All applicants required to submit a traffic impact analysis shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) The Planning Director and the Town's consultant, if applicable, shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments.

(D) WAIVER AUTHORIZED

- (1) The Planning Director may waive the requirement to submit a traffic impact analysis. If the Director waives the requirement to submit a traffic impact analysis, the Director shall include the reason for the waiver in the Director's decision or recommendation on the application.
- (2) An applicant who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.
- (3) The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not:

- (a) In combination with existing traffic, exceed the desirable operating level established in (H) of this section; or
- (b) Endanger the public safety.

(E) **APPLICATION REQUIREMENTS**

A traffic impact analysis prepared by a professional engineer licensed in the state of ~~north carolina~~[North Carolina](#) shall be submitted in accordance with § 155.702(c). The traffic impact analysis must conform with the requirements of this section and the town's engineering design manual. The traffic impact analysis report must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.

(F) **DEFINITION OF IMPACT AREA**

The director shall determine the geographic area to be included in a traffic impact analysis. Identification of the points of access and key streets and intersections to be affected by development of the subject parcel shall be required. Traffic recorder and turning movement assessment locations may also have to be determined. The study area shall not extend beyond the point where the project traffic at build-out is less than 10% of the capacity of the roadway or intersection.

(G) **CONSULTANTS**

The planning director may require that an independent consultant be hired by the town to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The planning director is authorized to administer the contract for any such consultant.

- (1) The Town shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
- (2) The applicant shall provide an amount equal to the cost estimate to the Town, which shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest. If the estimated or actual cost increases during the review from the Town's initial cost estimate, the applicant immediately shall provide an amount equal to the increased cost to the Town, which the Town shall deposit in the escrow or special account. The final approval of any application requiring a traffic impact analysis by the Town shall be contingent upon the full payment of all consultant costs incurred for the analysis.
- (3) The Town may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

(H) **DESIRABLE OPERATING LEVELS FOR CERTAIN STREETS**

Traffic on a residential local or collector street is operating at a desirable level if it does not exceed the following levels:

<i>Pavement Width</i>	<i>Vehicles Per Day</i>
Less than 30 feet	1,200
30 feet to less than 40 feet	1,800
40 feet or wider	4,000

(I) **ACTION ON APPLICATION**

- (1) The Planning Director may deny an application if the results of a traffic impact analysis demonstrate that a proposed development may overburden the Town's street system.
- (2) The Planning Director shall deny an application if the traffic impact analysis demonstrates that:
 - (a) The projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in (H) of this section in the traffic impact analysis study area; or
 - (b) The project endangers the public safety.

(J) **APPLICATION MODIFICATION BASED ON TRAFFIC ANALYSIS**

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis. Modifications may include:

- (1) A reduction in the projected vehicle trips per day;
- (2) The dedication of additional right-of-way;
- (3) The rerouting of traffic and a proposed access and egress point;
- (4) Participation in the funding of a traffic signal or intersection improvement; and
- (5) Other modification determined to be necessary.

(K) **APPEAL OF PLANNING DIRECTOR'S ACTION**

- (1) An applicant may appeal the Planning Director's denial to the Town Council.
- (2) The Town Council may approve the traffic impact analysis if the Council determines that the:
 - (a) Applicant has satisfactorily mitigated adverse traffic effects; or
 - (b) Additional traffic from the project has an insignificant effect on the Town's streets.

(L) **PERIOD OF VALIDITY**

A traffic impact analysis shall be valid for a specific site for no more than ten years, so long as no significant modifications to the development approved for the site are made.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.709 ZONING PERMIT

(A) APPLICABILITY

- (1) It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Planning Department has issued a zoning permit for such work.
- (2) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Planning Department has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this chapter.
- (3) It shall be unlawful to undertake any land-disturbing activity until the Planning Department has issued a zoning permit for such work.
- (4) No zoning permit is required for permitted temporary uses (see § 155.712).

(B) TIMING OF APPLICATION

In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

(C) APPLICATION REQUIREMENTS

All applications for a zoning permit shall be submitted in accordance with § 155.702(c).

(D) ACTION BY PLANNING DIRECTOR

- (1) If the proposed application is in conformity with the provisions of this chapter, the Planning Department shall issue a zoning permit, provided that all of the following conditions shall apply:
 - (a) Issuance of a zoning permit shall in no case be construed as waiving any provisions of this chapter;
 - (b) The Planning Director shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use buildings, structures or land;
 - (c) The Planning Director shall issue a permit when the imposed conditions of this chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and

- (d) The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this chapter. Prior to the issuance of a zoning permit, the Planning Director shall consult with other applicable departments, as necessary.
- (2) If the proposed application, is not in conformity with the provisions of this chapter, the Planning Director shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

(E) **EXPIRATION**

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

(F) **APPEAL**

Final action on a zoning permit may be appealed to the board of adjustment in accordance with § 155.717.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.710 CONDITIONAL USE PERMIT REVIEW

CONDITIONAL USE PERMIT PROCESS



(A) APPLICABILITY

- (1) Conditional Uses are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.
- (2) A Conditional Use Permit shall be required for all Conditional Uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The Conditional Use review process is as follows:
- (3) Where a use requiring approval as Conditional Use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to Conditional Use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) PRE-APPLICATION CONFERENCE

All applicants seeking Conditional Use approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(C) **APPLICATION REQUIREMENTS**

- (1) An application for a Conditional Use Permit shall be submitted in accordance with § 155.702(C).
- (2) If a Site Plan is required for the proposed Conditional Use Permit pursuant to § 155.707, the applicant shall submit a Site Plan for review and approval concurrent with the Conditional Use Permit request, in accordance with § 155.707. The two applications shall be filed together and review of each application shall proceed simultaneously in accordance with the provisions of this Chapter. However, the designated decision-making body shall render separate decisions on each application, recognizing that the applications are distinct and subject to different standards for approval.
- (3) A Traffic Impact Analysis may be required if the proposed development meets the thresholds established in § 155.708.

(D) **NEIGHBORHOOD MEETING**

All applicants seeking Conditional Use Permit approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(E) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Use Permit request and site plan, if applicable, for review by the Technical Review Committee. The Technical Review Committee shall review the request for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this Chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.
- (3) Where a Major Site Plan is required, the Planning Board shall consider the site plan application following action by the Board of Adjustment. The site plan shall be processed pursuant to § 155.707.

(F) **NOTICE AND PUBLIC HEARINGS**

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

(G) **ACTION BY BOARD OF ADJUSTMENT**

(1) **Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A simple majority vote of the Board is necessary to grant a Conditional Use Permit.
- (b) Each decision shall be accompanied by the Findings of Fact that specifies the reason for the decision.
- (c) In approving the Conditional Use Permit, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Chapter.
- (e) Any additional condition approved by the Board of Adjustment shall become a part of the permit.

(2) **Findings of Fact**

No Conditional Use Permit shall be approved by the Board of Adjustment, unless the following findings are made concerning the application:

- (a) 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.
- (b) 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, or other applicable regulations.
- (c) 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.
- (d) 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.

(H) **MODIFICATIONS TO APPROVED CONDITIONAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a Conditional Use Permit, if such change is not contrary to the approving action of the Board of Adjustment, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved Conditional Use Permit, the approved Conditional Use Permit shall be amended in accordance with the procedure and standards which governed its approval.

(I) **EFFECT OF DECISION**

- (1) If the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Adjustment votes to approve an application, the permit shall be recorded in the County Register of Deeds office.
- (2) The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any

decision by the Board of Adjustment, may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(J) **PERIOD OF VALIDITY**

- (1) An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a Zoning Permit has been issued.
- (2) Once the appropriate permit has been issued, the Conditional Use Permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the Conditional Use Permit shall become void. If a Conditional Use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(K) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY/ZONING PERMIT**

- (1) No building permit, certificate of occupancy or Zoning Permit shall be issued for the Conditional Use Permit until the site plan (if required) for the proposed use or development has been approved by the Planning Director (minor) or the Planning Board (major).
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(L) **REVOCATION OF A CONDITIONAL USE PERMIT**

- (1) If any conditions of a Conditional Use Permit or other requirements of this Chapter are violated, the Board of Adjustment may revoke the permit. Revocation may occur after an evidentiary hearing is conducted by the Board of Adjustment.
- (2) Upon a four-fifths vote, the Board of Adjustment shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (3) Violations of conditions of a Conditional Use Permit shall be considered a violation of this Chapter and thereby subject to the provisions of § 155.720.

(M) **COORDINATION WITH VARIANCES**

Applications for Variances may be submitted concurrently with a request for a Conditional Use Permit. However, decisions shall be rendered with separate motions. The Conditional Use Permit request shall be considered first, and where it is denied, the variance request shall be null and void.

(N) **COORDINATION WITH REZONING**

An application for a Conditional Use Permit may be reviewed concurrently with a Rezoning application. However, a decision shall be rendered first for any Rezoning and then subsequently for any Conditional Use Permit.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2014-03-02, passed 3-17-14)

§ 155.711 SPECIAL USE REVIEW



(A) APPLICABILITY

- (1) Special uses within each general use district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Town Council.
- (2) A special use permit shall be required for all special uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.

***Commentary:** If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.*

- (3) Where a use requiring a approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

~~Commentary: For example, where a use in the B-3 District (requiring a special use permit) is an outparcel within a larger retail development, the special use review shall apply to the outparcel only—not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require special use review.~~

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking special use approval shall schedule a pre-application conference with the planning director, in accordance with § 155.702(a).

(C) **NEIGHBORHOOD MEETING**

All applicants seeking special use approval shall hold a neighborhood meeting in accordance with § 155.702(b).

(D) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval.
- (2) An application for a special use permit shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis may be required if the proposed development meets the thresholds established in § 155.708.

