



**The Town Of Clayton
Regular Council Meeting Agenda
Monday, January 4, 2016 @ 6:30 PM
Council Chambers**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. 2015 Audit Presentations
[Cover - 2015 Audit Presentation](#)
[Fund Balance Memo](#)
- b. Asphalt Pavement Acceptance(s)
 - RWAC Ravens Ridge 8B-1 & 8B-2
 - Riverwood Ranch Phase 2A[Cover - Asphalt Pavement Acceptance\(s\)](#)
[Riverwood Ranch Phase 2 Asphalt Pavement](#)
[RWAC Ravens Ridge 8B-1 & 8B-2 Asphalt Pavement](#)
- c. Warranty & All Easement Acceptance(s)
 - RWAC Ravens Ridge 8B-1 & 8B-2
 - Riverwood Ranch, Phase 2[Cover - Warranty & Easement Acceptance\(s\)](#)
[Riverwood Ranch Phase 2](#)
[RWAC Ravens Ridge 8B-1 & 8B-2](#)
- d. Rock the Block Special Event
[Cover - Rock the Block](#)

- e. Fees & Charges Urban Archery & Advertisement
[Cover - Fees & Charges Update\(s\)](#)
[Fees & Charges - \\$10 Urban Archery & \\$100 - Advertisement](#)
[Fees & Charges Updated Ordinance](#)
- f. Draft Minutes
[Cover - Draft Minutes](#)
[November 2 2015 DRAFT Minutes](#)
[November 16, 2015 DRAFT Minutes](#)

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Eagle Scout Project of Thomas Wright - Troop #421
[Cover - Eagle Scout Project](#)

5. PUBLIC HEARINGS

- a. Hannahs Creek Preliminary Plat - Major Subdivision 13-106-01-SD
[Cover - Hannahs Creek Subdivision 13-106-01-SD - Pdf](#)
[Staff Report - Hannahs Creek](#)
[Application & Supporting Document -Hannahs Creek](#)
[Map - Hannahs Creek](#)
[Neighborhood Meeting - Hannahs Creek](#)
[Additional Applicant Materials - Hannahs Creek](#)
[SUB 08-01 Approval - Hannahs Creek](#)
[Community Letter, Materials - Hannahs Creek](#)
[Additional Community Letter - Hannahs Creek](#)
[Materials Submitted During or Post Planning Board Meeting - Hannahs Creek](#)
[Planning Board Recommendation - Hannahs Creek](#)
[Motion Form - Hannahs Creek](#)
[Approval - Hannah's Creek](#)

POTENTIAL ACTION: Approval/Disapproval

- b. Hocutt Baptist Church Western Parking Lot - 15-45-03-SUP
[Cover -Hocutt Baptist Church Western Parking Lot 15-45-03-SUP - Pdf](#)
[Staff Report - Hocutt Parking Lot](#)

[Application - Hocutt Parking Lot](#)
[Map\(s\) - Hocutt Parking Lot](#)
[Neighborhood Meeting - Hocutt Parking Lot](#)
[Site Plan Landscape Plan - Hocutt Parking Lot](#)
[Planning Board Recommendation- Hocutt Parking Lot](#)
[Planning Board Decision - Hocutt Parking Lot](#)
[Motion Form - Hocutt Parking Lot](#)
[Approval - Hocutt Baptist Parking Lot](#)

POTENTIAL ACTION: Approval/Disapproval

- c. Rhodes Farm Preliminary Plat - Major Subdivision 15-56-01-SD
[Cover - Rhodes Farm Major Subdivision 15-56-01-SD](#)
[Staff Report - Rhodes Farm](#)
[Application - Rhodes Farm](#)
[Map - Rhodes Farm](#)
[Subdivision Plan - Rhodes Farm](#)
[Neighborhood Meeting Information - Rhodes Farm](#)
[Waiver & Stormwater Information - Rhodes Farm](#)
[Planning Board Recommendation - Rhodes Farm](#)
[Amended Conditions of Approval - Rhodes Farm](#)
[Motion Form - Rhodes Farm](#)
[Approval - Rhodes Farm](#)

POTENTIAL ACTION: Approval/Disapproval

- d. East Village Walk - **Two** Public Hearings Will Be Held
1. Rezoning 12-05-04-PDD
2. Preliminary Plat Subdivision 12-05-05-SD
[Cover - East Village Walk - Rezoning - 12-05-04-PDD & Preliminary Plat Major Subdivision 12-05-05-SD](#)
[Staff Report - East Village Walk - Rezoning 12-05-04-PDD](#)
[Application - East Village Walk - Rezoning 12-05-04-PDD](#)
[Map - East Village Walk - Rezoning 12-05-04-PDD](#)
[Neighborhood Meeting Info - East Village Walk - Rezoning 12-05-04-PDD](#)
[Motion Form - East Village Walk - Rezoning - 12-05-04-PDD](#)
[Ordinance - East Village Walk Rezoning 12-05-04-PDD](#)
[Staff Report - East Village Walk - Subdivsion - 12-05-05-SD](#)
[Application - East Village Walk - Subdivision - 12-05-05-SD](#)
[Master Plan - East Village Walk - Subdivision - 12-05-05-SD](#)
[Previous Approval - East Village Walk - Subdivision - 12-05-05-SD](#)
[Neighborhood Meeting - East Village Walk - Subdivision - 12-05-05-SD](#)

[Amended Conditions of Approval - East Village Walk Subdivision - 12-05-05 Motion Form - East Village Walk - Subdivision -12-05-05-SD.doc](#)
[Approval - East Village Walk Subdivision](#)

POTENTIAL ACTION: #1 Approval/Disapproval of Rezoning

POTENTIAL ACTION: #2 Approval/Disapproval of Subdivision

6. OLD BUSINESS

- a. NC 42 East - Master Plan - 15-48-01-PDD - Amendments to Approval
[Cover - NC 42 East - 15-48-01-PDD - Amendments to Approval Affidavit Amending 15-48-01-PDD Approval](#)

POTENTIAL ACTION: Approval/Disapproval

7. NEW BUSINESS

8. STAFF REPORTS

- a. Town Manager
- Update - Window Replacement Project
- b. Town Attorney
- c. Town Clerk
- Council Portrait - Tuesday - January 19, 2016 @ 5:45 p.m.
- d. Other Staff

9. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- Report on Status of Easement Acquisition North Substation Project
- b. Council Comments

10. ADJOURNMENT



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

2015 Audit Presentations

DESCRIPTION:

The Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2015 was presented at the December 21, 2015 Work Session.

POTENTIAL ACTION:

DEPARTMENT:

Finance Department

PRESENTER:

Robert McKie, Finance Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TO: Town of Clayton

FROM: Ken Anderson, CPA

DATE: December 21, 2015

RE: Available Fund Balance, Tax Collection Percentages and Other Audit Information

Fund Balance information as follows:

	<u>Unrestricted General</u>	<u>General</u>	<u>Water and Sewer</u>	<u>Electric</u>
Year End June 30, 2015 24% - General	\$4,929,315	\$7,632,406	\$35,116,089	\$10,198,337
Year End June 30, 2014 31% - General	5,953,914	8,474,713	33,236,732	9,689,236
Year End June 30, 2013 41% - General	6,638,401	8,495,393	30,693,506	9,734,766
Year End June 30, 2012 39% - General	5,819,331	8,444,832	27,790,051	9,724,160
Year End June 30, 2011 32% - General	4,868,682	7,652,348	25,623,718	9,553,234
Year End June 30, 2010 24% - General	3,772,191	7,764,055	23,230,538	9,441,667

Property tax collection percentages are as follows:

	<u>Overall</u>	<u>Excluding Vehicle</u>	<u>Vehicle</u>
Year End June 30, 2015	99.93%	99.93%	99.98%
Year End June 30, 2014	99.69%	99.87%	98.17%
Year End June 30, 2013	98.88%	99.70%	89.42%
Year End June 30, 2012	98.62%	99.34%	89.85%
Year End June 30, 2011	98.53%	99.22%	90.27%
Year End June 30, 2010	98.85%	99.47%	91.13%

TOWN OF CLAYTON
AUDIT REPORT COMMENTS
JUNE 30, 2015

AUDIT REPORT

1. PAGE 1 **INDEPENDENT AUDITOR'S REPORT**
THE CITY RECIECED AN UNMODIFIED OPINION ON THEIR JUNE 30, 2015 FINANCIAL STATEMENTS = GOOD REPORT
2. PAGE 19 **NET CHANGE IN FUND BALANCE GENERAL FUND**
CURRENT YEAR EXPENDITURES EXCEEDED REVENUES BY \$842,307
3. PAGE 23 **CHANGE IN FUND BALANCE - WATER & SEWER FUND**
CURRENT YEAR REVENUES EXCEEDED EXPENDITURES BY \$1,979,326.
4. PAGE 23 **CHANGE IN FUND BALNCE – ELECTRIC FUND**
CURRENT YEAR REVENUES EXCEEDED EXPENDITURES BY \$591,593.
5. PAGE 52 **CHANGES IN LONF TERM LIABILITIES – DEBT**
GOVERNMENTAL ACTIVITIES DEBT DECREASED FROM \$20,463,841 TO \$ 18,979,118 OR A CURRENT YEAR DCEREASE FOR \$ 1,484,723.

BUSSINESS TYPE ACTIVITIES DEBT DECREASED FROM 8,251,582 TO 7,727,620 OR A CURRENT YEAR DECREASED 523,962.

THE TOWN WAS NOT SUBJECT TO A COMPLANICE TYPE AUDIT FOR THE YEAR.

THE TOWN HAD NO BUDGET OVER- EXPENDITURES DURING THE YEAR

THE TOWN AUDIT REPORT WAS SUBMITTED TO THE LOCAL GOVERNMENT COMMISSION OCTOBER 28, 2015 AND WAS ACCEPTED.



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

Asphalt Pavement Acceptance - RWAC Ravens Ridge 8B-1 & 8B-2 & Riverwood Ranch Phase 2A

DESCRIPTION:

The asphalt pavement has been installed within the subject phase. Upon acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated and any faults corrected by the developer prior to final acceptance.

POTENTIAL ACTION:

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: Riverwood Ranch, Phase 2A

The asphalt pavement has been installed within the subject phase. Please schedule Council action for the acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated and any faults corrected by the developer prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

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WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: RWAC, Ravens Ridge 8B1 & 8B-2

The asphalt pavement has been installed within the subject phase. Please schedule Council action for the acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated and any faults corrected by the developer prior to final acceptance.

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WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator *CR*

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: Riverwood Ranch, Phase 2A

The asphalt pavement has been installed within the subject phase. Please schedule Council action for the acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated and any faults corrected by the developer prior to final acceptance.

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(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: RWAC, Ravens Ridge 8B1 & 8B-2

The asphalt pavement has been installed within the subject phase. Please schedule Council action for the acceptance of this work subject to a five-year warranty. Subsequent to the warranty period, pavement and base course conditions will be evaluated and any faults corrected by the developer prior to final acceptance.



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

Warranty & All Easement Acceptance - RWAC Ravens Ridge 8B-1 & 8B-2 & Riverwood Ranch, Phase 2

DESCRIPTION:

A final acceptance request for the subject water, sewer, associated storm drainage utilities, and all pertinent easements. Upon acceptance, the Town will assume all operation and maintenance duties.

POTENTIAL ACTION:

DEPARTMENT:

Engineers/Inspection

PRESENTER:

Chris Rowland, Construction Project Administrator

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

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(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: Riverwood Ranch, Phase 2A

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.

TOWN OF CLAYTON OPERATIONS CENTER

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WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: RWAC, Ravens Ridge 8B1 & 8B-2

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.

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PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk
From: Chris Rowland, Construction Project Administrator 
Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director
Date: December 7, 2015
Subject: Riverwood Ranch, Phase 2A

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.

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"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Donnie Adams, DC Adams Engineering
David DeYoung, Planning Director

Date: December 7, 2015

Subject: RWAC, Ravens Ridge 8B1 & 8B-2

Please place a warranty acceptance request for the subject public water, sewer, associated storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the utilities will be subject to a one-year warranty period. Following expiration of the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

Rock the Block Special Event

DESCRIPTION:

The event will be held on April 16, 2016 from 10:00am-8:00pm. This event will be located at Town Square and estimated attendance is 400 people. The event will have Christian bands, corn hole tournament, face painting for kids, speakers and food.

POTENTIAL ACTION:

DEPARTMENT:

Planning + Zoning

PRESENTER:

Stacy Beard, Public Information Officer

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

Fees & Charges Urban Archery & Advertisement

DESCRIPTION:

Request for approval of Planning Department's new Fees and Charges. A \$10 Urban Archery permit fee and a \$100 Public Notice fee per advertisement. These fees upon approval would be effective January 5, 2016.

POTENTIAL ACTION:

DEPARTMENT:

Planning + Zoning

PRESENTER:

Jay McLeod, Planner

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Planning Department Fee Schedule

Effective ~~July 1, 2013~~ January 5, 2016

DEVELOPMENT SUBMITTAL FEES			
Advertising – Newspaper	\$100	Rezoning	\$500
Appeal / Interpretation	\$250	Sign, Master Plan	\$100
Annexation (see Town Clerk)	No Charge	Sign, Permanent	\$50 + \$5/add'l sign
Conditional Use	\$400	Sign, Temporary	\$30
Hunting License	\$10	Site Plan, Administrative Amendment	\$100
Major Subdivision	\$400 + \$5/lot	Site Plan, Major	\$500 + \$5/acre
Minor Subdivision	\$200 + \$5/lot (< 5 lots)	Site Plan, Minor	\$250 + \$5/acre
Master (Open Space) Subdivision Plan	\$700 + \$5/acre	Special Use Permit	\$400
Planned Development	\$1,000 + \$5/acre	Temporary Use / Special Event Permit	\$100
Plat, Exempt	\$100	Tree Removal /Clearing Permit	\$50
Plat, Final	\$250 + \$5/lot	Variance Application	\$250 \$500 (after the fact)
Plat, Recombination	\$100	Zoning Compliance Permit ⁽¹⁾	\$50
Re-submittal Fee	3rd Submittal ½ of Original Fee	Zoning Verification Letter	\$50

⁽¹⁾No charge for not-for-profit organizations

DOCUMENT FEES			
Photocopy < 11" X 17" (Black and White)	\$0.10	Maps 24" X 36"	\$20.00
Photocopy > 11" X 17" (Black and White)	\$1.00	Maps 36" X 48"	\$30.00
Photocopy < 11" X 17" (Color)	\$0.40	General Design Guidelines	\$10.00
Photocopy > 11" X 17" (Color)	\$5.00	Strategic Growth Plan	\$20.00
Maps 18" X 24"	\$10.00	Unified Development Code	\$40.00

CONSULTANT REVIEW FEES			
Traffic Review	\$ Determined Prior to Submission	Tower Review, New Structure with One Related Meeting	\$5,000
Tower Review, New Structure with Two Related Meetings	\$6,500	Tower Review, Co-Location / Modification / Upgrade	\$1,000

RECREATION AND OPEN SPACE FEES ⁽¹⁾			
Residential Unit Fee	\$750	Residential Unit Fee (Private Open Space Included)	\$375
Multi-Family Unit Fee	\$700	Multi-Family Unit Fee (Private Open Space Included)	\$350

⁽¹⁾Fees are charged on a per lot/unit basis

Note: In accordance with NC GS 160A-4.1 (Electronic notice of new fees and fee increase; public comment period), as the Town maintains its website, the Town shall provide notice of the imposition of or increase in fees or charges applicable solely to the construction of development subject to the provisions of Part 2 of Article 19 of this Chapter on the Town's website at least seven days prior to the first meeting where the imposition of or increase in the fees or

charges is on the agenda for consideration. During the consideration of the imposition of or increase in fees or charges, the Clayton Town Council shall permit a period of public comment.

This section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of NC GS 159-12.

Town of Clayton
Amendment to the Comprehensive
List of Fees and Charges
Regarding Urban Archery Permit Fee
And
Public Notice Fee (Per Advertisement)

BE IT HEREBY APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON,
NORTH CAROLINA, THAT THE FOLLOWING SHALL BE AMENDED TO ITS
COMPREHENSIVE LIST OF FEES AND CHARGES:

PLANNING DEPARTMENT

- | | | |
|-----|--------------------------|------------------------------|
| I. | Urban Archery Permit Fee | \$10.00 |
| II. | Public Notice Fee | \$100.00 (Per Advertisement) |

Above listed fees will become effective January 5, 2016.

Duly adopted this 4th day of January, 2016.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett
Town Clerk



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

Draft Minutes

DESCRIPTION:

Draft minutes from the November 2, 2015 and November 16, 2015 Town Council meeting are presented for approval.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett, Town Clerk

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



**The Town Of Clayton
Regular Council Meeting Minutes
Monday, November 2, 2015 @ 6:30 PM
Council Chambers**

**COUNCIL
PRESENT:**

Mayor Jody L. McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Holder
Council Member Thompson

**STAFF
PRESENT:**

Steve Biggs, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Atty.
Kimberly Moffett, Town Clerk
David DeYoung, Planning Director
Dale Medlin, Elec. Dept. Director
John Hamlin, Public Info. Officer
Robert McKie, Finance Director
Tim Simpson, Public Works Dir.
Ann Game, Customer Service Dir.

**COUNCIL
ABSENT:**

1. CALL TO ORDER

- a. Mayor McLeod called the meeting to order at 6:33 p.m. The Mayor led the Pledge of Allegiance and offered the Invocation.
- b. Boy Scout Troop #726, who are affiliated with St. Ann's Catholic Church & Powhatan FWB Church, were in attendance and acknowledged.

2. ADJUSTMENT OF THE AGENDA

- a. Mr. Biggs requested an item be added with regard to Sole Sourcing request for window project at the Clayton Center.

3. CONSENT AGENDA

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. Warranty and Public Easement Acceptance(s)
- b. Draft Minutes - October 5, 2015
- c. Veterans Day Proclamation
- d. Fire Advisory Board and Firefighter Relief Fund Board Vacancies
- e. Planning Board Vacancy

November 2, 2015
DRAFT Minutes

- f. Award Bid - Clayton Pedestrian Connector

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Veterans Day Presentation

Mayor McLeod read and presented a Proclamation to all Town of Clayton employees who are veterans. Several employee were present. John Hamlin, Assistant Public Information Officer, provided a Power Point presentation of the town employees. Also shared was information regarding the Tribute to Veterans which will be held on Sunday, November 8, 2015. This event will honor all veterans.

5. PUBLIC HEARINGS

- a. Gordon Tract - Rezoning - RZ 2014-21

This item was tabled until November 16, 2015.

- b. Gordon Tract Subdivision - PSD 2014-95

This item was tabled until November 16, 2015.

- c. Creech Tract 1 - Wynwood Major Subdivision 15-27-01-SD

The Public Hearing was opened at 6:48 p.m. Those wishing to offer testimony were administered the oath and Attorney Ross provided information regarding the type of testimony and evidence that could be heard and considered during a quasi judicial proceeding.

Applicant is Dalton Engineering and Associates. Owner is Everland Lee LLC and the site is located at 1294 Shotwell Road. This project is known as Wynwood Manor and previously known as the Creech Tract. Request is for preliminary subdivision plat which is also acting as the master plan on Tract 1 of the Creech Property. Creech Property actually has 4 tracts, this is just the first tract presented. Mr. DeYoung stated the applicant was in the audience and would be presenting information following staff's presentation. Property is 87 acres in size and was rezoned to mixed use back in 2006 and the economy did not survive well and subsequently the project fell behind and is now back in the process. Currently is agriculture vacant land. Neighborhood meeting was held on August 17, 2015. Current proposal is for 181 lots which equals a proposed density of 2.1 units per acre. There is one entrance to the development off of Covered Bridge Road. There is one entrance which is a cross connection entrance into the Cassedale Subdivision, there is one

entrance into the "Mims" tract and an entrance into Tract 4 and Tract 2 of the Creech Tract. Developer is proposing greenway trail to go up along Covered Bridge Road and goes down into the Parkview Tract and Legend Park and then continues along the Neuse and all the way back to our current connection which is on O'Neil Street. Project will have several pocket parks. Approval back in 2006 was for 104 single family lots and a day care center. This project is very similar with density being greater. There was also an entrance into Cassedale Subdivision and an entrance into the "Mims" tract. There were two connections onto Covered Bridge Road, current project has one.

Minimum lot size being proposed is 7,000 square feet with minimum lot width of 50'. On cul-de-sac's they do ask for a minimum width of 40'. They show minimum lot depth of 100' and setbacks 10' front, 5' side, 10' side street and rear setback were 15' but applicant has come back and stated they would do 25' setback.

Staff also requested that applicant consider larger buffer adjacent to Cassedale. There will be 13.2 acres of open space with almost 4 acres being active recreation to include clubhouse, pool, mini park and greenways. It was also requested that with regard to linear park that runs through the development that height of fence in backyards be restricted to 4', to not create a closed space and impede views.

Neighborhood concerns include traffic through Cassedale Subdivision. Mr. DeYoung stated a petition was received from Cassedale Homeowner's Association requesting the connection between Wynwood Manor and Cassedale be a one lane gated road allowing emergency vehicle access and denying thru traffic.

Applicant will address neighborhood concern regarding small lot sizes and reduced neighboring property values. Also to be addressed will be traffic concerns.

The Planning Board was interested in knowing the price point of the homes, the offset of the linear park and NCDOT position on signal light.

The main access is off Covered Bridge Road and there are stub-outs to Tract 2 and Tract 4. There is a stub-out street into Cassedale. Planning staff maintains its position that when subdivision is approved and it has certain number of lots that secondary access is required. Cassedale Subdivision connected to this parcel to provide its secondary access and Cassedale Subdivision was approved on the assumption they would connect their secondary access to this subdivision.

A summary of the Traffic Impact Analysis was provided. Recommendations of improvements included Covered Bridge Road and intersection of Covered Bridge Road and Shotwell Road.

The Creech/Wynwood Manor project is generally consistent with our Comprehensive Plan and Surrounding Land Use. Additionally requirements regarding recreation and open space have been met.

Planning Board and Planning Staff are recommending approval with conditions as stated in staff report and addition of one more condition and that would be "the offsite roadway improvements recommended by the Traffic Study, NCDOT Congestion Management and NCDOT Division Board will be installed prior to the issuance of Certificate of Occupancy for the phase or unit count that generates the improvement.

Council Member Satterfield asked about staff recommendation regarding Petition from Cassedale and one lane entrance. Mr. DeYoung stated that full access be granted.

Mr. Jerry Dalton, Dalton Engineering Associates, 446 East Main Street, represented the developers addressed the council at 7:00 p.m. It is his opinion that all town requirements have been met. He stated numerous meetings have taken place to ensure all requirements had been met. He stated they had no issues with access.

He provided details regarding the project including open space, lot sizes, and amenities. He stated sewer allocation had been requested for the 182 lots in Tract 1. He addressed the issue regarding the linear park and stated there is a permanent 30' easement access that will be maintained by the HOA. Mr. Dalton stated the density is higher than Cassedale. He also stated that part of the reason that Cassedale lots were so much larger is that when they were built sewer was not available. The size of the lots in Cassedale were driven by the amount of soil it took to get an on site system. He discussed density and how the ability to develop drives that. He also spoke about the connectivity issue with Cassedale and stated they are willing to do whatever the council decides. Also discussed were lots sizes and Mr. Dalton stated the smallest lot is 8200 square feet. He addressed the concerns regarding the 2 lots that back up to Cassedale and stated they have added a 25' minimum rear setback and stated they would be willing to double the vegetation in the Class "C" buffer that is in the town ordinance. He stated he feels they are doing what they can to protect those two residences and also feels they are going over and above what the minimum is, but also stated they are happy to do it as it is the right thing to do. Mr. Dalton stated he did not understand how this project would diminish property values with all the added amenities. He stated he felt this project added value to the area and is a nice asset to the town. He stated the price points are \$250,000 - \$500,000.

Mr. Dalton also stated that they have dedicated extra land to DOT for improvements in front of the project to get things right. He spoke about traffic concerns from Cassedale with possibility of folks cutting through their subdivision. Mr. Dalton stated he believed that most likely folks from Wynwood would not cut through Cassedale but vice-versa. Also addressed was the Traffic Impact Analysis and the Congestion Management Report. He stated the report stated it was recommended that a traffic signal be installed rather than

required. He stated they know a traffic light is needed. He stated they have no problems with the installation of a 250' right turn, they have no problems with a 200' right turn lane on Covered Bridge Road Road, no problem with a left turn lane at Shotwell and no problem with a 3 lane section with divider at the driveway; in fact this has already been designed. He stated he feels the developer has made many improvements to the lots, added amenities and have done all they could, however, they do feel it is a bit unfair for the developer to be burdened to be required to pay in full for the traffic signal.

At 7:24 p.m. Mr. Thad Avent who is a certified appraiser stated it is his opinion this project will be a huge asset to the area. He further stated that the price point of Cassedale is slightly below that of Wynwood and does not see how this project could diminish those values.

At 7:27 p.m. Mr. Don Morton who is a traffic engineer with Morton & Morton of 4700 Homewood Court, Raleigh, NC. He stated he met with the town who provided details regarding information provided in his report. It was his opinion that the intersection does not a signal but the burden should not be on the developer.

At 7:29 p.m. turned over to Council for questions.

Mayor Pro Tem Grannis asked why Mr. Morton did not feel the responsibility of the traffic signal should be placed on the developer. Mr. Morton directed back to his report under findings and conclusions.

Council Member Satterfield asked who should be responsible? Mr. Morton stated it was his opinion it should be NCDOT and perhaps the town.

There was discussion and Council Member Satterfield stated that somewhere along the way someone needs to pay for the traffic signal. Mr. Morton stated he believed the town should bear responsibility. Mayor Pro Tem Grannis asked if this was a state road and Mr. Morton stated it was, however, the impact of the of the subdivision was minimal. Council Member Satterfield asked what the approximate cost would be for the traffic signal and Mr. Morton stated the total cost would be approximately \$125,000.

A lengthy discussion was had regarding the traffic signal, costs, recommendation versus requirement and who should be responsible for the cost. Mr. Dalton stated he appreciated the conversation and stated they are willing to make effort to get traffic signal installed but would hope there might be some sort of solution for cost sharing, possibly NCDOT could assist. They want the project to move forward.

The floor was opened for comments.

Mr. Russ Heigh of 139 Cedardale Court stated he appreciated everyone listening to all the thoughts and opinions regarding this project. He is a resident of Cassedale and is in possession of original petition from residents.

Mr. Allen Mims addressed the Council and shared photographs of his property showing issues with excess run off. He read a letter detailing his concerns. He further stated he believed the impact to his property was caused by excess run off from Cassedale as well as a pipe that needed replacement. He had concerns regarding retention issues, trespassing, litters, and holes in his fencing. He requested that no run off be directed onto his land, that a hog wire fence be installed, and vegetative buffer for storm water reduction be installed.

Council Member Satterfield had a question for Mr. Dalton, who was the original developer of Cassedale. He asked Mr. Dalton if he wished to address the concerns addressed by Mr. Mims. Mr. Dalton stated he would be happy to go to the property and take a look at it to see what was going on. He further stated that he had not been on that property for 6 or 7 years. He further stated that it might be issues that were the responsibility of the HOA and that he would not be taking responsibility based on pictures. Council Member Satterfield stated he was not blaming but asking if this was an issue with the development of Cassedale or possibility of an issue brought on by the homeowners. Mr. Dalton stated there would be a lot of information and records that would have to be looked at. Mr. Dalton stated he was not willing to say this was caused by the subdivision but it could be caused by maintenance or lack of by the HOA.

Previous President of Cassedale HOA was present and thanked Council and staff for their professionalism. He stated he held that position for four years. He further stated that all signatures on the petition were gathered within one week and that shows the importance to these residents that Cassedale not be connected to Wynwood. He asked that quality over quantity be selected.

Council Member Satterfield asked if any of the issues raised by Mr. Mims this evening ever addressed previously. He stated the pond that is adjacent to the homeowner's properties and legally the HOA has no authority to take any action. He stated the pond is the property of several homes within Cassedale. Council Member Satterfield asked about the fence that was cut. It was never addressed since it is not on HOA property.

Mayor McLeod stated Town Attorney requested Mr. Mims leave the photos. Copies of photos are hereby made part of this record.

Mr. Mims stated he didn't believe the Town required HOA's to fix drainage ditches in town but rather the Town took care of it because of the tax base.

Megan Brown of 547 Cressdale Drive stated she lives in one of the two lots that backs up to Wynwood. She provided information as to why she choose to live in Cassedale. She stated she appreciated the extra vegetation and increased setbacks; however she would still like to see a larger lots that back up to her property. She spoke about traffic concerns and folks going through Cassedale. She stated she was happy to hear about the price points of the project, she stated she had asked numerous times and never received an answer. She stated she felt the price point was a bit optimistic.

Mayor Pro Tem Grannis asked if she felt better about the price point after hearing a report from the appraiser. She stated she had a little bit more hope, however, she didn't know what the relationship was between Mr. Dalton and expert he hired.

Mayor McLeod stated for the record that Mr. Avent is very highly regarded and has been involved in Clayton as a professional appraiser for the past 20 years.

Council Member Lawter asked about Cassedale 2 and if any plans were ever submitted. Mr. DeYoung stated that as far as he knew there were never any plans. Last approval received for this was in 2006 for 104 lots with a day care center and Cassedale was approved prior to that.

Council Member Lawter wanted to confirm with Mr. Dalton that the vegetation would be doubled that adjoined the two properties in Cassedale. Mr. Dalton stated that was correct.

There was discussion regarding Cassedale HOA and issues raised by Mr. Mims. During the discussion Mr. Dalton again stated he would be happy to go take a look at the issues. Council Member Satterfield asked if developer would be willing to put in hog wire fence. Mr. DeYoung stated Planning would want something more substantial quality fence.

Mr. DeYoung stated that a new condition, in addition to the one that established recommending the item regarding traffic, be added. The second condition would be "the developer regulations for Wynwood Manor shall be revised to include a minimum of 65' lot with a minimum 25' rear setback. In addition the required vegetation between the development and the Cassedale Subdivision shall be doubled".

Mayor Pro Tem Grannis asked Mr. DeYoung for his professional opinion regarding the traffic signal at Shotwell Road as to what we as a municipality can do to ensure that DOT either participates in the cost of the light or take responsibility for the entirety. Mr. DeYoung stated it was his professional opinion and that of several colleagues there is absolutely nothing that we can do to force NCDOT to install a signal light onto roads that they maintain.

A lengthy discussion of sharing of ideas regarding this issue was held. Council Member Satterfield stated he did not believe that this one subdivision should bear the entire cost. Discussion continued regarding possible cost sharing between this subdivision and future subdivisions. It was agreed that a cost share arrangement with possible future developers would be difficult to set up.

Town Attorney Ross stated that recent case laws have limited the scope of authority of council that could be applied to subdivision approval.

Council Member Satterfield confirmed that this project had a total of three phases. This was confirmed by David DeYoung, who stated that NCDOT stated that signal would need to be in place after completion of Phase 1.

Council Member Lawter asked Town Attorney about the possibility of developer agreeing to pay for a portion, rather than a requirement. Attorney Ross stated a development agreement to include a mutually agreed upon condition would be possible and would have no basis for appeal.

There was discussion regarding placing a condition to indicate that by completion of house of #70 a traffic light would need to be installed and should another development come along prior to completion of said house issue of cost share for traffic light could be addressed with developers. Conversation continued with all options being discussed and looked at. All agreed public safety was a real concern.

Mr. DeYoung stated he just spoke with Mr. Dalton and stated he believed an agreement was reached that stated intersection must be signalized at Covered Bridge and Shotwell Road by closing of Phase 1 or 70 lots, whichever comes first. Phase 1 is currently slated for 70 lots. However it is possible that Phase 1 may start with 35 lots and then begin Phase 2 with 35. Mr. Dalton has committed that once 70 lots are complete, the signal lot will go in and should another developer come in, they have a proportionate cost share of that signal light.

Council Members thanked Mr. Dalton for his willingness to assist on this issue.

At 8:34 p.m. the item was turned over to Council for deliberation.

Mayor Pro Tem Grannis stated he appreciated Mr. Dalton for stepping forward and being responsible for traffic light. He also thanked everyone who attended and spoke. He stated that he was of the opinion that he agreed that the connectivity remain.

Mayor McLeod stated that he agreed and was under the impression that part of the approval process for Cassedale Subdivision was that the stub out street be there.

ACTION: Approval of Subdivision with Conditions as listed in Staff Report as well as Additional Conditions

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

ACTION: Approval of Waiver

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder
Vote: Unanimous

d. Voluntary Annexation - 2015-51-ANX - Johnston County ABC Store

Mr. DeYoung stated this voluntary annexation is for 1.02 acres of the Johnston County ABC Store located on US 70 Business West.

It was stated that this request was made with focus being on receipt of Town of Clayton Police Services.

There were no questions of staff.

ACTION: Approval of Voluntary Annexation

Motion: Council Member Holder
Second: Council Member Thompson
Vote: Unanimous

e. Blinson Office Rezoning - 15-40-01-RZ

Mr. DeYoung stated he did not see the applicant in the room and asked if it were the desire to table the item. Mayor McLeod stated he spoke with the applicant and felt that she did not feel she needed to be in attendance. She stated she understood the goal of the Town of Clayton and was in agreement with rezoning. He stated he felt the item could continue.

Mr. DeYoung stated this rezoning applicant is a pretty simple straight forward one with request to rezone a property located at 415 Lombard street from Residential-8 to Office-Residential. Applicant has addressed the approval criteria. Rezoning is compatible with Surrounding Land Uses and consistent with Strategic Growth Plan.

Planning Board and Staff recommend approval.

There were no questions from Council.

ACTION: Approval of Rezoning

Motion: Council Member Thompson
Second: Council Member Holder
Vote: Unanimous

f. Grand Plaza Rezoning 15-47-01-RZ

Mr. DeYoung stated request is to rezone two 2 parcels located at Gulley Drive from B-3 SUD to B-3.

A neighborhood meeting was held on September 14, 2015 with no objections. Applicant was present for any questions. The requested rezoning would remove the Special Use District. This rezoning is compatible with Surrounding Land Use and is consistent with Strategic Growth Plan.

Staff is recommending approval.

It should be noted that there was no one in the room wishing to speak on this issue.

There were no questions or comments.

ACTION: Approval of Rezoning

Motion: Mayor Pro Tem Grannis
Second: Council Member Holder
Vote: Unanimous

6. OLD BUSINESS

a. Electric Rate Adjustment

Mr. Ahlert was present and provided a brief overview of the proposed Electric Rate Adjustment. This adjustment would reduce current electric rates by 4.8% and hold those rates for an estimate time frame of 3-4 years.

Mayor Pro Tem Grannis asked what type of an impact would a rate reduction of 10% would have. Mr. Biggs stated that type of decrease would put us in non-conformance with our financial policies/requirements and we would be unable to sustain that type of reduction.

ACTION: Approval of Electric Rate Reduction

Motion: Mayor Pro Tem Grannis
Second: Council Member Lawter
Vote: Unanimous

7. NEW BUSINESS

a. Outdoor Power Transformer Bids - Northside Substation

Mr. Biggs requested Council approval to move forward with this item.

ACTION: Approval of Bid Award

Motion: Council Member Lawter
Second: Mayor Pro Tem Grannis
Vote: Unanimous

b. Discussion Regarding Participation in State Health Plan

Mr. Biggs provided background on this item and stated this bill was being closely watched and evaluated. Recent legislation has now allowed municipality employees to participate in the NC State Employees Health Plan. The total number of participants is being capped at 10,000 and 8,000 spots have already been spoken for. We must act quickly to participate. By being part of this plan a huge savings in the amount of hundreds of thousands of dollars would be realized. The savings for family coverage would be approximately \$2,000 annual. It should be noted that the health coverage is equal to or superior to our current coverage. If approved transition to new insurance would take place on February 1, 2016. Retirees would not be allowed to participate, however, discussion has been held with our existing insurance broker who will provide an option for our retirees.

ACTION: Approval of Resolution

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson
Vote: Unanimous

c. Sole Source - Window Replacement at Clayton Center

Mr. Biggs provided information regarding approval for a sole source provider regarding the window replacement project at the Clayton Center. There is a long term relationship between the engineer and the manufacturer who has an excellent record.

Mayor McLeod stated he would like to see windows donated for some type of art projects.

Motion: Mayor Pro Tem Grannis
Second: Council Member Thompson
Vote: Unanimous

8. STAFF REPORTS

a. Town Manager
RFP Status - 220 East Main Street

Mr. Biggs provided an update regarding the RFP and provide a draft of same to Council. Supplemental information will be included in the RFP. He stated we are ready to distribute and take bids for purchase.

Discussion continued regarding goals of this building/location.

ACTION: Move Forward with RFP Process

Motion: Mayor Pro Tem Grannis

Second: Council Member Holder

Vote: Unanimous

b. Town Attorney

c. Town Clerk

d. Other Staff

9. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

Mayor Pro Tem Grannis offered his congratulations to Council Members Lawter and Thompson on their recent re-election.

10. ADJOURNMENT

a.

With there being nothing further the meeting was adjourned at 9:30 p.m.

ACTION: ADJOURNMENT

Motion: Council Member Satterfield

Second: Mayor Pro Tem Grannis

Vote: Unanimous



**The Town Of Clayton
Work Session Meeting Minutes
Monday, November 16, 2015 @ 6:30 PM
Council Chambers**

**COUNCIL
PRESENT:**

Mayor McLeod
Mayor Pro Tem Grannis
Council Member Satterfield
Council Member Lawter
Council Member Thompson
Council Member Holder

**STAFF
PRESENT:**

Steve Biggs, Town Manager
Nancy Medlin, D/Town Manager
Katherine Ross, Town Attorney
Kimberly Moffett, Town Clerk
David DeYoung, Planning Dir.
Ann Game, Customer Serv. Dir.
Stacy Beard, Public Info. Officer
John McCullen, Town Engineer
Lt. Herring, Police Dept.

**COUNCIL
ABSENT:**

1. CALL TO ORDER

Pledge of Allegiance and Invocation

- a. Color Guard and Pledge of Allegiance

Boy Scout Troop #57 who are affiliated with Holy Cross Lutheran Church provided the Color Guard and also led the Pledge of Allegiance.

- b. Invocation

Mayor McLeod offered the Invocation.

- c. Mayor McLeod called the meeting to order at 6:31 p.m.

2. ADJUSTMENT OF THE AGENDA

- a. Mr. Biggs asked that item #10a be added to the agenda.

ACTION: Suspend Rules In Order To Take Action

Motion: Council Member Thompson
Second: Council Member Lawter
Vote: Unanimous

3. CONSENT AGENDA

November 16, 2015
DRAFT Minutes

(Items on the consent agenda are considered routine in nature or have been thoroughly discussed at previous meetings. Any member of the Council may request to have an item removed from the consent agenda for further discussion.)

- a. Draft Minutes - October 19, 2015

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Thompson
Second: Council Member Lawter
Vote: Unanimous

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. New Employee Introductions

Introductions of new Town of Clayton employees were made by John McCullen, Town Engineer. Amy Brit who is an Inspector and Andy Simerman who is the new Construction Project Administrator were present. Both stated they were excited to be here.

Lt. Herring introduced Trevor Shattuck who was recently sworn in as the newest Town of Clayton Police Officer. Officer Shattuck addressed Council and stated he was honored to be part of the department.

- b. Sam's Branch Outdoor Public Art Project

Stacy Beard, Public Information Officer introduced Jane Roberts who is serving as the coordinator for the Sam's Branch Outdoor Art Project. Ms. Roberts provided a brief update on this project and introduced Tyler Long. Tyler is one of the young artists who is sharing his talent and participating in creating beautiful artwork for this project. Council Members welcomed both Ms. Roberts and Tyler and thanked Tyler for sharing his enthusiasm, talent and time.

5. ADMINISTRATIVE ITEMS

- a. Cobblestone Phase 11-A Warranty & Easement Acceptance

ACTION: Placed on December 7, 2015 Consent Agenda

6. ITEMS SCHEDULED FOR THE REGULAR MEETING

- a. Customer Service Policy Amendment - Application of Deposits on Non-Residential Active Accounts

Ms. Game provided information regarding this amendment which would allow non-residential active accounts to receive deposits back once it has been established as an account with a history of on-time payments.

ACTION: Place on December 7, 2015 Consent Agenda

b. Volunteer Board Appointment Recommendations

Town Council were provided with a listing and applications of those being recommended for appointment to various volunteer Town of Clayton Advisory Boards.

ACTION: Placed on December 7, 2015 Consent Agenda

c. Library Board By-Law Amendment

Ms. Medlin, Deputy Town Manager provided information regarding request for amendment to Library Advisory Board By-Laws. Amendment would change meeting schedule from monthly meetings to a total of six meetings per year.

ACTION: Placed on December 7, 2015 Consent Agenda

d. East Village Walk- Rezoning 12-05-04-PDD

Mr. DeYoung provided a report and stated the applicant, East Village Investments, LLC., are requesting to rezone 52.57 acres to PD-R. The current zoning of this property is already PD-R, however, this was designated in 2012 when the property was running concurrently with a different mater plan than the one currently proposed for the site.. All Planned Developments are tied to specific Master Plans. As a result in order for the new Master Plan to be approved the property must go through the rezoning process.

Mr. DeYoung also provided information regarding the Preliminary Subdivision. Applicant is request 300 single-family residential units. Property is currently vacant and is in the watershed protection overlay and is one of the sites that has received the 10/70 allowance, so 10% of watershed protection overlay can develop at 70% impervious. This site was put on said list by Council when originally approved. Neighborhood meeting was held on September 9, 2015. Previous approval for this site was for 208 single family townhomes. When originally approved they were not sure that they would do the townhome component so they actually laid out two separate plans for a portion. It is consistent with Future Land Use Plan. It is compatible with Surrounding Land Use and consisted with our Unified Development Code and applicant has addressed the rezoning approval criteria.

Included in the plan are 300 single family homes to include 136 village lots and 164 cottage lots. Lot sizes vary from 3700 and 3060. There will be a central spine road that will run through, a centralized clubhouse and they have maintained the greenway which runs along the entire perimeter of the subdivision ultimately connects into The Arbors. The cottage homes face each other with a centralized courtyard with an alley type load-in behind. They have provided two separate plans; one is a alley loaded plan and one is a courtyard plan. They plan on constructing the courtyard home plan with garages rear loading to the back along cottage lanes. The reason for having two plans is to

ensure that cottage homes sell and if product is working they plan on doing the entire development with same layout and should there be a struggle to sell those types of homes they made it possible to use the same setback and development standards to switch over to the alley option. A photo rendition of what the homes would look like was shared. This will be a 55+ neighborhood.

A traffic impact analysis was submitted. This analysis took into account the original plan which included two commercial parcels. One of these commercial parcels has now been converted to residential so when the traffic study was redone it was pretty much a wash between the new units that were going into The Arbors and the increase in units that will go into this development. Applicant did address Master Plan Approval Criteria. There is a waiver request for a reduced right of way widths in the alley not the courtyard. Planning staff recommended approval with the conditions as listed in the staff report and also support the waiver for reduced right of way.

There was a discussion regarding the width of the streets. Mr. DeYoung stated these streets were similar to Moss Creek and there are no issues with getting fire trucks in when cars parked on the street. Council Member Lawter asked that applicant address width of streets during the Public Hearing. Also to be addressed during the Public Hearing will be clubhouse and amenities.

Mayor Pro Tem Grannis had some concerns regarding access to Front Street extension out to Highway 42 and Walden Way area. He inquired if there would be anything done in relation to this development. Mr. DeYoung stated this is not applicable as there are no roadway modifications/additions. Mayor Pro Tem Grannis had some concerns regarding the traffic impact study and Mr. DeYoung stated that with the removal of the commercial property that was included in original traffic study now being residential; the total daily trips are a wash.

Council Member Lawter requested that applicant address the narrow streets as well as public versus private streets. There was concern about notification to residents regarding what is a public street versus private street. Example of concern was first time it snows and no one is there to clear off that alleyway. Mayor McLeod asked that it be stated somewhere very clearly about who was responsible for each road/area.

Council Member Lawter asked if there would be restricted parking along the narrow streets. It was stated yes there would be restrict parking.

ACTION: Set Public Hearing for January 4, 2016

- e. East Village Walk - Major Subdivision/ Master Plan

ACTION: Set Public Hearing for January 4, 2016

f. Nick's Flippin' Kids - 15-50-01-SUP - 9257 US 70 Business

Mr. DeYoung stated request is for a Special Use Permit to allow a gymnastics in the front portion of the old Chloe furniture building. Reason for need of a Special Use Permit is that when Chloe furniture building originally approved, it was overlayed with Special Use District, so any use other than retail would require a Special Use Permit. Location is currently vacant. Neighborhood meeting held on October 15. There are no external site changes necessary. It is consistent with our Unified Development Code and applicant has addressed the Findings of Fact. .

Council Member Satterfield stated that the current sign is still illuminated and asked if that sign will come down. Mr. DeYoung stated he would verify.

ACTION: Set Public Hearing for December 7, 2015

g. NC 42 East - 14-48-01-PDD - Mixed Use Rezoning

Mr. DeYoung stated he would present both the rezoning and master plan together.

Applicant is requesting to rezone 45.75 acres from Industrial Heavy (I-2) and Residential Estate (R-E) to Planned Development Mixed Use (PD-MU). The rezone is consistent with our Unified Development Code. It is compatible with Surround Land Use and applicant has addressed the approval criteria. Neighborhood meeting was held on October 12, 2015 with not much attendance and no issues being raised.

Parcel is currently vacant and located at corner of NC 42 East and Glen Laurel Road. Master Plan proposes a 240 unit apartment site on the eastern portion of the parcel with a commercial/retail site on the western portion of the parcel and a self-storage site located at the southwest corner of the parcel. To date applications have been received for the apartment complex and the self-storage facility. Pending approval of the master plan those site plans would continue.

As part of overall master plan applicant is going to significantly buffer the site. Proposed is a 40' buffer along north side of 42 East and south side of property and then a 15' buffer along Glen Laurel Road. There is also a 10' landscape buffer internal between apartment complex and the commercial center. Just to the west there is a spine road that comes in and separates the main entrance to the overall master plan and secondary entrance in the apartments.

The Traffic Impact Analysis was recently received and is under review by NCDOT. Conditions of approval require that applicant accept condition that requires all roadway improvements as required by NCODT Congestion Management and the Town of Clayton must be in place prior to issuance of Certificate of Occupancy.

The plan is compatible with the Surrounding Land Use and Unified Development Code and applicant has addressed Master Plan Criteria

There is a request for wastewater allocation of 79,440 gallons per day.

Staff recommends approval of wastewater allocation request, rezoning and master plan with conditions presented by staff.

Mayor McLeod confirmed that a 10' buffer adequate between commercial and residential. Mr. DeYoung stated he believed it was and also stated there was an internal road with additional landscaping and a 10' multi purpose path. He stated there was much more green space and stated applicant has agreed to put a 10' multi purpose path along the entire frontage of NC Highway 42 for the future extension of the Mountain to Sea Trail and as a part of that they are including a second length that is 10' wide, multi purpose, that will round from 42 into park bushes.

Mayor Pro Tem Grannis stated that he noticed in the neighborhood meeting notes some concern regarding storm water adjacent to resident property. He asked that applicant be prepared to address this issue at the Public Hearing. He also asked that applicant address in detail the Traffic Study.

Mayor McLeod stated he had some concerns regarding the self storage location and would like to have applicant address reason that this is best location. Mr. DeYoung stated this will be a three- story, internal air conditioned building. This will be very different looking than what previous storage locations may look like. He stated it will be very attractive.

There was discussion regarding distance of left hand turns back towards Glen Laurel as well as distance of exit from intersection. Mr. DeYoung stated that he believed it was a 600' distance from intersection, but stated he would confirm to get an exact answer. Concern was raised regarding traffic back up at this location. Mr. DeYoung stated there will be other mitigating traffic improvements that will improve the circulation coming off of Glen Laurel Road onto 42.

ACTION: Set Public Hearing for December 7, 2015

- h. NC 42 East - 15-48-01-PDD - Master Plan

ACTION: Set Public Hearing for December 7, 2015

- i. Golden LEAF Foundation - "Project Bright Sky" Grant

Mr. Biggs provided information regarding our approval/ability to receive grant in the amount of \$4,000,000 to support wastewater treatment needs. Approval of agreement is being sought.

ACTION: Approval of Agreement

Motion: Mayor Pro Tem Grannis
Second: Council Member Satterfield
Vote: Unanimous

7. PUBLIC HEARINGS

a. Gordon Tract - Rezoning - RZ 2014-21

Request made to table both Public Hearings RZ 2-14-21 and PSD 2014-95. Brief update will also be provided.

ACTION: Public Hearings Tabled to December 7, 2015

b. Gordon Tract Subdivision - PSD 2014-95

Mr. DeYoung provided a status update on this project and where applicant is with rezoning. Originally approval that was requested from Town of Clayton was rezoning of all acreage from R-E and Agricultural Residential which is County Zoning District to R-8 District and then a subsequent approval for Preliminary Subdivision with 177 lots. Problem with that request is that only a portion of the site actually resides within the Town of Clayton ETJ and the remainder remains in the County. Consequently the applicant has decided to go with a split project and they will take a portion through our process and are submitting an amended application. It will be to rezone 12 +/- acres that are within our ETJ to Residential-8 and then to allow the subsequent approval of preliminary subdivision plan for that 12 +/- acres to single family detached. The remainder of the property will be pursued in a tandem approval process through Johnston County to develop the remainder of the subdivision.

ACTION: Update Provided

8. ITEMS CONTINGENT FOR THE REGULAR MEETING

9. ITEMS FOR DISCUSSION

10. OLD BUSINESS

a. Resolution in Support of NCDOT Participation/Construction of New Bulb Out Turnaround at NC 42 East

Mr. Biggs provided history and information regarding this item. Proposal is installation of additional bulb turnaround to improve access for delivery trucks and safety improvement. NCDOT seeks endorsement from Town of Clayton. There is no commitment on our part of any type of cost share or any financial obligation.

ACTION: Approval of Resolution

Motion: Council Member Thompson

Second: Council Member Lawter

Vote: Unanimous

11. STAFF REPORTS

- a. Town Manager
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

12. OTHER BUSINESS

- a. Informal Discussion & Public Comment

Mr. Jim Dempster, who has been a resident of Clayton, was present and stated he had some concerns regarding the NC 42 East Project specially run off from the site and location of new pond.

- b. Council Comments

Mayor McLeod stated he had received a thank you note of appreciation from both Mr. & Mrs. Gay as well as Mr. & Mrs. Allen in reference to the Veteran Celebration.

Council Member Thompson thanked Boy Scouts Troop #57 for being present this evening. Council Member Thompson stated he would be attending the Council on Aging meeting tomorrow, November 17, 2015.

Mayor McLeod advised he would be attending the NCLM meeting this week.

Mayor Pro Tem Grannis congratulated both Council Member Lawter and Council Member Thompson on their recent re-elections.

Mayor McLeod reminded everyone that the Organizational meeting would be held on Monday, December 7, 2015.

13. ADJOURNMENT

a.

With there being nothing further the meeting was adjourned at 7:42 p.m.

Motion: Council Member Satterfield

Second: Council Member Lawter

Vote: Unanimous



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

January 4, 2016

ITEM TITLE:

Eagle Scout Project - Thomas Wright of Troop #

DESCRIPTION:

Thomas Wright will be recognized by Town Council for his Eagle Scout project which involved designing and raising funds for four, full-color educational signs for display on our popular Sam's Branch and Clayton River Walk on the Neuse Greenways. The signs feature native plants, animals and historical facts for the many users of our public trails.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Stacy Beard, Public Information Officer

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Public Hearings

Meeting Date:

January 4, 2016

ITEM TITLE:

Hannahs Creek Subdivision 13-106-01-SD

DESCRIPTION:

The applicant is requesting preliminary subdivision plat approval to add one lot (Lot 78) to the existing Hannah's Creek subdivision.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Jay McLeod, Planner

ITEM HISTORY:

Date:

December 21,
2015

Action Taken:

Set Public Hearing for January 4, 2016

Information Provided:

Staff Report / Application / Maps / Neighborhood Meeting Information & Planning Board Recommendation

Date:

Action Taken:

Information Provided:



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

Updated December 15, 2015

STAFF REPORT

Application Number: 13-106-01-SD
Project Name: Hannah's Creek Lot 78 – Major Subdivision

NC PIN / Tag #: 165803-21-4008 / 05g03015i
Town Limits/ETJ: ETJ
Overlay: Scenic Highway Overlay
Applicant: Curk Lane
Owner: Darryl D. Evans
Location: The property is located in the existing Hannah's Creek subdivision, south of the intersection of Corvina Drive, Concord Court, and Vinyard Drive.

Public Noticing:

- Neighborhood meeting October 14, 2015
- Sign posted October 16, 2015
- Letters mailed prior to December 22, 2015
- Newspaper ad posted prior to December 23, 2015

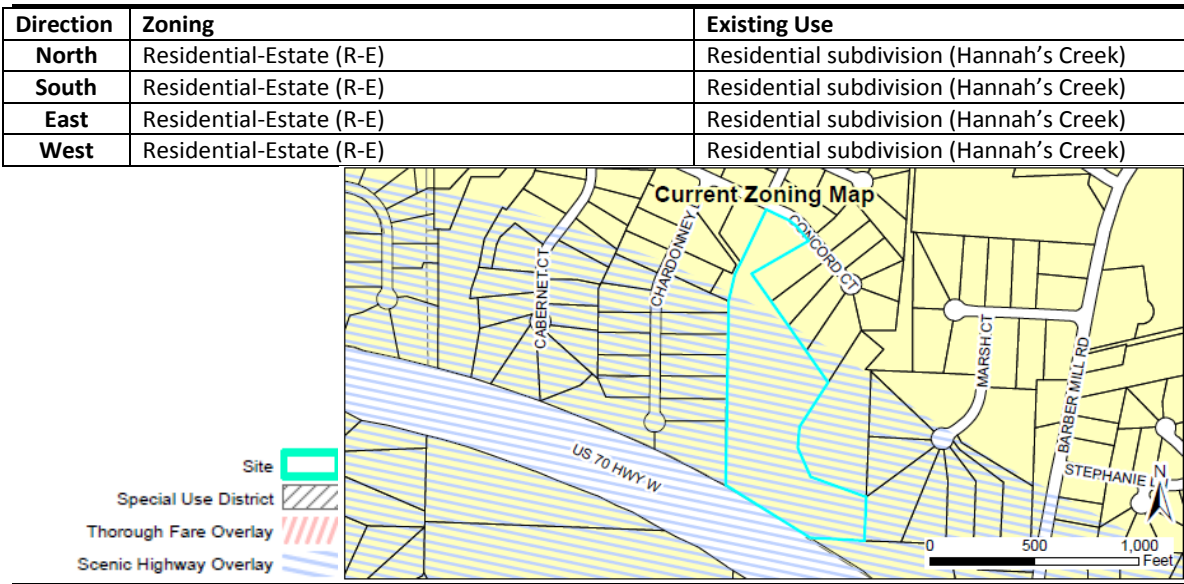
REQUEST: The applicant is requesting preliminary subdivision plat approval to add one lot (Lot 78) to the existing Hannah's Creek subdivision.



SITE DATA:

Parcel Acreage: 11.89 acres
Proposed Lot 78 Acreage: 1.3± acres (to be subdivided from the Parcel Acreage)
Existing Use: Agriculture

ADJACENT ZONING AND LAND USES:



DEVELOPMENT DATA:

Existing Uses: 77 lot single family subdivision
Proposed Uses: Single family residential dwelling
Buildings: One
Number of Stories: Maximum height of 35 feet
Impervious Surface: Maximum 4,288 SF – which is identical to adjacent lots in subdivision.
Required Parking: 2 spaces per unit
Proposed Parking: 2 spaces per unit
Access/Streets: New driveway off of Concord Court
Water/Sewer Provider: Public water and septic
Fire Protection: Town of Clayton Fire Department

STAFF ANALYSIS:

Overview

The applicant is requesting preliminary plat (major subdivision) approval to add one lot (Lot 78) to an existing subdivision. This subdivision utilizes septic fields, and is generally limited in density by the availability of soil that will accommodate septic drain fields. With the completion of the platting of Phase 3 of Hannah's Creek subdivision, the developer has found additional land that will accommodate a septic field, and is proposing to use that land to add one more lot to the subdivision.

The original Preliminary Subdivision Approval from the County identifies the tract of land that Lot 78 will be separated from as "Permanent Open Space". All recorded Plat Book pages for this site identify this parcel as "Reserved for Future Development". The granting of the creation of Lot 78 will reduce the overall open space available for the subdivision.

In 2014, a minor subdivision application was approved for this site by the Planning Department. This minor subdivision was granted administratively (as allowed by Code) based on the recorded Plat Book images, which designate the land that Lot 78 will be separated from as "Reserved for Future Development". The original, preliminary subdivision approval from the County (which shows "Permanent Open Space") was not consulted at the time this approval was granted. Staff believes that a clerical error occurred at the County during the plating process, and the plat reviewer missed that the area shown as "Permanent Open Space" and allowed it to be recorded as "Reserved for Future Development". Since Hannah's Creek is an existing subdivision, it was determined that the addition of a lot (Lot 78) should have triggered a major subdivision application which requires approval by Town Council. The 2014 minor subdivision approval was recently determined by the Planning Director to have been issued in error. To rectify this, the developer agreed to pursue a major subdivision application in order to create Lot 78. Major subdivision applications require neighborhood meetings, and are decided in a quasi-judicial hearing by Town Council.

The last four homes on Chardonney Drive are currently being constructed. According to correspondence with NCDOT on 12/08/2015, Chardonney Drive has not yet been accepted for dedication by NCDOT. All other roads in the development are currently dedicated to and maintained by NCDOT.

Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The request is consistent.

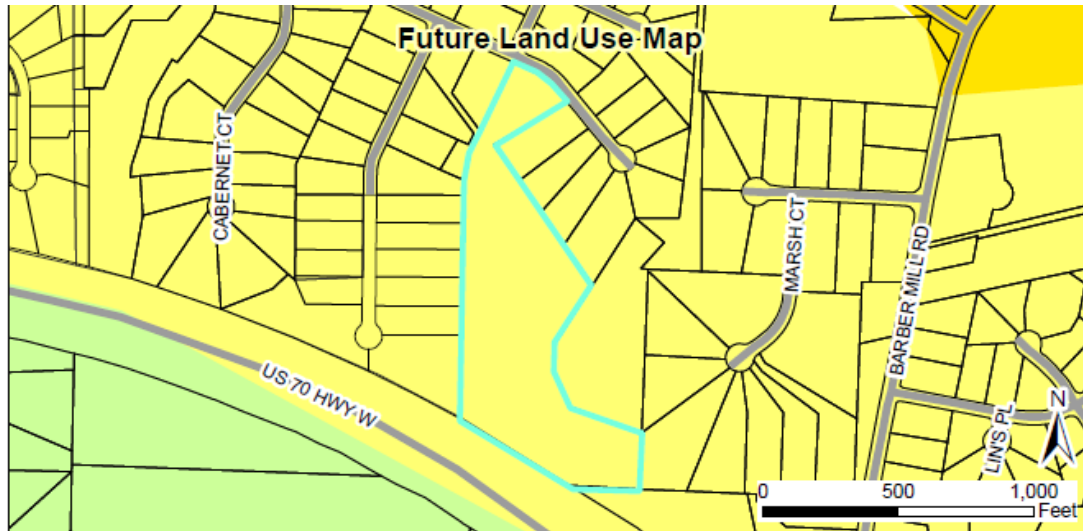
- **Master Plan (if any)**

The request is not consistent with the Preliminary Plat Approval that was issued by the County in 2006, which show the parcel as "Permanent Open Space". This approval in the County occurred before the subdivision and this parcel were incorporated into Clayton's ETJ in 2008.

The request is consistent with the current recorded Plat Book which designates the area as "Reserved for Future Development".

- **Unified Development Code**

The proposed development will be consistent with the Unified Development Code (UDC). Individual lot development specifications including building placement, driveway placement, etc. will be required to meet all Town standards.



Compatibility with Surrounding Land Uses

Uses surrounding the subject property are identical to what is being proposed on Lot 78.

Landscaping and Buffering

N/A.

Recreation and Open Space

When this development was approved in the County, the required open space for an open space subdivision was 10%. Per Town of Clayton UDC, the required open space of a comparable open space subdivision is 12.5% of net site area. Net site area excludes Resource Conservation Areas from the calculation. This new addition to the existing Hannah's Creek subdivision occurs on land that was originally intended as open space for the subdivision.

As of the writing of this staff report, enough information is not available in order to determine if the addition of another lot meets the 12.5% open space requirement. The addition of lots must meet the Town requirement for open space dedication. Currently, the subdivision does not have enough land dedicated as Open Space to meet the requirement to be an Open Space subdivision.

According to correspondence with the applicant, no recreation fees were ever paid to the County. This indicates that this subdivision was approved as an open space subdivision, and the provision of open space was a requirement of the original approval.

As part of this application, the developer has proposed to add a natural surface "nature trail" through the remaining open space south of the proposed Lot 78. This trail would have two access points, each of which would be 30' pedestrian easements, as required by Code. The easement alongside Lot 78 would coincide with an existing 20' wide drainage easement.

Environmental

N/A

Access/Streets

Access will be provided via a new driveway off of Concord Court, which is an existing NCDOT-maintained road.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for Lot 78, to subdivide a parcel and add a lot to an existing subdivision.
 - The original phases of this subdivision were approved by the County. Subsequently, Phase 3 was approved by the Town Council in 2008.
-

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff has no recommendation.

PLANNING BOARD RECOMMENDATION:

Planning Board recommended denial by a vote of 5-2.

CONDITIONS:

If approved, staff recommends the following conditions be applied:

1. The Conditions of Approval shall be inserted into the Site Plan, and three clean copies shall be delivered to the Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. The nature trail and any required active recreation facilities shall be constructed or bonded prior to the issuance of building permits.

5. Any proposed pedestrian easements shall be revised so as to not overlap drainage easements.
-

ATTACHMENTS:

- 1) Application and supporting documents, including:
 - a. supporting site plans, particularly the original County approval,
 - b. previous approvals, particularly the 2014 Minor Subdivision approval, and
 - c. proposed subdivision plan (dated Oct.1, 2015)
- 2) Staff report map
- 3) Neighborhood meeting materials – from applicant
- 4) Additional applicant provided documents, including:
 - a. Preliminary subdivision approval from County (approved 2006), and
 - b. Current recorded Plat Book image
- 5) Memo (dated Dec. 15, 2015) and supporting minutes and all Planning Department materials from SUB08-01 approval
- 6) Materials from Hannah's Creek HOA
 - a. letter of opposition, petition, and neighborhood meeting minutes – Hannah's Creek Community
 - b. Letter of opposition – Katherine Pagano
 - c. Letter of opposition – Steve Warren
 - d. Letter regarding proposal – Josh Carlisle
 - e. Stream buffer determination – Div. of Water Quality
- 7) Materials submitted during or subsequent to Planning Board meeting, including:
 - a. Appraisal letter
 - b. Hannah's Creek – Community Packet
 - c. Letter of opposition – Jay Johnson
 - d. Developer's attorney response to community – Joseph T. Hamer



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: \$400.00 + \$5.00 per lot

Modifications to approved plans:

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: ☐

☐ New Subdivision Master Plan

☒ Modification to Approved Preliminary Plat

Major: ☒ Minor: ☐

Name of Project: Hannahs Creek Subdivision Acreage of Property: 84.836

Tag #: _____ NC PIN: _____

Location: Hannahs Creek Subdivision

Number of Lots (existing): 77 (Proposed) 1 Min Lot Size: _____

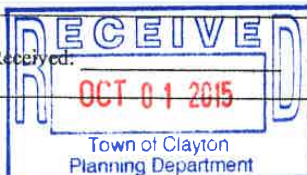
Zoning District: R-E Electric Provider: Duke

Wastewater: ☐ Septic ☐ Sewer (check one) Water: ☐ Well ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☐ Fee in lieu ☒ Land Dedication - Acreage: 16.730

FOR OFFICE USE ONLY

Date Received:



Amount Paid:

\$405.⁰⁰

File Number:

13-106-01-SD

PROPERTY OWNER INFORMATIONName: Darryl D. Evans, Inc.Mailing Address: 425 Indian Camp Rd., Smithfield, NC 27577Phone Number: 919-934-3884Fax: 919-934-3882

Email Address: _____

APPLICANT INFORMATIONApplicant: True Line SurveyingMailing Address: 205 W. Main St., Clayton, NC 27520Phone Number: 919-359-0427Fax: 919-359-0428Contact Person: Curk LaneEmail Address: curk@truelinesurveying.com**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:		
<i>Submit 9 copies of all materials unless otherwise directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: <u>9/25/15</u>	☒				
2. Completed Application	☒				
3. Review 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>	☐	☒			

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* 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	☒	☐			
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. 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.

Is a modification to Hannah's Creek subdivision requesting additional acres to open space and the creation of 1 additional lot. As approved by Town of Clayton Planning Department MSD 2014-07.

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.

Cune Lane
Print Name

[Signature]
Signature of Applicant

10/1/15
Date

FINDINGS OF FACT

Section 155.706(1)(10) of the Unified Development Code requires that certain findings must be made by the Town Council before a Major Subdivision may be approved. Outline below (you may attach additional sheets) how the application addresses each of the following findings:

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

~~This modification meets all required specifications and preforms to the towns UDO.~~

- (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 creation of Lot 78 will be similar or larger in size as existing lots creating a home site in keeping with all homes in neighborhood. All homes in neighborhood including new lot will all be built by the same builder, Darryl D. Evans, Inc.~~

- (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.

~~There are no new road or traffic patterns proposed for this modification. The new lot 78 will be created on an exciting road, Concord Ct.~~

- (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.

~~Lot 78 will create an evenly distributive street scape of homes along Concord Ct. and Corvina Dr. that will be consistent of all home sites in Hannah's Creek Subdivision as approved by Johnston County Planning Board and Town of Clayton Town Council. (see attachment)~~

Project Name:

Hannahs Creek

Curt Lane
Print Name


Signature of Applicant

10/1/15
Date

ADJACENT PROPERTY OWNERS LIST

See attachment: Developer wants a letter to every homeowner in Hannah's Creek

Project Name: _____

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

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

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).	☒	☐	
2. Separate sheets for each: Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. 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 subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	☒	☐	
6. Revision Date	☒	☐	
PRELIMINARY PLAN SHEET:			
7. Name of township, county, and state in which the property is located.	☒	☐	
8. Vicinity sketch/map.	☒	☐	
9. Surveyor or professional engineer's name and seal.	☒	☐	
10. Date of survey and plat preparation.	☒	☐	
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	☐	☒	
- Parcel Identification # (and/or Tag #)	☐	☒	
- Owner's name and address	☐	☒	
- Within Town limits or ETJ	☐	☒	
- Zoning District	☐	☒	
- Overlay District (if applicable)	☐	☒	
- 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)	☒	☐	
- Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot	☒	☐	
- Maximum allowed impervious	☒	☐	
- Existing Use	☒	☐	
- Proposed Use	☒	☐	
12. 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.	☒	☐	
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	☒	☐	
14. Accurate location and description of all monuments, markers and control points.	☒	☐	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	☒	☐	
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot __".	☐	☒	
17. Phase lines. Phases are clearly labeled.	☒	☐	
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	☐	☒	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	☒	☐	
20. Location of safe sight triangles at project ingress/egress points, or as required.	☒	☐	
21. Minimum building setbacks /envelope are noted.	☒	☐	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	☐	☒	
23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.	☐	☒	
24. Width and type of any buffers and easements.	☒	☐	
25. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☐	☒	
26. Proposed streets are labeled, named and dimensioned. Correct street cross	☐	☒	

To be completed by the applicant:			Staff:
	Yes	N/A	
section detail provided. Label street type based on definitions in §155.602(D). If streets are private: - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat. - Streets are labeled "Private Streets – No Town Maintenance." Street names must be approved by Town of Clayton via a Road Name Application.	☐ ☐	☒ ☒	
27. Lengths of all cul-de-sacs.	☐	☒	
28. Identify proposed traffic control signs and striping.	☐	☐	
29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.) - All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.	☐	☒	
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided: "The Resource Conservation Area shown hereon is provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity per the standards of the Unified Development Code"	☐	☒	
31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	☐	☒	
32. Existing and proposed sidewalk system, access ramps, and crosswalks.	☐	☒	
33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.	☐	☒	
34. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	☐	☒	
35. Location of clustered mailboxes.	☐	☒	
36. Location and orientation of freestanding signs (signage is permitted separately).	☐	☒	
LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)			
37. Show location, width, and type of all landscape buffers.	☐	☒	
38. Provide a plant list summary table which includes: - A planting key identifying the various planting elements - The quantity of each type of plant material proposed - The size, height, caliper and spacing of plant material proposed - The Botanical and common names of plant material proposed	☐	☒	
39. If common landscaped areas are provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant	☐	☒	

To be completed by the applicant:		Staff:
	Yes	N/A
species must be used).		
40. Location, species, and caliper of any existing trees that will remain on site. If used to meet planting requirements, make note of what requirements are fulfilled by the preserved trees.	☐	☒
EXISTING CONDITIONS SHEET:		
41. 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.	☐	☒
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☐	☒
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	☐	☒
44. Label adjacent property acreage, owners, and zoning districts.	☐	☒
45. Label subject parcel property owner, acreage, and zoning.	☐	☒
PRELIMINARY ENGINEERING PLAN SHEET:		
46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	☐	☒
47. Identify curb radii for all internal and external vehicular use areas.	☐	☒
48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☐	☒
49. Location of all existing and proposed drainage structures.	☐	☒
50. Location of all existing and proposed fire hydrants.	☐	☒
51. Location of all existing and proposed easements, labeled as "public" or "private."	☐	☒
52. Show street cross-sections.	☐	☒
53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	☐	☒
54. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	☐	☒
OTHER		
55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	☐	☒
56. Any other information considered by either the applicant or the Town to be pertinent to the review.	☐	☒

Signed by Applicant:



Date: 10/1/15



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

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: Lot 78 Hannahs Creek Address or PIN #: 165803-21-4008

AGENT/APPLICANT INFORMATION:

Tree Line Surveying 205 W. Main St.
(Name - type, print clearly) (Address)
Clayton NC 27520
(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*):

Major

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.

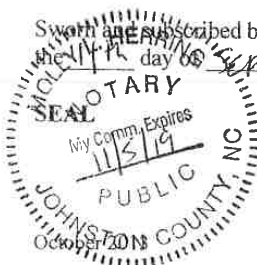
I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval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

OWNER AUTHORIZATION:

Darryl D. Evers 425 Indian Camp Rd.
(Name - type, print clearly) (Address)
[Signature] Smithfield NC 27577
(Owner's Signature) (City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Molly L. Herring, a Notary Public for the above State and County, this 11 day of Sept, 2015.