(E) **NOTICE AND PUBLIC HEARINGS**

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

(F) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the site plan for review by the Technical Review Committee. The Technical Review Committee shall review the site plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the ~~Planning Board~~Town Council.

~~(G)~~ **ACTION BY PLANNING BOARD**

- ~~(0) After considering the Technical Review Committee's comments, the Planning Board shall approve or disapprove the site plan, or send the site plan back to the Technical Review Committee for additional consideration.~~
- ~~(0) Site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.~~

~~(H)~~**(G) ACTION BY TOWN COUNCIL**

- (1) Before taking action on the special use request, the Town Council shall consider the recommendations of the ~~Planning Board~~Planning Director.
- (2) The Town Council may approve the request or, deny the request, ~~or send the request back to the Planning Board for additional consideration.~~

~~(K)~~**(H) FINDINGS OF FACT REQUIRED**

No special use permit shall be approved unless the following findings are made concerning the application:

- (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.
- (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 or other applicable regulations.
- (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.
- (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.

~~(L)~~**(I) ADDITIONAL CONDITIONS**

- (1) In granting approval of a special use permit, the Town Council may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- (2) Any additional condition approved by the Town Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

~~(M)~~(J) **MODIFICATIONS TO APPROVED SPECIAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a special use permit, if such change is not contrary to the approving action of the Town Council, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved special use permit, the approved special use permit shall be amended in accordance with the procedure and standards which governed its approval.

~~(N)~~(K) **EFFECT OF DECISION**

- (1) If the Town Council votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Town Council votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Town Council may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(O)(L) PERIOD OF VALIDITY

- (1) An approved special use permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a certificate of occupancy has been issued.
- (2) Once the appropriate permit has been issued, the special use permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the special use permit shall become void. If a special use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(P)(M) BUILDING PERMIT/CERTIFICATE OF OCCUPANCY

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate review body. ~~Town Council~~.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(O)(N) REVOCATION OF A SPECIAL USE PERMIT

- (1) If any conditions of a special use permit, or other requirements of this chapter are violated, the town may revoke the permit.
- (2) Revocation may occur after an evidentiary hearing is conducted by the Town Council.
- (3) Upon a four-fifths vote, the Town Council shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (4) Violations of conditions of a special use permit shall be considered a violation of the this chapter and thereby subject to the provisions of § 155.720.

(P)(O) COORDINATION WITH VARIANCES

Applications for variances may be submitted concurrently with a request for a special use permit. The special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

(S)(P) COORDINATION WITH REZONING

An application for a special use permit may be reviewed concurrently with a rezoning application. However, a decision shall be rendered first for any rezoning and then subsequently for any special use permit.

(Ord. 2005-11-02, passed 11-21-05)

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

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BUILDING INSPECTION DEPARTMENT

§ 32.001 ESTABLISHMENT; DUTIES.

For provisions concerning the Building Inspection Department, see §§ 150.060 through 150.065.

BOARD OF ADJUSTMENT

§ 32.010 ESTABLISHMENT; COMPOSITION.

(A) **Establishment.** The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(B) **Composition.**

(1) *Number and term.*

(a) The Board of Adjustment shall consist of seven members with four members residing in the corporate limits and three members residing within the town's extraterritorial jurisdiction (ETJ); and each member is to be appointed for three years.

(b) In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time.

(2) *Membership.*

(a) Membership on the Board of Adjustment shall include representatives from the corporate limits and ETJ.

(b) Any member of the Board of Adjustment representing the ETJ shall be appointed by the Town Council, subject to approval by the Johnston County Board of County Commissioners.

(3) *Attendance.* All members are expected to attend scheduled meetings for the prompt and efficient transaction of business. The clerk to the Board shall maintain the attendance record, including attendance at regular meetings, work sessions and special called meetings. If at any time a member either fails to attend two-thirds of the scheduled meetings during a calendar year or misses three scheduled meetings in succession, the secretary to the Board shall notify the Chairman of the Board. The Chairman of the Board will send a letter of recommendation on this member's attendance to the Town Council liaison and the Town Clerk. The Town Clerk, Town Council liaison, and the Planning Director shall make a decision on this member's continued service to the Board.

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.011 ORGANIZATION.

Proceedings.

(A) **Meetings.** All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public.

(B) **Minutes.** The Board of Adjustment shall keep minutes of proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote,

an indication of such fact; and final disposition of appeals shall be by recorded resolution, indicating the reasons of the Board, all of which shall be a public record.

(C) **Quorum.** A quorum shall consist of four members.

(Am. Ord. 2016-11-01, passed 11-7-16)

§ 32.012 POWERS AND DUTIES.

Powers and duties. In execution of the provisions of this chapter, the Board of Adjustment shall have the following powers and duties.

- (A) *General authority.* The Board of Adjustment may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- (B) *Final authority.* The Board of Adjustment shall be responsible for final action regarding the following:
 - (1) Conditional Use Review (§ 155.710); and
 - (2) Variances (§ 155.716).

(Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2016-11-01, passed 11-7-16)

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§ 155.700 REVIEW BODIES

(A) TOWN COUNCIL

(1) **Establishment and Composition**

The Town Council is established and composed pursuant to the Town Charter and Chapter 30 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Town Council shall be responsible for final action regarding the following:

- (a) Text Amendments (§ 155.703);
- (b) Rezoning (§ 155.704);
- (c) Planned Development Review (§ 155.705);
- (d) Preliminary Plat Review (§ 155.706);
- (e) Special Use Review (§ 155.711);
- (f) Zoning Vested Rights (§ 155.718); and
- (g) Alternative Sign Plans (§155.703).

(B) **PLANNING BOARD**

(1) **Establishment and Composition**

The Planning Board is established and composed pursuant to Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Board shall have the following power and duties.

(a) ***General Authority***

- 1. The Planning Board may exercise additional powers as may be described elsewhere in this chapter and as permitted by North Carolina General Statutes.
- 2. The Planning Board shall perform related duties as directed by the Town Council.

(b) ***Review Authority***

The Planning Board shall make recommendations regarding the following:

- 1. Text Amendments (§ 155.703);
- 2. Rezoning (§ 155.704);
- 3. Planned Development Review (§ 155.705);
- 4. Preliminary Plat Review (§ 155.706); and
- 5. Special Use Review (§ 155.711).

(c) ***Final Authority***

The Planning Board shall be responsible for final action regarding the following:

1. Major Site Plan Review (§ 155.707); and
2. Alternative means of compliance in the Thoroughfare Overlay District.

(C) **BOARD OF ADJUSTMENT**

(1) **Establishment and Composition**

The Board of Adjustment is established pursuant to G.S. § 160A-388 and Chapter 32 of the Town's Code of Ordinances.

(2) **Powers and Duties**

In execution of the provisions of this Chapter, the Board of Adjustment shall have the following powers and duties.

(a) ***General Authority***

The Board of Adjustment may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.

(b) ***Final Authority***

The Board of Adjustment shall be responsible for final action regarding the following:

1. Conditional Use Review (§ 155.710);
2. Variances (§ 155.716); and
3. Administrative Appeals (§ 155.717).

(D) **PLANNING DIRECTOR**

(1) **Designation**

The Planning Director shall administer certain provisions of this Chapter as may be required below.

(2) **Delegation of Authority**

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this Chapter but shall remain responsible for any final action.

(3) **Powers and Duties**

In execution of the provisions of this Chapter, the Planning Director shall have the following powers and duties.

(a) **General Authority**

1. The Planning Director may exercise additional powers as may be described elsewhere in this Chapter and as permitted by North Carolina General Statutes.
2. The Planning Director shall perform related duties as directed by the Town Council.

(b) **Review Authority**

The Planning Director shall make recommendations regarding the following:

1. Text Amendments (§ 155.703);
2. Rezoning (§ 155.704);
3. Planned Development Review (§ 155.705);
4. Preliminary Plat Review (§ 155.706);
5. Major Site Plan Review (§ 155.707);
6. Conditional Use Review (§ 155.710);
7. Special Use Review (§ 155.711);
8. Alternative Sign Plans (§ 155.713);
9. Variances (§ 155.716); and
10. Zoning Vested Rights (§ 155.718).

(c) **Final Authority**

The Planning Director shall be responsible for final action regarding the following:

1. Minor Plat Review (§ 155.706);
2. Final Plat Review (§ 155.706);
3. Administrative Amendment (§ 155.707);
4. Minor Site Plan Review (§ 155.707);
5. Traffic Impact Analyses (§ 155.708);

6. Zoning Permits (§ 155.709);
7. Temporary Use Permits (§ 155.712);
8. Sign Permits (§ 155.713);
9. Tree Clearing Certificates (§155.21); and
10. Written Interpretations (§ 155.715).

(E) **TECHNICAL REVIEW COMMITTEE**

(1) **Establishment and Composition**

The Technical Review Committee (TRC) is established for the purpose of performing technical evaluations of land development activities, including but not limited to subdivisions, planned developments, and site plan applications as set forth in Section 155.701(E) of the Unified Development Code (UDC). The TRC is further authorized to complete appropriate analyses of land development activities pursuant to the Town's Code of Ordinances. The Technical Review Committee shall be composed of the persons below, or their designee:

- (a) The Planning Director, chairman;
- (b) Planning department staff, designated with primary review responsibility for each application;
- (c) The Public Works Director;
- (d) The Electric System Director;
- (e) The Town Engineer;
- (f) The Fire Chief;
- (g) The Parks and Recreation Director; and
- (h) The North Carolina Department of Transportation.

The TRC may request input from other governmental agencies including, but not limited to, the School Board, the USPS Clayton Postmaster, Johnston County Department of Public Utilities, North Carolina Railroad and adjacent municipalities as needed.