 Molly L. Herring
Notary Public
My Commission Expires: 11/5/19



May 20, 2008

Mr. Curk Lane
True Line Surveying, PC
205 West Main Street
Clayton, NC 27520

Mr. Darryl D. Evans
Darryl D. Evans Inc
425 Indian Camp Road
Smithfield, NC 27577

Re: PRELIMINARY SUBDIVISION SUB 08-01 FOR HANNAH'S CREEK,
PHASE 3

Dear Mr. Lane & Mr. Evans:

At the May 5, 2008, Council meeting, the Clayton Town Council approved preliminary subdivision for residential development SUB 08-01 for Hannah's Creek, Phase 3. Enclosed is an executed copy of the permit for your records.

Feel free to call me at 553-5002 if you have any questions.

Sincerely,

Sherry L. Scoggins, CMC
Town Clerk

Enclosure

cc: Planning & Inspections Department



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

March 4, 2014

Curk Lane
True Line Surveying
205 W Main Street
Clayton, NC 27520

Re: MSD 2014-07 Hannah's Creek Subdivision Minor Modification

Dear Mr. Lane,

On February 18, 2014, the Planning Director approved the above referenced modification to the previously approved subdivision (Hannah's Creek Phase 1) subject to the following conditions of approval:

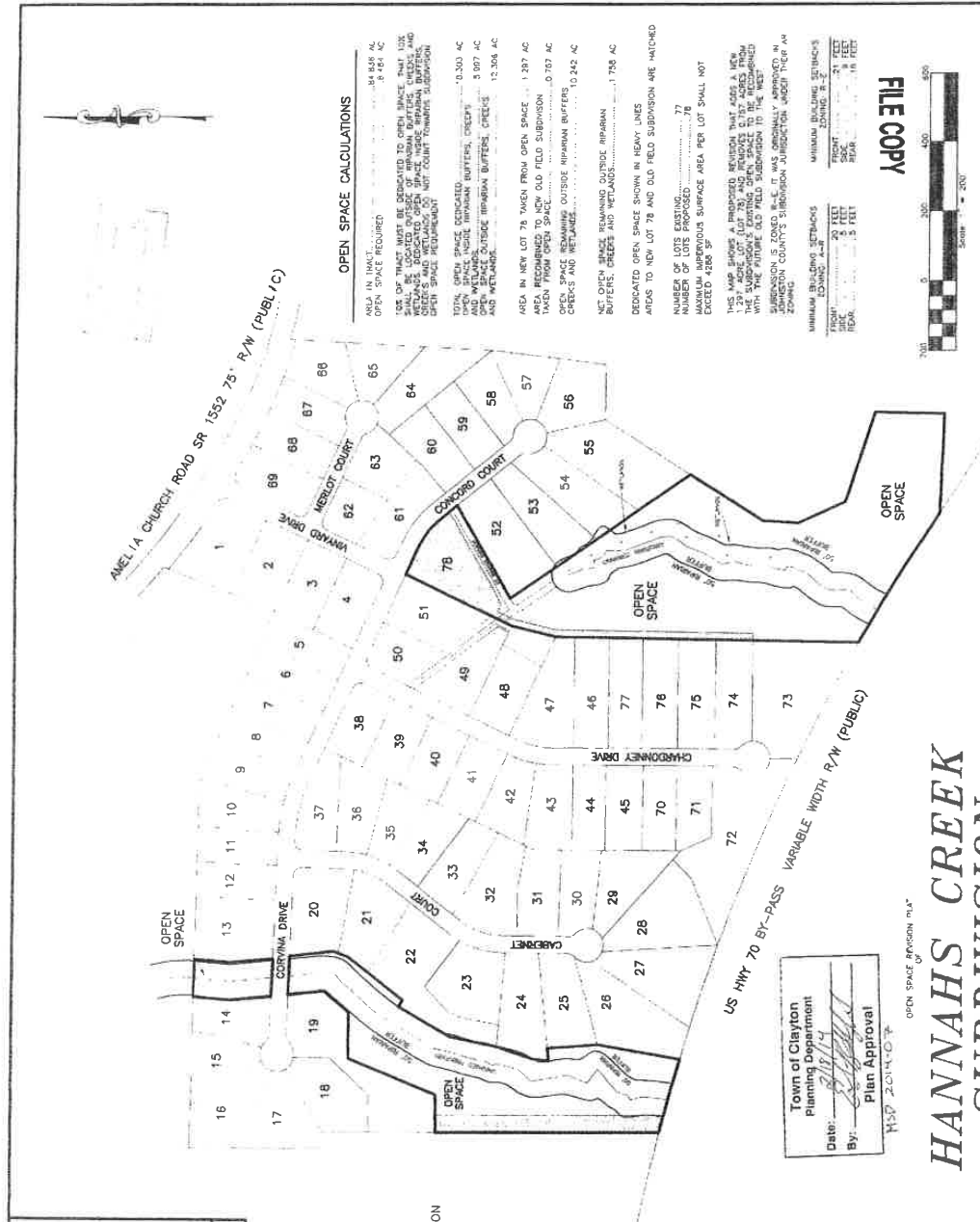
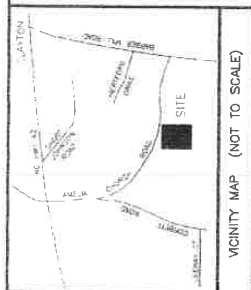
1. The development of the site is limited to the site design and uses approved by the Planning Director (plans with stamped approval dated 2/18/14). Modifications of the approved plans shall require additional review and approval, subject to requirements of the Unified Development Code.

Thank you for your cooperation in the review and approval process for this development. If you should have any questions regarding this matter please feel free to contact the Planning Department.

Sincerely,

Emily Beddingfield, AICP
Town Planner

cc: Beth Franson, GIS Analyst



OPEN SPACE CALCULATIONS

AREA IN TRACT	54.859 AC
OPEN SPACE REQUIRED	8.261 AC
10% OF TRACT MUST BE DEDICATED TO OPEN SPACE THAT WILL BE LOCATED OUTSIDE OF RHIPARIAN BUFFERS, CREEKS, AND CREEKS AND WETLANDS. OPEN SPACE SHALL NOT COUNT TOWARDS SUBDIVISION OPEN SPACE REQUIREMENT.	
TOTAL OPEN SPACE DEDICATED	10.303 AC
OPEN SPACE REMAINING OUTSIDE RHIPARIAN BUFFERS, CREEKS, AND WETLANDS	5.097 AC
OPEN SPACE REMAINING OUTSIDE RHIPARIAN BUFFERS, CREEKS, AND WETLANDS	13.304 AC
AREA IN NEW LOT 78 TAKEN FROM OPEN SPACE	1.397 AC
AREA RECOMMENDED TO NEW OLD FIELD SUBDIVISION TAKEN FROM OPEN SPACE	0.787 AC
OPEN SPACE REMAINING OUTSIDE RHIPARIAN BUFFERS, CREEKS, AND WETLANDS	13.242 AC
NOT OPEN SPACE REMAINING OUTSIDE RHIPARIAN BUFFERS, CREEKS, AND WETLANDS	1.758 AC
DEDICATED OPEN SPACE SHOWN IN HEAVY LINES	
ADDS TO NEW LOT 78 AND OLD FIELD SUBDIVISION ARE MATCHED	
NUMBER OF LOTS EXISTING	77
NUMBER OF LOTS PROPOSED	78
ADDITIONAL SURFACE AREA PER LOT SHALL NOT EXCEED 1,000 S.F.	

THIS MAP SHOWS A PROPOSED REVISION THAT ADDS A NEW LOT TO THE SUBDIVISION. THE SUBDIVISION'S EXISTING OPEN SPACE TO BE RECOMMENDED WITH THE FUTURE OLD FIELD SUBDIVISION TO THE WEST OF THE SUBDIVISION. THE SUBDIVISION'S EXISTING OPEN SPACE TO BE RECOMMENDED WITH THE FUTURE OLD FIELD SUBDIVISION TO THE WEST OF THE SUBDIVISION. THE SUBDIVISION'S EXISTING OPEN SPACE TO BE RECOMMENDED WITH THE FUTURE OLD FIELD SUBDIVISION TO THE WEST OF THE SUBDIVISION.

MINIMUM BUILDING SETBACKS

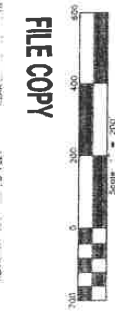
FRONT	20 FEET
REAR	10 FEET
SIDE	5 FEET
FEAR	15 FEET

MINIMUM BUILDING SETBACKS

FRONT	20 FEET
REAR	10 FEET
SIDE	5 FEET
FEAR	15 FEET

Town of Clayton
 Planning Department
 Date: 12/15/13
 By: [Signature]
 Plan Approval
 HSP 2014-07

PRELIMINARY PLAT
 NOT FOR RECORDATION
 CONVEYANCES OR SALES

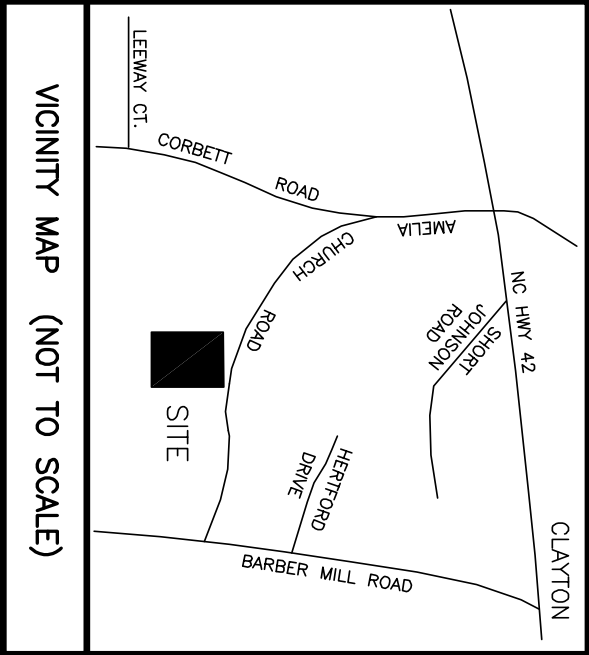


TRUE LINE SURVEYING, P.C.

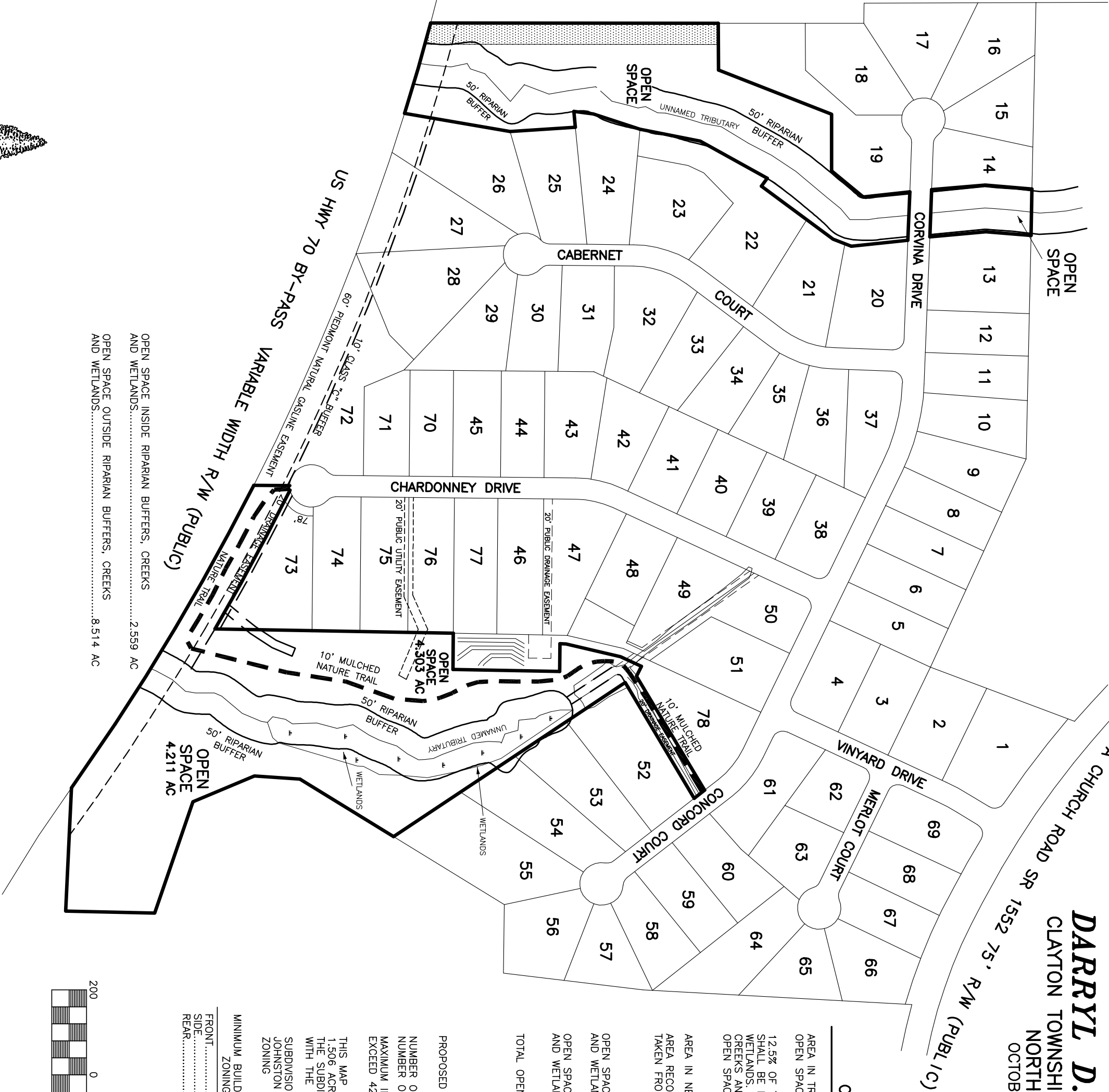
205 WEST MAIN STREET
 CLAYTON, N.C. 27820
 TELEPHONE: (919) 359-0427
 FAX: (919) 359-0428
 www.truelinesurveying.com

DESIGNED BY: [Signature]
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 TOWNING: [Signature]
 PLATTED: [Signature]
 DATE: [Signature]

C-1859



OPEN SPACE INSIDE RIPARIAN BUFFERS, CREEKS
AND WETLANDS..... 3.446 AC
OPEN SPACE OUTSIDE RIPARIAN BUFFERS, CREEKS
AND WETLANDS..... 2.195 AC



OPEN SPACE REVISION PLAT

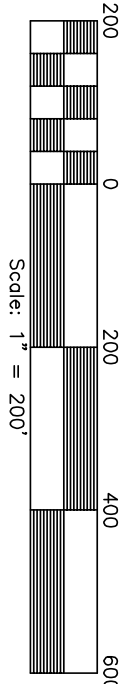
HANNAHS CREEK SUBDIVISION

FOR
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
OCTOBER 1, 2015

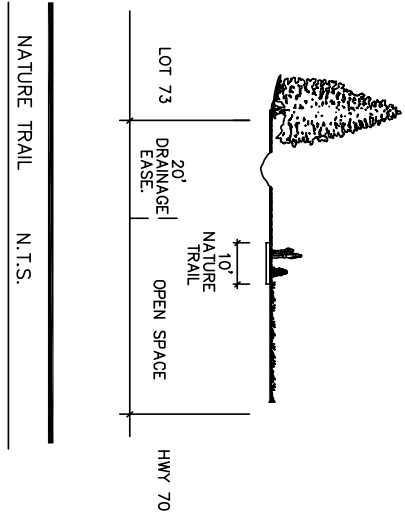
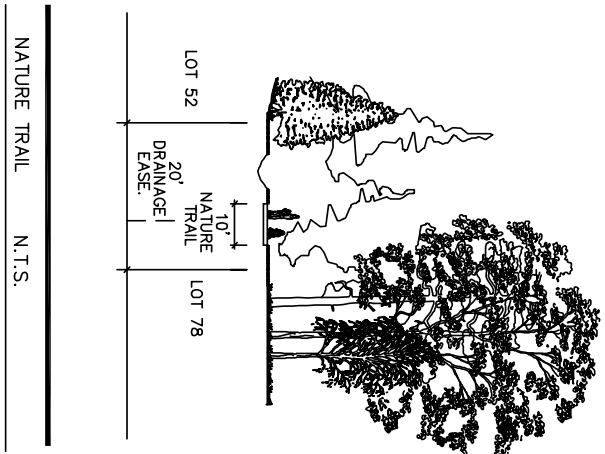
OPEN SPACE CALCULATIONS

AREA IN TRACT.....	84,836 AC
OPEN SPACE REQUIRED.....	10,605 AC
12.5% OF TRACT MUST BE DEDICATED TO OPEN SPACE. THAT 12.5% SHALL BE LOCATED OUTSIDE OF RIPARIAN BUFFERS, CREEKS AND WETLANDS. DEDICATED OPEN SPACE INSIDE RIPARIAN BUFFERS, CREEKS AND WETLANDS DO NOT COUNT TOWARDS SUBDIVISION OPEN SPACE REQUIREMENT	
AREA IN NEW LOT 78 TAKEN FROM OPEN SPACE.....	1,506 AC
AREA RECOMBINED TO NEW OLD FIELD SUBDIVISION TAKEN FROM OPEN SPACE.....	0,767 AC
OPEN SPACE INSIDE RIPARIAN BUFFERS, CREEKS AND WETLANDS.....	6,005 AC
OPEN SPACE OUTSIDE RIPARIAN BUFFERS, CREEKS AND WETLANDS.....	10,709 AC
TOTAL OPEN SPACE DEDICATED.....	16,714 AC

PROPOSED NATURE TRAIL 1900+/-FT - - - - -	
NUMBER OF LOTS EXISTING.....	77
NUMBER OF ADDITIONAL LOTS PROPOSED.....	1
MAXIMUM IMPERVIOUS SURFACE AREA PER LOT SHALL NOT EXCEED 4288 SF	
THIS MAP SHOWS A PROPOSED REVISION THAT ADDS A NEW 1,506 ACRE LOT (LOT 78) AND REMOVES 0.767 ACRES FROM THE SUBDIVISION'S EXISTING OPEN SPACE TO BE RECOMBINED WITH THE FUTURE OLD FIELD SUBDIVISION TO THE WEST. SUBDIVISION IS ZONED R-E. IT WAS ORIGINALLY APPROVED IN JOHNSTON COUNTY'S SUBDIVISION JURISDICTION UNDER THEIR AR ZONING	
MINIMUM BUILDING SETBACKS	
ZONING: A-R	MINIMUM BUILDING SETBACKS
FRONT.....20 FEET	FRONT.....21 FEET
SIDE.....5 FEET	SIDE.....9 FEET
REAR.....5 FEET	REAR.....18 FEET



PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCES OR SALES



SURVEYED BY:

DRAWN BY:

CHECKED BY:

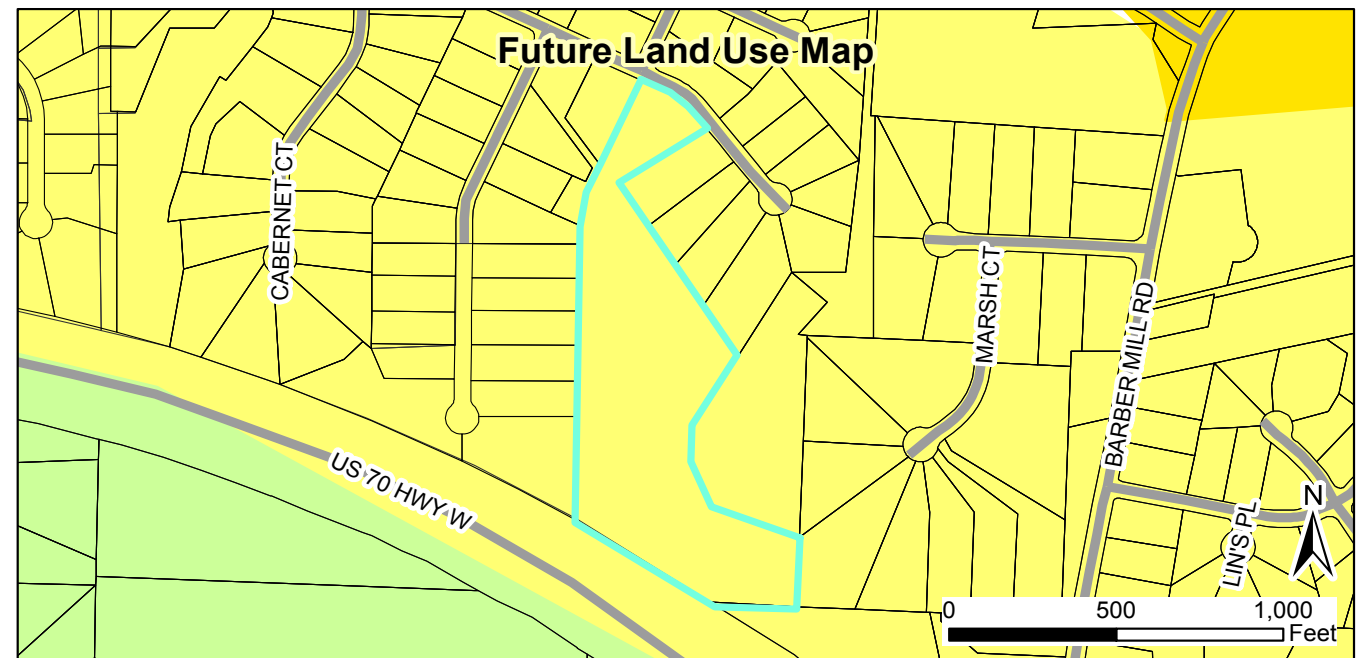
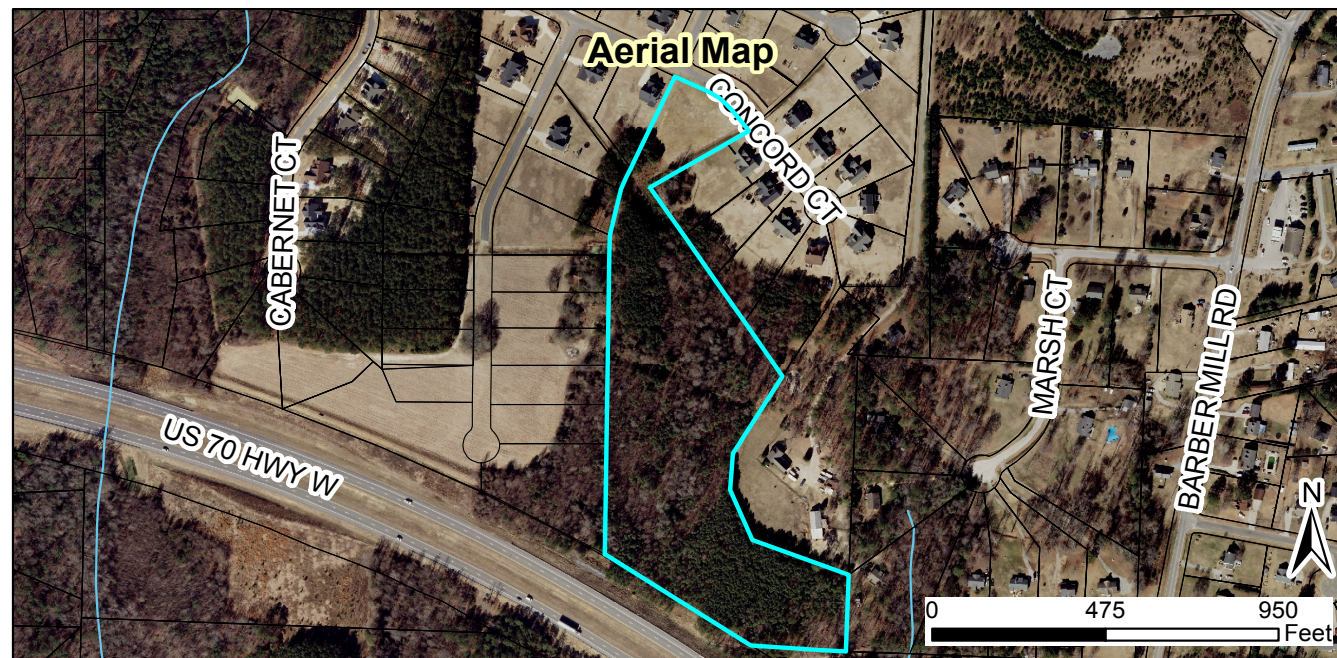
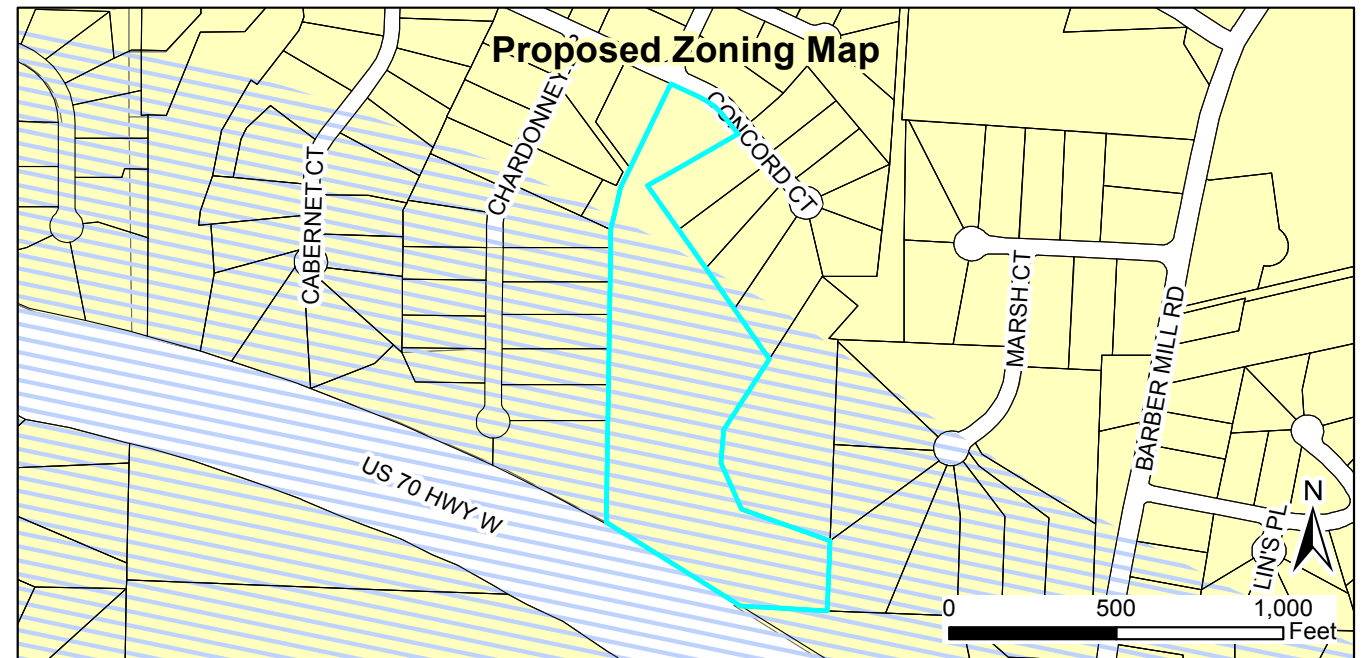
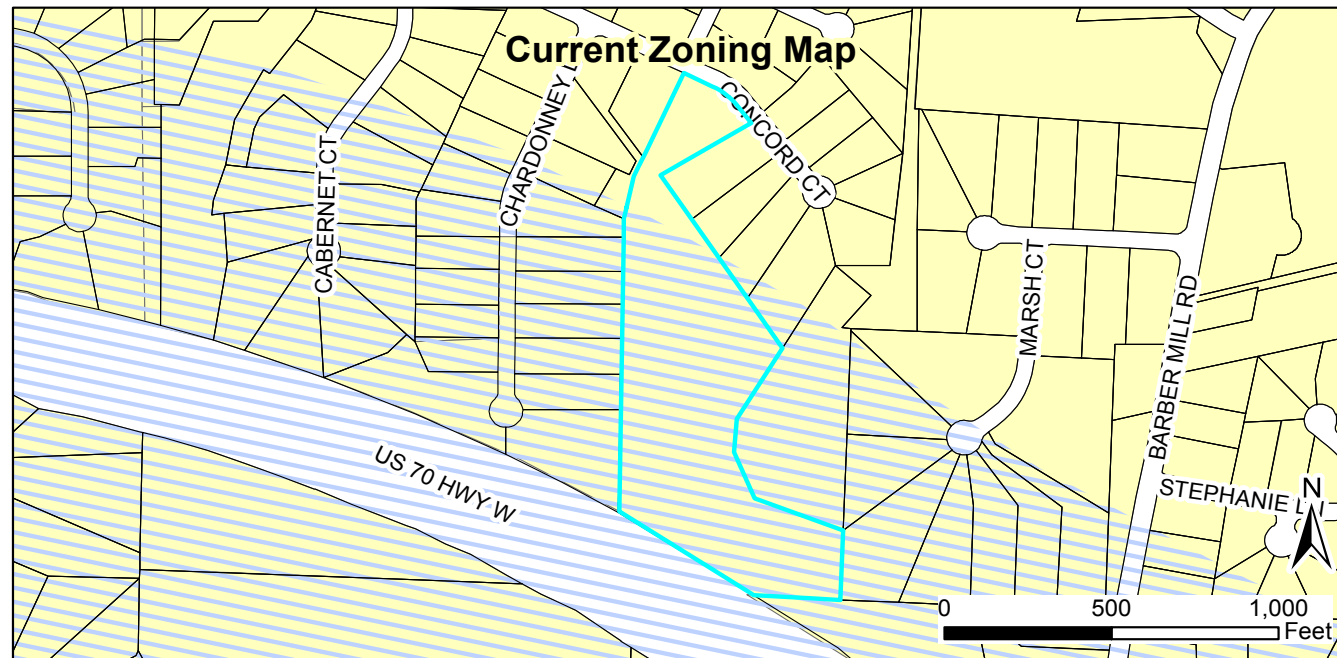
DRAWING NAME:

SURVEY DATE:

JOB NO.

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

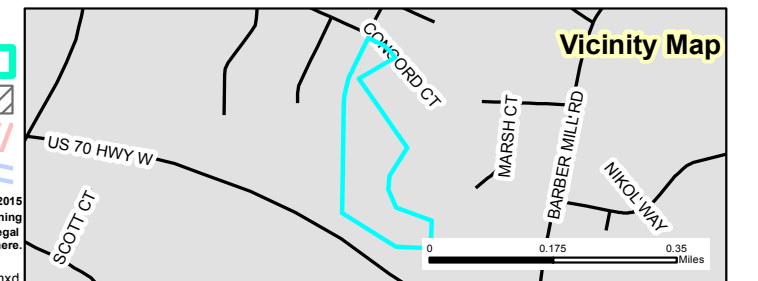
C-1859



13-106-01-SD Hannah's Creek Lot 78 Major Subdivision
Request: Approval to add one lot to existing Hannah's Creek subdivision
 Applicant: Curk Lane
 Property Owner: Darryl D. Evans
 Parcel ID Number: 165803-21-4008
 Tag #: 05g03015i

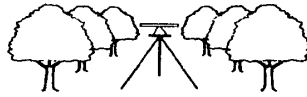


Site 
 Special Use District 
 Thorough Fare Overlay 
 Scenic Highway Overlay 
 10/15/2015
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2015\13-106-01-SD Hannah's Creek Major Subdivision Modification\Maps\StaffReportMap.mxd

TRUE LINE SURVEYING, P.C.



October 1, 2015

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: October 14, 2015

Location: True Line Surveying, 205 W. Main Street Clayton

Time: 6:00 PM

Type of Application: Modification to Major Subdivision

General Description: Modification to Hannah's Creek subdivision requesting additional acres to open space and the creation of 1 additional lot.

If you have any question prior to or after this meeting, you may contact us at (919) 359-0427.

Sincerely,
Curk T. Lane

True Line Surveying

205 W. Main Street, Clayton, NC 27520
(919) 359-0427 • Fax: (919) 359-0428

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: 10/1/15

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

Printed Name: Molly Herring Signature: Molly Herring

Date of Meeting: 10/14/15 Time of Meeting: 6pm

Location of Meeting: True Line Surveying + moved to Town Center

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 attachment

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

William Greiner & Tammy Greiner
54 Merlot Court
Clayton, NC 27520

William C. Hartley & Teresa C. Hartley
20 Chardonnay Drive
Clayton, NC 27520

Lee A. Hartman & Tera G. Hartman
234 Corvina Drive
Clayton, NC 27520

John J. Hicks & Connie J. Hicks
24 Vinyard Drive
Clayton, NC 27520

Thomas L. Hunter & Rebecca S. Hunter
36 Cabernet Court
Clayton, NC 27520

Kevin W. Ingram & Melissa A. Ingram
59 Chardonnay Drive
Clayton, NC 27520

Joseph W. Jackson & Misty Joe Jackson
87 Concord Court
Clayton, NC 27520

Jay W. Johnson & Malinda J. Johnson
54 Vinyard Drive
Clayton, NC 27520

Brian A. Kapusta & Sarah B. Kapusta
78 Vinyard Drive
Clayton, NC 27520

Christopher LaTurno & Lisa LaTurno
74 Chardonnay Drive
Clayton, NC 27520

Gerald D. Lee & William G. Smart
61 Merlot Court
Clayton, NC 27520

Brian S. Lipscomb & Amanda L.
150 Corvina Drive
Clayton, NC 27520

Henry C. Marcum & Tabitha S. Marcum
70 Merlot Court
Clayton, NC 27520

Charles McCann & Karen L. McCann
170 Corvina Drive
Clayton, NC 27520

Glenn McDowell & Kelly McDowell
58 Cabernet Court
Clayton, NC 27520

Donald Jeremy McLean & Alana H.
96 Chardonnay Drive
Clayton, NC 27520

Robert Miles & Rhonda Pelech
69 Chardonnay Drive
Clayton, NC 27520

David G. Miller & Lynda E. Miller
39 Cabernet Court
Clayton, NC 27520

Michael Mullins & Jody Mullins
231 Corvina Drive
Clayton, NC 27520

Daniel M. Nunes & Holley M. Nunes
220 Corvina Drive
Clayton, NC 27520

Matthew J. O'Connor & Holly E.
33 Vinyard Drive
Clayton, NC 27520

Keith Pagano & Katherine Pagano
66 Concord Court
Clayton, NC 27520

Jeremy Sabo & Lauren Sabo
188 Corvina Drive
Clayton, NC 27520

Lonnie Linwood Sawyer
120 Chardonnay Drive
Clayton, NC 27520

Vincent J. Scavone & Kimberly A.
14 Merlot Court
Clayton, NC 27520

Bradley T. Schoonover & Rachel A.
116 Chardonnay Drive
Clayton, NC 27520

Daniel Schott & Ariana Schott
76 Cabernet Court
Clayton, NC 27520

Scott Joel Smith
102 Cabernet Court
Clayton, NC 27520

Joseph Spivey & Amanda Spivey
84 Corvina Drive
Clayton, NC 27520

Robert Stephenson & Carrie
121 Cabernet Court
Clayton, NC 27520

D. David Allison, Jr. & Deborah L. Allison
121 Concord Court
Clayton, NC 27520

Lars G. Andersson & Carla J. Andersson
86 Chardonnay Drive
Clayton, NC 27520

Mary Baker
228 Corvina Drive
Clayton, NC 27520

Frederick K. Bangert & Kathy J. Bangert
9 Cabernet Court
Clayton, NC 27520

Bruce D. Beavers & Teresa L. Beavers
105 Concord Court
Clayton, NC 27520

Michael G. Beavers & Mable S. Beavers
42 Chardonnay Drive
Clayton, NC 27520

Robert E. Blackman Jr. & Melinda W.
73 Merlot Court
Clayton, NC 27520

Jeremy Brewer & Paula Brewer
235 Corvina Drive
Clayton, NC 27520

Marcus Burrell & Myra Burrell
23 Chardonnay Drive
Clayton, NC 27520

Joshua Carlisle & Laura Carlisle
30 Corvina Drive
Clayton, NC 27520

James Carroll & Tammy Carroll
140 Corvina Drive
Clayton, NC 27520

Keith B. Connolly & Kimberly L. Connolly
101 Vinyard Drive
Clayton, NC 27520

George D. Craig Jr. & Edith B. Craig
23 Cabernet Court
Clayton, NC 27520

Thomasine C. Dade
73 Cabernet Court
Clayton, NC 27520

Johnny H. Daughtridge III & Ashley T.
117 Cabernet Court
Clayton, NC 27520

Timothy Donehoo & Levana Miller
58 Chardonnay Drive
Clayton, NC 27520

James M. Dubovec & Kristen A.
181 Corvina Drive
Clayton, NC 27520

Matthew Dupree & Emily Dupree
118 Cabernet Court
Clayton, NC 27520

Jonathan Ellis
62 Corvina Drive
Clayton, NC 27520

Sean P. Elmore & Erin L. Elmore
128 Corvina Drive
Clayton, NC 27520

Emmanuel Eslabon & Carmela Eslabon
31 Merlot Court
Clayton, NC 27520

Ronald L. Evans & Kathleen V. Evans
106 Concord Court
Clayton, NC 27520

Susan Fikes
77 Merlot Court
Clayton, NC 27520

John P. Fleming & Raquel W. Fleming
17 Corvina Drive
Clayton, NC 27520

James W. Flockhart Jr. & Suzanne M.
53 Cabernet Court
Clayton, NC 27520

Alan Flowers
112 Cabernet Court
Clayton, NC 27520

David R. Ford & Heather H. Ford
117 Concord Court
Clayton, NC 27520

Gerald K. Ford & Sharon S. Ford
116 Concord Court
Clayton, NC 27520

Gary A. Furer & Deborah J. Furer
31 Cabernet Court
Clayton, NC 27520

Julian Gomez & Kristy L. Gomez
107 Cabernet Court
Clayton, NC 27520

Bennett E. Strickland & Aileen A.
86 Concord Court
Clayton, NC 27520

Allen Surratt II & Amanda Surratt
91 Chardonnay Drive
Clayton, NC 27520

Michael Tuccelli & Sarah Tuccelli
219 Corvina Drive
Clayton, NC 27520

John P. Tuttle Jr. & Diana W. Tuttle
95 Cabernet Court
Clayton, NC 27520

Matthew E. Vaughn & Marisa M. Vaughn
90 Cabernet Court
Clayton, NC 27520

Carl Vincent & Wanda Vincent
160 Corvina Drive
Clayton, NC 27520

Steve Warren & Angela Warren
65 Concord Court
Clayton, NC 27520

Alfred Whitlow Jr.
106 Corvina Drive
Clayton, NC 27520

David and Connie Atwood

148 Chardonney Dr.

Clayton, NC 27520

Wanda C. Grullon

123 Chardonney Dr.

Clayton, NC 27520

See attachment

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: True Line Surveying

Location/Date: _____

	NAME	ADDRESS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Attendance Roster
10/14/15

1. Bruce Beavers	105 Concord Ct., Clayton
2. Frederick & Kathy Bangert	9 Cabernet Ct., Clayton
3. Michael Beavers	42 Chardonney Dr., Clayton
4. Sue Beavers	42 Chardonney Dr., Clayton
5. Teresa Beavers	105 Concord Ct., Clayton
6. Gerald Lee	61 Merlot Ct., Clayton
7. Susan Fikes	77 Merlot Ct., Clayton
8. Keith Connolly	101 Vinyard Dr., Clayton
9. David G. Miller	39 Cabernet Ct., Clayton
10. Manny & Carmela Eslabon	31 Merlot Ct., Clayton
11. Tabitha Marcum	70 Merlot Ct.
12. Dave & Connie Atwood	148 Chardonney Dr., Clayton
13. Jim Dubovec	181 Corvina Dr., Clayton
14. Brian Lipscomb	150 Corvina Dr., Clayton
15. Carl & Wanda Vincent	160 Corvina Dr., Clayton
16. Robert & Carrie Stephenson	121 Cabernet Ct., Clayton
17. Jeremy Brewer	235 Corvina Dr., Clayton
18. Lee Hartman	234 Corvina Dr., Clayton
19. John Fleming	17 Corvina Dr., Clayton
20. Thomasine Dade	73 Cabernet Ct., Clayton
21. Angela Warren	65 Concord Ct., Clayton
22. Steve Warren	65 Concord Ct., Clayton
23. Gerald Ford	116 Concord Ct., Clayton
24. Misty Joe Jackson	87 Concord Ct., Clayton
25. Bennett & Aileen Strickland	86 Concord Ct., Clayton
26. Henry Marcum	70 Merlot Ct., Clayton
27. Katherine Pagano	66 Concord Ct., Clayton
28. Joshua Carlisle	30 Corvina Dr., Clayton
29. Melinda Johnson	54 Vinyard Dr., Clayton
30. Jay Johnson	54 Vinyard Dr., Clayton
31. James Lipscomb	328 E. Main st., Clayton
32. Jay McLeod	Town of Clayton
33. Joseph Hamer	425 S. Lombard St., Clayton

**Lot 78 Hannahs Creek
Meeting Minutes 10/19/15**

Neighborhood meeting was held October 14, 2016, 6pm at True Line Surveying. The meeting was moved to the Hales room at The Town Center for overflow. Meeting started around 7:15pm. A list of attendance is included as a part of these minutes. The meeting was officiated by Curk Lane with comments made by Darryl Evans. Meeting started with an explanation of how Hannahs Creek Ph. 1, 2 and 3 were approved. It was stated that Hannahs Creek is a county water and individual septic lot open space subdivision with Ph. 1 approved by Johnston County and Ph. 2 approved by Johnston County. Ph. 3 approved by Town of Claytons Town Council after which the amendment to the open space and the creation of lot 78 was approved by Town of Clayton Planning prior to recordation of Ph. 3. The open space in Ph. 1 was recorded as reserve as future development because of the potential purchase of the Harris tract and the subsequent soil delineation for septic systems for the potential of Ph. 3. During the septic approval for Ph. 3 it was determined by Johnston county Environmental Health that there was enough suitable soil along the Harris tract "Ph.3" to create Lot 78. The open space was then amended to include the reserve for septic area for Lot 55 and to remove some open space along Concord Dr. to create Lot 78. Along with this plan there was open space removed from Ph. 2 and added to the lots to Old Field Subdivision which is recorded. The current plan shows Lot 78 and the revised open space as approved by the Town of Clayton Planning with the addition of nature trail connecting Concord Ct. to Chardonney Dr. After this presentation I answered question and comments from the participants. The Questions and comments are as follows:

1. Why is open space being removed as it was advertise by the Real Estate Agent and Darryl Evans as open space and was not to be built on?
Answered by Darryl Evans: This land was never dedicated to the HOA and was recorded as reserved for future development based on final design of Ph. 3. The consent of the residents of Hannahs Creek they do not want Lot 78 created and the open space improved with a nature trail. It was stated the nature trail would invite criminal activity in the neighborhood. The residents would like to keep Lot 78 as open space and not revise to include the land that was Lot 55 because they did not understand how they could use the open space based on the revised open space plan.
Resident stated the new owner who buys Lot 78 will not be welcomed into neighborhood and will be treated as an outsider. Darryl responded that he always tried to maintain home values in Hannahs Creek by not building smaller less affordable during the recession but chose not to build until the market would sustain normal Hannahs Creek price point homes. The house plan for Lot 78 will be one of the larger house plans built in Hannahs Creek and therefore would not drop value of the neighborhood. The size, shape and house location of Lot 78 will be in keeping and in line with all other lots in Hannahs Creek.
2. How much open space was on the preliminary plan compared to Open Space on final plan?
Answered by Curk Lane: Open space required 8.5acres, Final plan shows 10.7 acres outside of riparian buffers, creeks and wetlands. Total open space dedicated on final plan 16.7 acres. The original plan for open space was to be set aside as passive recreation or to be improved as per the HOA.
3. Questions concerning Impervious surface areas.
Answered by Curk Lane: The creation of Lot 78 will not change the impervious surface limit of any existing lot in Hannahs Creek.
4. Questions about Sediment control Pond.

Answered by Curk Lane: Sediment pond and erosion rules state that when the drainage area has finished construction and no sediment is being run off the sediment pond must be removed in order to revert back to natural sheet flow of surface water. The creation of Lot 78 will not affect the storm water management plan for Hannahs Creek. See attached calculations by Adams and Hodge Engineering.

5. Questions about improvements to open space promised by Realtor and or Darryl Evans.
Answered by Darryl Evans: Darryl answered the question by stating that the open space could be approved by the HOA but was not advertised as having improvements such as a playground. Residents feel misled by Realtor and Developer in stating the land shown as open space on the original preliminary plan submitted to the county could not be changed.
6. Statement made that the HOA did not currently have any funds.
Answered by Darryl Evans: HOA funds were managed by Darryl until 2 years ago and was then turned over to Kohn-ell. At the time it was turn over it had approx. \$23,000 and now has approx. \$21,000. See bank statements attached.
7. Question asked Why homeowners funds being spent to maintain open space owned by Darryl Evans and not owned by the HOA?
Answered by Darryl Evans: No land dedicated as HOA or stated as reserved for future development has been dedicated to the HOA however, land set aside as open space in Ph. 2 entrance sign easements and berm along 70 bypass have been maintained by the HOA is a benefit for the neighborhood. The land where Lot 78 will be has also been maintained by the HOA as a benefit for the neighborhood until the final plan could be approved and Darryl offered to reimburse the mowing portion of Lot 78 to the HOA.
8. Question According to covenants no new lot can be created in Hannahs Creek.
Answered by Darryl Evans and Curk Lane: The purpose of this statement is to prevent homeowners from subdividing there lots at Hannahs Creek not the creation of additional lots such as the Harris Property "Ph.3" Ph. 3 was designed leaving adequate soil to create Lot 78.
9. How can the homeowners voice their opinion to the Town of Clayton?
Answered by Curk Lane: It would be best to them to submit their own summary of the meeting and list their concerns in writing to be submitted to the Planning staff to be sent as part of the package to the Planning Board and Town Council. Also, advised to pick one or two people to speak at the public meetings representing the consent of the neighborhood.



October 13, 2015

HANNAH'S CREEK
Lot 78
Darryl D Evans, Inc
425 Indian Camp Road
Clayton, NC

Subject: HANNAH'S CREEK
LOT 78

Dear Mr. Evans,

As requested I have evaluate the pre vs post stormwater calculations to determine if the proposed Lot 78 would affect downstream flow. Lot 78 is less than 1.5ac and only 3.7% of the total 40.1 ac watershed, which is less than 10% and considered insignificant.

Also, the attached calculations show that the addition of Lot 78 would increase the impervious area at the shown point of interest by only 0.3% and the overall imperviousness for this drainage area would remain under the required 12%. See attached watershed map.

I have also sized three culverts that need to be installed under the proposed nature trail. See attached calculations.

If you have any questions or comments, please give me a call at 919-369-1938 or email to andrew@adamsandhodge.com.

Sincerely,

Andrew W Hodge, PE



10/13/2015

Huddahs Creek

10/8/15

Total Drainage Area @ POI = 40.1 ac
Lot 78

Impervious Area

of lot contributing

Phase 1+2 = 21 @ 4288 SF/lot = 90,048

Phase 3 = 10.5 @ 3775 SF/lot = 39,638

129,686 SF

Streets

Merlot	420
Vineyard	290
Cotwood	620
Chardonnay	1310
Cornwall	830

3470' * 20' = 69,400 SF

Total Imp. area to POI = 199,086 SF
or
4.57 ac

Percent

Imp area = $\frac{4.57 \text{ ac}}{40.1 \text{ ac}} = 11.4\%$
Total area = 40.1 ac
Impervious

Hannahs Creek

10/8/15

Adding Lot 78 to Watershed

This would add 4,288 SF to the impervious area.

$$\begin{array}{rcl} \text{Now} & & \text{Proposed} \\ 179,086 & + & 4,288 = 203,374 \text{ SF} \\ & & \text{or} \\ & & 4.67 \text{ ac} \end{array}$$

Proposed

$$\begin{array}{l} \text{Imp Area} = \frac{4.67 \text{ ac}}{\text{Total area} = 40.1 \text{ ac}} = 11.7\% \end{array}$$

Therefore adding Lot 78 would only add 0.3% to the total impervious area, and the proposed impervious area is less than the allowed 12%.

HANNAH'S CREEK

Culvert

1

Determine Composite "C" value:

	Area in acres (A)	"C" value for area	A*C
1	0.32	0.35	0.11
2			0.00
3			0.00
4			0.00
5			0.00
6			0.00
Total	0.32		0.11
Composite "C" value:			0.35

Intensity (I)

2 yr	4.6
10 yr	6.21
25 yr	7.21

Discharge (Q=CIA)

2 yr	0.5
10 yr	0.7
25 yr	0.8

Determine Pipe Size Where:

Q 2yr =	0.5
Q 10yr =	0.7
Q 25yr =	0.8

MAX. ELEVATIONS

Upper Inv:=
Lower Inv:=
Length:=

n=	0.013
Slope=	0.50%

D2=	7
D10=	7
D25=	8

CenterLine Elev.		FT
Width of Pavement		FT
Shoulder Width		FT
SideSlopes		/1

Try: 15 in Acceptable
HW/D10= less than 0.5

HANNAH'S CREEK

Culvert

2

Determine Composite "C" value:

	Area in acres (A)	"C" value for area	A*C
1	4.41	0.35	1.54
2			0.00
3			0.00
4			0.00
5			0.00
6			0.00
Total	4.41		1.54
Composite "C" value:			0.35

**Intensity
(I)**

2 yr	4.6
10 yr	6.21
25 yr	7.21

Discharge (Q=CIA)

2 yr	7.1
10 yr	9.6
25 yr	11.1

Determine Pipe Size Where:

MAX. ELEVATIONS

Q 2yr =	7.1	Upper Inv:=
Q 10yr =	9.6	Lower Inv:=
Q 25yr =	11.1	Length:=

n= 0.013
Slope= 0.50%

D2=	18
D10=	20
D25=	21

CenterLine Elev.		FT
Width of Pavement		FT
Shoulder Width		FT
SideSlopes		/1

Try: 24 in Acceptable
HW/D10= 0.81

HANNAH'S CREEK

Culvert

3

Determine Composite "C" value:

	Area in acres (A)	"C" value for area	A*C
1	0.34	0.35	0.12
2			0.00
3			0.00
4			0.00
5			0.00
6			0.00
Total	0.34		0.12
Composite "C" value:			0.35

**Intensity
(I)**

2 yr	4.6
10 yr	6.21
25 yr	7.21

Discharge (Q=CIA)

2 yr	0.5
10 yr	0.7
25 yr	0.9

Determine Pipe Size Where:

MAX. ELEVATIONS

Q 2yr =	0.5	Upper Inv:=
Q 10yr =	0.7	Lower Inv:=
Q 25yr =	0.9	Length:=

n=
Slope= **0.50%**

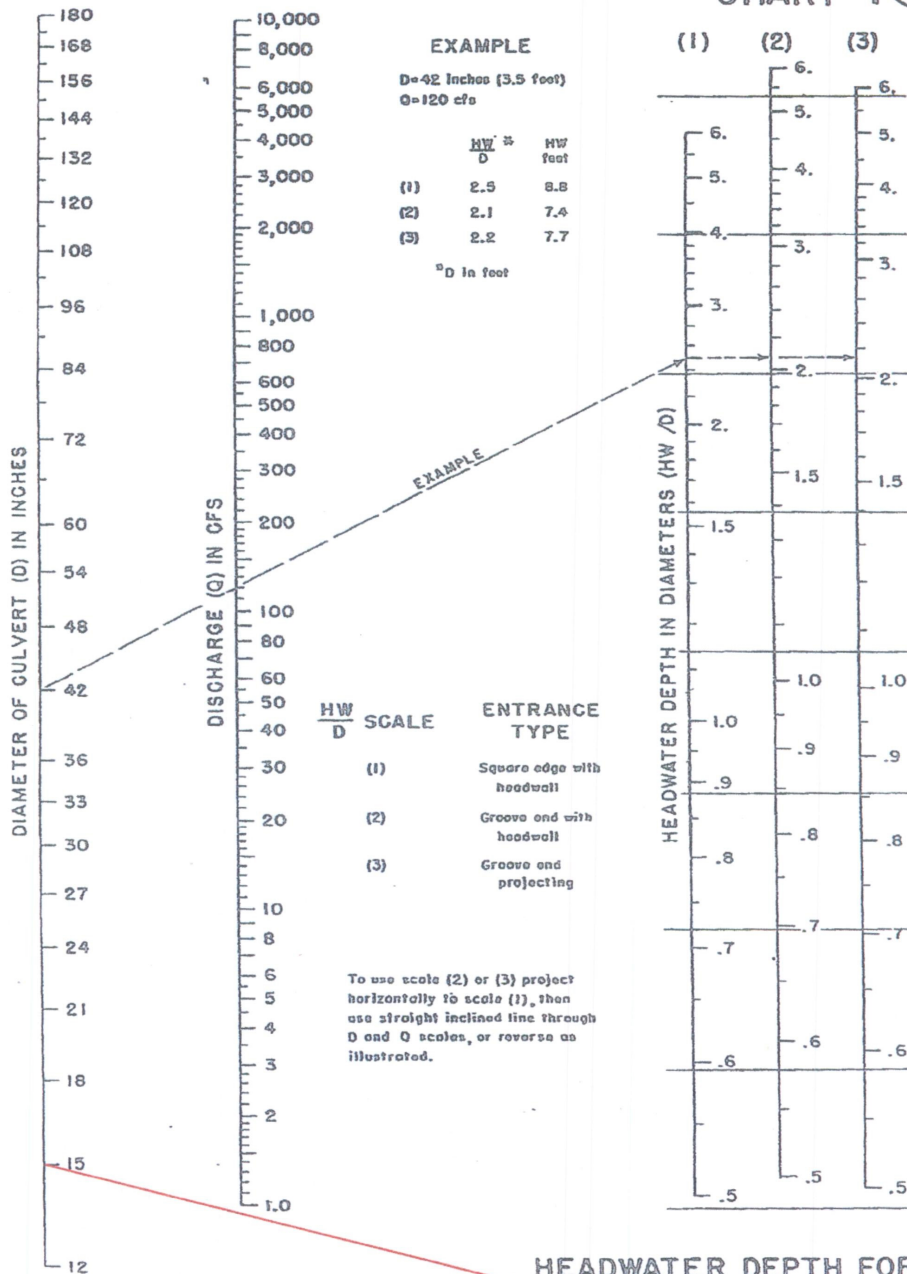
D2=	0
D10=	0
D25=	0

CenterLine Elev.		FT
Width of Pavement		FT
Shoulder Width		FT
SideSlopes		/1

Try: **15 in** **Acceptable**
HW/D10= **less than 0.5**

CULVERT 1

CHART 1

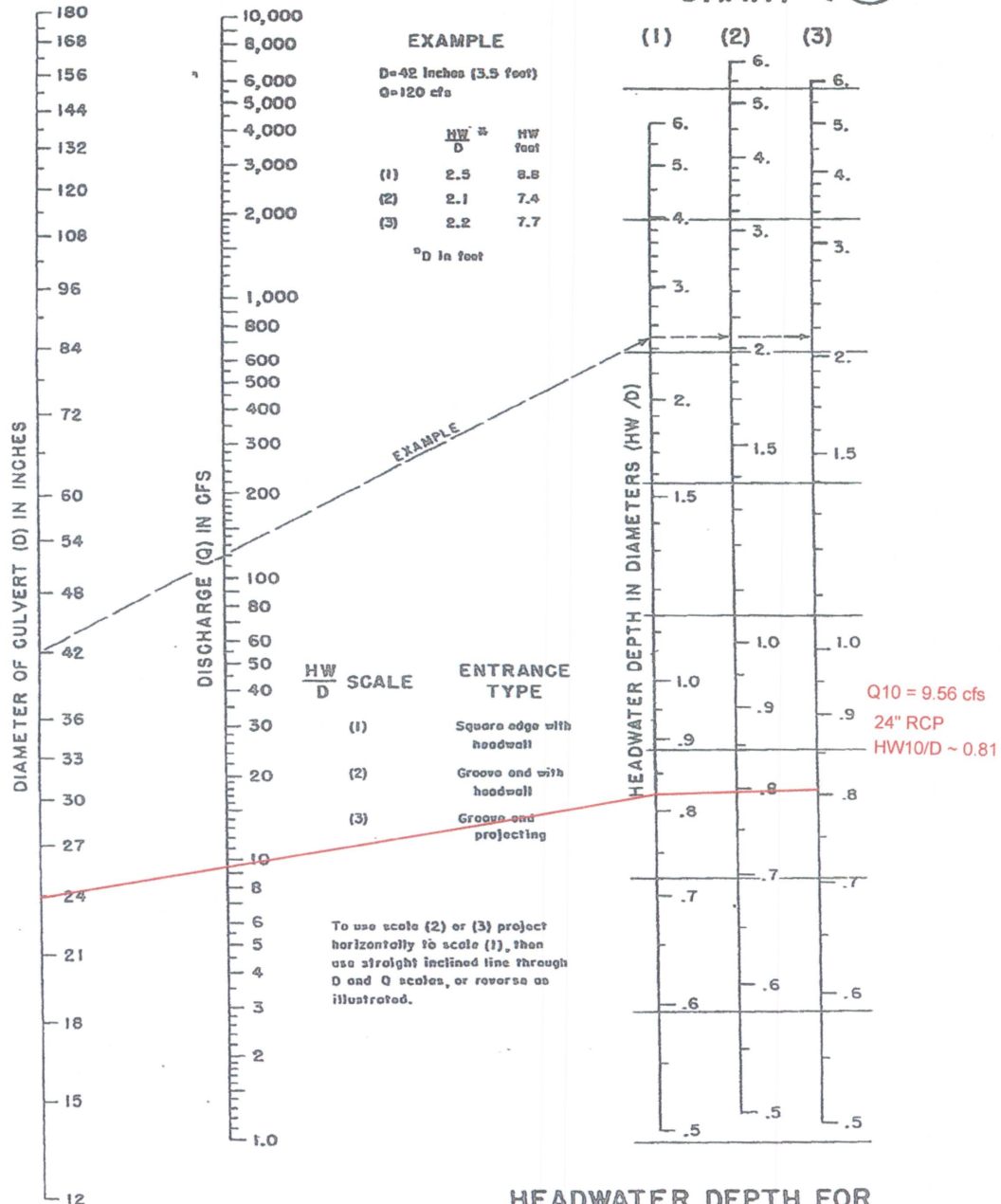


HEADWATER SCALES 2&3
 REVISED MAY 1964

BUREAU OF PUBLIC ROADS JAN 1963

CULVERT 2

CHART 1



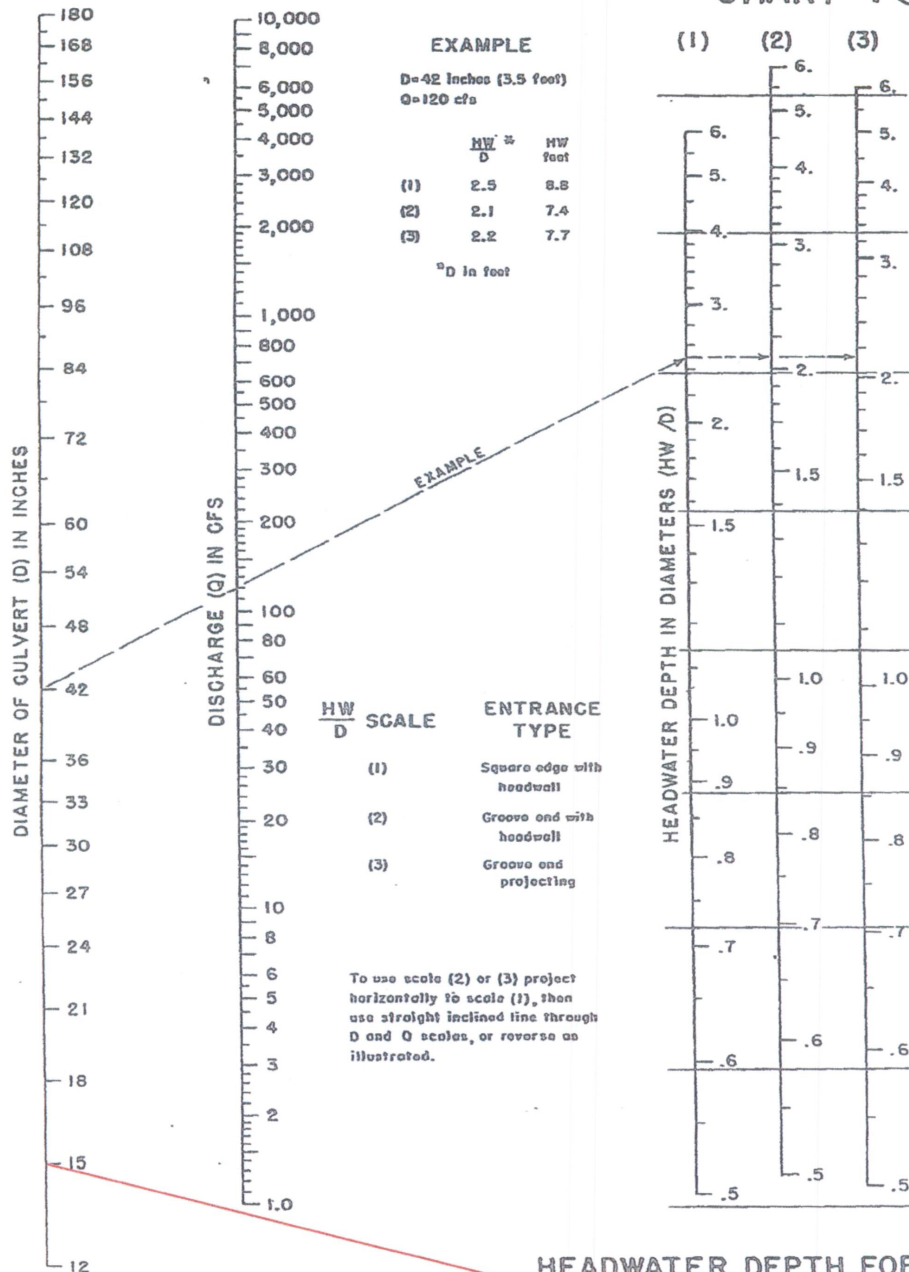
HEADWATER SCALES 2&3

REVISED MAY 1964

BUREAU OF PUBLIC ROADS JAN. 1963

CULVERT 3

CHART 1



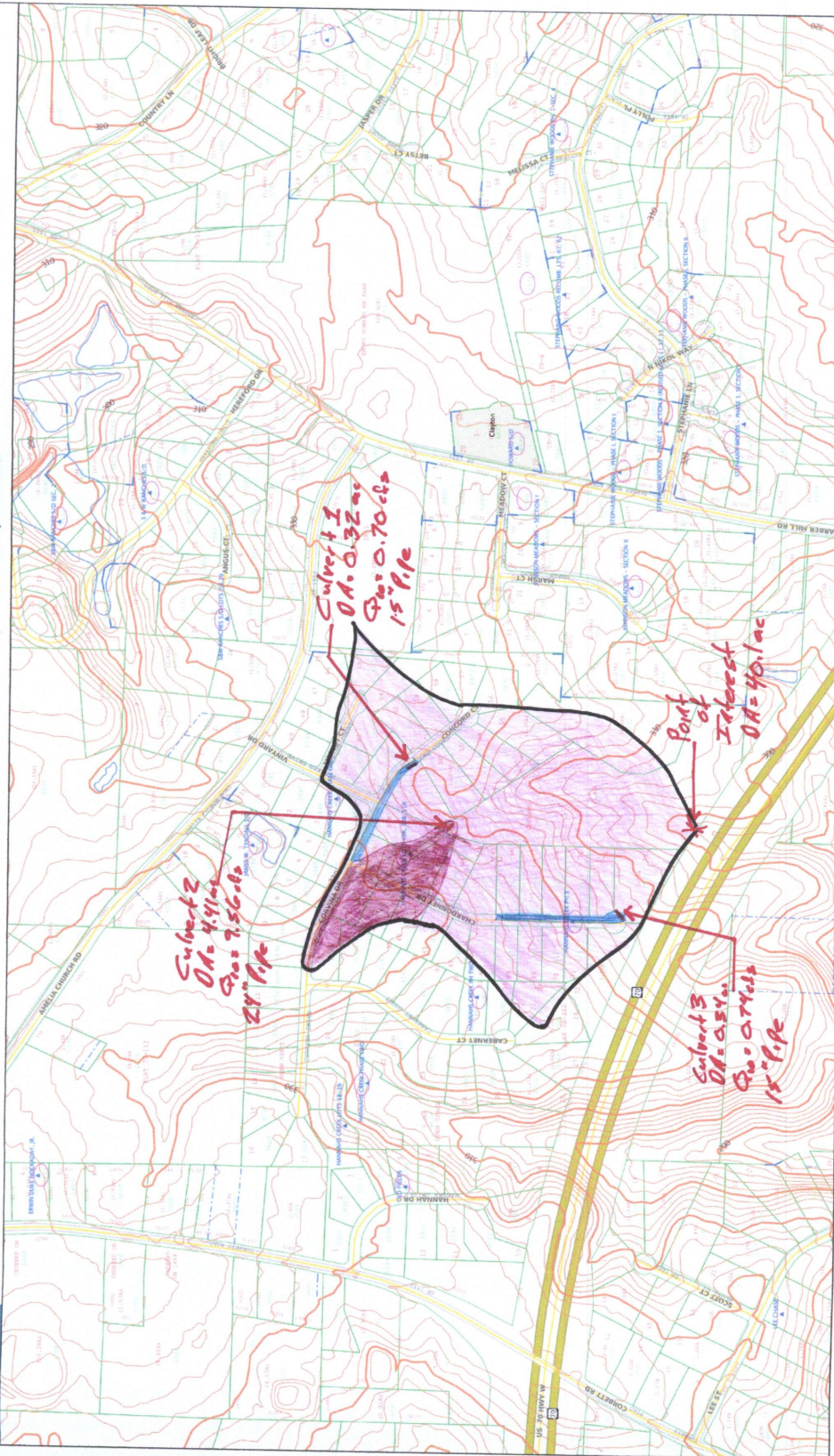
HEADWATER SCALES 283
 REVISED MAY 1964

BUREAU OF PUBLIC ROADS JAN. 1963



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:2400 - 1 in. = 200 feet

(The scale is only accurate when printed landscape on a 22 x 34 size sheet with no page scaling.)

Johnston County GIS
October 6, 2015

Mar 13 13 01:24p

p.2



P.O. Box 5809, Cary, NC 27512



Last statement: January 31, 2013
This statement: February 28, 2013
Total days in statement period: 28

868 M0 5 ##003912
HANNAH'S CREEK HOMEOWNERS ASSOC INC
425 INDIAN CAMP ROAD
SMITHFIELD NC 27577-8048

Page 1
0041003906
(5)

Direct inquiries to:
919 550 2050

VantageSouth Bank
315 E Main Street
Clayton, NC 27520

THANK YOU FOR BANKING WITH US!

Business NOW

Account number	0041003906	Beginning balance	\$20,791.31
Enclosures	5	Total additions	3,120.82
Low balance	\$20,741.31	Total subtractions	544.61
Average balance	\$21,532.66	Ending balance	\$23,367.52
Avg collected balance	\$21,284.00		
Interest paid year to date	\$1.55		

CHECKS

Number	Date	Amount	Number	Date	Amount
1093	02-04	50.00	1095	02-22	44.61
1094	02-13	450.00			

CREDITS

Date	Description	Additions
02-12	Deposit	1,440.00
02-26	Deposit	1,680.00
02-28	Interest Credit	0.82

DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
01-31	20,791.31	02-13	21,731.31	02-28	23,367.52
02-04	20,741.31	02-22	21,686.70		
02-12	22,181.31	02-26	23,366.70		

L 3912 -7712

Mar 13 13 01:24p

p.3

HANNAH'S CREEK HOMEOWNERS ASSOC INC
February 28, 2013

Page 2
0041003906

INTEREST INFORMATION

Annual percentage yield earned	0.05%
Interest-bearing days	28
Average balance for APY	\$21,284.09
Interest earned	\$0.82

OVERDRAFT/RETURN ITEM FEES

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Thank you for banking with VantageSouth Bank

L 3912 -7713

Mar 13 13 01:25p

p.4

Account: 41003906

Period: 2/1/2013 TO 2/28/2013

Page 3

DEPOSIT TICKET
HANNAM'S CREEK HOMEOWNERS
ASSOCIATION, INC.
CASH ON HAND
DATE: 2/12/13
AMOUNT: \$1,440.00
TOTAL: \$1,440.00
10551122754 041003906

DEPOSIT TICKET
HANNAM'S CREEK HOMEOWNERS
ASSOCIATION, INC.
CASH ON HAND
DATE: 2/26/13
AMOUNT: \$1,690.00
TOTAL: \$1,690.00
10551122754 041003906

HANNAM'S CREEK HOMEOWNERS
ASSOCIATION, INC.
CHECK NO. 1093
DATE: 2/4/13
AMOUNT: \$50.00
TOTAL: \$50.00
1093 2/4/2013 \$50.00

HANNAM'S CREEK HOMEOWNERS
ASSOCIATION, INC.
CHECK NO. 1094
DATE: 2/13/13
AMOUNT: \$450.00
TOTAL: \$450.00
1094 2/13/2013 \$450.00

HANNAM'S CREEK HOMEOWNERS
ASSOCIATION, INC.
CHECK NO. 1095
DATE: 2/22/13
AMOUNT: \$44.61
TOTAL: \$44.61
1095 2/22/2013 \$44.61

3912 - 7714

Mar 13 13 01:25p

p.5

2:17 PM

03/13/13

Hannah's Creek Homeowners Association, Inc.**Reconciliation Detail****1060 - Checking Account, Period Ending 02/28/2013**

Type	Date	Num	Name	Ch	Amount	Balance
Beginning Balance						20,781.31
Cleared Transactions						
Checks and Payments - 3 Items						
Check	1/31/2013	1093	Buildog Express	X	-50.00	-50.00
Check	2/6/2013	1094	Barefoot and Associ...	X	-450.00	-500.00
Check	2/19/2013	1095	Progress Energy	X	-44.61	-544.61
Total Checks and Payments					-544.61	-544.61
Deposits and Credits - 3 Items						
Deposit	2/12/2013			X	1,440.00	1,440.00
Deposit	2/26/2013			X	1,680.00	3,120.00
Deposit	2/28/2013			X	0.82	3,120.82
Total Deposits and Credits					3,120.82	3,120.82
Total Cleared Transactions					2,576.21	2,576.21
Cleared Balance					2,576.21	23,387.52
Register Balance as of 02/28/2013					2,576.21	23,387.52
New Transactions						
Checks and Payments - 1 item						
Check	3/6/2013	1096	Barefoot and Associ...		-450.00	-450.00
Total Checks and Payments					-450.00	-450.00
Deposits and Credits - 1 item						
Deposit	3/6/2013				480.00	480.00
Total Deposits and Credits					480.00	480.00
Total New Transactions					30.00	30.00
Ending Balance					2,806.21	23,397.52



John D. Adams

& COMPANY, CPAs, PLLC

1266 Benson Road, PO Box 529 • Garner, North Carolina 27529
(919) 779-2020 • Fax (919) 772-5810

July 18, 2012

Hannah's Creek Homeowners Association, I
425 Indian Camp Road
Smithfield, NC 27577-8048

Hannah's Creek Homeowners Association, I:

We have prepared and enclosed the original and one copy of your 2011 corporate income tax returns.