(2) **Powers and Duties.**

The Technical Review Committee has the following duties and responsibilities regarding the review and consideration of applications that come before them:

(a) The TRC shall undertake technical evaluations of land development applications and activities to identify deficiencies and/or discrepancies from the provisions of the Town's Unified Development Code and the Town's Code of Ordinances. This includes:

1. Planned Development Review (§ [155.705](#));
2. Minor Plat Review (§ [155.706](#));
3. Preliminary Plat Review (§ [155.706](#));
4. Final Rlat Review (§ [155.706](#));
5. Minor Site Plan Review (§ [155.707](#)); and
6. Major Site Plan Review (§ [155.707](#)).

(b) The TRC, through its chairman, may approve, approve with conditions, disapprove or postpone consideration of applications that require staff-level approval only. Actions by the TRC regarding staff-level approvals shall be final unless appealed in accordance with Section 155.717 of the UDC. Applications which proceed to the Board of Adjustment, Planning Board, or Town Council will be scheduled for the next available agenda, once receiving TRC chairman approval to proceed.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2008-09-01, passed 9-2-08; Am. Ord. 2011-12-02, passed 12-5-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2014-06-10, passed 6-16-14; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.701 SUMMARY OF REVIEW AUTHORITY

Table 7-1 below summarizes review and approval authority under this chapter.

Table 7-1 Review and Approval Authority

	Technical Review Committee TRC	Planning Director PD	Board of Adjustment BOA	Planning Board PB	Town Council TC	
Text Amendment		Review		Review	<DECISION>	§ 155.703
Rezoning		Review		Review	<DECISION>	§ 155.704
Planned Development	Review	Review		Review	<DECISION>	§ 155.705
Minor Subdivision Plat	Review	DECISION				§ 155.706
Preliminary Plat	Review	Review		Review	<DECISION>	§ 155.706
Final Plat	Review	DECISION				§ 155.706
Administrative Amendment		DECISION				§ 155.707
Minor Site Plan	Review	DECISION				§ 155.707
Major Site Plan	Review	Review		DECISION		§ 155.707
Traffic Impact Analysis						§ 155.708
Zoning Permit		DECISION				§ 155.709
Conditional Use		Review	<DECISION>			§ 155.710
Special Use		Review		Review	<DECISION>	§ 155.711
Temporary Use Permit		DECISION				§ 155.712
Sign Permit		DECISION				§ 155.713
Alternative Sign Plan		Review			<DECISION>	§ 155.713
Written Interpretation		DECISION				§ 155.715
Variance		Review	<DECISION>			§ 155.716
Administrative Appeal			<DECISION>			§ 155.717
Zoning Vested Right		Review			<DECISION>	§ 155.718
Tree Clearing Certificate	Review	DECISION				§155.721
<Public Hearing Required>						

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.702 COMMON REVIEW PROCEDURES

(A) PRE-APPLICATION CONFERENCE

- (1) Before submitting an application for development approval, each applicant shall schedule a pre-application conference with the Planning Department to discuss the procedures, standards and regulations required for development approval in accordance with this chapter.
- (2) Unless waived by the Planning Director, a pre-application conference with the Planning Department shall be required for all development approvals listed in Table 7-1, with the exception of Written Interpretations (§155.715), Administrative Appeals (§155.717), Zoning Permits (§155.709), and Sign Permits (§155.713).

(B) NEIGHBORHOOD MEETING

- (1) After the pre-application conference and prior to the first public meeting, the applicant shall hold a mandatory neighborhood meeting for the following:
 - (a) Rezoning (§ 155.704);
 - (b) Planned Development Review (§ 155.705);
 - (c) Major Subdivision / Preliminary Plat Review, (§ 155.706);
 - (d) Major Site Plan Review (§ 155.707);
 - (e) Special Use Review (§ 155.711); and
 - (f) Conditional Use Review (§ 155.710).
- (2) Only the initial application for Planned Development review shall require a neighborhood meeting. Subsequent applications for Subdivision or Site Plan review do not require further neighborhood meetings.
- (3) The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- (4) The applicant shall provide notification by mail to property owners as identified in (D)(2)(c) of this Section. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the neighborhood meeting. Neighborhood meetings shall be held no earlier than 6:00 pm Monday through Friday to allow adequate time for attendees to get to the meeting.
- (5) The applicant shall provide to the Planning Department a copy of all notice materials including the letter and addresses, and provide written certification of the mailing. Certification shall note the date of the mailing and be signed by the applicant.

- (6) The applicant shall prepare and submit to the Planning Director a meeting summary that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- (7) The Planning Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

(C) **APPLICATION REQUIREMENTS**

(1) **Forms**

Applications required under this Chapter shall be submitted on forms and in such numbers as required by the Planning Director.

(2) **Fees**

- (a) All applications and associated fees shall be filed with the Planning Department.
- (b) Filing fees shall be established from time to time to defray the actual cost of processing the application, as listed in the Town's Comprehensive List of Fees and Charges.
- (c) An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refund shall be available, except that unused notice surcharges shall be refunded less 10% for administrative purposes.

(3) **Application Deadline**

Applications shall be submitted to the Planning Department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

(4) **Applications Sufficient For Processing**

- (a) All applications shall be sufficient for processing before the Planning Department is required to review the application.
- (b) An application shall be sufficient for processing when it contains all of the required information and materials have been submitted for review.
- (c) The presumption shall be that all of the information required in the application materials is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.

- (d) Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Department to the appropriate reviewing entities.

(5) **Final Determinations on Sufficient Applications**

- (a) Following review by appropriate entities, Planning Department staff shall review any updated application materials and confer with the applicant to ensure an understanding of the applicable requirements of this Chapter; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.
- (b) Once the applicant indicates that the application is as complete as the applicant intends to make it, Planning Department staff will make a determination on the application, or as required by this Chapter, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures.

(6) **Concurrent Applications**

- (a) If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- (b) Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

(D) **NOTICE AND PUBLIC HEARINGS**

(1) **Summary of Notice Required**

Notice shall be required for applications for approval as shown in Table 7-2 below.

Table 7-2 – Public Notice Requirements

	Published	Mailed	Posted	
Text Amendment	•			§ 155.703
Rezoning	•	•	•	§ 155.704
Planned Development	•	•	•	§ 155.705
Preliminary Plat Review	•	•	•	§ 155.706
Major Site Plan			•	§ 155.707
Conditional Use Review	•	•	•	§ 155.710

Special Use Review	•	•	•	§ 155.711
Variance	•	•	•	§ 155.716
Administrative Appeal		•	•	§ 155.717

(2) **Public Notice Requirements**

(a) ***Published Notice***

Where published notice is required, a distinctive advertisement shall be placed by the Town in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

(b) ***Posted Notice (Sign)***

Where posted notice is required, a sign shall be posted not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street. The sign shall indicate that a public hearing will be held and a phone number to contact the Town.

(c) ***Mailed Notice***

1. Where mailed notice is required, the applicant shall supply stamped addressed envelopes to the Planning Department. The notification shall be made by first-class mail by Planning Department Staff (at the last addresses listed for such owners in the county tax records) to all property owners within 100 feet and immediately abutting the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. The Planning Department shall certify to the Town Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
3. Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the Town elects to use the following expanded notice requirements:
 - A. Published notice of the hearing shall be provided as set forth in (D)(2)(a) of this section. The advertisement shall not be less than one-half of a newspaper page in size.

- B. Mailed notice of the hearing shall be provided (as set forth in (D)(2)(c)1. and 2. of this section) to all property owners who reside outside of the newspaper's circulation area.

(d) **Content of Notice**

A published or mailed notice shall provide at least the following:

1. Parcel identification number;
2. The address of the subject property (if available);
3. The general location of the land that is the subject of the application, which may include, a location map;
4. A description of the action requested;
5. Where a rezoning is proposed, the current and proposed districts;
6. The time, date and location of the public hearing;
7. A phone number to contact the Town; and
8. A statement that interested parties may appear at the public hearing.

(3) **Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(E) **REQUIRED HEARINGS**

A public hearing shall be required for development review as shown in Table 7-3 below.

Table 7-3 Required Hearings

	Board of Adjustment BOA	Town Council TC	
Text Amendment		•	§ 155.703
Rezoning		•	§ 155.704
Planned Development		•	§ 155.705
Preliminary Plat		•	§ 155.706

Conditional Use Review	•		§ 155.710
Special Use Review		•	§ 155.711
Alternative Sign Plan		•	§ 155.713
Variance	•		§ 155.716
Administrative Appeal	•		§ 155.717

(F) **DECISIONS**

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

(G) **NOTICE OF DECISION**

Within 14 days after a decision is made, a copy of the decision shall be delivered to the applicant by personal delivery, electronic mail or first-class mail. The decision shall also be filed with the Planning Department and available for public inspection during regular office hours.

(H) **WITHDRAWAL OF APPLICATION**

- (1) An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Planning Director.
- (2) The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- (3) If a valid zoning protest petition shall have been filed, the application may be withdrawn only if the statement of withdrawal is filed no later than five days prior to the date of the Town Council hearing date upon which the matter is to be returned for action by the Town Council. Thereafter, the application may be withdrawn only by leave of the Town Council, by majority vote.
- (4) The Planning Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- (5) An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2013-02-02, passed 2-4-13; Am. Ord. 2013-12-03, passed 12-2-13; Am. Ord. 2017-01-01, adopted 01/03/2017)

§ 155.703 TEXT AMENDMENT

(A) APPLICABILITY

Amendments to the text of this chapter shall be made in accordance with the provisions of this section.

- (1) The Town Council shall consider amendments to the text of this chapter, as may be required from time to time.



(B) INITIATION OF AMENDMENT

A request to amend the text of this chapter may be initiated by the town council, board of adjustment, planning board, planning director, or the general public.