Each original return should be dated, signed, and filed in accordance with the filing instructions. A pre-addressed envelope is provided for your convenience. The copy should be retained for your files.

We recommend that you send these returns to the taxing authorities by certified mail with a request for a return receipt. Please retain the receipt as proof of timely filing.

We would like to take this opportunity to thank you again for allowing us to serve you. Please call if you have any questions or if we may assist you further.

Cordially yours,

Jonathan D. Adams, CPA

2011 TAX RETURN FILING INSTRUCTIONS

U.S. HOMEOWNERS ASSOCIATION INCOME TAX RETURN

FOR THE YEAR ENDING

June 30, 2012

Prepared for	Hannah's Creek Homeowners Association, I 425 Indian Camp Road Smithfield, NC 27577-8048
Prepared by	John D. Adams & Company, CPAs, PLLC P.O. Box 529 Garner, NC 27529
To be signed and dated by	The appropriate corporate officer(s).
Amount of tax	Total tax \$ 0 Less: payments and credits \$ 0 Plus: other amount \$ 0 Plus: interest and penalties \$ 0 No pmt required \$
Overpayment	Credited to your estimated tax \$ 0 Other amount \$ 0 Refunded to you \$ 0
Make check payable to	Not applicable
Mail tax return and check (if applicable) to	Department of the Treasury Internal Revenue Service Center Cincinnati, OH 45999-0012
Return must be mailed on or before	September 17, 2012
Special Instructions	

Form **1120-H**Department of the Treasury
Internal Revenue Service**U.S. Income Tax Return
for Homeowners Associations**

OMB No. 1545-0127

2011For calendar year 2011 or tax year beginning **July 1, 2011**, and ending **June 30, 2012**

TYPE OR PRINT	Name Hannah's Creek Homeowners Association, Inc.	Employer identification number 20-5580280
	Number, street, and room or suite no. If a P.O. box, see instructions. 425 Indian Camp Road	Date association formed 08/24/2006
	City or town, state, and ZIP code Smithfield, NC 27577-8048	

Check if: (1) ☐ Final return (2) ☐ Name change (3) ☐ Address change (4) ☐ Amended returnA Check type of homeowners association: ☐ Condominium management association ☒ Residential real estate association ☐ Timeshare associationB Total exempt function income. Must meet 60% gross income test **See Statement 1** B **12,059.**C Total expenditures made for purposes described in 90% expenditure test **See Statement 2** C **8,820.**D Association's total expenditures for the tax year D **8,820.**E Tax-exempt interest received or accrued during the tax year E **0.****Gross Income (excluding exempt function income)**

1 Dividends	1
2 Taxable interest	2
3 Gross rents	3
4 Gross royalties	4
5 Capital gain net income (attach Schedule D (Form 1120))	5
6 Net gain or (loss) from Form 4797, Part II, line 17 (attach Form 4797)	6
7 Other income (excluding exempt function income) (attach schedule)	7
8 Gross income (excluding exempt function income). Add lines 1 through 7	8 0.

Deductions (directly connected to the production of gross income, excluding exempt function income)

9 Salaries and wages	9
10 Repairs and maintenance	10
11 Rents	11
12 Taxes and licenses	12
13 Interest	13
14 Depreciation (attach Form 4562)	14
15 Other deductions (attach schedule)	15
16 Total deductions. Add lines 9 through 15	16 0.
17 Taxable income before specific deduction of \$100. Subtract line 16 from line 8	17 0.
18 Specific deduction of \$100	18 \$100.00

Tax and Payments

19 Taxable income. Subtract line 18 from line 17	19 <100.>
20 Enter 30% of line 19. (Timeshare associations, enter 32% of line 19.)	20 0.
21 Tax credits	21
22 Total tax. Subtract line 21 from line 20. See instructions for recapture of certain credits	22 0.
23 a 2010 overpayment credited to 2011 23a	
b 2011 estimated tax payments 23b	
c Total 23c 0.	
d Tax deposited with Form 7004 23d	
e Credit for tax paid on undistributed capital gains (attach Form 2439) 23e	
f Credit for federal tax paid on fuels (attach Form 4136) 23f	
g Add lines 23c through 23f 23g 0.	
24 Amount owed. Subtract line 23g from line 22 (see instructions)	24
25 Overpayment. Subtract line 22 from line 23g	25
26 Enter amount of line 25 you want: Credited to 2012 estimated tax Refunded	26

**Sign
Here**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of officer

Date

Title

May the IRS discuss this
return with the preparer
shown below (see instr.)?☒ Yes ☐ No**Paid
Preparer's
Use Only**

Print/Type preparer's name

Preparer's signature

Date

Check
if self-
employed ☐

PTIN

Jonathan D. Adams, CPA**Jonathan D. Adams, C****07/18/12****P00020624**Firm's name **John D. Adams & Company, CPAs, PLLC**Firm's EIN **56-1951327**

P.O. Box 529

Firm's address **Garner, NC 27529**Phone no. **(919) 779-2020**110591
01-30-12

JWA For Paperwork Reduction Act Notice, see separate instructions.

Form **1120-H** (2011)

1

14320718 787644 15815

2011.04000 Hannah's Creek Homeowners A 15815__1

Hannah's Creek Homeowners Association, I

20-5580280

Form 1120-H	Exempt Function Income	Statement	1
-------------	------------------------	-----------	---

Description	Amount
HOA Membership Dues	12,059.
Total to Form 1120-H, Item B	12,059.

Form 1120-H	EXPENDITURES DESCRIBED IN 90% TEST	Statement	2
-------------	------------------------------------	-----------	---

Description	Amount
Accounting and legal	575.
Insurance	491.
Office supplies	50.
Repairs and maintenance	7,359.
Utilities	345.
Total to Form 1120-H, Item C	8,820.

COPY

CenturyLink Webmail

darryldevansinc@embarqmail.com

RE: Hannah's Creek HOA Info

From : Leslee Loggans <lesleeloggans@johnadamscpa.com>

Thu, Oct 15, 2015 10:14 AM

Subject : RE: Hannah's Creek HOA Info

@ 1 attachment

To : CenturyLink Customer <darryldevansinc@embarqmail.com>

Because it is a fiscal year end the tax returns are always a year behind.

So, like for the tax year ended 6/30/12, we do the tax return for 2011. The 2012 tax return would be for the tax year ended 6/30/13, which the HOA company should have handled.

Leslee B. Loggans, CPA

John D. Adams & Company, CPAs, PLLC

1266 Benson Road, PO Box 529

Garner, NC 27529

Phone (919) 779-2020

Fax (919) 772-5810

Email lesleeloggans@johnadamscpa.comPlease visit our website at www.johnadamscpa.com

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From: CenturyLink Customer [mailto:darryldevansinc@embarqmail.com]

Sent: Thursday, October 15, 2015 9:45 AM

To: Leslee Loggans <lesleeloggans@johnadamscpa.com>

Subject: Re: Hannah's Creek HOA Info

Darryl said should there be one for 2012, this one says 2011 so should we have one more?

From: "Leslee Loggans" <lesleeloggans@johnadamscpa.com>

To: "Darryl D. Evans, Inc (email)" <darryldevansinc@embarqmail.com>

Sent: Thursday, October 15, 2015 9:34:40 AM

Subject: Hannah's Creek HOA Info

ShareFile Attachments

Title	Size
2011 6-30-12 FORM 1120H HANNAHS CREEK HOA.PDF	195.4 KB
2013 02-28 1060 Bank Rec (lbi).pdf	80.6 KB

[Download Attachments](#) Leslee Loggans uses ShareFile to share documents securely. [Learn More.](#)

Click on the "Download Attachments" to get the documents.

If you have any issues or need anything else just give me a call.

Thanks

Leslee B. Loggans, CPA

John D. Adams & Company, CPAs, PLLC

1266 Benson Road, PO Box 529

Garner, NC 27529

Phone (919) 779-2020

Fax (919) 772-5810

Email lesleeloggans@johnadamscpa.comPlease visit our website at www.johnadamscpa.com

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CenturyLink Webmail

darryldevansinc@embarqmail.com

Fwd: Hannah's Creek-Accounting Information

From : CenturyLink Customer
<darryldevansinc@embarqmail.com>

Fri, Oct 16, 2015 08:24 AM

2 attachments

Subject : Fwd: Hannah's Creek-Accounting Information

To : Joseph Hamer <jth@mandwlawyers.com>

Cc : James H Lipscomb <james@hometownerealty.com>

FYI

Looks like there is less now than when we turned everything over.

From: "Kristin Hoffman" <kristin@kohnell.com>

To: darryldevansinc@embarqmail.com, "James HTR Account" <James@myHTR.com>

Sent: Thursday, October 15, 2015 12:39:53 PM

Subject: Hannah's Creek-Accounting Information

Darryl and James,

The current accounts for Hannah's Creek is at this time is:

Operating \$16,674.91

Reserve: \$3,765.98

Attached are the first financials when we started managing Hannah's Creek showing \$23,000 in March of 2013.

Once I start on the budget for Hannah's Creek I will send you a copy of the budget.

*Thank you,
Kristin Hoffman*



104 N. Fayetteville Street

Clayton, NC 27520

Office-919 856 1844, ext. 4010 F- 919 571 8290

As a reminder, please remember that in accordance with N.C.G.S. 55A (Non-Profit

9:27 PM

04/21/13

Accrual Basis

Hannah's Creek Homeowners Association, Inc.

Balance Sheet

As of March 31, 2013

	<u>Mar 31, 13</u>
ASSETS	
Current Assets	
Checking/Savings	
North State Bank	
Operating	<u>23,356.59</u>
Total North State Bank	<u>23,356.59</u>
Total Checking/Savings	23,356.59
Accounts Receivable	
A/R - Trade	<u>480.00</u>
Total Accounts Receivable	<u>480.00</u>
Total Current Assets	<u>23,836.59</u>
TOTAL ASSETS	<u>23,836.59</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	<u>75.00</u>
Total Accounts Payable	<u>75.00</u>
Total Current Liabilities	<u>75.00</u>
Total Liabilities	75.00
Equity	
Retained Earning	12,227.42
Retained Earnings-setup by QB	13,142.57
Net Income	<u>-1,608.40</u>
Total Equity	<u>23,761.59</u>
TOTAL LIABILITIES & EQUITY	<u>23,836.59</u>

9:26 PM

04/21/13

Accrual Basis

Hannah's Creek Homeowners Association, Inc.
Profit & Loss YTD Comparison
March 2013

	<u>Mar 13</u>	<u>Jan - Mar 13</u>
Ordinary Income/Expense		
Expense		
Association Expenses		
Administrative Expenses		
Management Fees	75.00	75.00
Postage/Mailings/Copies	0.00	50.00
Total Administrative Expenses	75.00	125.00
Common Areas Expenses		
Grounds Maintenance Contract	450.00	1,350.00
Utilities		
Electric	40.93	134.95
Total Utilities	40.93	134.95
Total Common Areas Expenses	490.93	1,484.95
Total Association Expenses	565.93	1,609.95
Total Expense	565.93	1,609.95
Net Ordinary Income	-565.93	-1,609.95
Other Income/Expense		
Other Income		
Interest Income	0.00	1.55
Total Other Income	0.00	1.55
Net Other Income	0.00	1.55
Net Income	-565.93	-1,608.40

9:25 PM
04/21/13

Hannah's Creek Homeowners Association, Inc.
Check Detail

March 2013

Type	Num	Date	Name	Memo	Account	Paid Amount
Check	1096	3/6/2013	Barefoot and Associates, L...		Checking Account	
TOTAL					Grounds Maintenance Contract	-450.00
						-450.00
Check	1097	3/14/2013	Progress Energy		Checking Account	
TOTAL					Electric	-40.93
						-40.93

9:24 PM
04/21/13

Hannah's Creek Homeowners Association, Inc.
Customer Balance Summary
As of March 31, 2013

	<u>Mar 31, 13</u>
Lot 62 New Homeowners	240.00
Lot 9 James David and Tammy Carroll	240.00
TOTAL	<u>480.00</u>

9:23 PM

04/21/13

Hannah's Creek Homeowners Association, Inc.

Reconciliation Detail

Operating, Period Ending 03/31/2013

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						0.00
Cleared Transactions						
Deposits and Credits - 1 item						
Transfer	3/28/2013			X	23,356.59	23,356.59
Total Deposits and Credits					23,356.59	23,356.59
Total Cleared Transactions					23,356.59	23,356.59
Cleared Balance					23,356.59	23,356.59
Register Balance as of 03/31/2013					23,356.59	23,356.59
New Transactions						
Deposits and Credits - 1 item						
Deposit	4/2/2013				240.00	240.00
Total Deposits and Credits					240.00	240.00
Total New Transactions					240.00	240.00
Ending Balance					23,596.59	23,596.59

9:22 PM

04/21/13

Hannah's Creek Homeowners Association, Inc.

Reconciliation Detail

Checking Account, Period Ending 03/31/2013

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						23,367.52
Cleared Transactions						
Checks and Payments - 3 items						
Check	3/6/2013	1096	Barefoot and Associates, Inc.	X	-450.00	-450.00
Check	3/14/2013	1097	Progress Energy	X	-40.93	-490.93
Transfer	3/28/2013			X	-23,356.59	-23,847.52
Total Checks and Payments					-23,847.52	-23,847.52
Deposits and Credits - 1 item						
Deposit	3/6/2013			X	480.00	480.00
Total Deposits and Credits					480.00	480.00
Total Cleared Transactions					-23,367.52	-23,367.52
Cleared Balance					-23,367.52	0.00
Register Balance as of 03/31/2013					-23,367.52	0.00
Ending Balance					-23,367.52	0.00



NORTH STATE BANK



VOICE RESPONSE 1-877-357-2265 • TOLL FREE (877) 807-9668 • Web Site www.northstatebank.com

*****AUTO**5-DIGIT 27609
230 0.6270 AV 0.360 2 1 68
HANNAHS CREEK HOMEOWNERS ASSOCIATION INC
OPERATING ACCOUNT
C/O KOHN-ELL ASSOCIATION MANAGEMENT
205 W MILLBROOK ROAD STE 210
RALEIGH NC 27609-4492



Date 3/29/13 Page 1
Account Number Ending 3949
Enclosures 1

----- CHECKING ACCOUNTS -----

HOMEOWNERS CHECKING

Account Number Ending 3949
Previous Balance .00
1 Deposits/Credits 23,356.59
Checks/Debits .00
Monthly Service Fee .00
Interest Paid .00
Ending Balance 23,356.59

Number of Enclosures 1
OPERATING ACCOUNT
Statement Dates 3/25/13 thru 3/31/13
Days in the statement period 7
Average Ledger 13,346
Average Collected 0

Deposits and Additions	Description	Amount
Date		
3/28	DDA REGULAR DEPOSIT	23,356.59

Daily Balance Information

Date	Balance	Date	Balance
3/25	.00	3/28	23,356.59

MEMBER FDIC

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Payments received at the address indicated on this statement by 5:00 p.m. Eastern Time
each banking day will be credited as of that date.

FORM NO. VS-1060LRZ



Remote Deposit	Credit
Keller-EM Association HAWKINS CREEK HOMEOWNERS ASSOCIATION 4515 Falls of Neuse Road, Suite 175 Raleigh, NC 27609 919561844	Date: 3/28/2013 Items: 1 Amount: \$23,356.59 Batch ID: 729783100 Account ID: 11796 729953 Acct Name: 12123949

Amount \$23,356.59 Date 3/28/2013



P.O. Box 5809, Cary, NC 27512



868 MO 4 ##003875
HANNAH'S CREEK HOMEOWNERS ASSOC INC
425 INDIAN CAMP ROAD
SMITHFIELD NC 27577-8048

Last statement: February 28, 2013
This statement: March 31, 2013
Total days in statement period: 31

Page 1
0041003906
(4)

Direct inquiries to:
919 550 2050

VantageSouth Bank
315 E Main Street
Clayton, NC 27520

THANK YOU FOR BANKING WITH US!

**** Closed Account - Final Statement**

Business NOW

Account number	0041003906	Beginning balance	\$23,367.52
Enclosures	4	Total additions	480.00
Low balance	\$0.00	Total subtractions	23,847.52
Average balance	\$0.00	Ending balance	\$0.00
Avg collected balance	\$0.00		
Interest paid year to date	\$1.55		

CHECKS

Number	Date	Amount	Number	Date	Amount
1096	03-11	450.00	1097	03-19	40.93

DEBITS

Date	Description	Subtractions
03-21	Checking Withdrawal	23,356.59

CREDITS

Date	Description	Additions
03-06	Deposit	480.00

L 3875 -7546

HANNAH'S CREEK HOMEOWNERS ASSOC INC
March 31, 2013

Page 2
0041003906

DAILY BALANCES

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
02-28	23,367.52	03-11	23,397.52	03-21	0.00
03-06	23,847.52	03-19	23,356.59		

INTEREST INFORMATION

Annual percentage yield earned	0.05%
Interest-bearing days	20
Average balance for APY	\$23,450.43
Interest earned	\$0.64

Interest for 2013 to be reported to the Internal Revenue Service on your tax return is \$1.55.

OVERDRAFT/RETURN ITEM FEES

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Thank you for banking with VantageSouth Bank

L 3875 -7547

Account: 41003906
Period: 3/1/2013 TO 3/31/2013
Page 3

DEPOSIT TICKET
HAWAIIAN CREEK HOME OWNERS ASSOCIATION, INC.
DATE 3-6-13
AMOUNT \$480.00
MICR LINE ⑆03112275⑆ 041003906⑆

3/6/2013 \$480.00

1096
HAWAIIAN CREEK HOME OWNERS ASSOCIATION, INC.
CURRENT STATUS BANK
CLAYTON, MO 64601-451
3/6/2013
PAY TO THE ORDER OF: Emerald and Associates, Inc. \$450.00
Four Hundred Fifty and 00/100
Emerald and Associates, Inc.
2880 Cleveland Road
Gallatin, MO 64637, MO 646-691-3594
⑆001096⑆ ⑆03112275⑆ 041003906⑆

1096 3/11/2013 \$450.00

1097
HAWAIIAN CREEK HOME OWNERS ASSOCIATION, INC.
CURRENT STATUS BANK
CLAYTON, MO 64601-451
3/14/2013
PAY TO THE ORDER OF: Progress Energy \$40.93
Forty and 93/100
Progress Energy
P O Box 2041
Pawnee, MO 67452
⑆001097⑆ ⑆03112275⑆ 041003906⑆

1097 3/19/2013 \$40.93

Hannahs Creek

Owner/Developer: Darryl D. Evans Inc.
Surveyor: True Line Surveying
Tax ID #: 05G03058E, 05G03058H, 05G03013D, 05G03062

Locational Data: Amelia Church Road (SR 1552) approximately ¼ of a mile northwest of its intersection with Barber Mill Road (SR 1555) in Clayton Township. The proposed subdivision is served by the Clayton Fire Department and the Clayton Rescue Squad.

Site Data: 76.27 acres, lots 68, (maximum allowed: 114), water service will be provided by Johnston County Public Utilities and lots will be served by individual septic tanks, open space provided: 13.784 acres, open space required: 7.627 acres, traffic count: 500, property owners notified: 6.

Upon a motion by Mr. Schulz, seconded by Mr. Browder, and carried by unanimous vote of 7-0, the Johnston County Planning Board granted preliminary approval at their March 15, 2005 meeting based upon the following the conditions and requirements.

Conditions and Requirements

[Planning Board]

- 1. The right of way dedication along Amelia Church Road can be reduced to 15 feet.
- 2. Proposed lots 44, 45, and 46 shall not be marketed until such time as the Harris property is purchased and proposed street D is extended.

[Planning]

- 3. Metes and bounds
- 4. Certifications
- 5. Entrance sign and street signs
- 6. Street name approval
- 7. Complete improvements or provide performance guarantee
- 8. All lots access internal street
- 9. Cul de sac lots shall have 40' of road frontage
- 10. Temporary turnaround shall be added to the end of proposed street D
- 11. Any development of the Harris will required Planning Board approval

[Environmental Health]

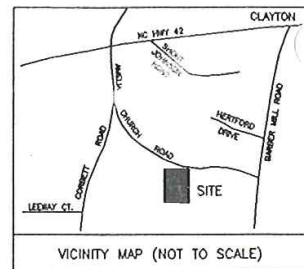
- 12. Approval of all lots for onsite sewage disposal or statement for each unapproved lot

[NCDOT]

- 13. A driveway permit and subdivision design approval must be obtained prior to construction
- 14. All design aspects of the plans shall comply with the current NCDOT Standard Specifications for Roads and Structures, NCDOT Subdivision Roads Minimum Construction Standards, and Policy on Street and Driveway Access to North Carolina Highways
- 15. It will be determined at the time the driveway permit application is submitted if any road improvements will be required
- 16. A left turn lane may be required on SR 1552 for the subdivision's main entrance or at an offsite location affected by the subdivision

[Public Utilities]

- 17. Approval of water system
- 18. Soil Erosion and Sedimentation Control Plan required
- 19. Stormwater Compliance



PRELIMINARY PLAT
OF
HANNAHS CREEK
FOR
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
FEBRUARY 21, 2005

N/F
FRANCES O. AIKEN
DB 741 PG 049
PIN 1658-12-2479

PERMANENT OPEN SPACE
RESERVED BY OWNER
30213 SF
0.694 AC

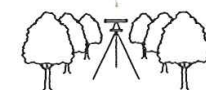
N/F
NANCY JO AVERY BLINSON
DB 552 PG 614
PIN 1658-01-3658

PERMANENT OPEN SPACE
RESERVED BY OWNER
174146 SF
3.998 AC

N/F
JOSEPH L. HARRIS
DB 1403 PG 534
PIN 1658-11-8249

SURVEYED BY:
DRAWN BY:
CHECKED BY:
DURING HOUR:
SURVEY DATE:
JOB NO.:

TRUE L F SURVEYING, P.C.



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

SUBMISSION SITE DATA

AREA IN TRACT	3322330 SF	76.270 AC
LINEAR FEET IN STREETS	4817 LF	5.715 AC
AREA IN RIGHT OF WAY	248904 SF	5.715 AC
NUMBER OF LOTS PROPOSED	68	51.238 AC
AREA IN LOTS	2231843 SF	51.238 AC
AVERAGE LOT SIZE	0.754 AC	
AREA IN OPEN SPACE INSIDE WETLANDS AND RIPARIAN BUFFERS	284497 SF	6.572 AC
AREA IN OPEN SPACE OUTSIDE WETLANDS AND RIPARIAN BUFFERS	335921 SF	7.712 AC
OPEN SPACE REQUIRED	7.627 AC	

NO 100 YEAR FEMA FLOOD ON THIS PROPERTY. FEMA FIRM PANEL NO. 370138 02050

PARENT TRACT DEEDS: DB 2788 PG 475
DB 2788 PG 775
DB 741 PG 049

NC PIN NO. 1658-21-3239
1658-11-0696
1658-12-2479

OWNER: DARRYL D. EVANS, INC.
425 INDIAN CAMP ROAD
SMITHFIELD, N.C. 27577

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

N/F
TONIA LYNN COUNCIL
DB 1691 PG 205
PIN 1658-21-8400

APPROVED

N/F
SANDRA H. BRANDT
DB 1802 PG 230
PIN 1658-21-5032

PERMANENT OPEN SPACE
RESERVED BY OWNER
60138 SF
1.381 AC

US 70 BYPASS VARIABLE WIDTH R/W

HANNAHS CREEK PHASE ONE

FOR
DARRYL D. EVANS, INC.

CLAYTON TOWNSHIP, JOHNSTON COUNTY

NORTH CAROLINA

MAY 4, 2006

SHEET 2 OF 3

REVISED: MAY 4, 2006 TO ADD 25' LANDSCAPE EASEMENT
AND CHANGE LOTS 49-51

NOTE: 15' R/W DEDICATION ALONG
AMELIA CHURCH ROAD

NOTE: L5-L7 ARE
TIE LINES ONLY

N/F
SANDRA H. BRANDT
DB 2885 PG 463
PIN 1658-21-8400

THIS PLAT SUPERSEDES PLAT RECORDED
IN PB 68 PG 42-44.
SEE PB 68 PG 42-44 FOR ORIGINAL
PLAT SIGNATURES.

THIS PLAT IS BEING RECORDED IN 3 SHEETS.
SEE SHEET 1 OF 3 FOR SUBDIVISION NOTES,
CHARTS AND SIGNATURES AND SEE SHEET 3
OF 3 FOR SUBDIVISION CONTINUATION.

N/F
DARRYL D. EVANS, INC.
DB 2892 PG 805
PIN 1658-12-2479

N/F
DARRYL D. EVANS, INC.
DB 2885 PG 463
DB 2892 PG 805
RESERVED FOR FUTURE
DEVELOPMENT

NUMBER	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	2120.00	248.30	S53°22'06"E	248.16
C2	2120.00	93.83	S60°39'47"E	93.82
C3	2120.00	37.39	S62°26'10"E	37.39
C4	1287.90	72.63	S62°58'35"E	72.62
C5	1287.90	110.21	S67°02'36"E	110.18
C6	1287.90	113.26	S72°00'51"E	113.22
C7	25.00	38.69	S76°16'22"W	34.94
C8	475.00	54.14	S28°40'31"W	54.11
C9	25.00	39.27	S19°35'24"E	35.36
C10	25.00	21.03	S88°41'05"E	20.41
C11	50.00	46.52	S86°07'28"E	44.86
C12	50.00	40.01	S36°32'44"E	38.95
C13	50.00	48.63	S14°14'19"W	46.73
C14	50.00	62.12	S77°41'32"W	58.20
C15	50.00	43.91	N41°33'28"W	42.51
C16	25.00	21.03	N40°29'42"W	20.41
C17	25.00	39.27	S70°24'36"W	35.36
C18	25.00	39.27	S19°35'24"E	35.36
C19	255.00	116.02	S51°33'21"E	115.02
C20	25.00	21.03	S62°36'59"E	20.41
C21	50.00	53.84	S55°51'57"E	51.27
C22	50.00	40.01	S02°05'49"E	38.95
C23	50.00	49.71	S49°18'35"W	47.69
C24	50.00	40.01	N79°17'01"W	38.95
C25	50.00	57.62	N23°20'46"W	54.48
C26	25.00	21.03	N14°25'36"W	20.41
C27	205.00	93.27	N51°33'21"W	92.47
C28	25.00	39.27	S70°24'36"W	35.36
C29	25.00	39.27	N19°35'24"W	35.36
C30	25.00	39.27	N70°24'36"E	35.36
C31	525.00	59.84	N28°40'31"E	59.81
C32	25.00	38.69	N12°23'30"W	34.94
C33	475.00	11.05	N65°15'22"W	11.05
C34	525.00	11.05	S65°11'34"E	11.05

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

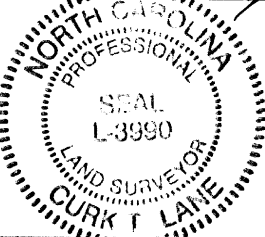
THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND
RECORDING THIS 8 DAY OF May
2006 AT 11:42:55 AM

CRAIG OLIVE BY *Sandra H. Brandt*
REGISTER OF DEEDS DEPUTY REG. OF DEEDS

RECORDED IN PB 68 PG 232

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

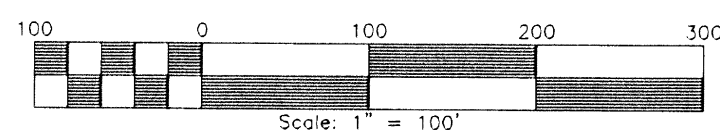
I, CURK T. LAINE, DO HEREBY CERTIFY THAT
THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN
ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED
DESCRIPTION RECORDED IN BOOK 2873, PAGE 673,
ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DRAWN FROM INFORMATION FOUND IN
BOOK 2873, PAGE 673, THAT THE RATIO OF PRECISION
AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY
ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL
THIS 8 DAY OF May, A.D., 2006



SURVEYOR

L - 3990
LICENSE NUMBER

N/F
DARRYL D. EVANS, INC.
DB 2885 PG 463
DB 2892 PG 805
RESERVED FOR FUTURE
DEVELOPMENT

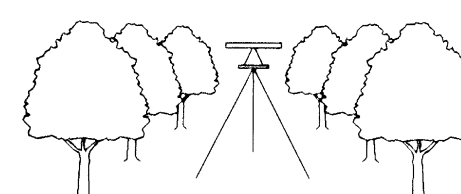


IPF N89°30'07"W 380.00' IPF
TIE LINE ONLY

MATCH TO SHEET 3 OF 3

SURVEYED BY:
JONES
DRAWN BY:
MIKE
CHECKED BY:
CURK
DRAWING NAME:
PH1RECORDB.DWG
SURVEY DATE:
12-10-05
JOB NO.
247.049

TRUE LINE SURVEYING, P.C.



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

NGCS VRS DERIVED BY GPS



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

MEMORANDUM

Date: December 15, 2015

To: Town Council – workshop meeting on Dec. 21, 2015

From: Planning staff

Subject: **Hannah's Creek Lot 78 (13-106-01-SD) – original Phase 3 approval documents (SUB 08-01)**

The following are the Planning Department records that were considered during the approval of Phase 3 of Hannah's Creek (SUB 08-01). Minutes from the two public meetings that concerned this application are also included.

**MINUTES
CLAYTON TOWN COUNCIL
APRIL 21, 2008**

The second regular meeting of the Clayton Town Council for the month of April was held on Monday, April 21, 2008, at 7:30 PM at Town Hall, 111 East Second Street.

PRESENT: Mayor Jody L. McLeod, Mayor Pro Tem Robert J. Ahlert, Councilman Bob Satterfield, Councilman Alexander R. Atchison, Councilman Alex Harding, and Councilman Michael Grannis.

ALSO PRESENT: Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; Skip Browder, Planning Director; Angela Tousey, Information Services Administrator; Nancy Medlin, Finance Director; Bruce Naegelen, Downtown Development Coordinator; Glen Allen, Police Chief; Tim Simpson, Public Works & Utilities Director; James Warren, Water Reclamation Supervisor; Larry Bailey, Parks & Recreation Director; Heidi Stump, Executive Director of the Clayton Center

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 7:33 PM. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

As there was no adjustment of the agenda, it was the consensus of the Council to approve the agenda as presented.

ITEM 3. ACTION AGENDA

Mayor Pro Tem Ahlert motioned to approve the action agenda as presented; motion seconded by Councilman Grannis. The motion carried unanimously with the following action agenda items being approved at 7:34 PM:

- Item 3a. Draft minutes from the April 7, 2008, regular meeting and draft minutes from the April 7, 2008, closed session meeting.
- Item 3b. Certificate of sufficiency and resolution fixing date of public hearing for annexation petition 2008-03-01.

ITEM 4. INTRODUCTIONS & SPECIAL PRESENTATIONS

- Item 4a. Introduction of new Town of Clayton employee.

MINUTES – APRIL 21, 2008

Page 2 of 13

The following new Town of Clayton employee was introduced:

- Albert Mitchener, Streets Maintenance Crew Leader

Item 4b. Presentation of awards to Clayton Police officers.

Police Chief Glen Allen stated the Commission's Professional Certificate Program is designed to reward and recognize officers who continually strive to better themselves professionally. He stated the certificate is the highest honor awarded by the State, and recognizes education, training, and experience by the recipient.

Police Chief Glen Allen recognized the following Clayton Police Officers for attaining the Advanced Law Enforcement Certificate:

- Sergeant John LeQuire
- Detective Bill Kilpatrick

Item 4c. Presentation of Certificate of Achievement for Excellence in Financial Reporting.

Finance Director Nancy Medlin stated the financial report for the period ending 2007 received the Certificate of Achievement for Excellence in Financial Reporting. She added this is the seventh consecutive year the Town has earned this certificate.

Item 4d. Presentation of proposal for creation of a mural in the Clayton Center and fund raising / cost sharing construct.

Ms. Dorothy Demboski stated she is a local artist. She added she was approached to paint a mural on the second floor landing of the Clayton Center. She stated this would be an original piece of artwork that she did. She stated the proposal is for a 10 foot diameter motif. She stated the funds she seeks will go toward the mural and she estimates the project will take three months. She stated she is requesting \$10,000 to do the mural. She stated the Clayton Visual Arts has committed to contribute \$2,000 toward this project. She proposes to fund raise \$4,000 by selling shares of the mural at \$100 per square foot of mural. She stated she is here to request the Council match \$4,000.

Based upon question by Council, Ms. Demboski stated she moved here from West Virginia four years ago and she added she has been active in the arts for over 40 years. She stated she is a painter and has a gallery in Wilmington. She stated she has designed, but not executed, billboards.

Town Manager Biggs stated the proposed mural has been displayed as an art piece at the Clayton Center on two separate occasions.

MINUTES – APRIL 21, 2008

Page 3 of 13

Based upon question by Council, Ms. Demboski stated she would like to start immediately.

Mayor Pro Tem Ahlert stated there is money in the administration fund because the retreat has been delayed. He suggested to use that budgeted amount for this endeavor and to place this item on the consent agenda.

Mayor McLeod stated he concurs. He pledged \$100 toward this project.

It was the consensus of the Council to place this item on the consent agenda.

Based upon question by Council, Ms. Demboski stated she examined the wall and it is good to use as is. She stated the acrylic paints will adhere. She added when the mural is complete she will apply a clear varnish. She added the paint is an indoor/outdoor paint and will withstand washing.

Ms. Demboski stated all donors and shareholders will be displayed.

Based upon question by Council, Town Manager Biggs stated donations for the mural will be sent to the Clayton Visual Arts and in turn the Clayton Visual Arts will reimburse the Town.

ITEM 5. ITEMS SCHEDULED FOR THE REGULAR MEETING AGENDA

Item 5a. Public hearing for the Town to enter into an installment agreement to construct Phase 2 of the East Clayton Industrial Area (ECIA) Force Main.

Finance Director Nancy Medlin stated included is a summary of the bids received for the installment financing. She stated First Citizens Bank provided the best bid. She added all local banks were contacted and either the local banks submitted a bid or responded they would not submit a bid.

Council requested the spreadsheet reflect no bid for those banks that do not participate in the bid process.

Based upon question by Council, Town Manager Biggs stated Phase II of the ECIA is a force main for the Town's largest commercial customers. He stated the current connection is a six inch PVC pipe that is about 30 years old. He stated this is an under capacity facility that is at the end of its useful life. He stated the project will upsize the line and change the material to allow for greater capacity, reliability of service, and protection from cuts during the course of construction. He added the Town is pleased to do this project because it says to the industries that this is a continuing investment in them and the value of their presence to the Town of Clayton. He added the project has been received well by the industries.

MINUTES – APRIL 21, 2008
Page 4 of 13

Mayor McLeod opened the public hearing at 7:59 PM. As no one came forward to speak on this item Mayor McLeod closed the public hearing at 7:59 PM.

Based upon question by Council, Finance Director Medlin stated this is a time sensitive item and requires Council action.

Councilman Grannis motioned to suspend the rules in order to take action on this item; seconded by Mayor Pro Tem Ahlert. Motion carried unanimously.

Councilman Grannis motioned to approve the installment as presented for Phase II the ECIA force main with First Citizens Bank; seconded by Councilman Harding. Motion carried unanimously.

Item 5b. Presentation of preliminary subdivision SUB 08-01 for Hannah's Creek, Phase 3.

Planning Director Skip Browder provided an overview of preliminary subdivision SUB 08-01 for Hannah's Creek, Phase 3:

Location: Amelia Church Road, northwest of Barber Mill Road; within Clayton's ETJ

Site: 10.1 acres, 11 lots proposed (maximum allowed: 15)

Utilities: Water service will be provided by Johnston County and lots will be served by individual septic tanks

Environment: No portion of development is within the Flood Plain

Planning Board Recommendation: At its March 24, 2008, Planning Board meeting, the Board unanimously recommended approval.

Conditions:

- Metes & Bounds (Planning)
- Certifications (Planning)
- Street name approval (Planning)
- Complete improvements or provide performance guarantee (Planning)
- All lots access internal street (Planning)
- Cul-de-sac lot shall have 40' of road frontage (Planning)
- Approval of all lots for onsite sewage disposal or statement for each unapproved lot (Environmental Health)
- A driveway permit and subdivision design approval must be obtained prior to construction (NCDOT)
- All design aspect of the plans shall comply with the current NCDOT Standard Specifications for Roads and Structures, NCDOT Subdivision Roads Minimum Construction Standards, and Policy on Street and Driveway Access to North Carolina Highways (NCDOT)
- It will be determined at the time of the driveway permit application is submitted if any road improvements will be required (NCDOT)
- Approval of water system (Public Utilities)
- Soil Erosion and Sedimentation Control Plan required (Public Utilities)

MINUTES – APRIL 21, 2008

Page 5 of 13

- **Stormwater Compliance (Public Utilities)**

Planning Director Browder stated the first two phases were approved by Johnston County. He added Johnston County completed its staff review of the third phase when the Town completed its ETJ expansion. He stated 60 lots were developed in accordance with Johnston County standards and the roadways would be developed in accordance with NCDOT standards. He stated the waste is handled by individual septic tanks. He stated the Town's standards would apply; however for consistency of the development, the staff and Planning Board recommend a waiver for the completion of the last 11 lots to be built in accordance with Johnston County standards.

Item 5c. Presentation of amendment to Code of Ordinances Chapter 97: Health and Sanitation.

It was the consensus of the Council to place this item on the consent agenda.

Item 5d. Presentation of amendment to Code of Ordinances Chapter 52: Sewer Use.

Water Reclamation Supervisor James Warren provided an overview of the proposed changes to the sewer use ordinance.

It was the consensus of the Council to place this item on the consent agenda.

Item 5e. Presentation of contract for Town audit services for FY 2007-2008.

Finance Director Nancy Medlin provided an overview of the proposed audit contract for the FY 2007-2008 audit.

Based upon question by Council, Finance Director Medlin stated in the last five or six audits, the Town has not utilized work from the auditor for the per hour fees. She added it is included in the event it may be needed.

Based upon question by Council, Finance Director Medlin stated the invoice does include a line item detail.

Councilman Harding stated based upon his CPA experience, the fees appear in line.

It was the consensus of the Council to place this item on the consent agenda.

Councilman Atchison stated in his opinion, this gentleman has been responsible for the audit since his tenure. He stated he would like a new auditor to provide a fresh perspective.

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Item 5f. Presentation of creation of new funds.

Finance Director Nancy Medlin provided an overview of police and fire funds. She stated the two new funds move these funds from the general fund to a special revenue fund, which would enable better tracking through its own bookkeeping. She added this would require adoption of a budget. She added certain federal funds require a higher level of tracking for reporting purposes, and this would satisfy that requirement.

It was the consensus of the Council to place this item on the consent agenda.

Item 5g. Presentation of Twenty-fifth Annual Clayton Road Race street closure request for Saturday, May 10, 2008.

It was the consensus of the Council to place this item on the consent agenda.

Item 5h. Presentation of Proclamation for Older Americans Month.

It was the consensus of the Council to place this item on the consent agenda.

Item 5i. Presentation of Proclamation for Municipal Clerks Week.

It was the consensus of the Council to place this item on the consent agenda.

Item 5j. Presentation of final acceptance warranty for the following projects:

- Public water and sewer utilities for Lion's Gate Athletic Club Site
- Public water and sewer utilities for Riverwood Subdivision, Phase 5-A Manning Drive

It was the consensus of the Council to place this item on the consent agenda.

ITEM 6. ITEMS CONTINGENT FOR THE REGULAR MEETING

No items contingent for the regular meeting were presented to the Council.

ITEM 7. ITEMS FOR DISCUSSION

Item 7a. Rural Center Pre-application.

Town Manager Steve Biggs stated a need has been identified for additional elevated water storage capacity. He stated elevated water storage capacity provides hydraulic pressure that the system depends on in the different zones throughout the Town. He added the tanks need to be dispersed and the Town is presently working with Johnston County on a joint study to determine a location for additional elevated water storage. He stated there is deficient elevated

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water storage in the east, southeast area. He added this deficiency means that some of the local businesses are not as well served with regard to fire protection. He stated the Town has partnered with Ashley Furniture in an economic development grant opportunity that connects new job creation with infrastructure improvements. He stated for each job created the Town is eligible for \$10,000 up to a maximum of \$500,000 grant funding. He stated this is a commitment to do this project at a total cost of \$2.5 million dollars.

Based upon question by Council, Town Manager Biggs stated the Town is looking at modified designs of elevated water storage tanks. He stated this will require a number of funding cycles with the Rural Center and the Council approving the grant application and this is a commitment for local funds. He stated with this being an economic development agreement with Ashley Furniture, Ashley Furniture will need to demonstrate the creation 50 jobs over the life of the project. He stated if Ashley Furniture is unable to do that, then the Town is responsible for the unmet funding. He clarified there is a need for an elevated water storage tank and this is an opportunity to partner with Ashley Furniture for this grant program. He added the Town has partnered with Johnston County on a study to determine a best site based on the circumstances, and this information will be brought back to the Council.

Based upon question by Council, Town Manager Biggs stated the amount of the grant would be based upon the number of jobs added. He stated the Town could count on \$10,000 per new job added.

Based upon question by Council, Town Manager Biggs stated the contingency amount is 25%.

Based upon question by Council, Town Manager Biggs stated the project is estimated to begin summer 2009. He stated this will appear in a future budget and will come back to the Council as a special project budget.

Item 7b. Appointments to Citizen Advisory Boards.

Councilman Grannis suggested staggering the terms of the Public Art Advisory Board members.

Mayor McLeod stated the Public Art Advisory Board will be charged with creating the by-laws that will address the term length of the members.

It was the consensus of the Council to place this item on the consent agenda.

Item 7c. Request for encroachment on greenway easement.

This item was heard after Item 8b.

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Mr. Alsey Gilbert stated a greenway will be built to the Town's recommendation; however, it will encroach a gas easement and a riparian buffer to the rear of the site. He stated the dumpster pad will be moved and it will encroach about five or six feet into the riparian.

Based upon question by Council, Mr. Gilbert stated this is located behind RBC Centura on Shotwell Road.

Based upon question by Council, Mr. Gilbert stated the greenway is a paved surface. He stated the greenway is proposed in the easement and not in the riparian buffer.

Town Manager Biggs requested the Town Attorney draw up an agreement that reflects what is going on for the record.

Item 7d. Proposal to implement a new fee for zoning certificate letters.

Planning Director Browder stated when attorneys are closing on a piece of property they may request a zoning certification letter from the local government. He stated a letter is prepared that states that the property is in the proper zoning and that there are no zoning violations present, which requires research. He stated the amount proposed for this service is \$30 which is the same amount as a zoning compliance permit.

Based upon question by Council, Planning Director Browder stated \$30 would cover the costs.

Based upon question by Council, Planning Director Browder stated the zoning certificate letter is prepared 20 – 24 times per year. He added other communities charge for this service.

It was the consensus of the Council to place this item on the consent agenda.

ITEM 8. OLD BUSINESS

8a. Follow up to Downtown Development Association presentation on Redevelopment Grant Incentive.

Downtown Development Coordinator (DDC) Bruce Naegelen provided an overview of the proposed Redevelopment Grant Incentive. He stated an amended map that includes the commercially zoned areas is being distributed; herewith attached.

Councilman Grannis questioned if other properties not currently zoned business, and become zoned business, would they become qualified for this grant.

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DDC Naegelen stated that would be a Council decision.

Councilman Grannis stated as this is for downtown redevelopment, that it would most likely be the boundaries established the Downtown Development Association (DDA): Front Street to Second Street and HWY 70 to Robertson Street. He stated there are several pieces of property in that area that are not zoned business.

DDC Naegelen stated he would imagine so. He stated one of the things they are trying to create is the main corridor of commercial areas.

Councilman Grannis questioned under conditions for revitalization, line item 4, if 15 years for eligibility is too excessive. He stated if there is a partial renovation, the individual would have to wait 15 years. He stated if a two story building were under going a first floor rehabilitation, the second floor would not be eligible for 15 years.

DDC Naegelen stated he thought they would want to do the entire project initially. He stated a partial project can be addressed.

Mayor McLeod questioned if any of the businesses on Front Street were included in the B-2 district. He clarified he is referring to Hoods Funeral Home and the hair salon.

DDC Naegelen stated those are zoned residential.

Town Manager Biggs questioned the properties along the Front Street extension being included.

DDC Naegelen stated it would be the pleasure of the Council. He questioned if those properties are commercially zoned.

Town Manager Biggs questioned the zoning of the mill property.

DDC Naegelen stated it is zoned O&I.

Mayor Pro Tem Ahlert stated there is also property at Main Street and HWY 70, east of Durham Street.

DDC Naegelen stated that will be verified.

Town Manager Biggs questioned if this policy is limited to zoning district or land use.

DDC Naegelen stated land use.

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Town Manager Biggs stated it is not relevant on how it is zoned. He stated if it is a commercial use in an O&I district, then it should not limit the policy.

It was the consensus of the Council to include those properties on the other side.

Item 8b. Follow up to offer to purchase real property.

Town Manager Steve Biggs stated there are a number of proposed property purchases that have been received. He stated the Council can receive proposals for the sale of property and if accepted, have it advertised with an opportunity for upset bid.

Councilman Harding questioned the offer to purchase, if accepted is not a done deal, it opens up an upset bid process.

Town Attorney Brent McConkey stated the Council may accept it subject to upset bid and once the upset bid process has passed, it would not come back to Council.

Councilman Harding questioned if this opens it to the free market.

Town Attorney McConkey stated affirmative.

Councilman Harding stated he would not accept a \$100 offer as it is too low. He stated if this will allow others to come in and bid this up, then let the market do what it will. He stated in his opinion the property is worth more than \$100.

Town Attorney McConkey stated the Council has the opportunity at any point to reject all bids. He added the Council has a choice of deciding to accept it as an upset bid or to accept it and it comes back. He added if there is no upset bid, then the next formal step is accepting the bid and moving forward.

Councilman Harding stated the most conservative approach would be the second one which is to not to accept it subject to upset bid.

Town Attorney McConkey stated affirmative. He stated that it would come back to the Council for a final decision.

Councilman Harding stated someone could come in at \$200 and the Council would not look at it again after this. He clarified that if it is not subject to an upset bid, then it has to come before the Council.

Town Attorney McConkey stated if there is an upset bid, it comes back to the Council. He stated if there is no upset bid, the Council has the choice to accept

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the \$100 up front and if there is no upset bid it would not have to come back before the Council. He stated or the Council may accept it, if there is no upset bid it comes back to the Council and then Council makes a formal decision on whether or not to accept.

Councilman Harding stated he would like to see the final bid come back to the Council.

Councilman Harding motioned to accept this not subject to an upset bid and the final bid must come back for final approval.

Town Attorney McConkey stated the Council would approve a resolution to accept it and if there is no upset bid it would come back to the Council then.

Councilman Atchison questioned if this is all of them or one specifically.

Councilman Harding stated this is for the Peele property only.

Mayor Pro Tem Ahlert stated this is a work session.

Councilman Atchison stated at the last meeting the Council stated it would take this item back up.

Councilman Satterfield motioned to suspend the rules in order to take action on the Peele property. Motion seconded by Councilman Atchison. Motion carried unanimously.

Councilman Harding motioned to accept the purchase for real property of the Peele site not subject to upset bid so that it would come back to Council for final decision; seconded by Councilman Satterfield. Motion carried unanimously.

It was the consensus of the Council to take action on the additional items at the next regular meeting agenda.

ITEM 9. STAFF REPORTS

Item 9a. Town Manager

Town Manager Steve Biggs stated no report.

Item 9b. Town Attorney

Town Attorney Brenton McConkey stated no report.

Item 9c. Town Clerk

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Town Clerk Sherry Scoggins stated no report.

Item 9d. Other Staff

Planning Director Browder stated the Planning Board meeting for April 28, 2008, will begin at 6 PM with a presentation of the revised strategic plan update.

ITEM 10. OTHER BUSINESS

Item 10a. Informal Discussion & Public Comment.

No informal discussion & public comment presented to Council.

Item 10b. Council Comments.

Councilman Satterfield questioned if ice cream trucks are a public nuisance.

Town Manager Biggs stated the nuisance abatement does not regulate ice cream trucks and it will require research.

Councilman Satterfield stated he does not have a problem with the ice cream truck if it has a privilege license and if the music were not so loud.

Mayor McLeod stated this past week he picked up an award to the Town of Clayton from the Partnership for Children for the Town's support.

Mayor Pro Tem Ahlert stated he needs input from the Council for the manager evaluation by next Friday for the next meeting.

Item 10c. Planning Board Highlights of the March 2008 meeting.

The Planning Board Highlights were distributed as information.

Item 10d. Distribution of growth and management report.

The growth and management report were distributed as information.

Item 10e. Letter of appreciation from the Clayton Fire Advisory Board.

The letter of appreciation from the Clayton Fire Advisory Board was distributed as information.

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ITEM 11. ADJOURNMENT

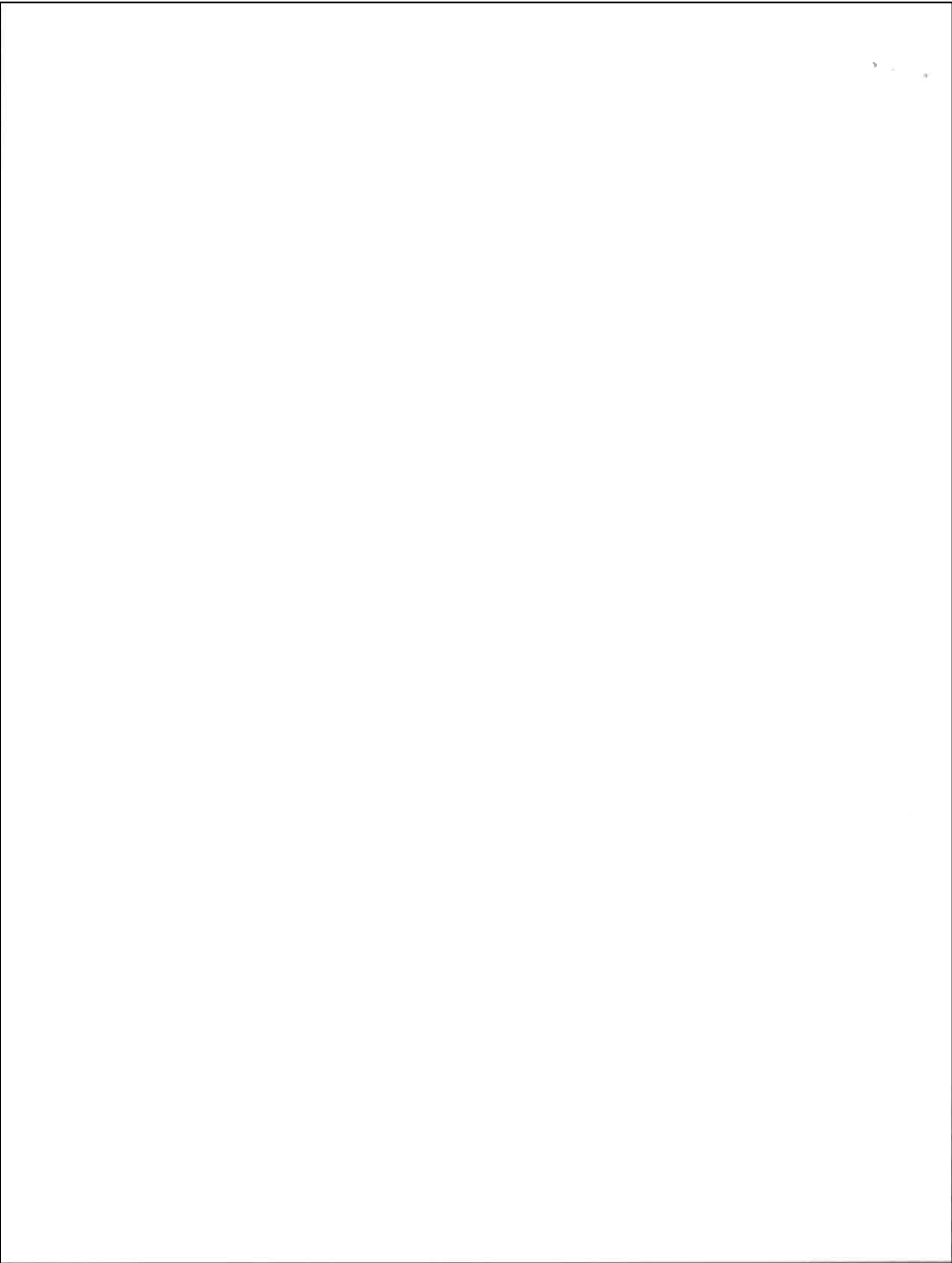
With there being no further business brought before the Council, Councilman Satterfield motioned to adjourn the meeting at 8:49 PM; motion seconded by Councilman Atchison. Motion carried unanimously.

Duly adopted by the Town Council this 5th day of May 2008 while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, CMC
Town Clerk



**MINUTES
CLAYTON TOWN COUNCIL
MAY 05, 2008**

The first regular meeting of the Clayton Town Council for the month of May was held on Monday, May 5, 2008, at 7:30 PM at Town Hall, 111 East Second Street.

PRESENT: Mayor Jody L. McLeod, Mayor Pro Tem Robert J. Ahlert, Councilman Bob Satterfield, Councilman Alex Harding, Councilman Alexander R. Atchison, and Councilman Michael Grannis.

ALSO PRESENT: Steve Biggs, Town Manager; Brenton McConkey, Town Attorney; Sherry Scoggins, Town Clerk; Skip Browder, Planning Director; Angela Tousey, Information Services Administrator; Nancy Medlin, Finance Director; Bruce Naegelen, Downtown Development Coordinator; Tim Simpson, Public Works & Utilities Director; Ronnie Wood, Electric System Director; Heidi Stump, Executive Director of the Clayton Center

ITEM 1. CALL TO ORDER

Mayor McLeod called the meeting to order at 7:33 PM and led the Pledge of Allegiance. Mayor McLeod gave the invocation.

ITEM 2. ADJUSTMENT OF THE AGENDA

Town Manager Steve Biggs requested the following adjustment of the agenda:

- Closed Session to discuss a personnel issue in accordance with NC GS 143-318.11(a)(6)

Mayor Pro Tem Ahlert requested the following adjustment of the agenda:

- Closed Session to discuss a personnel issue in accordance with NC GS 143-318.11(a)(6)

It was the consensus of the Council to approve the adjustment of the agenda.

ITEM 3. ACTION AGENDA

Councilman Harding motioned to approve the action agenda as presented.

Mayor Pro Tem Ahlert seconded the motion. The motion carried unanimously at 7:35 PM with the following action agenda items being approved:

- Item 3a. Draft minutes from the April 21, 2008, regular meeting.
- Item 3b. Mural in the Clayton Center.
- Item 3c. Amendment to Code of Ordinances Chapter 97: Health and Sanitation.
- Item 3d. Amendment to Code of Ordinances Chapter 52: Sewer Use.
- Item 3e. Contract for Town audit services for FY 2007-2008.
- Item 3f. Creation of new funds.

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Item 3g. Twenty-fifth Annual Clayton Road Race street closure request for Saturday, May 10, 2008.

Item 3h. Proclamation – Older Americans Month.

Item 3i. Proclamation – Municipal Clerks Week.

Item 3j. Final acceptance for the following projects:

- Public water and sewer utilities for Lion's Gate Athletic Club Site
- Public water and sewer utilities for Riverwood Subdivision Phase 5-A Manning Drive

Item 3k. Appointments to citizen advisory boards.

Public Art Advisory Board:

Candidate	Residency	Term
Jessica Meadows	In-Town	12/31/2009
Gina Moreland	In-Town	12/31/2009
Dorothy Demboski	In-Town	12/31/2009
Ramona H Cash	Out-of-Town	12/31/2009
Lara Perry	Out-of-Town	12/31/2009

Planning and Zoning Board:

Candidate	Residency	Term
Sarah R. Brooks	In-town	12/31/2009

Fire Department Advisory Board:

Candidate	Residency	Term
Karen Patterson	Clayton	12/31/2008

Item 3l. New fee for zoning certificate letters.

ITEM 4. PUBLIC HEARINGS

Item 4a. Public hearing for annexation petition 2008-03-01.

Mayor McLeod announced the public hearing for annexation petition 2008-03-01 at 7:36 PM. As no one came forward to speak for or against this item, Mayor McLeod closed the public hearing at 7:36 PM.

Mayor Pro Tem Ahlert motioned to approve annexation petition 2008-03-01 as presented; seconded by Councilman Harding. Motion carried unanimously.

Item 4b. Evidentiary hearing for preliminary subdivision SUB 08-01 for Hannah's Creek, Phase 3.

Mayor McLeod announced an evidentiary hearing for preliminary subdivision SUB 08-01 for Hannah's Creek, Phase 3. He called upon Town Attorney Brenton McConkey to explain the rules of procedure.

Town Attorney McConkey introduced the evidentiary hearing procedures used for Preliminary Subdivision SUB 08-01. He explained that preliminary subdivision requests are different in certain respects from the capacity in which the Town Council normally functions. Mr. McConkey stated that the Town Council normally functions in a legislative capacity; preliminary subdivision

hearings are “quasi-judicial,” which means that the Council would act essentially as a court of law. He stated there is a burden that the applicant of the preliminary subdivision request must meet the four findings of fact as found in the UDO of the Town Code of Ordinances. He added anyone opposed to the application would have to put on evidence of a similar kind, showing the findings of fact have not been met. Mr. McConkey explained that all evidence and testimony provided to the Council in such a hearing must comply with the North Carolina Rules of Evidence, which means that all such evidence and testimony must be relevant, based on personal knowledge, given under oath, and otherwise be competent and admissible. He explained that persons wishing to testify must comply with the Town’s procedures, which require among other things, that each person indicate his or her interest in testifying before 5:00 PM the day of the hearing. Mr. McConkey also explained that his role during the hearing is to monitor all evidence and testimony to ensure that it complies with the Rules of Evidence, the Town’s procedures, and all other applicable requirements.

Mayor McLeod called all those wishing to give evidence, whether for or against the preliminary subdivision request, to come forward and be sworn in by the Town Clerk. Town Clerk Sherry Scoggins administered the oath to: Planning Director Skip Browder, Town Manager Steve Biggs, and Curk Lane.

Planning Director Skip Browder provided an overview of SUB 08-01:

- Hannah’s Creek, Phase 3
- Located on the south side of Amelia Church Road between NC HWY 42 and Barber Mill Road; adjoined on the southern end by the new Clayton by-pass
- 10.1 acres and 11 lots
- First two phases of subdivision developed according to Johnston County standards
- Staff report in the agenda packet was prepared by Johnston County
- Subdivision came under the Town’s jurisdiction as a result of the recent ETJ expansion
- Streets would be built to NCDOT standards
- Waste disposal is on site with septic tanks and water is provided by Johnston County
- Staff recommendation the development continue using Johnston County standards for development consistency
- Clayton Planning Board unanimously recommended approval

Mayor McLeod called upon the applicant for testimony.

Mr. Curk Lane, True Line Surveying, stated he is the representative for Hannah’s Creek, Phase 3. He stated the subdivision before the Council had the first two phases approved by Johnston County. He stated phase three is being done by a different developer. He added this tract was cut off by the HWY 70 by-pass and did not have access.

Mayor McLeod turned this over to Council for inquiry.

Councilman Harding questioned if this is well and septic.

Planning Director Browder stated waste disposal is on site with septic tanks.

As there were no further inquiries, Mayor McLeod called the Council into deliberation at 7:42 PM.

Councilman Harding motioned:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application **SUB 08-01**, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;
- (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; and
- (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.

Motion seconded by Mayor Pro Tem Ahlert. Motion carried unanimously.

Mayor Pro Tem Ahlert motioned to approve:

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application **SUB 08-01**.

Motion seconded by Councilman Harding. Motion carried unanimously.

ITEM 5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

Item 5a. Presentation by Time Warner Cable.

Ms. Andi Curtis, Public Affairs Director with Time Warner Cable for the Johnston County/Clayton area, stated she is a point of contact for anything related to Time Warner Cable. She provided a copy of the 2007 Annual Report. She added last week Time Warner Cable opened a new office located on HWY 70.

ITEM 6. OLD BUSINESS

Item 6a. Follow up to Rural Center Pre-application.

Town Manager Steve Biggs stated this item is available for action.

Councilman Grannis to approve the resolution as presented. Motion seconded by Councilman Harding. Motion carried unanimously.

Item 6b. Follow up on request for encroachment on greenway easement.

Town Manager Biggs stated the Town Attorney drew up a formal agreement between the Town and the property owner. He stated the Town is awaiting a final site plan showing the relocation of the dumpster and the parking.

Councilman Grannis motioned to table this item to the next meeting in order to receive the updated site plan before taking action. Motion seconded by Councilman Satterfield. Motion carried unanimously.

Item 6c. Follow up to Downtown Development Association presentation on Redevelopment Incentive Grant.

Downtown Development Coordinator Bruce Naegelen stated the policy included in the packet includes the revisions recommended by Council. For the map, he recommended the inclusion of the parcel at the corner and Lombard and East Horne Street as it is presently vacant.

After Council discussion, it was the consensus of the Council to change the verbiage in the Revitalization Program Requirements and Conditions, items two and three from commercial property to commercial project.

Town Manager Biggs questioned how citizens would be made aware of this program.

Downtown Development Coordinator Naegelen stated if approved by Council, he would seek a resolution of approval from Johnston County. He stated in terms of advertising, he would send this to the news media, use the Town's newsletter, and have direct contact with property owners who have eligible properties.

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Town Manager Biggs recommended finding realtors and landlords and hosting an educational session. He suggested adding a page to the website about this topic that includes the policy and map.

Councilman Grannis motioned to approve the Redevelopment Incentive Grant policy as presented with the verbiage change from commercial property to commercial project; motion seconded by Councilman Harding. Motion carried unanimously.

Item 6d. Follow up to purchase real property.

Town Clerk Scoggins stated upset bids were not received for the Peele site.

Town Attorney McConkey stated this is to accept the final high offer and authorize the sale for the Peele site.

Councilman Harding motioned to accept the offer for the Peele site; motion seconded by Councilman Grannis. Motion carried unanimously.

Town Manager Biggs provided an overview of the offers received by Mr. Yauch:

- No objection to offer and retain easements (21U);
- Reject offer and communicate offer in line with market value (022);
- No objection (06A);
- No objection to offer and retain a greenway easement along the eastern property line (005); and
- Reject offer and communicate either two separate bids or the Town retain the area east of Washington Street (013).

Town Manager Biggs summarized to accept the bids for the first and third lots; reject the offer for the second tract; accept the offer of the fourth lot with a condition for a greenway easement; and reject the offer for the fifth lot, however, accept a bid for the usable portion of the lot.

Councilman Atchison questioned if inquiries were received for the Peele site.

Town Clerk Sherry Scoggins stated two were received.

Mayor Pro Tem Ahlert motioned to accept the bids as presented for items one and three (021U & 06A) subject to upset bid; motion seconded by Councilman Grannis. Motion carried unanimously.

Councilman Harding motioned to reject the offer submitted for the second tract in anticipation of an offer more reflective of fair market value. Motion seconded by Mayor Pro Tem Ahlert. Motion carried unanimously.

Councilman Grannis motioned to approve the offer for parcel 05037005 with the inclusion of greenway easement and subject to upset bid; seconded by Councilman Harding. Motion approved unanimously.

Mayor Pro Tem Ahlert motioned to reject the bid for parcel 05035013 and encourage the bidder to come back with a bid for the usable portion of property. Councilman Satterfield seconded the motion. Motion carried unanimously.

ITEM 7. NEW BUSINESS

Item 7a. Distribution of proposed FY 2008-2009 budget.

Item 7b. Application to the Local Government Commission (LGC) for approval of electric system revenue bonds.

Finance Director Nancy Medlin stated this financing was part of FY 07-08 budget. She stated a revenue bond is new for the Town. She provided an overview of the bids received. She stated revenue bonds are pledging the revenues of the system rather than the assets. She stated the Town is borrowing \$1.2 million for the extension of distribution lines and other related improvements to the electric system. She added First Citizens Bank submitted the low bid with a rate of 2.52%. She stated this requires LGC approval and a resolution is included in packet for action this evening.

Mayor Pro Tem Ahlert motioned to approve as the resolution as presented; motion seconded by Councilman Satterfield. Motion carried unanimously.

ITEM 8. STAFF REPORTS

Item 8a. Town Manager

Town Manager Steve Biggs stated earthwork has begun at the Community Center site. He stated the Town has been cleared by the soils engineer for the pouring of footings. He added the schedule of the Community Center will not be known until after the pouring of footings.

It was the consensus of the Council to schedule the budget work session for Tuesday, May 20, 2008, at 5:30 PM.

Town Manager Biggs stated he spoke with Ms. Demboski, the artist for the mural. He stated the artist will grid out the area of the mural as well as the outline sketch. He added paints will not be applied until after the fund raising campaign is completed.

Town Manager Biggs stated in December there was a cash flow situation due to the Clayton – Raleigh wastewater project for the purchase capacity. He added

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the Town was having difficulty recovering funds because the bids had not been let. He stated a cooperative arrangement was negotiated between the Local Government Commission and the Town so the soft costs could be separated out of the project. He stated the Town received a check and is back in the black.

Item 8b. Town Attorney

Town Attorney Brenton McConkey stated no additional report.

Item 8c. Town Clerk

Town Clerk Sherry Scoggins stated Tuesday, May 6th is primary election. She added the polls open at 6:30 AM and will close at 7:30 PM.

Item 8d. Other Staff

Downtown Development Coordinator Bruce Naegelen stated the first Town Square Concert is Thursday, May 15th and the band is Nantucket.

Downtown Development Coordinator Naegelen stated a presentation for the first façade improvement grant completion will be at Cider House Studio this Friday, May 9th at 10 AM.

ITEM 9. OTHER BUSINESS

Item 9a. Informal Discussion & Public Comment.

Mr. Adam Faircloth, graduate of Clayton High School, stated he is an aspiring visual performer and music education student. He stated he is in the process of earning a music degree. He stated he has been pursuing a summer internship with Drum Corps International, which is a non-profit organization. He stated he was one of 44 selected to participate and tour for the 2008 summer. He stated this will provide an opportunity to perform in national venues. He added interns are not paid to participate and are required to raise their own funding. He stated the cost is \$7,000 per candidate; \$5,000 is raised through the organization and the individual raises \$2,000 to \$3,000. He requested the Town of Clayton assist him in raising \$1,000.

Mayor McLeod stated the Council will take it under advisement and the Town Clerk will follow-up with the Council's decision.

Item 9b. Council Comments.

Councilman Atchison stated his wife and daughter were in an auto accident on HWY 70. He stated they were stopped at a light when the vehicle was struck.

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He stated police, fire, and EMS were sent to the scene. He stated Officer Phillips was great at calming his wife and daughter.

Item 9c. Closed Session to discuss a personnel issue in accordance with NC GS 143-318.11(a)(6).

Councilman Satterfield motioned to go into closed session to discuss a personnel issue in accordance with NC GS 143-318(a)(6). Motion seconded by Mayor Pro Tem Ahlert. Motion carried unanimously at 8:21 PM.

Mayor Pro Tem Ahlert motioned to return to open session. Motion seconded by Councilman Grannis. Motion carried unanimously at 8:38 PM.

Mayor Pro Tem Ahlert motioned to approve the Town Manager's performance evaluation as reviewed in closed session. He stated the appraisal exceeds expectations. Motion seconded by Councilman Grannis. Motion carried unanimously.

Mayor Pro Tem Ahlert stated based upon the performance evaluation and the established guidelines, motioned to approve a 4% salary increase effective the first pay period after this date for an annual salary of \$122,534 per year. Motion seconded by Councilman Grannis. Motion carried unanimously.

ITEM 10. ADJOURNMENT

With there being no further business brought before the Council, Councilman Satterfield motioned to adjourn at 8:40 PM; motion seconded by Councilman Grannis. Motion carried unanimously.

Duly adopted by the Town Council this 19th day of May 2008 while in regular session.

ATTEST:

Jody L. McLeod
Mayor

Sherry L. Scoggins, CMC
Town Clerk

10/10/2020

**TOWN OF CLAYTON
MOTION GRANTING SUBDIVISION APPROVAL
SHORT FORM**

Councilman Harding motioned:

Based on the substantial and competent evidence and testimony presented to the Town Council on this matter, the Council finds and concludes that Subdivision Application SUB 08-01, (subject to the conditions recommended by the Planning Board and Planning Staff and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representatives):

- (1) That the subdivision meets all required specifications of the Town Unified Development Ordinance;
 - (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; and
 - (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.
- Conditions of approval recommended by the Planning Board and Planning Staff:
- Metes & Bounds (Planning)
 - Certifications (Planning)
 - Street name approval (Planning)
 - Complete improvements or provide performance guarantee (Planning)
 - All lots access internal street (Planning)
 - Cul-de-sac lot shall have 40' of road frontage (Planning)
 - Approval of all lots for onsite sewage disposal or statement for each unapproved lot (Environmental Health)
 - A driveway permit and subdivision design approval must be obtained prior to construction (NCDOT)
 - All design aspect of the plans shall comply with the current NCDOT Standard Specifications for Roads and Structures, NCDOT Subdivision Roads Minimum Construction Standards, and Policy on Street and Driveway Access to North Carolina Highways (NCODT)
 - It will be determined a the time of the driveway permit application is submitted if any road improvements will be required (NCDOT)

- Approval of water system (Public Utilities)
- Soil Erosion and Sedimentation Control Plan required (Public Utilities)
- Stormwater Compliance (Public Utilities)

Motion seconded by Mayor Pro Tem Ahlert. Motion carried unanimously.

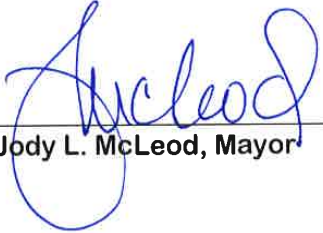
Mayor Pro Tem Ahlert motioned to approve:

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein I move to approve Subdivision Application **SUB 08-01**.

Motion seconded by Councilman Harding. Motion carried unanimously.

Duly adopted by the Clayton Town Council this 5th day of May 2008.

ATTEST:


Jody L. McLeod, Mayor


Sherry L. Scoggins, CMC Town Clerk





May 20, 2008

Mr. Curk Lane
True Line Surveying, PC
205 West Main Street
Clayton, NC 27520

Mr. Darryl D. Evans
Darryl D. Evans Inc
425 Indian Camp Road
Smithfield, NC 27577

Re: PRELIMINARY SUBDIVISION SUB 08-01 FOR HANNAH'S CREEK,
PHASE 3

Dear Mr. Lane & Mr. Evans:

At the May 5, 2008, Council meeting, the Clayton Town Council approved preliminary subdivision for residential development SUB 08-01 for Hannah's Creek, Phase 3. Enclosed is an executed copy of the permit for your records.