(C) APPLICATION REQUIREMENTS

Applications for a text amendment shall be submitted in accordance with § 155.702(c).

(D) NOTICE AND PUBLIC HEARINGS

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

(E) ACTION BY PLANNING DIRECTOR

- (1) The Planning Director shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.

- (a) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board for a recommendation.

(F) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(G) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a text amendment, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.

(H) **APPROVAL CRITERIA**

- (1) In evaluating any proposed amendment of the text of this chapter, the Planning Board and the Town Council shall consider the following:
 - (a) The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements;
 - (b) The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
 - (c) Whether or not the proposed text amendment corrects an error in the chapter; and
 - (d) Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
- (2) In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.704 REZONING

(A) APPLICABILITY

- (1) Amendments to the zoning map shall be made in accordance with the provisions of this section.
- (2) The Town Council shall consider amendments to the zoning map, as may be required from time to time.
- (3) Rezonings should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this chapter.
- (4) All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.



(B) INITIATION OF AMENDMENT

- (1) A request for a rezoning may be initiated by the Town Council, the Planning Board, or the Planning Director.
- (2) An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Council for a rezoning.

(C) **PRE-APPLICATION CONFERENCE**

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

(D) **NEIGHBORHOOD MEETING**

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

(E) **APPLICATION REQUIREMENTS**

All applications for a rezoning shall be submitted in accordance with § 155.702(c).

(F) **NOTICE AND PUBLIC HEARINGS**

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

(G) **ACTION BY PLANNING DIRECTOR**

- (1) The Planning Director shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the Town and the general requirements of this chapter.
- (2) Following completion of technical review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Board.

(H) **ACTION BY PLANNING BOARD**

- (1) The Planning Board shall make a recommendation on the application to the Town Council. The Planning Board's recommendation shall include a written statement to the Town Council describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Board fails to make a recommendation, the Town Council may process the request without a recommendation.
- (2) Following Planning Board review, the Planning Director shall forward the completed rezoning request and any related materials, including the Planning Board recommendation (if applicable), to the Town Council for final action.

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.

(J) **APPROVAL CRITERIA**

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

- (1) Consistency with the adopted plans and policies of the Town;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the Town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MODIFICATION OF APPLICATION**

An applicant in a zoning matter may reduce the geographic scope and or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Planning Director.

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

- (1) In the event of a withdrawal of an application during Town Council review on the merits, no application may be filed requesting the rezoning of any parcel contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application. Where the application is withdrawn prior to the required public hearing, no expiration period shall be imposed on a new application.

- (2) When the Town Council has voted on a zoning application and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a zoning change for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning district for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(Ord. 2005-11-02, passed 11-21-2005; Am. Ord. 2007-04-05, passed 4-2-2007; Am. Ord. 2009-03-04, passed 3-2-2009; Am. Ord. 2016-04-04, passed 04-04-2016)

§ 155.705 PLANNED DEVELOPMENT REVIEW

PLANNED DEVELOPMENT REVIEW



(A) APPLICABILITY

- (1) Planned development review shall occur in accordance with the provisions of this section.
- (2) The Town Council shall consider planned development rezonings, as may be required from time to time.
- (3) All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

(B) INITIATION OF AMENDMENT

An owner of land within the jurisdiction of the town (or a duly authorized agent or representative) may petition the town council for planned development rezoning.

(C) PRE-APPLICATION CONFERENCE

All applicants petitioning for planned development rezoning shall schedule a pre-application conference with the planning director in accordance with § 155.702(a).

(D) **NEIGHBORHOOD MEETING**

All applicants petitioning for planned development rezoning shall hold a neighborhood meeting in accordance with § 155.702(b).

(E) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for planned development rezoning, an applicant shall submit a master plan to govern the development and maintenance of the land within the planned development. The master plan shall be prepared by a professionally certified landscape architect, engineer or architect.
- (2) All applications for planned development rezoning shall be submitted in accordance with § 155.702(C).
- (3) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.
- (4) A traffic impact analysis may be required if the proposed planned development meets the thresholds established in § 155.708.

(F) **NOTICE AND PUBLIC HEARINGS**

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

(G) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.
- (3) The Planning Director shall prepare a staff report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, master plan and any related application materials shall be forwarded to the Planning Board.

(H) **ACTION BY PLANNING BOARD**

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

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

(I) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on a planned development rezoning, the Town Council shall consider the recommendations of the Planning Board and Planning Director.
- (2) The Town Council may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- (3) Concurrently with adopting, denying, or remanding any rezoning, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.
- (4) A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.

(J) **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;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town;
- (4) The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
- (5) It has been determined that the legal purposes for which zoning exists are not contravened;
- (6) It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
- (7) It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

(K) **MASTER PLAN APPROVAL CRITERIA**

The master plan review shall include and the applicant shall be responsible for successfully addressing the following:

- (1) Compliance with § 155.203(L) and all other applicable requirements of this chapter;
- (2) Consistency with the Clayton General Design Guidelines;
- (3) Conformance of the proposal with the stated purpose of the requested planned development district;
- (4) Compatibility of the proposed development with the adjacent community;
- (5) The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- (6) Compatible relationships between each component of the overall project;
- (7) Self-sufficiency of each phase of the overall project;
- (8) Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- (9) The fiscal impact of the proposal and the proposed financing of required improvements;
- (10) The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- (11) The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

(L) **ACTION AFTER APPROVAL**

- (1) Upon approval of a planned development rezoning by the Town Council, and on recordation of the approved master plan, the district is deemed established. Properly executed documents shall be returned to the office of the Town Clerk for recording no later than 90 days from the date of approval or the approval shall be null and void. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- (2) The approved planned development and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved master plan shall be recorded in the Johnston County Register of Deeds office and the Zoning Map amended.
- (3) Approval of a planned development rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- (4) Property to be further subdivided shall obtain approval in accordance with § 155.706. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

- (5) Property not to be further subdivided shall obtain site plan approval as set forth in § 155.707.
- (6) Conditional uses not shown on the approved master plan require approval in accordance with § 155.710.
- (7) Special uses not shown on the approved master plan require approval in accordance with § 155.711.

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

- (1) In the event of a withdrawal of an application prior to action by the Town Council, no application may be filed requesting the same planned development contained in the withdrawn application prior to the expiration of a minimum period of six months from the withdrawal of the application.
- (2) When the Town Council has voted on a planned development and the proposed rezoning has either been denied or has failed to be adopted by the vote required in the event of a valid protest petition, then the application shall be deemed to have expired.
- (3) No subsequent application requesting a planned development for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six months from the date of expiration.
- (4) No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of one year from the expiration.
- (5) The Town Council, by a three-fourths majority vote, may waive the time-lapse requirements of this section if the Town Council deems it to be in the public interest to do so.

(N) **APPROVED MASTER PLAN MODIFICATIONS**

- (1) Amendments to an approved master plan, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to 10% modifications to the approved mixture of uses (so long as the maximums stated are not exceeded), adjustments to phasing, and the realignment of internal roadways. Minor changes to the typical project details, which include but are not limited to signage, lighting, parking, amenities and landscape requirements may also be approved administratively by the Planning Director.
- (2) Major modifications shall require resubmittal to the Town Council. These shall include the addition of land, modifications to the approved mixture of uses in excess of 10%, and the addition, deletion, or relocation of main vehicular entrances. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the town.

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

§ 155.706 SUBDIVISION REVIEW

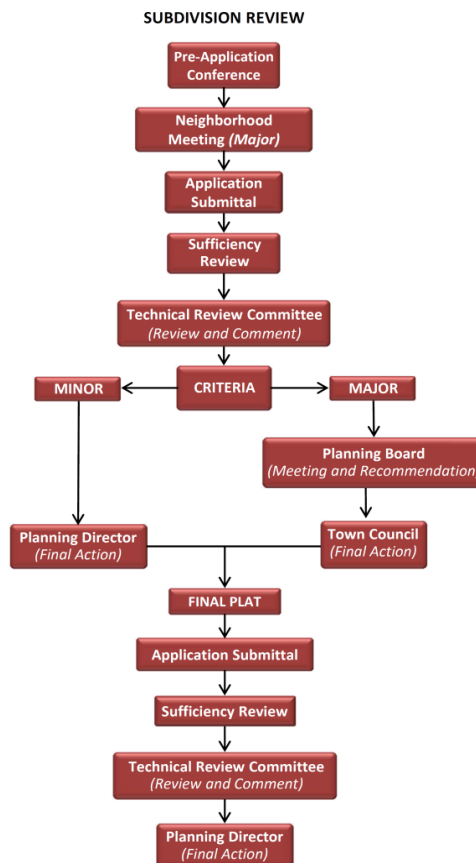
(A) APPLICABILITY

Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

(B) ACTIONS EXEMPT FROM SUBDIVISION REQUIREMENTS

The following shall not be considered "subdivision" subject to review under this section:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this chapter;



- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for water or sewer infrastructure or the widening or opening of streets;
- (4) The division of a site in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter

(C) **NO SUBDIVISION WITHOUT PLAT APPROVAL**

- (1) No person may subdivide land except in accordance with all of the provisions of this chapter. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded in the Johnston County Registry.
- (2) The Johnston County Register of Deeds shall not record a plat of any subdivision within the town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.
- (3) Not all divisions of land constitute subdivisions that are subject to regulation under this chapter. However, to ensure that such divisions are in fact exempt from the requirements of this chapter, all plats creating a division of land shall be presented to the Planning Director before recordation in the Johnston County Registry and the Planning Director shall indicate on the face of the plat that the division is exempt from the provisions of this chapter if that is the case.
- (4) No street shall be maintained or accepted by the town, or shall any street lights, water, or sewer be extended to or connected with any subdivision of land, or shall any permit be issued by any administrative agent or department of the town for the construction of any building or other improvements requiring permit, upon any land for which a plat is to be approved, unless and until the requirements set forth in this chapter have been complied with.
- (5) There are a variety of requirements for differing levels of resource protection in §§ 155.500 through 155.502, which must be met prior to the subdivision of land.

(D) **DELEGATION OF AUTHORITY**

The town council delegates review and approval authority for all minor plats and final plats to the planning director, with review by the technical review committee.

(E) **UNLAWFUL TO RECORD PLAT WITHOUT FINAL OR MINOR PLAT APPROVAL**

It shall be unlawful to offer and cause to be recorded any final plat within the town limits with the Johnston County Register of Deeds unless the plat bears the endorsement and approval of the planning director or town clerk.

(F) **DEFINITIONS**

(1) **Minor Subdivision**

- (a) A minor subdivision is a subdivision that does not involve any of the following:
1. Creation of a total of more than five lots;
 2. Creation of any new public streets;
 3. Extension of any water or sewer lines; or
 4. Installation of drainage improvements through one or more lots to serve one or more other lots.
 5. A traffic impact analysis as established in § 155.708.
- (b) Minor subdivisions requires minor plat review and final plat review.

(2) **Major Subdivision**

- (a) All other divisions of land not exempted in (B) of this section or listed in (F)(1) of this section shall be considered major subdivisions.
- (b) Major subdivisions require preliminary plat approval and final plat approval.

(G) **PRE-APPLICATION CONFERENCE AND SKETCH PLAN**

- (1) All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions (see Planning Department for specific submittal requirements).
- (3) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.
- (4) When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

(H) **MINOR PLAT REVIEW**

(1) **Applicability**

- (a) The procedure for approval of a minor subdivision plat is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The difference between the minor and major subdivision processes is that minor subdivisions do not require preliminary plat review.
 - (b) There shall be only one minor subdivision approved on any original tax parcel in any three-year period. This division shall not apply to minor subdivisions for which the following conditions are met:
 - 1. The owner and grantee certify that the grantee of each lot is the child or child and spouse, or grandchild and spouse of the owner;
 - 2. The owner and grantee certify that no consideration shall be paid for any of the lots;
 - 3. The owner and grantee certify that the purpose of the minor subdivision is not to circumvent the provisions of this chapter, and that none of the lots shall be conveyed to third parties for a period of not less than three years, and that the record plat shall indicate same.
 - 4. Failure of any person to comply with the provisions of (H)(1)(b)1., 2. and 3. of this section shall be in violation of this chapter, and all of the remedies available in G.S. § 160A-375 shall apply.
- (2) **Application Requirements**

All applications for minor plat review shall be submitted in accordance with § 155.702(C).
- (3) **Action by Planning Director**
 - (a) Upon submission of a completed application, the Planning Director shall schedule the minor subdivision plat for review by the Technical Review Committee. The Technical Review Committee shall review the plat for consistency with the requirements of this chapter. The Planning Director shall, after review by the Technical Review Committee, determine whether the plat conforms to the standards of a minor subdivision.
 - (b) If the minor subdivision plat is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with preliminary plat approval.
- (4) **Action Following Approval**

Upon minor preliminary plat approval, the applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this chapter, and other applicable regulations of the town, Johnston County, and the state. The final plat may be recorded in the Johnston County Record of Deeds.
- (5) **Continuing Validity of Minor Plats**

Within 24 months of the date of approval of the minor subdivision plat, the applicant shall submit application for final plat review otherwise the minor subdivision plat shall be null and void.

(6) **Minor Plat Approval Criteria**

Minor subdivision plats shall be approved only when the Planning Director, after Technical Review Committee review, finds that all of the following conditions exist:

- (a) Consistency with the adopted plans and of policies of the town;
- (b) The plat complies with the standards of §§ 155.600 through 155.607, and any other applicable requirements of this chapter;
- (c) The plat indicates that all subject lots will have frontage on existing approved streets;
- (d) New or residual parcels conform to the requirements of this chapter and other applicable regulations;
- (e) No new streets are required or are likely to be required for access to interior property;
- (f) No drainage or utility easements will be required to serve interior property;
- (g) No extension of public sewerage or water lines will be required; and
- (h) The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property.

(7) **Waivers for Minor Plat Approval**

The Planning Director may grant exceptions to the requirements for minor plat approval provided that the purposes and intent of this section have been met.

(I) **PRELIMINARY PLAT APPROVAL (MAJOR SUBDIVISIONS ONLY)**

(1) **Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision as set forth in (F) of this section.

(2) **Application Requirements**

- (a) All applications for preliminary plat review shall be submitted in accordance with § 155.702(C).
- (b) A traffic impact analysis may be required if the proposed subdivision meets the thresholds established in § 155.708.

- (c) An application for a waiver from any of the provisions of §§ 155.600 through 155.607 shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.

(3) **Notice and Public Hearings**

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

(4) **Neighborhood Meeting**

All applicants seeking major subdivision approval (open space subdivision only) shall hold a neighborhood meeting in accordance with § 155.702(B).

(5) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the preliminary plat for review by the Technical Review Committee. The Technical Review Committee shall review the preliminary plat for consistency with the requirements of this chapter.
- (b) The following agencies shall be given an opportunity to review the proposed plat as needed:
 - 1. County Superintendent of Schools.
 - 2. County Health Department.
 - 3. State Department of Transportation District Engineer.
 - 4. State Department of Natural Resources and Community Development.
 - 5. Other agencies and officials as the Planning Director or Planning Board may deem necessary or desirable.
- (c) The Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, preliminary plat and any related application materials shall be forwarded to the Planning Board.

(6) **Action by Planning Board**

The Planning Board shall review and make a recommendation to the Town Council on the preliminary plat within 60 days of the required submittal date.

(7) **Waivers**

- (a) The Town Council may authorize, in specific situations, waivers to certain requirements of §§ 155.600 through 155.607 if it is clear that adequate provisions for the type and intensity of the proposed use has been or will be provided, and there are special circumstances, such as unique characteristics of the lot and area, or strict interpretation of the requirements render the subdivision of the property not feasible or desirable.
 - 1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not generally applicable to other property;
 - 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter are enforced; and
 - 4. The purpose of the waiver is not based primarily upon financial consideration.
 - (b) In granting a waiver, the Town Council may require certain conditions that in its judgment, substantially secure the objectives, standards or requirements of this chapter.
- (8) **Action by Town Council**
- (a) The preliminary plat shall be referred to the Town Council for final action after action is taken by the Planning Board. The preliminary plat shall be considered by the Town Council in accordance with its rules of procedure and the General Statutes of North Carolina.
 - (b) An evidentiary hearing shall be held after due notice has been given to the applicant and the general public. Sworn parties shall be given the opportunity to present evidence, cross-examine other parties, inspect any documentation, and offer evidence or testimony in rebuttal.
 - (c) Findings of fact shall be made by the Town Council that are based on sworn evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material, and competent.
 - (d) No final action shall be deemed to have been given by the Town Council on the preliminary plat until the Town Council's written decision on the preliminary plat is delivered to the applicant by the town.
 - (e) The Town Council may approve the preliminary plat, deny the preliminary plat, or send the preliminary plat back to the Planning Board for additional consideration.

- (f) If the Town Council should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

(9) Action Following Approval

- (a) Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. All work shall be performed in compliance with the requirements of §§ 155.600 through 155.607, and other applicable regulations of the town, Johnston County, and the state.
- (b) Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in (J) of this section have been fulfilled and after all other specified conditions have been met.

(10) Findings of Fact Required

No preliminary plat may be approved by the Town Council unless all of the following findings are made concerning the subdivision:

- (a) Consistency with the adopted plans and of policies of the town.
- (b) The subdivision meets all required specifications of this chapter.
- (c) 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.
- (d) 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.

(11) Modification of Construction Standards

Notwithstanding the approval of a preliminary plat, the town shall have the authority to apply any revised construction standards to future plats at the time of application for final plat approval. The Public Works Director shall determine the maximum extent to which such new standards may feasibly apply.

(12) Continuing Validity of Preliminary Plats

- (a) Within 24 months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section of the subdivision otherwise the preliminary plat shall be null and void.
- (b) All sections of an approved preliminary plat must be submitted for final plat approval within three years of preliminary plat approval for a preliminary plat containing up to

100 lots, and within five years for a preliminary plat containing 100 lots or more. Otherwise, the preliminary plat shall be null and void.

(J) **FINAL PLAT REVIEW (MAJOR AND MINOR SUBDIVISIONS)**

(1) **Applicability**

A final plat shall be required for all subdivision of land in the town and its extraterritorial jurisdiction.

(2) **Application Requirements**

All applications for final plat review shall be submitted in accordance with § 155.702(C).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall within 60 days schedule the final plat for review by the Technical Review Committee. The Technical Review Committee shall review the final plat for consistency with the with the approved minor subdivision plat or approved preliminary plat, as applicable, and the general requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director may approve the final plat, deny the final plat, or send the plat back for additional consideration.
- (c) If the final plat is disapproved by the Planning Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this chapter with which the final plat does not comply.

(4) **Final Plat Approval Criteria**

Final plats shall be approved when the following conditions exist:

- (a) Consistency with the adopted plans and of polices of the town;
- (b) The plat substantially complies with the approved minor plat or preliminary plat, as applicable;
- (c) The plat complies with the standards of §§ 155.600 through 155.607 and the other applicable requirements of this chapter;
- (d) New and residual parcels will conform to the requirements of this chapter and other applicable regulations;
- (e) All necessary right-of-way has been offered for reservation or dedication; and
- (f) All necessary drainage easements have been provided.