Feel free to call me at 553-5002 if you have any questions.

Sincerely,

Sherry L. Scoggins, CMC
Town Clerk

Enclosure

cc: Planning & Inspections Department

**TOWN OF CLAYTON
SUBDIVISION APPROVAL SUB 08-01
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Curk Lane for True Line Surveying

Owner: Darryl D. Evans, Inc

Property Location: Amelia Church Road approximately 1/4 of a mile northwest of the Barber Mill Road intersection (Hannah's Creek Subdivision, Phase 3)

Tax Parcel Numbers: 05G03020G & 05G03062

Proposed Use of Property: Single -Family Development

Meeting Dates: May 5, 2008

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Unified Development Ordinance, hereafter referred to as UDO, for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

- (1) The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department office.
- (2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval shall be void and of no effect.

As set forth in Section 155.706 of the UDO, the Town Council imposed the following additional conditions of the Subdivision Permit:

- Conditions of approval recommended by the Planning Board and Planning Staff:
 - Metes & Bounds (Planning)
 - Certifications (Planning)

- Street name approval (Planning)
- Complete improvements or provide performance guarantee (Planning)
- All lots access internal street (Planning)
- Cul-de-sac lot shall have 40' of road frontage (Planning)
- Approval of all lots for onsite sewage disposal or statement for each unapproved lot (Environmental Health)
- A driveway permit and subdivision design approval must be obtained prior to construction (NCDOT)
- All design aspect of the plans shall comply with the current NCDOT Standard Specifications for Roads and Structures, NCDOT Subdivision Roads Minimum Construction Standards, and Policy on Street and Driveway Access to North Carolina Highways (NCDOT)
- It will be determined a the time of the driveway permit application is submitted if any road improvements will be required (NCDOT)
- Approval of water system (Public Utilities)
- Soil Erosion and Sedimentation Control Plan required (Public Utilities)
- Stormwater Compliance (Public Utilities)

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY:


Jody L. McLeod,
Mayor

ATTEST:


Sherry L. Scoggins, CMC
Town Clerk

(SEAL)

Curk Lane for True Line Surveying, applicant, of the above-identified property for the above Preliminary Subdivision Permit, does hereby acknowledge receipt of this Preliminary Subdivision Permit issued by the Clayton Town Council. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

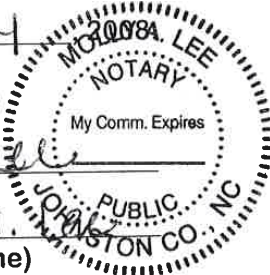


Curk Lane

NORTH CAROLINA
Johnston COUNTY

I, Molly A. Lee, a Notary Public in and for said County and State, do hereby certify that Curk T. Lane (applicant) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 15 day of May


Molly A. Lee
Notary Public - Molly A. Lee
(Printed Name)
NC County of Commission: Johnston
Commission expires: 11/2/09

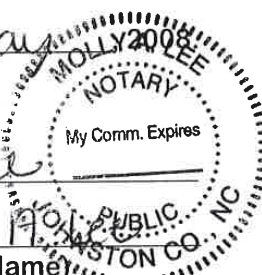
(printed name of representative) for Darryl D. Evans Inc, owner, of the above-identified property for the above Preliminary Subdivision Permit, does hereby acknowledge receipt of this Preliminary Subdivision Permit issued by the Clayton Town Council. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.


Signature of Representative

NORTH CAROLINA
JohnstonCOUNTY

I, Molly A. Lee, a Notary Public in and for said County and State, do hereby certify that Darryl D. Evans (owner) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 15 day of May


Molly A. Lee
Notary Public - Molly A. Lee
(Printed Name)

NC County of Commission: Johnston

Commission expires: 11/2/09

Hannahs Creek Ph 3

Owner/Developer: Darryl D. Evans Inc.

Surveyor: True Line Surveying

Tax ID #: 05G03020G, 05G03062

Locational Data: Amelia Church Road (SR 1552) approximately ¼ of a mile northwest of its intersection with Barber Mill Road (SR 1555) in Clayton Township. The proposed subdivision is served by the Clayton Fire Department and the Clayton Rescue Squad.

Site Data: 10.1 acres, 11 lots, (maximum allowed: 15), water service will be provided by Johnston County Public Utilities and lots will be served by individual septic tanks, open space provided: \$400/lot fee-in-lieu, open space required: \$400/lot fee-in-lieu, traffic count: not available

Additional Information:

- **Town Clayton Future ETJ:** This area lies with the future ETJ approved by Clayton Town Council March 3, 2008. A copy of this plat has been evaluated by the Town of Clayton.
- **Environmentally Sensitive District:** This development is within the district. However, it appears no portion of the development is within the Flood Plain.

Staff Recommendation: *Preliminary approval subject to the following conditions and requirements*

Conditions and Requirements

[Planning]

1. Metes and bounds
2. Certifications
3. Street name approval
4. Complete improvements or provide performance guarantee
5. All lots access internal street
6. Cul-de-sac lots shall have 40' of road frontage

[Environmental Health]

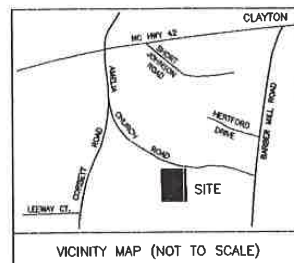
7. Approval of all lots for onsite sewage disposal or statement for each unapproved lot

[NCDOT]

8. A driveway permit and subdivision design approval must be obtained prior to construction
9. All design aspects of the plans shall comply with the current NCDOT Standard Specifications for Roads and Structures, NCDOT Subdivision Roads Minimum Construction Standards, and Policy on Street and Driveway Access to North Carolina Highways
10. It will be determined at the time the driveway permit application is submitted if any road improvements will be required

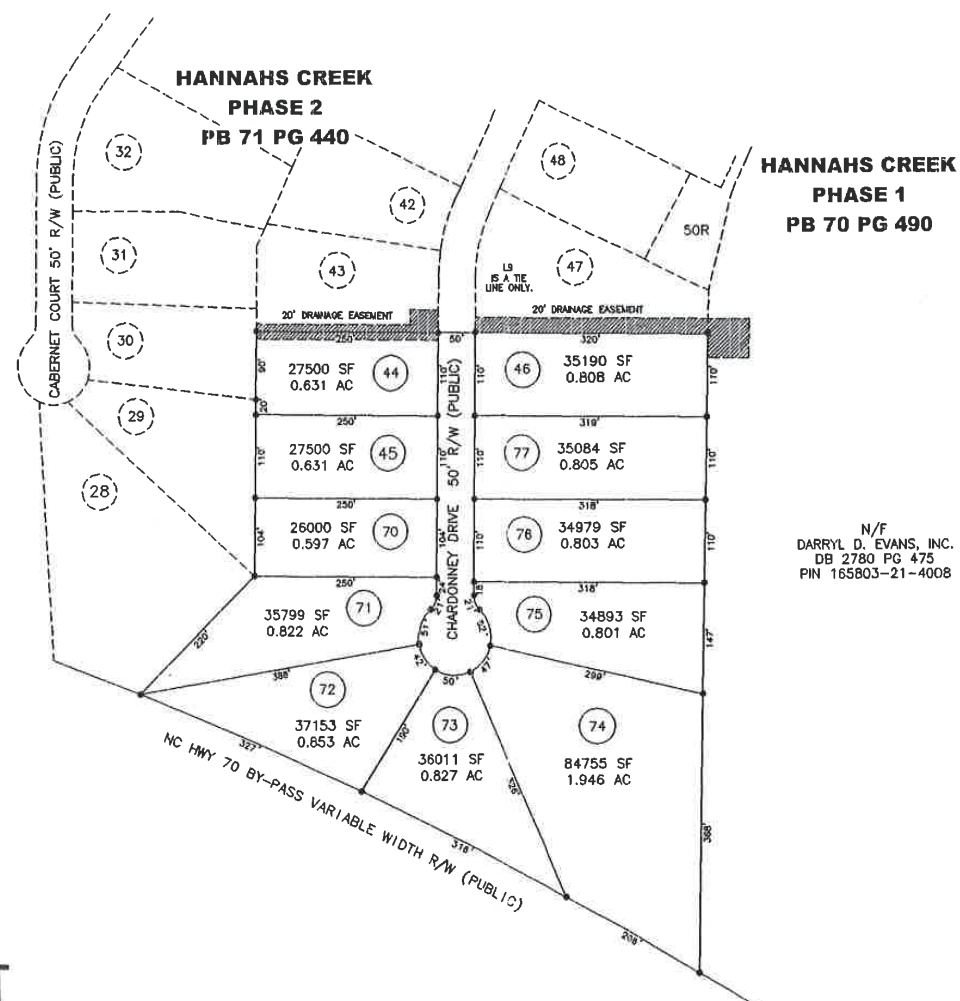
[Public Utilities]

11. Approval of water system
12. Soil Erosion and Sedimentation Control Plan required
13. Stormwater Compliance



SUBDIVISION SITE DATA		
AREA IN TRACT	440575 SF	10.1144 AC
LINEAR FEET IN STREETS	404.14 LF	
AREA IN RIGHT OF WAY	25711 SF	0.580 AC
NUMBER OF LOTS PROPOSED	11	
AREA IN LOTS	41408 SF	9.324 AC
AVERAGE LOT SIZE	0.868 AC	
AREA OF ASPHALT IN ROADWAYS AND CUL-DE-SACS	12303 SF	

NO 100 YEAR FEMA FLOOD ON THIS PROPERTY. FEMA FIRM PANEL NO. 370130 0203D
SITE TO BE SERVED BY PUBLIC WATER AND INDIVIDUAL SEPTIC SYSTEMS.
NC PIN NO. 165803-11-4235



**HANNAHS CREEK
PHASE 1
PB 70 PG 490**

N/F
DARRYL D. EVANS, INC.
DB 2780 PG 475
PIN 165803-21-4008

PRELIMINARY PLAT

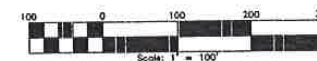
NOT FOR RECORDATION,
CONVEYANCES OR SALES

PRELIMINARY PLAT
OF
*HANNAHS CREEK
PHASE THREE*
FOR
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
JANUARY 29, 2008

OWNER: DARRYL D. EVANS, INC.
425 INDIAN CAMP ROAD
SMITHFIELD, NC 27577

LEGEND

○	PIPE FOUND	□	CONCRETE MENDMENT FOUND
●	PIPE SET	■	PAVING-HOLE HAIL FOUND
○	PAVING-HOLE HAIL SET	■	PAVING-HOLE HAIL SET
○	RAILROAD SPIKE	■	CONTROL POINT
○	CONTROL POINT	■	COMPUTED POINT
○	POWER POLE	■	OVERHEAD POWER LINE
○	OVERHEAD POWER LINE	■	SQUARE FEET
○	SQUARE FEET	■	ACRE
○	ACRE	■	DEED BOOK
○	DEED BOOK	■	PLAT BOOK
○	PLAT BOOK	■	BOOK OF MAPS
○	BOOK OF MAPS	■	LINEAR FEET
○	LINEAR FEET	■	LOT AND OFFSHORE NUMBER
○	LOT AND OFFSHORE NUMBER	■	OFFSHORE NUMBER LOT
○	OFFSHORE NUMBER LOT	■	RECOMMENDED LOT
○	RECOMMENDED LOT	■	SIMPLE ADDRESS
○	SIMPLE ADDRESS	■	LAND'S NOT SURVEYED

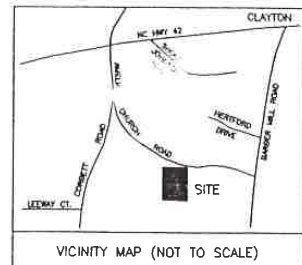


SURVEYED BY:	DANIEL
DRAWN BY:	LILLY
CHECKED BY:	CURK
DRAWING NAME:	JCP1ELNPH3.D
SURVEY DATE:	10-15-07
JOB NO.	247-049

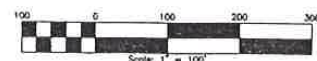
TRUE LINE SURVEYING, P.C.



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



VICINITY MAP (NOT TO SCALE)



PRELIMINARY PLAT
OF
HANNAHS CREEK
FOR
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
FEBRUARY 21, 2005

N/F
FRANCES O. AIKEN
DB 741 PG 049
PIN 1658-12-2479

PERMANENT OPEN SPACE
RESERVED BY OWNER
30213 SF
0.694 AC

50' RIPARIAN
BUFFER
C/L CREEK

N/F
NANCY JO AVERY BLINSON
DB 552 PG 614
PIN 1658-01-3658

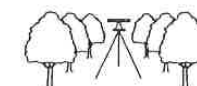
PERMANENT OPEN SPACE
RESERVED BY OWNER
174146 SF
3.998 AC

N/F
JOSEPH L. HARRIS
DB 1403 PG 534
PIN 1658-11-8249

US 70 BYPASS VARIABLE WIDTH R/W

SURVEYED BY:
DRAWN BY:
CHECKED BY:
DRAWING NAME:
SURVEY DATE:
JOB NO.:

TRUE LINE SURVEYING, P.C.



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

SUBMISSION SITE DATA

AREA IN TRACT	3322336 SF	76.270 AC
LINEAR FEET IN STREETS	4817 LF	
AREA IN RIGHT OF WAY	248804 SF	5.715 AC
NUMBER OF LOTS PROPOSED	68	
AREA IN LOTS	2231943 SF	51.238 AC
AVERAGE LOT SIZE	0.754 AC	
AREA IN OPEN SPACE INSIDE WETLANDS AND RIPARIAN BUFFERS	384497 SF	8.672 AC
AREA IN OPEN SPACE OUTSIDE WETLANDS AND RIPARIAN BUFFERS	335921 SF	7.712 AC
OPEN SPACE REQUIRED	7.627 AC	

NO 100 YEAR FEMA FLOOD ON THIS PROPERTY. FEMA FIRM PANEL NO. 37013B 02050

PARENT TRACT DEEDS: DB 2780 PG 475
DB 2788 PG 773
DB 741 PG 049

NC PIN NO. 1658-21-3230
1658-11-0896
1658-12-2479

OWNER: DARRYL D. EVANS, INC.
425 INDIAN CAMP ROAD
SMITHFIELD, N.C. 27577

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

N/F
TONIA LYNN COUNCIL
DB 1691 PG 205
PIN 1658-21-8400

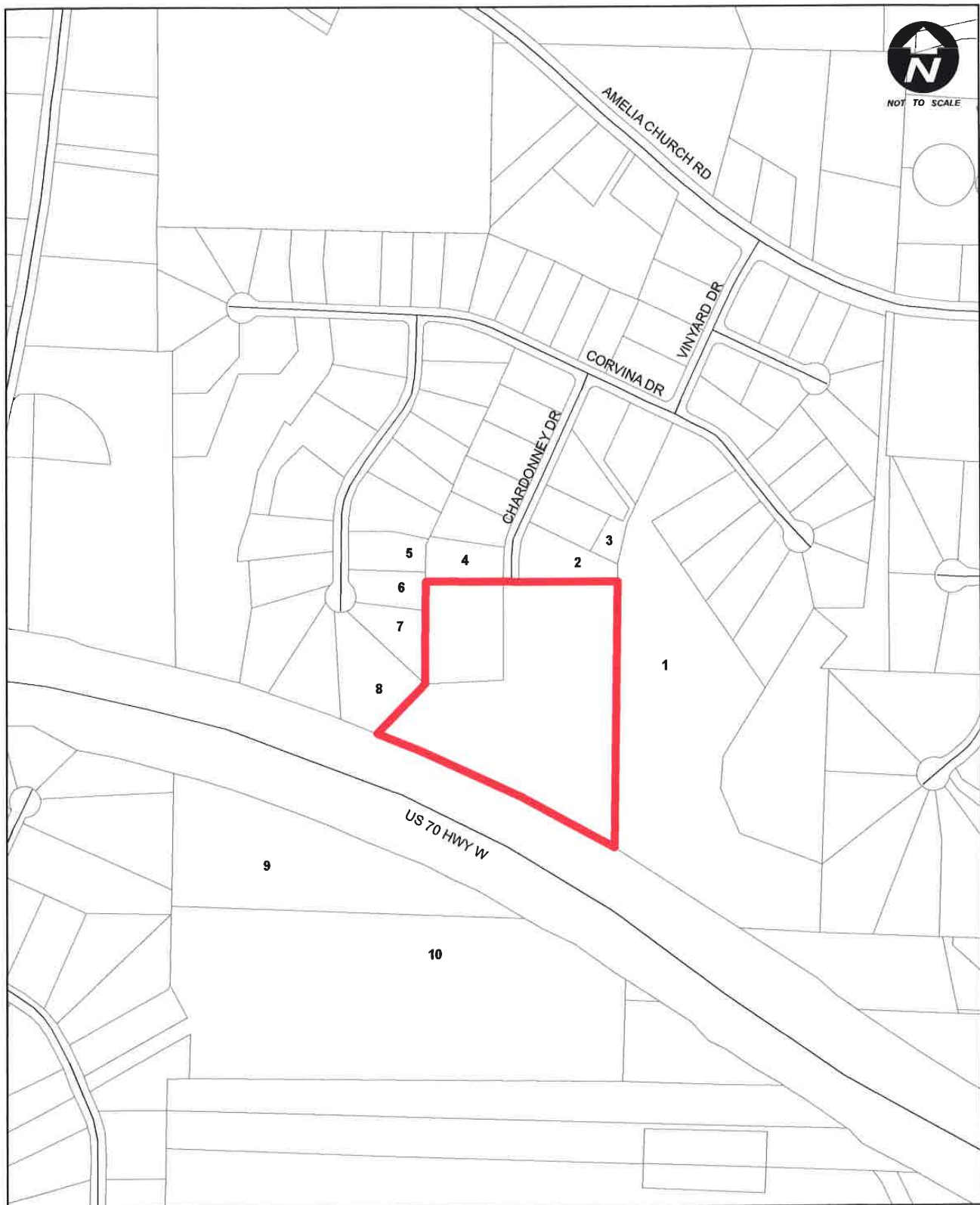
APPROVED

N/F
SANDRA H. BRANDT
DB 1802 PG 230
PIN 1658-21-5032

PERMANENT OPEN SPACE
RESERVED BY OWNER
60138 SF
1.381 AC

50' RIPARIAN
BUFFER
C/L CREEK

Parcel Data SUB 08 - 01 Hannah's Creek Phase 3

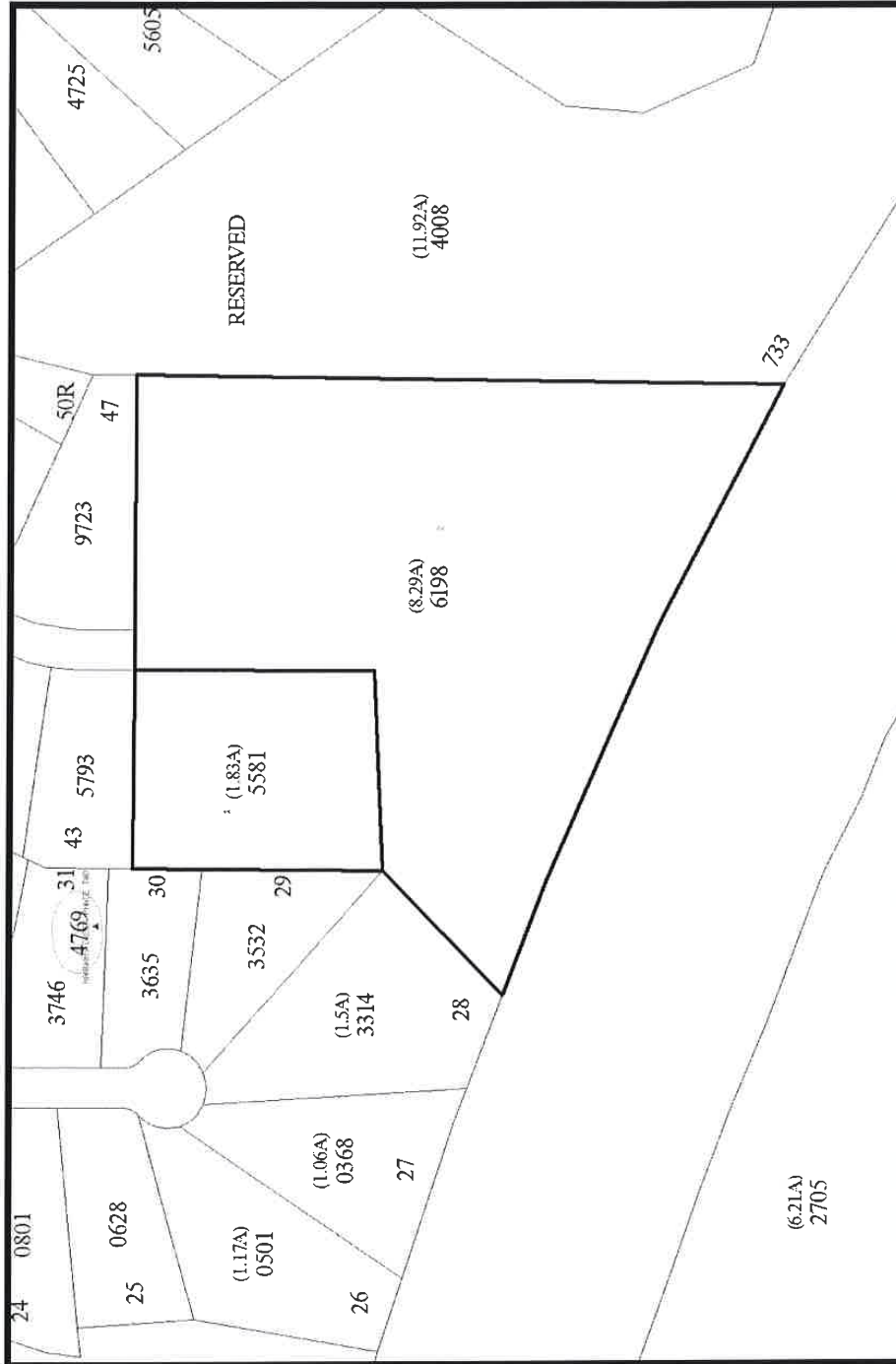


PARCEL DATA SUB 08-01 HANNAH'S CREEK PH 3									
TAG #	PARCEL #	OWNERNAME	ADDRESS		CITY	STATE	ZIP		
1	05G03015I	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
2	05G03063G	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
3	05G03013Q	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
4	05G03063F	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
5	05G03062W	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
6	05G03062V	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
7	05G03062U	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
8	05G03062T	DARRYL D EVANS INC	425 INDIAN CAMP RD		SMITHFIELD NC	NC	275770000		
9	05G03020	HARRIS, JOSEPH L C/O	79 COUNTRY LANE		CLAYTON NC	NC	275200000		
10	05G03056E	GILBERT, JENNIFER P	273-C BLUE POND RD		CLAYTON NC	NC	275200000		

Tax Numbers '05G03062','05G03020G'

*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Scale 1 inch = 200 feet

(The scale is only accurate when printed landscape on a letter size sheet with page scaling set to none.)

Date 25-Mar-08

*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.

Tax Numbers '05G03062','05G03020G'

Query Results

Query Item Number 1	
Tag.....:	05G03062
NCPin.....:	165803-11-5581
Mapsheet No...:	165803
Owner Name 1...:	DARRYL D EVANS
Owner Name 2...:	
Mail Address1..:	425 INDIAN CAMP ROAD
Mail Address2..:	
Mail Address3..:	SMITHFIELD NC 275770000
Site Address1..:	Not Available
Site Address2..:	Not Available
Deed Book.....:	2789
Deed Page.....:	0773
Market Value...:	91230
Assess Acreage:	1.83
Calc Acreage...:	1.83
Sale Price.....:	297000
Sale Date.....:	Nov 01 2004
Query Item Number 2	
Tag.....:	05G03020G
NCPin.....:	165803-11-6198
Mapsheet No...:	165803
Owner Name 1...:	DARRYL D EVANS
Owner Name 2...:	
Mail Address1..:	425 INDIAN CAMP ROAD
Mail Address2..:	
Mail Address3..:	SMITHFIELD NC 275770000
Site Address1..:	Not Available
Site Address2..:	Not Available

Tax Numbers '05G03062','05G03020G'

Deed Book.....:	
Deed Page.....:	
Market Value...:	36850
Assess Acreage:	9.41
Calc Acreage...:	8.29
Sale Price.....:	
Sale Date.....:	

SUB 08 - 01

10.10 Acres

Subdivision: Hannahs Creek Ph 3

Rezoning Petitioner: Darryl D Evans Inc

Property Owner: Darryl D Evans Inc

Parcel Number(s) 05G03020G, & 05G03062

Planning Board Date(s): March 24, 2008

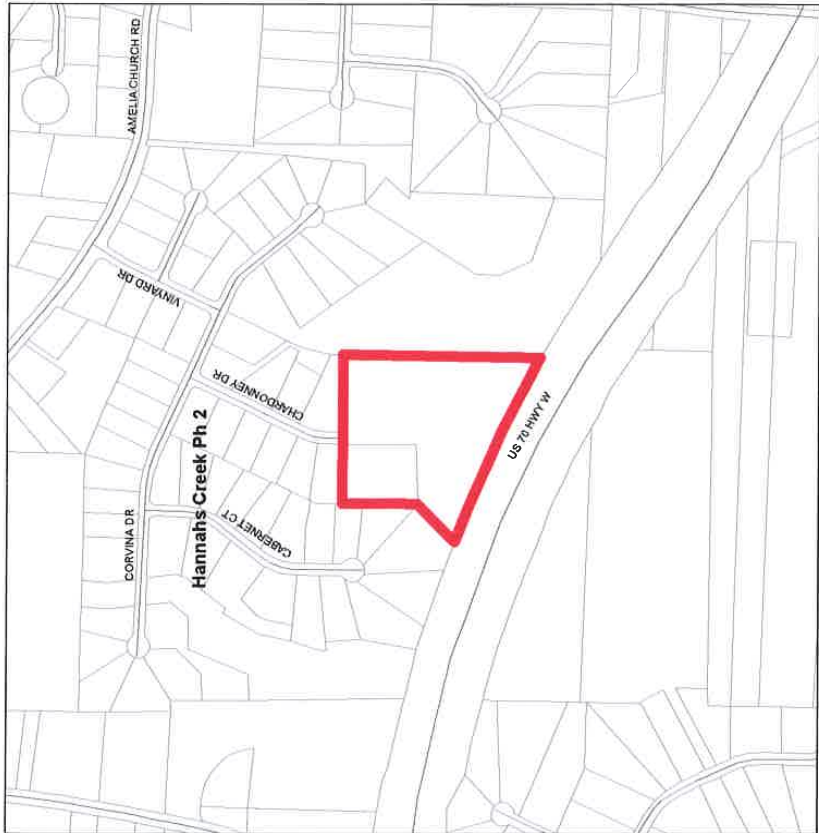


Map produced by TOC/GIS

Date: March 14, 2008

Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.
Aerial Photography Date: February/March 2005

Scale: 1" = 700'



42



Tax Number 05G03020G

*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tax..... 05G03020G

NCPLN..... 165803-11-6198

Mapsheet No.... 165803

Owner Name 1... DARRYL D EVANS

Owner Name 2... :

Mail Address1.: 425 INDIAN CAMP ROAD

Mail Address2.:

Mail Address3.: SMITHFIELD NC 275770000

Site Address1.: Not Available

Site Address2.: Not Available

Deed Book.....

Deed Page.....

Market Value...: 36850

Assess Acreage: 9.41

Information is valid **only** at state plane coordinate (NAD83)

Sale Price.....

Sale Date.....

Township..... Clayton

RTU..... N/A

City Limits.: N/A

Soil Type....: MAB

Fire District: Claytex

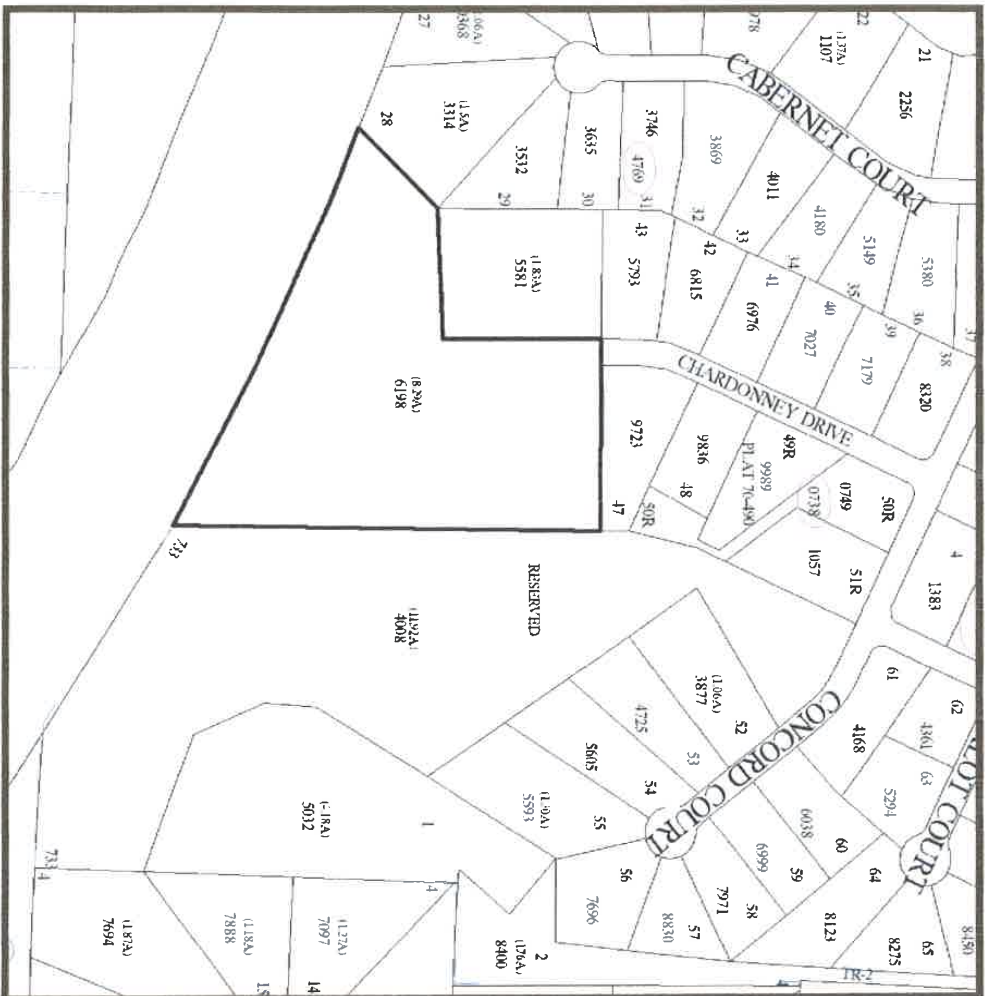
Flood Panel.: 3720165800 J

Census Tract: 411

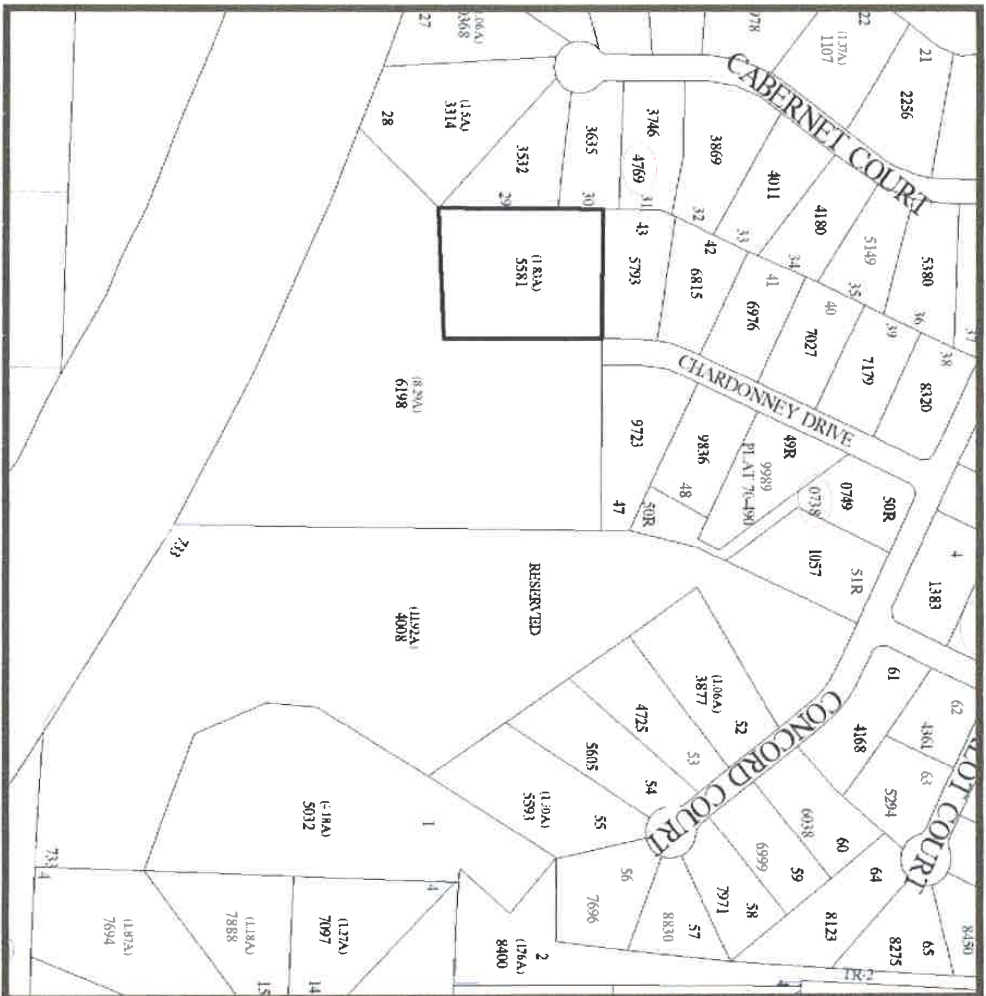
1 inch = 304 feet

(The scale is only accurate when printed landscape on a letter size sheet with page scaling set to none.)