(5) **Endorsements On Final Plats**

(a) **Minor Plats**

All minor subdivision final plats shall contain the following certificates:

1. Certificate of ownership;
2. Certificate of survey and accuracy;
3. Certificate of approval by the Planning Director; and
4. Johnston County Plat Review Officer's Certificate

(b) **Major Plats**

1. All major subdivision final plats shall contain the following certificates:

- A. Certificate of ownership and dedication;
- B. Certificate of survey and accuracy;
- C. Certificate of approval of water supply and sewage and disposal systems (county);
- D. Certificate of approval of the design and installation of streets, utilities, and other required improvements;
- E. Certificate of approval by the Town Manager, as applicable; and
- F. Johnston County Plat Review Officer's Certificate.

2. All final plats located outside the corporate limits of the town, but within the planning jurisdiction, shall contain the following certificates:

- A. NCDOT Engineer Certificate; and
- B. Certificate of approval of non-municipal water supply & sewage disposal systems.

3. When required by the federal government, all final plats shall contain a certificate for a federally funded project.

(6) **Action After Approval**

- (a) The applicant shall file the approved final plat with the County Register of Deeds for recording within 60 days after the date of approval. The Planning Director, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this chapter.

- (b) The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance or dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

(K) **DEDICATION AND IMPROVEMENTS**

- (1) In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.
- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the town elects to install such improvements at a later date.
- (3) For all residential developments approved after July 3, 1995, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(L) **GUARANTEES OF IMPROVEMENTS**

Guarantee of improvements shall be made in accordance with § 155.607.

(M) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections of improvements shall be made in accordance with § 155.607(d).

(N) **APPROVED PLAT MODIFICATIONS**

- (1) **Minor Modifications**

(a) ***Preliminary Plat***

Minor revisions to an approved preliminary plat may be approved by the Planning Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

1. Reducing the lot count;
2. Modifying phase lines; and
3. Minor adjustments to lot or street locations.

(b) ***Final Plat***

A final plat may be rerecorded to:

1. Revise or correct dimensions;
2. Change street names;
3. Add, delete or modify easements or private covenants;
4. Change subdivision name; or
5. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Planning Director.

(c) ***Procedures***

1. Preliminary Plat

- A. When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Planning Director with a copy sent to the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.
- B. The Planning Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- C. The Planning Director shall distribute copies of the revised plat to the appropriate agencies.

2. Final Plat

- A. When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director with a copy sent to

the Technical Review Committee delineating the revisions and requesting authorization for administrative revision.

- B. If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature, and date of signing.
- C. If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
- D. In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.
- E. The Planning Director shall distribute copies of the recorded final plat to the appropriate agencies.

(2) **Major Modifications**

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

(O) **RESUBDIVISION AND RECOMBINATION PROCEDURES**

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed for an original subdivision. Lot size and configuration may, however, be varied on an approved plat after recording, provided that:

- (1) No lot or parcel of land shall be created or sold that does not conform to the minimum standards of the applicable zoning district;
- (2) Easements or rights-of-way shall not be changed;
- (3) Street alignment and block sizes shall not be changed;
- (4) The character of the area shall be maintained;
- (5) A recombination of existing parcels may be approved by the Planning Director, subject to the following:
 - (a) The resultant lots are equal to the standards of this chapter or more closely conform to the minimum lot size standards in this chapter;
 - (b) The total number of lots is not increased;
 - (c) All the metes and bounds boundaries of the affected lots are shown;

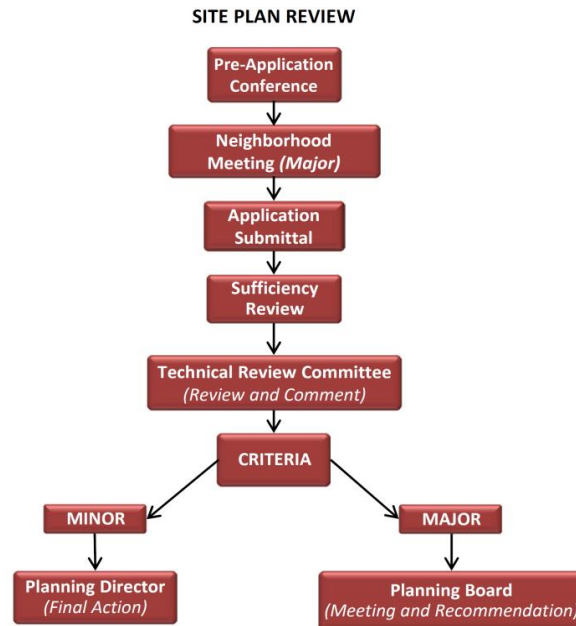
- (d) All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
- (e) The title block contains the word "recombination";
- (f) Structures on the affected lots are shown and the requested recombination does not violate setback requirements of the §§ 155.200 through 155.204;
- (g) The recombination plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
- (h) The recombination plat is signed and sealed by a registered surveyor;
- (i) The recombination plat is certified by the Planning Director; and
- (j) The recombination plat conforms to all laws and ordinances for the recordation of maps.

(P) **APPEAL**

Final action on a final plat may be appealed to the board of adjustment in accordance with § 155.717.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07; Am. Ord. 2008-08-04, passed 8-4-08; Am. Ord. 2011-05-02, passed 5-2-11)

§155.707 SITE PLAN REVIEW



(A) **APPLICABILITY**

- (1) All proposed development, except for single-family detached, zero lot line, and alley-loaded dwelling units on individual lots, shall be subject to the site plan review process.
- (2) Temporary uses may require site plan review (see § 155.712).

(B) **SITE PLAN TYPES**

There are two types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

(1) **Minor Site Plans**

(a) ***Applicability***

1. The following shall be reviewed as a minor site plan:
 - A. Parking lot expansions where there is no increase in excess of 5% of floor area of the principal structure;
 - B. Accessory uses in commercial districts involving structures less than 500 square feet; and

C. Amenity facilities, park and open area uses in approved subdivisions.

2. Projects listed below shall also be reviewed as a minor site plan provided they do not require a traffic impact analysis in accordance with § 155.708; do not require modification of the standards established in this chapter other than those which the Planning Director may modify administratively; and do not involve the issuance of a conditional use permit or a special use permit.

A. Developments of up to 2,500 square feet of building for nonresidential uses; and

B. Expansion of an existing conforming structure or expansion of a previously approved site plan by less than 2,500 square feet or 5% in floor area or number of units, whichever is greater.

(b) ***Approval Authority***

The Planning Director shall be responsible for approving a minor site plan.

(2) **Major Site Plans**

(a) ***Applicability***

Any development requiring site plan review not listed in (B)(1) of this section as a minor site plan shall be considered a major site plan.

(b) ***Approval Authority***

The Planning Board shall be responsible for approving all major site plans, including site plans associated with an approved planned development master plan (see (E) of this section), conditional use permits (see § 155.710); and special use permits (see § 155.711).

(C) **PRE-APPLICATION CONFERENCE**

(1) All applicants seeking site plan approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(2) The Planning Director shall make a determination as to which approval process authorized by this section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

(D) **MINOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for minor site plan approval shall be submitted accordance with § 155.702(C).

(2) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the minor site plan for review by the Technical Review Committee. The Technical Review Committee shall review the minor site plan for consistency with the requirements of this chapter.
- (b) After technical review, the Planning Director shall determine whether the minor site plan conforms to the requirements of this chapter.

(3) **Modifications to Approved Minor Site Plans**

The Planning Director shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this section or refer the modification to the Technical Review Committee if deemed necessary.

(E) **MAJOR SITE PLAN REVIEW**

(1) **Application Requirements**

An application for major site plan approval shall be submitted accordance with § 155.702(C).

(2) **Neighborhood Meeting**

All applicants seeking major site plan approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(3) **Action by Planning Director**

- (a) Upon submission of a completed application, the Planning Director shall schedule the major site plan for review by the Technical Review Committee. The Technical Review Committee shall review the major site plan for consistency with the requirements of this chapter.
- (b) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, and in light of the adopted plans and policies of the Town and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board.

(4) **Action by Planning Board**

- (a) After considering the Planning Director's comments, the Planning Board shall approve or disapprove the major site plan, or send the site plan back to the Technical Review Committee for additional consideration.

- (b) Major site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

(5) **Modifications to Approved Major Site Plans**

- (a) Minor deviations. If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Planning Director who shall act upon such application within ten days of its receipt. Minor deviations shall include, but are not limited to, the following:
 - 1. A less than 5% increase, or any decrease, in the floor area or number of units, provided that the district maximums of the subject property for which an minor site plan has been submitted, is not exceeded.
 - 2. A less than 10% decrease in parking spaces, open space or livability space;
 - 3. The minor relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan unless deemed by the Planning Director to significantly alter the approved plan.

(6) **Substantial Deviations**

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

- (a) A 5% or greater increase in floor area or number of units;
- (b) A 10% or greater decrease in parking spaces, open space or livability space;
- (c) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan for the distances specified below based on the size of the development:
 - 1. 25 feet or more for major site plans of two acres or less;
 - 2. 50 feet or more for major site plans of more than two acres but less than eight acres;
 - 3. 100 feet or more for major site plans of eight acres but less than 20 acres; and
 - 4. 150 feet for major site plans of 20 acres or more.

(F) **APPROVAL CRITERIA**

In approving a site plan, the planning director and planning board shall consider the following:

- (1) Consistency with the adopted plans and polices of the Town;
- (2) Compliance with all applicable requirements of this chapter;
- (3) Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
- (4) For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- (5) Adequacy and location of parking areas and pedestrian and vehicular access points;
- (6) Compliance with site construction specifications;
- (7) Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with department standards, specifications and guidelines;
- (8) 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;
- (9) Compliance with requirements for easements or dedications;
- (10) Compliance with any applicable subdivision improvements; and
- (11) If applicable, compliance with the approved planned development master plan.
- (12) Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood.

(G) **PERIOD OF VALIDITY**

An approved site plan shall expire two years from the date of approval unless the proposed development is pursued as set forth below:

- (1) A complete building permit application has been submitted and remains valid;
- (2) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
- (3) If no building permit is required, a certificate of occupancy has been issued.

(H) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(I) **DEDICATION AND IMPROVEMENTS**

- (1) In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards, and to install sidewalks in accordance with the policies and requirements of §§ 155.600 through 155.607.
- (2) The applicant shall bear the costs of the installation of all on-site improvements as required by this chapter, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval of the Planning Director as a condition of site plan approval, and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.
- (3) For all residential and planned developments approved the effective date of this chapter, recreation and open space dedication, or payment of fee-in-lieu thereof in accordance with § 155.203(H) shall be required.

(J) **GUARANTEES OF IMPROVEMENTS**

- (1) Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
- (2) The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Town Manager. This bond shall be in cash, certified check, or be made by a bonding/insurance company authorized to do business in North Carolina.
- (3) As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.
- (4) In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing

improvements shall be retained by the Town until the remaining required improvements are completed.

(K) **INSPECTIONS OF REQUIRED IMPROVEMENTS**

Inspections during of site improvements shall be made in accordance with § 155.607(d).

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2007-04-05, passed 4-2-07)

§ 155.708 TRAFFIC IMPACT ANALYSIS

(A) APPLICABILITY

- (1) A traffic impact analysis may be required to be submitted in conjunction with an application for a planned development, preliminary plat, major site plan, or special use permit.
- (2) Unless exempted in (B) of this section, a traffic impact analysis shall be required for projects, which can be anticipated to generate at least 100 vehicle trips at peak hour from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

***Commentary:** 100 peak hour vehicle trips equates to approximately 100 single-family units or 25,000 square feet of general commercial space.*

(B) EXEMPTIONS

The following projects shall not be required to submit a traffic impact analysis:

- (1) Developments approved prior to the effective date of this chapter that have maintained valid planned development master plans, preliminary plats, major site plans or special use permits.
- (2) Redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.
- (3) Minor site plans.

(C) PRE-APPLICATION CONFERENCE

- (1) All applicants required to submit a traffic impact analysis shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).
- (2) The Planning Director and the Town's consultant, if applicable, shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments.

(D) WAIVER AUTHORIZED

- (1) The Planning Director may waive the requirement to submit a traffic impact analysis. If the Director waives the requirement to submit a traffic impact analysis, the Director shall include the reason for the waiver in the Director's decision or recommendation on the application.
- (2) An applicant who obtains a waiver under this section must mitigate adverse effects of the traffic generated from a proposed development.
- (3) The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not:

- (a) In combination with existing traffic, exceed the desirable operating level established in (H) of this section; or
- (b) Endanger the public safety.

(E) **APPLICATION REQUIREMENTS**

A traffic impact analysis prepared by a professional engineer licensed in the state of north carolina shall be submitted in accordance with § 155.702(c). The traffic impact analysis must conform with the requirements of this section and the town's engineering design manual. The traffic impact analysis report must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.

(F) **DEFINITION OF IMPACT AREA**

The director shall determine the geographic area to be included in a traffic impact analysis. Identification of the points of access and key streets and intersections to be affected by development of the subject parcel shall be required. Traffic recorder and turning movement assessment locations may also have to be determined. The study area shall not extend beyond the point where the project traffic at build-out is less than 10% of the capacity of the roadway or intersection.

(G) **CONSULTANTS**

The planning director may require that an independent consultant be hired by the town to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The planning director is authorized to administer the contract for any such consultant.

- (1) The Town shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.
- (2) The applicant shall provide an amount equal to the cost estimate to the Town, which shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest. If the estimated or actual cost increases during the review from the Town's initial cost estimate, the applicant immediately shall provide an amount equal to the increased cost to the Town, which the Town shall deposit in the escrow or special account. The final approval of any application requiring a traffic impact analysis by the Town shall be contingent upon the full payment of all consultant costs incurred for the analysis.
- (3) The Town may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

(H) **DESIRABLE OPERATING LEVELS FOR CERTAIN STREETS**

Traffic on a residential local or collector street is operating at a desirable level if it does not exceed the following levels:

<i>Pavement Width</i>	<i>Vehicles Per Day</i>
Less than 30 feet	1,200
30 feet to less than 40 feet	1,800
40 feet or wider	4,000

(I) **ACTION ON APPLICATION**

- (1) The Planning Director may deny an application if the results of a traffic impact analysis demonstrate that a proposed development may overburden the Town's street system.
- (2) The Planning Director shall deny an application if the traffic impact analysis demonstrates that:
 - (a) The projected traffic generated by the project, combined with existing traffic, exceeds the desirable operating level established in (H) of this section in the traffic impact analysis study area; or
 - (b) The project endangers the public safety.

(J) **APPLICATION MODIFICATION BASED ON TRAFFIC ANALYSIS**

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis. Modifications may include:

- (1) A reduction in the projected vehicle trips per day;
- (2) The dedication of additional right-of-way;
- (3) The rerouting of traffic and a proposed access and egress point;
- (4) Participation in the funding of a traffic signal or intersection improvement; and
- (5) Other modification determined to be necessary.

(K) **APPEAL OF PLANNING DIRECTOR'S ACTION**

- (1) An applicant may appeal the Planning Director's denial to the Town Council.
- (2) The Town Council may approve the traffic impact analysis if the Council determines that the:
 - (a) Applicant has satisfactorily mitigated adverse traffic effects; or
 - (b) Additional traffic from the project has an insignificant effect on the Town's streets.

(L) **PERIOD OF VALIDITY**

A traffic impact analysis shall be valid for a specific site for no more than ten years, so long as no significant modifications to the development approved for the site are made.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.709 ZONING PERMIT

(A) APPLICABILITY

- (1) It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Planning Department has issued a zoning permit for such work.
- (2) It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Planning Department has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this chapter.
- (3) It shall be unlawful to undertake any land-disturbing activity until the Planning Department has issued a zoning permit for such work.
- (4) No zoning permit is required for permitted temporary uses (see § 155.712).

(B) TIMING OF APPLICATION

In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

(C) APPLICATION REQUIREMENTS

All applications for a zoning permit shall be submitted in accordance with § 155.702(c).

(D) ACTION BY PLANNING DIRECTOR

- (1) If the proposed application is in conformity with the provisions of this chapter, the Planning Department shall issue a zoning permit, provided that all of the following conditions shall apply:
 - (a) Issuance of a zoning permit shall in no case be construed as waiving any provisions of this chapter;
 - (b) The Planning Director shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use buildings, structures or land;
 - (c) The Planning Director shall issue a permit when the imposed conditions of this chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and

- (d) The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this chapter. Prior to the issuance of a zoning permit, the Planning Director shall consult with other applicable departments, as necessary.
- (2) If the proposed application, is not in conformity with the provisions of this chapter, the Planning Director shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

(E) **EXPIRATION**

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

(F) **APPEAL**

Final action on a zoning permit may be appealed to the board of adjustment in accordance with § 155.717.

(Ord. 2005-11-02, passed 11-21-05)

§ 155.710 CONDITIONAL USE PERMIT REVIEW

CONDITIONAL USE PERMIT PROCESS



(A) APPLICABILITY

- (1) Conditional Uses are considered to be uses that may be appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review by the Board of Adjustment.
- (2) A Conditional Use Permit shall be required for all Conditional Uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. The Conditional Use review process is as follows:
- (3) Where a use requiring approval as Conditional Use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to Conditional Use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking Conditional Use approval shall schedule a pre-application conference with the Planning Director, in accordance with § 155.702(A).

(C) **APPLICATION REQUIREMENTS**

- (1) An application for a Conditional Use Permit shall be submitted in accordance with § 155.702(C).
- (2) If a Site Plan is required for the proposed Conditional Use Permit pursuant to § 155.707, the applicant shall submit a Site Plan for review and approval concurrent with the Conditional Use Permit request, in accordance with § 155.707. The two applications shall be filed together and review of each application shall proceed simultaneously in accordance with the provisions of this Chapter. However, the designated decision-making body shall render separate decisions on each application, recognizing that the applications are distinct and subject to different standards for approval.
- (3) A Traffic Impact Analysis may be required if the proposed development meets the thresholds established in § 155.708.

(D) **NEIGHBORHOOD MEETING**

All applicants seeking Conditional Use Permit approval shall hold a neighborhood meeting in accordance with § 155.702(B).

(E) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the Conditional Use Permit request and site plan, if applicable, for review by the Technical Review Committee. The Technical Review Committee shall review the request for consistency with the requirements of this Chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the Town, and the general requirements of this Chapter. The report, site plan and any related application materials shall be forwarded to the Board of Adjustment.
- (3) Where a Major Site Plan is required, the Planning Board shall consider the site plan application following action by the Board of Adjustment. The site plan shall be processed pursuant to § 155.707.

(F) **NOTICE AND PUBLIC HEARINGS**

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

(G) **ACTION BY BOARD OF ADJUSTMENT**

(1) **Procedure**

- (a) The Board of Adjustment may approve the request, deny the request, or continue the request. A simple majority vote of the Board is necessary to grant a Conditional Use Permit.
- (b) Each decision shall be accompanied by the Findings of Fact that specifies the reason for the decision.
- (c) In approving the Conditional Use Permit, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
- (d) Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Chapter.
- (e) Any additional condition approved by the Board of Adjustment shall become a part of the permit.

(2) **Findings of Fact**

No Conditional Use Permit shall be approved by the Board of Adjustment, unless the following findings are made concerning the application:

- (a) 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.
- (b) 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, or other applicable regulations.
- (c) 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.
- (d) 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.

(H) **MODIFICATIONS TO APPROVED CONDITIONAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a Conditional Use Permit, if such change is not contrary to the approving action of the Board of Adjustment, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved Conditional Use Permit, the approved Conditional Use Permit shall be amended in accordance with the procedure and standards which governed its approval.

(I) **EFFECT OF DECISION**

- (1) If the Board of Adjustment votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Adjustment votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The Conditional Use Permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Board of Adjustment, may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(J) **PERIOD OF VALIDITY**

- (1) An approved Conditional Use Permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a Zoning Permit has been issued.
- (2) Once the appropriate permit has been issued, the Conditional Use Permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the Conditional Use Permit shall become void. If a Conditional Use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(K) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY/ZONING PERMIT**

- (1) No building permit, certificate of occupancy or Zoning Permit shall be issued for the Conditional Use Permit until the site plan (if required) for the proposed use or development has been approved by the Planning Director (minor) or the Planning Board (major).
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(L) **REVOCATION OF A CONDITIONAL USE PERMIT**

- (1) If any conditions of a Conditional Use Permit or other requirements of this Chapter are violated, the Board of Adjustment may revoke the permit. Revocation may occur after an evidentiary hearing is conducted by the Board of Adjustment.
- (2) Upon a four-fifths vote, the Board of Adjustment shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (3) Violations of conditions of a Conditional Use Permit shall be considered a violation of this Chapter and thereby subject to the provisions of § 155.720.

(M) **COORDINATION WITH VARIANCES**

Applications for Variances may be submitted concurrently with a request for a Conditional Use Permit. However, decisions shall be rendered with separate motions. The Conditional Use Permit request shall be considered first , and where it is denied, the variance request shall be null and void.

(N) **COORDINATION WITH REZONING**

An application for a Conditional Use Permit may be reviewed concurrently with a Rezoning application. However, a decision shall be rendered first for any Rezoning and then subsequently for any Conditional Use Permit.

(Ord. 2005-11-02, passed 11-21-05; Am. Ord. 2011-05-01, passed 5-2-11; Am. Ord. 2014-03-02, passed 3-17-14)

§ 155.711 SPECIAL USE REVIEW



(A) APPLICABILITY

- (1) Special uses within each general use district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Town Council.
- (2) A special use permit shall be required for all special uses as set forth in the Permitted Land Use Table (see § 155.202(B)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: *If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special use in the district, then the entire development requires special use review.*

- (3) Where a use requiring a approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

***Commentary:** For example, where a use in the B-3 District (requiring a special use permit) is an outparcel within a larger retail development, the special use review shall apply to the outparcel only - not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require special use review.*

(B) **PRE-APPLICATION CONFERENCE**

All applicants seeking special use approval shall schedule a pre-application conference with the planning director, in accordance with § 155.702(a).

(C) **NEIGHBORHOOD MEETING**

All applicants seeking special use approval shall hold a neighborhood meeting in accordance with § 155.702(b).

(D) **APPLICATION REQUIREMENTS**

- (1) Concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval.
- (2) An application for a special use permit shall be submitted in accordance with § 155.702(C).
- (3) A traffic impact analysis may be required if the proposed development meets the thresholds established in § 155.708.

(E) **NOTICE AND PUBLIC HEARINGS**

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

(F) **ACTION BY PLANNING DIRECTOR**

- (1) Upon submission of a completed application, the Planning Director shall schedule the site plan for review by the Technical Review Committee. The Technical Review Committee shall review the site plan for consistency with the requirements of this chapter.
- (2) Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments provided by the Technical Review Committee, in light of the adopted plans and policies of the town, and the general requirements of this chapter. The report, site plan and any related application materials shall be forwarded to the Planning Board.

(G) **ACTION BY PLANNING BOARD**

- (1) After considering the Technical Review Committee's comments, the Planning Board shall approve or disapprove the site plan, or send the site plan back to the Technical Review Committee for additional consideration.
- (2) Site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

(H) **ACTION BY TOWN COUNCIL**

- (1) Before taking action on the special use request, the Town Council shall consider the recommendations of the Planning Board.
- (2) The Town Council may approve the request, deny the request, or send the request back to the Planning Board for additional consideration.

(I) **FINDINGS OF FACT REQUIRED**

No special use permit shall be approved unless the following findings are made concerning the application:

- (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.
- (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 or other applicable regulations.
- (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.
- (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.

(J) **ADDITIONAL CONDITIONS**

- (1) In granting approval of a special use permit, the Town Council may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.
- (2) Any additional condition approved by the Town Council shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

(K) **MODIFICATIONS TO APPROVED SPECIAL USE PERMITS**

(1) **Minor Deviations**

The Planning Director is authorized to approve minor deviations to a special use permit, if such change is not contrary to the approving action of the Town Council, but shall not have the authority to approve substantial deviations as set forth below.

(2) **Substantial Deviations**

(a) Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

1. A change in the boundaries of the approved site;
2. A change from the approved use;
3. An increase of 5% or more in the approved floor area, unless proposed addition is 500 square feet of floor area or less, whether such addition is proposed at one time or over an extended period of time;
4. An increase of 5% or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
5. Substantial change in the location of principal or accessory structures;
6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
7. Substantial changes in pedestrian or vehicular access or circulation; and
8. Substantial change in the amount or location of landscape screens.

(b) If a proposed amendment deviates substantially from the approved special use permit, the approved special use permit shall be amended in accordance with the procedure and standards which governed its approval.

(L) **EFFECT OF DECISION**

- (1) If the Town Council votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Town Council votes to approve an application, the permit shall be recorded in the County Register of Deeds office.

- (2) The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs. Any decision by the Town Council may be appealed within 30 days of the decision in accordance with G.S. § 160A-381.

(M) **PERIOD OF VALIDITY**

- (1) An approved special use permit shall expire 12 months from the date of approval unless the proposed development is pursued as set forth below:
 - (a) A complete building permit application has been submitted and remains valid;
 - (b) Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within 12 months from the date approval was granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building; or
 - (c) If no building permit is required, a certificate of occupancy has been issued.
- (2) Once the appropriate permit has been issued, the special use permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the special use permit shall become void. If a special use is determined by the Planning Director to be void, such determination shall be transmitted in writing to the applicant.

(N) **BUILDING PERMIT/CERTIFICATE OF OCCUPANCY**

- (1) No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Town Council.
- (2) In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with § 155.718.

(O) **REVOCATION OF A SPECIAL USE PERMIT**

- (1) If any conditions of a special use permit, or other requirements of this chapter are violated, the town may revoke the permit.
- (2) Revocation may occur after an evidentiary hearing is conducted by the Town Council.
- (3) Upon a four-fifths vote, the Town Council shall revoke the permit, and notice of such revocation shall be recorded in the County Register of Deeds office.
- (4) Violations of conditions of a special use permit shall be considered a violation of the this chapter and thereby subject to the provisions of § 155.720.

(P) **COORDINATION WITH VARIANCES**

Applications for variances may be submitted concurrently with a request for a special use permit. The special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

(Q) **COORDINATION WITH REZONING**

An application for a special use permit may be reviewed concurrently with a rezoning application. However, a decision shall be rendered first for any rezoning and then subsequently for any special use permit.

(Ord. 2005-11-02, passed 11-21-05)



Town of Clayton
Planning Department
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*Planning Board
May 29, 2018*

STAFF REPORT

Application Number: 2018-98-OA
Project Name: Review Bodies Ordinance Amendment

Applicant: Town of Clayton

Public Noticing: Newspaper ad posted June 8, 2018 and June 15, 2018

REQUEST: Request to make amendments to the text of the Unified Development Code, Title XV, §155.700, §155.701, §155.705, §155.706, §155.707, and §155.711. This request also seeks to amend §32.001. This amendment requests to streamline board duties by allowing Planning Board to also serve the duties of the Board of Adjustment. The amendment also requests to remove the review authority of quasi-judicial applications from Planning Board to allow these applications to proceed directly to Town Council for required hearings.

SECTIONS PROPOSED FOR AMENDMENT:

The following sections of Title XV, Chapter 32 and Chapter 155 and their general description are proposed for amendment:

- 32.001 – Board of Adjustment
 - 700 – Review Bodies
 - 701 – Summary of Review Authority
 - 705 – Planned Development Review
 - 706 – Preliminary Plat Review
 - 707 – Site Plan Review
 - 711 – Special Use Review
-

STAFF ANALYSIS AND COMMENTARY:

Overview

Due to the workload of the Board of Adjustment, staff is requesting the proposed amendment to streamline board duties by allowing Planning Board to also serve the duties of the Board of Adjustment. This would be beneficial in reducing the number of people, administrative work hours, creating uniform procedural compliance and creating fewer meeting dates for applicants.

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Additionally, staff is also requesting to amend the ordinance to remove the review authority of Planning Board in regards to quasi-judicial applications. Currently, Planning Board reviews quasi-judicial applications and makes a recommendation to Town Council. This violates the requirement that a quasi-judicial decision be based solely upon information presented at the hearing. As a result, staff is concerned that a recommendation based upon evidence that may not be presented to Council on the date of the hearing has the potential to invalidate quasi-judicial decisions made by Town Council. This proposed amendment will allow quasi-judicial applications to proceed directly to Town Council for a hearing.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 32 and Chapter 155.
- **Novelty of the request**
The request does not represent novel changes to the Code.

CONSIDERATIONS

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

STAFF RECOMMENDATION:

Staff is recommending approval of the ordinance amendment.

ATTACHMENTS:

- 1) Application
- 2) Draft Ordinance Amendment, in strikethrough/underline
- 3) Draft Ordinance- Clean Copy