Date 25-Mar-08



Tax Number 05G03062



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tag..... 05G03062

NCPln..... 165803-11-5581

Mapsheet No... 165803

Owner Name 1... DARRYL D EVANS

Owner Name 2... :

Mall Address1.: 425 INDIAN CAMP ROAD

Mall Address2.:

Mall Address3.: SWITTFIELD NC 275770000

Site Address1.: Not Available

Site Address2.: Not Available

Deed Book..... 2789

Deed Page..... 0773

Market Value... 91230

Assess Acreage: 1.93

Information is valid *only* at time phone coordinates (NAD83)

Sale Price..... 297000

Sale Date..... Nov 01 2004

Township..... Clayton

ERT..... N/A

City Limits.: N/A

Soil Type.... Nob

Fire District: Claytex

Flood Panel.: 3720165800 J

Census Tract: 411



1 inch = 304 feet
(The scale is only accurate when printed landscape
on a letter size sheet with page scaling set to none)

Date 25-Mar-08

Tax Number 05G03062V

*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tag.....: 05G03062V

NCPIN.....: 165803-11-3635

Mapsheet No...: 165803

Owner Name 1...: DARRYL D EVANS

Owner Name 2...:

Mail Address1.: 425 INDIAN CAMP ROAD

Mail Address2.:

Mail Address3.: SMITHFIELD NC 275770000

Site Address1.: 107 CABERNET CT

Site Address2.: CLAYTON NC 27520-

Deed Book.....: 2789

Deed Page.....: 0773

Market Value...: 0

Assess Acreage: 0.61

Information is valid **only** in state plane coordinates (NAD83)

Sale Price.....: 0

Sale Date.....: Nov 01 2004

Township.....: Clayton

ETW.....: N/A

City Limits.: N/A

Soil Type....: Nob

Fire District: Claytex

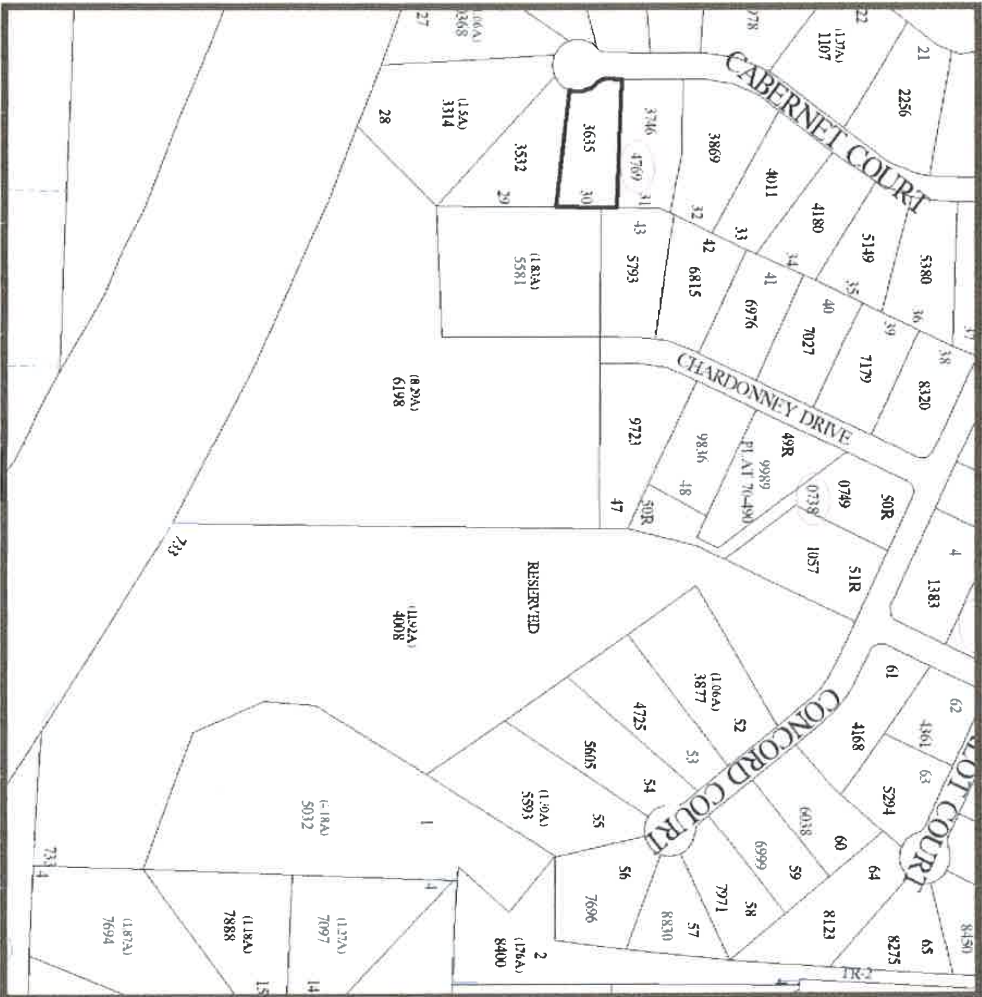
Flood Panel.: 3720165800 J

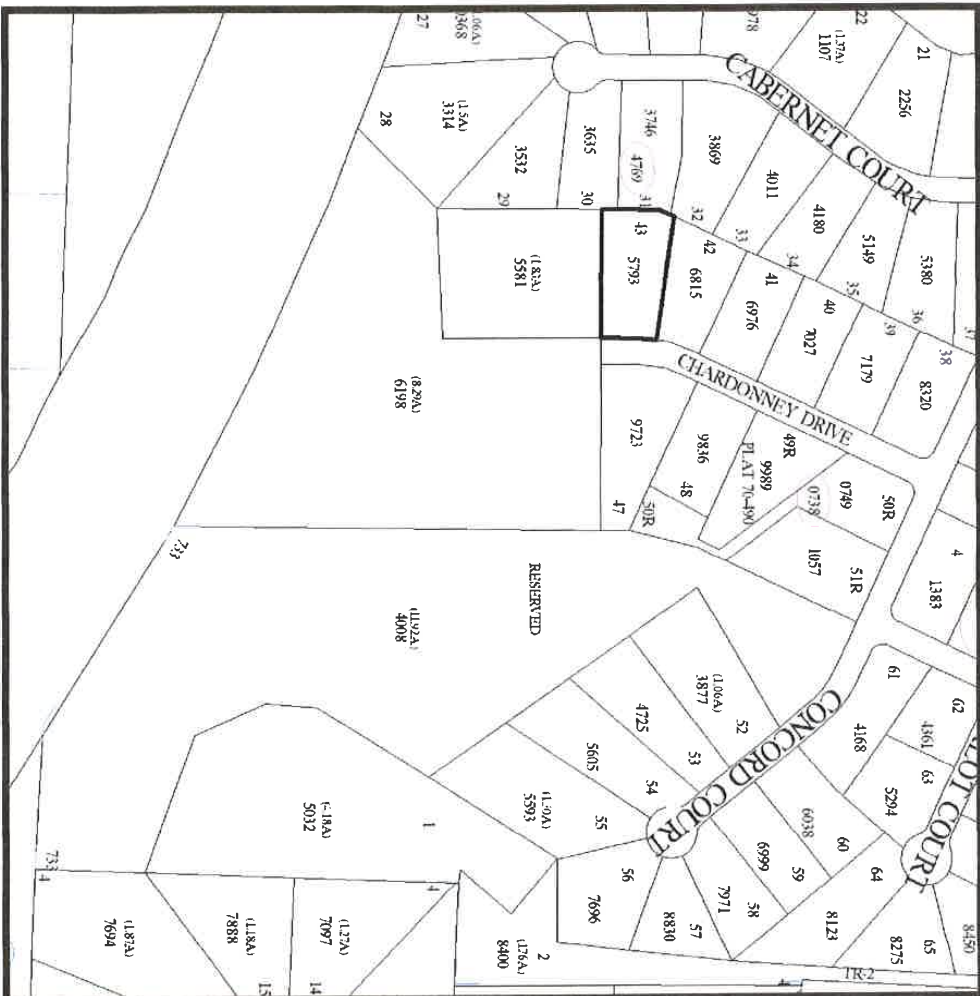
Census Tract: 411

1 inch = 304 feet

(The scale is only accurate when printed landscape on a letter size sheet with page scaling set to none.)

Date 25-Mar-08





***** DISCLAIMER *****
 Johnston County assumes no legal
 responsibility for the information.

Tag.....: 05G03063F
 MCPin.....: 165803-11-5793
 Mapsheet No...: 165803
 Owner Name 1...: DARRYL D EVANS
 Owner Name 2...:
 Mail Address1.: 425 INDIAN CAMP ROAD
 Mail Address2.:
 Mail Address3.: SMITHFIELD NC 275770000
 Site Address1.: 96 CHARDONNEY DR
 Site Address2.: CLAYTON NC 27520-
 Deed Book.....: 2789
 Deed Page.....: 0773
 Market Value...: 0
 Assess Acreage: 0.72

Information is valid **only** at state plane coordinate (NAD83)
 Sale Price.....: 0
 Sale Date.....: Nov 01 2004
 Township.....: Clayton
 ETV.....: N/A
 City Limits.: N/A
 Soil Type...: NOS
 Fire District: Claytex
 Flood Panel.: 3720165800 J
 Census Tract: 411

1 inch = 304 feet
 (The scale is only accurate when printed landscape
 on a letter size sheet with page scaling set to none.)
 Date 25-Mar-08

Tax Number 05G03062U

*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tag..... 05G03062U

NCPin..... 165803-11-3532

Mapsheet No... 165803

Owner Name 1.: DARRYL D EVANS

Owner Name 2.:

Mail Address1.: 425 INDIAN CAMP ROAD

Mail Address2.:

Mail Address3.: SMITHFIELD NC 275770000

Site Address1.: 117 CABERNET CT

Site Address2.: CLAYTON NC 27520-

Deed Book..... 2789

Deed Page..... 0773

Market Value... 0

Assess Acreage: 0.77

Information is valid "only" at state plane coordinate (NAD83)

Sale Price..... 0

Sale Date..... Nov 01 2004

Township..... Clayton

ETU..... N/A

City Limits.: N/A

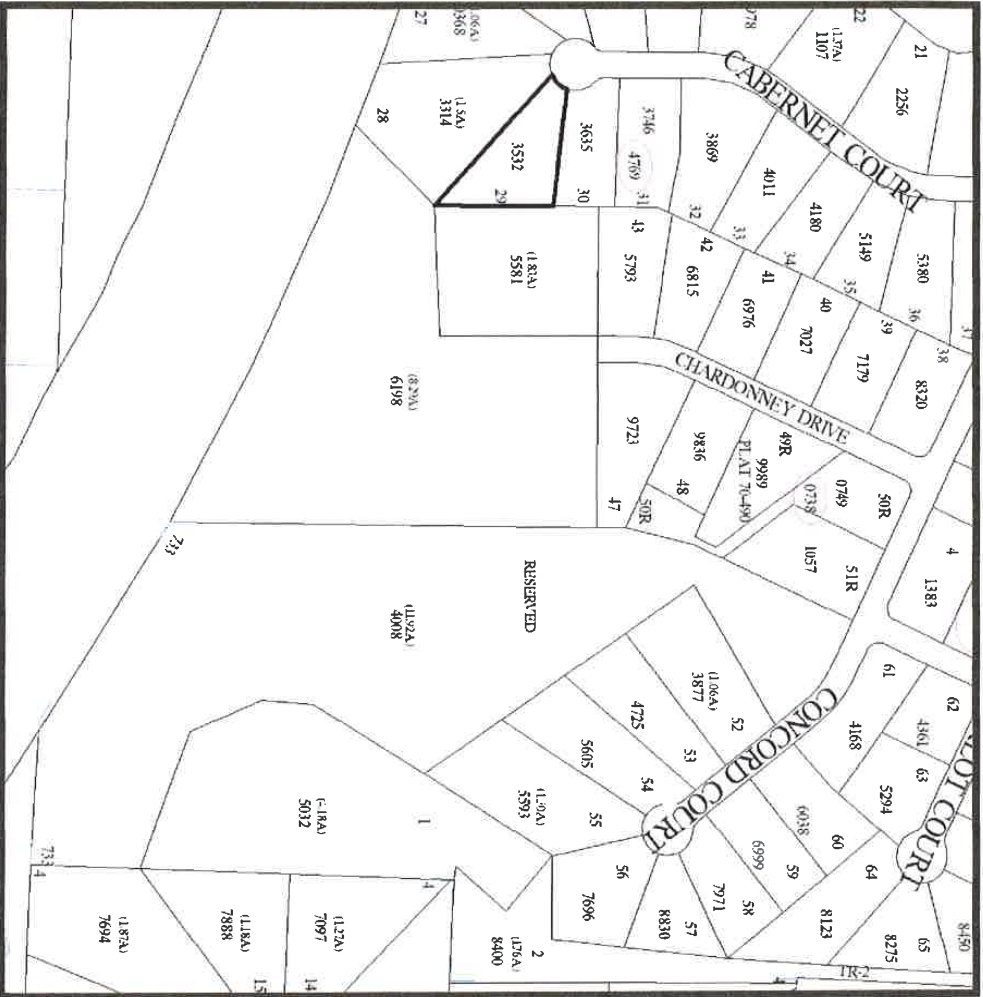
Soil Type..... Wab

Fire District: Claytex

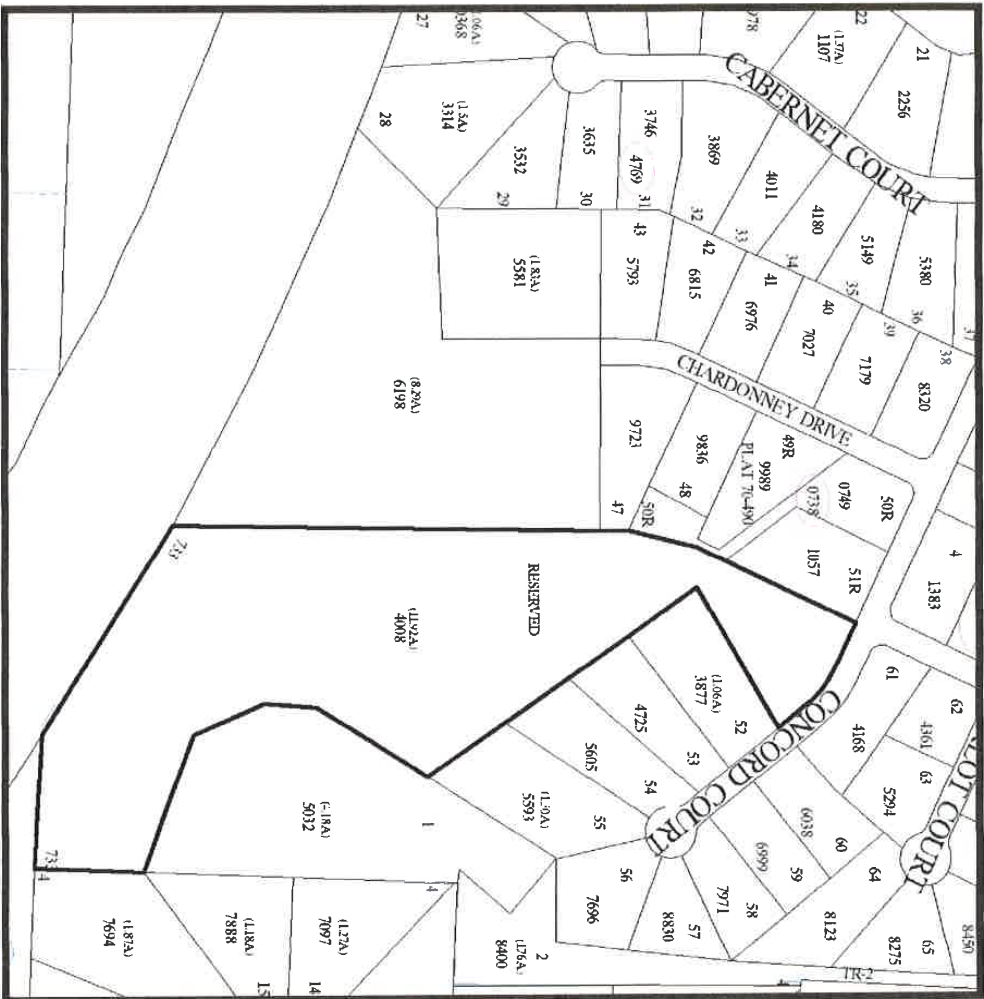
Flood Panel.: 3720165800 J

Census Tract: 411

1 inch = 304 feet
(The scale is only accurate when printed landscape on a letter size sheet with page scaling set to none.)
Date 25-Mar-08



Tax Number 05G030151



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tag..... 05G030151
NCPin..... 165803-21-4008
Mapsheet No.... 165803
Owner Name 1.: DARRYL D EVANS INC
Owner Name 2.:
Mail Address1.: 425 INDIAN CAMP RD
Mail Address2.:
Mail Address3.: SMITHFIELD NC 275770000
Site Address1.: Not Available
Site Address2.: Not Available
Deed Book..... 2780
Deed Page..... 0475
Market Value... 75240
Assess Acreage: 11.89

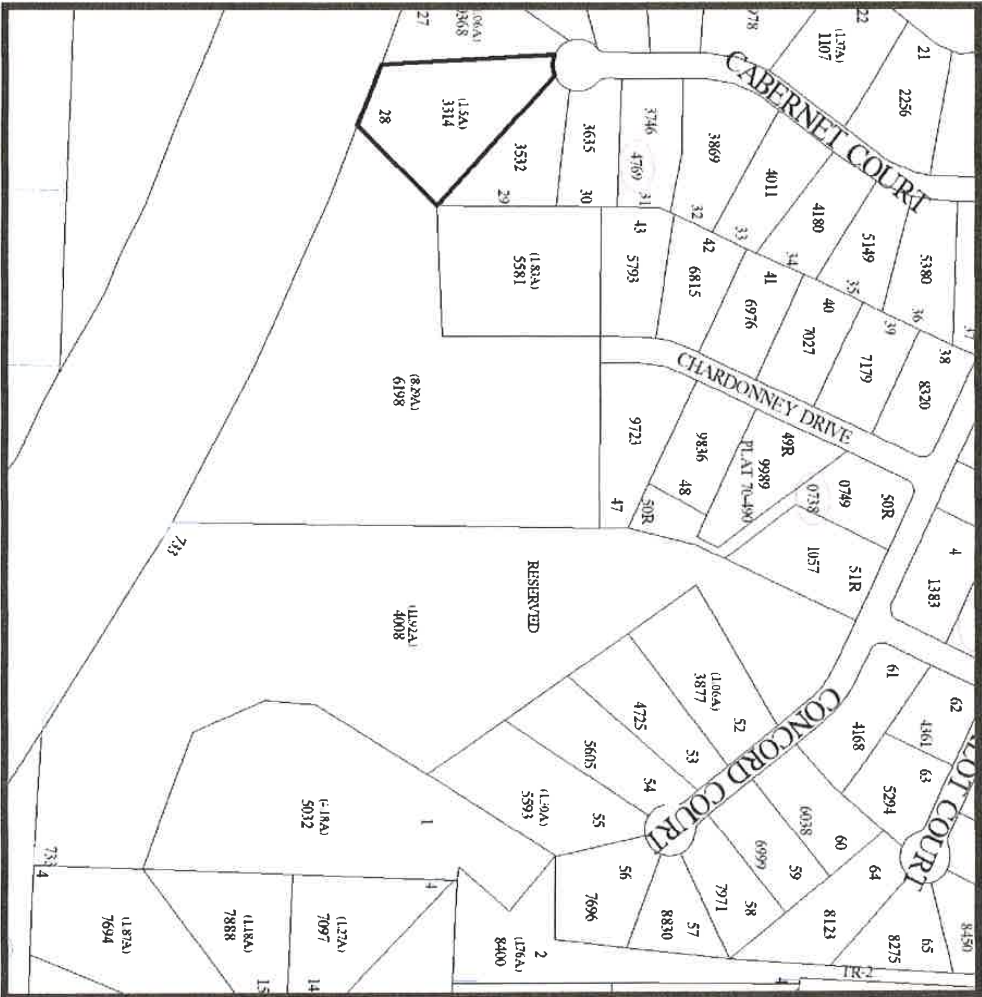
Information is valid **only** at note plane coordinate (NAD83)

Sale Price..... 0
Sale Date..... Oct 01 2004
Township..... Clayton
ETU..... N/A
City Limits.: N/A
Soil Type.... Nob
Fire District: Claytex
Flood Panel.: 3720165800 J
Census Tract: 411



(The scale is only accurate when printed landscape on a letter size sheet with page scaling set to none.)
Date 25-Mar-08

1 inch = 304 feet



***** DISCLAIMER *****

Johnston County assumes no legal responsibility for the information.

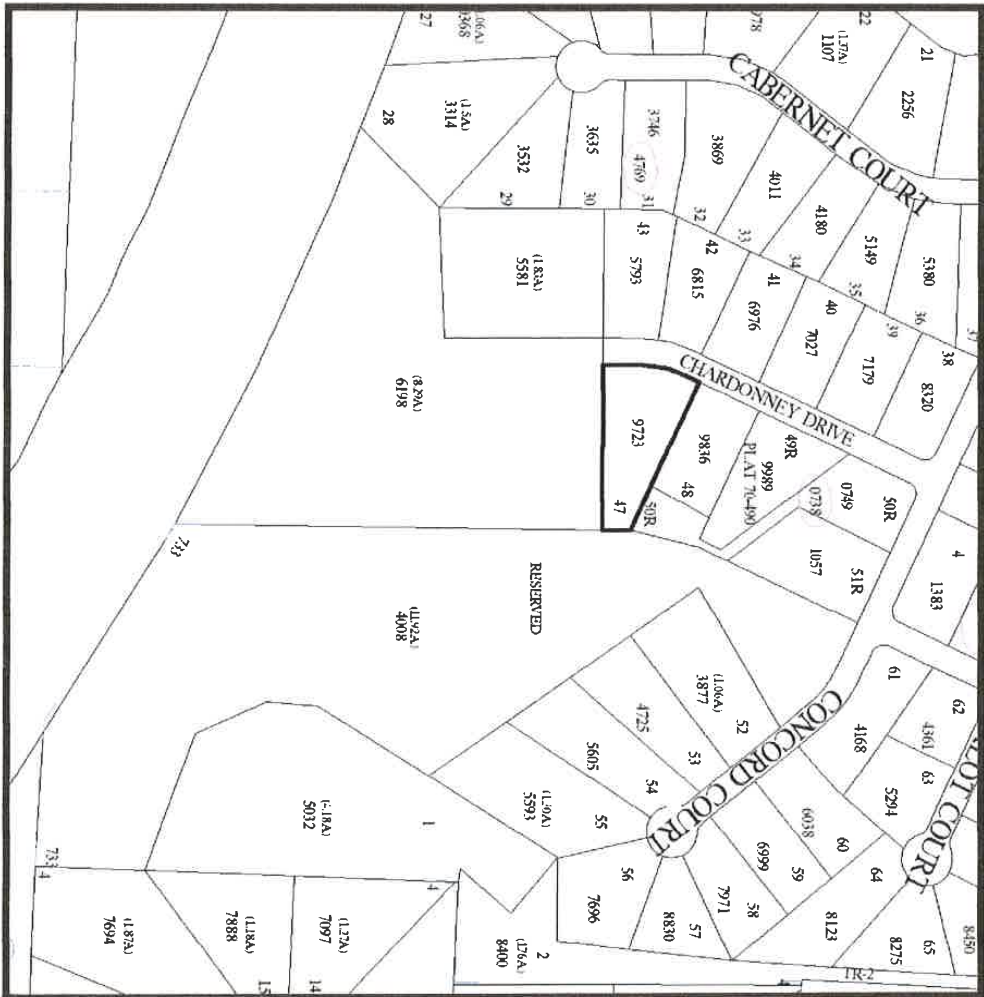
Tag.....: 05G03062T
 NCPin.....: 165803-11-3314
 Mapsheet No...: 165803
 Owner Name 1...: DARRYL D EVANS
 Owner Name 2...:
 Mail Address1.: 425 INDIAN CAMP ROAD
 Mail Address2.:
 Mail Address3.: SMITHFIELD NC 275770000
 Site Address1.: 121 CABERNET CT
 Site Address2.: CLAYTON NC 27520-
 Deed Book.....: 2789
 Deed Page.....: 0773
 Market Value...: 0
 Assess Acreage: 1.5

Information is valid **only** at static plane coordinates (NAD83)

Sale Price.....: 0
 Sale Date.....: Nov 01 2004
 Township.....: Clayton
 ETY.....: N/A
 City Limits.: N/A
 Soil Type....: Wab
 Fire District: Claytex
 Flood Panel.: 3720165800 J
 Census Tract: 411

1 inch = 304 feet
 (The scale is only accurate when printed landscape
 on a letter size sheet with page scaling set to none.)
 Date 25-Mar-08

Tax Number 05G03063G



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information.

Tag.....: 05G03063G
NCPIN.....: 165803-11-9723
Mapsheet No...: 165803
Owner Name 1...: DARRYL D EVANS
Owner Name 2...:
Mail Address1.: 425 INDIAN CAMP ROAD
Mail Address2.:
Mail Address3.: SMITHFIELD NC 275770000
Site Address1.: 91 CHARDONNEY DR
Site Address2.: CLAYTON NC 27520-
Deed Book.....: 2785
Deed Page.....: 0475
Market Value...: 0
Assess Acreage: 0.93

Information is valid **only** at entire plane coordination (NAD83)

Sale Price.....: 0
Sale Date.....: Oct 01 2004
Township.....: Clayton
ETD.....: N/A
City Limits.: N/A
Soil Type....: NoB
Fire District: Claytex
Flood Panel.: 3720165800 J
Census Tract: 411



(The scale is only accurate when printed landscape on a letter size sheet with page scaling set to none.)

1 inch = 304 feet
Date 25-Mar-08

Jay McLeod

From: Keith Pagano <keithpagano@aol.com>
Sent: Monday, October 19, 2015 1:04 PM
To: Jay McLeod
Subject: Hannah's Creek Community plea
Attachments: Hannahs Creek Community Letter_10192015_final.pdf; HC petition.pdf; True Line Meeting Minutes_10142015_final2.pdf; Attachment #1 - 13-106-01-SD Hannah's Creek Application.pdf; Attachment #2 - HTR Marketing .pdf

Hi Jay,

Attached, please find the Hannah's Creek Community submission of concern in response to the Major Subdivision application submittal by Darryl D Evans Inc.

We respectfully request that you share the attached information with the Town Planning Board in preparation for the October 26, 2015 Public Hearing.

We respectfully request that James Libscomb recuse himself from this application process as we deem it to be a conflict of interest as he is an ETJ Alternate, Town Planning Board member and the listing Realtor representing homes for sale within the Hannah's Creek subdivision.

Best regards,

Hannah's Creek Community

10/19/2015

Greetings Town of Clayton Planning Board,

The neighborhood of Hannah's Creek respectfully submits the following to the Town of Clayton Planning Board (Planning Board) to be considered prior to the meeting to be held Monday, October 26, 2015 to discuss Darryl D. Evan's Major Subdivision application for the Hannah's Creek Subdivision. The following is meant to be a summary of our community's concerns regarding the application for Major Subdivision by Darryl D Evans, Inc. for the proposed Lot 78. The items presented in this letter relate to both environmental concerns regarding the prospective changes to support proposed Lot 78 as well as the verbal commitments made by Darryl D Evans, Inc. over the last decade to use the proposed Lot 78 as the common area for the community.

Many community members (especially in properties near the proposed Lot 78) have drainage and related environmental concerns regarding the proposed lot change. Some of these concerns have come to light following the meeting with True Line. The major points of contention related to this concern include:

- Many properties that border proposed lot 78, the wetlands, and "new" common area have frequent water drainage issues and are concerned this could potentially make them worse. Properties that do not border the immediate proposed lot #78 have also expressed that there are drainage issues with their properties and are concerned that the additional lot could cause additional drainage issues.
- The major subdivision application insufficiently addresses concerns with answers to important questions that are part of the Major Subdivision - Preliminary Plat Requirements checklist. Instead of providing clear answers they are instead marked as "N/A". Some examples of these questions include 31, 39, 41, 42, 48, 49, 54 of the Major Subdivision application submitted by Darryl D. Evans, Inc (See Attachment #1 – Hannah's Creek Subdivision Major Subdivision application).
- Will the storm water conveyance and retention with this proposed change be adequate for pollution, sewage, and water flow control to prevent flooding and or contamination of nearby structure and properties?
- There is concern that the percolation tests were conducted at a time of unusual drought and not indicative of actual typical environment conditions experienced in our neighborhood.
- There are concerns that having a septic field so close to other property owners back yards, wetlands, and areas that experience water drainage issues that problems could results in serious environment and health concerns.

Due to the incompleteness of important questions on the form, there are concerns that there could be a negative environmental impact to the community.

Additionally, a major source of contention regarding the proposed Lot 78 is that Darry D Evans, Inc. had made commitments to the community that proposed lot #78 was a neighborhood common area that would be used as a common area for development by the HOA. Buyers through all three phases of development of Hannah's Creek were consistently told that the property in question was to be the

common area. Specifically, it was suggested that the residents of Hannah's Creek could use that property for a playground, pool, or whatever the desires of the HOA. For many buyers this was a significant selling point and led to their choice in purchasing a home in Hannah's Creek because comparable nearby neighborhoods had developed community common areas. This commitment to buyers continued even after Darryl D Evans, Inc. made plans for the proposed Lot 78. Over the years, this was reinforced by HOA Dues used to insure and maintain the property. Additionally, sales material continued to indicate the space was open space and/or permanent open space (see Attachment # 2 – Platt Maps). In many cases this commitment was made by HTR Realty, representatives of Darryl D. Evans Inc. In some cases, personal conversations with Darryl Evans were made to community members during and/or after the sales process. Although Hannah's Creek Subdivision development was delayed, it was never suggested that the community common area (now proposed lot 78) would ever be anything other than an eventual developed common area. The proposed change of status of proposed lot #78 was never communicated to the community directly or through the Home Owners Association. The HOA indicated as recently as the last community meeting that the lot was still available for future HOA development pending funding by the HOA.

In response to our concerns Darryl D. Evans, Inc. has proposed an alternate common area indicated as a "nature trail". However, the proposed area is very problematic for numerous reasons and far from a fair exchange. The proposed "nature trail" resides within a very undesirable location including wet, swampy and muddy areas. Parts of the proposed "nature trail" are classified restricted wetlands, cannot be developed, and has limited accessibility through easements mostly encompassing drainage easements and gas pipeline easements. There are additional concerns over safety, dangerous refuse that still exists in the area, and the high cost of the very limited development that could be done within that proposed common area. The proposed area does not allow any type of development beyond a dirt trail. The current lot is centrally located, convenient, ready for development, and safe and easy to secure - a far cry from the proposed common area which is exactly why it was so attractive to current and prospective buyers to the community. Lastly community members have concern over home value for a neighborhood such as ours with \$300k+ homes without an attractive common area and no potential for one in the future.

Over the years the community has waited patiently for the development of the common area despite routinely being told that we should wait for future phases of the neighborhood to be completed. After so many years the community feels deceived by Darryl D Evans Inc. and that Darryl D Evans Inc. has reneged on his commitments to the community. Additionally, the proposed lot 78 has continued to be advertised as a common area even after plans were already made to develop a house on the current common area. Hannah's Creek community has majority support for the position stated in this letter as demonstrated by a petition letter recently submitted to Darryl D Evans, Inc. and by the universal response at the True Line Neighborhood meeting. Throughout this process, and in unrelated dealings, Darryl D Evans Inc. has routinely responded to inquiries in an unhelpful, vague, callous, and dismissive manner as was plainly demonstrated at the True Line Neighborhood meeting.

With all of these factors in mind, the Hannah's Creek community feels that approval of this request by Darryl D Evans Inc. would be a detriment to the community and cause for potential environmental concerns. For the good of our community we would respectfully request that you deny Darryl D. Evans Inc.'s application for Major Subdivision.

Respectfully,

Hannah's Creek Community

True Line Meeting Minutes (submitted by Hannah's Creek Community)

Meeting held Oct 14, 2015 at 6pm in Hayes room at the Clayton Center due to insufficient space at True Line for those in attendance.

Those in attendance: Approximately 40 Hannah's Creek residents (signatures of everyone in attendance obtained by Curk Lane from True Line Surveying), Curk Lane (True Line Surveying), Darryl D. Evans (developer), Lawyer (name unknown) representing Mr. Evans, Darryl D. Evans father, James Lipscomb (realtor from Home Towne Realty), Jay McLeod (Planner from Town of Clayton), Drew Jackson (staff writer for Clayton News Star).

Purpose of Meeting: To satisfy Town of Clayton regulations placed upon Darryl D. Evans, Inc. to provide information to area residents impacted by its land use proposal. Meeting was to provide information to residents regarding the nature of the proposal, explain the application, answer questions, and solicit comments.

Topics:

1. Explanation of proposed plan to increase Hannah's Creek's from 77 Lots to 78 lots.

True Line Surveying (Curk Lane) presented Darryl D. Evans, Inc.'s proposal for adding a new proposed lot to the Hannah's Creek Subdivision. This is referred to as Lot 78 on the submitted application. Mr. Lane explained that phase 1 and phase 2 of s/d were under Johnston Co jurisdiction and that phase 3 had to be approved by Town of Clayton due to ETJ. Mr. Lane explained that proposed lot #78 was originally undeveloped due to not having enough perkable land in phases 1 and 2. Mr. Lane informed that once land was purchased and acquired for phase 3, there was enough perkable space now for proposed lot #78 to be built. Mr. Lane informed residents that the septic lines for proposed lot 78 will be in the land that was acquired in phase 3. He explained that adding proposed lot 78 would require a Major Subdivision application and approval from the Town of Clayton instead of a Minor Subdivision classification as was originally submitted.

Curk Lane and Darryl Evans explained that at the outset of developing the neighborhood, Lot 55's overall space extended substantially further back to abut up to Highway 70. At that time, Lot 55's septic was obligated to be set further back closer to Highway 70 (in relation to where Lot 55's residence now sits); however, as time has passed, that obligation is now not in effect anymore. Thus this allowed for the additional space located closer to Highway 70 (originally within Lot 55's parameters) to be changed. This change now constituted making this tract of land (formerly within Lot 55) the open and recreational use space for residents and in turn making proposed Lot 78 available for construction of a new house.

2. Land advertised and marketed as common area to residents and potential buyers.

Numerous residents in attendance stated that proposed lot 78 has always been portrayed as common area for the entire community of Hannah's Creek. Residents provided recollection of Mr. Evans and HTR realtors (James Lipscomb and Jerry Jones) personally referring to this area as the subdivision's common area during the sale of their respective homes. Residents stated that they were told by Mr.

Evans and realtors, Mr. Lipscomb and Mr. Jones, that the land could potentially have a playground built on it or that the residents could build a pool on it if they desired. Resident Joshua Carlisle (phase 1), stated that Mr. Evans told him the residents would be able to decide what they wanted to use the common area for once there were enough homes in the s/d and thus, enough HOA dues collected to use for such decision.

Resident Malinda Johnson (phase 1) introduced herself and her husband to Mr. Evans, and stated they were the first home buyers in the s/d. She asked of Mr. Evans, "Do you remember us?" to which Mr. Evans answered "yes". She stated and directed to Mr. Evans that he told her (and Jay Johnson) face to face, that the tract of land currently proposed as lot 78, was our common area and a playground would be placed on the property for resident use. She asked Mr. Evans if he remembered saying this to them. Mr. Evans shrugged his shoulders and stated "Did you get it in writing?" Mr. Evans also remarked, that he may have mentioned that in general conversation.

Resident, Misty Jackson (phase 1), stated that a plat map proposing Lot 78 was constructed on Dec 15, 2013 and informed Mr. Evans that multiple residents from phase 3, whom purchased after this date, were still being told that the tract of land was a common area for the residents of the subdivision by his representatives from HTR. When Mr. Evans was asked why this happened, he stated that was HTR's fault and he didn't know why they advertised it that way. Mr. Evans was asked directly if he informed the realtors (Mr. Lipscomb and Mr. Jones) that the tract of land was not to be a common area any longer. He replied he never informed them of this change. When asked why he didn't notify HTR, he stated "The plats are public record. They can go to Smithfield and look at them." Residents in attendance were upset by this response and many stated that it was not feasible or obligatory to remain up to date with plat changes – public record or not. Mr. Evan's veracity and candor were questioned time and again as to why what he and/or his contractors/real estate agents told residents at that time was now being changed for Mr. Evan's financial benefit.

Mr. Evans said multiple times that proposed Lot 78 was listed as reserved for future construction. When informed that some surveys and plats, that are registered, label the area as open space, he shrugged his shoulders. Mr. Evans was informed and shown a survey map that was available in the marketing mailbox at the front of s/d for potential buyers. Map showed the land to be "open space". When asked why it was advertised this way, he blamed HTR for advertising it in error. Several residents questioned time and again whether the verbal advertisement of "common area" (proposed Lot 78) as a future playground or pool was a binding contract.

As more and more residents stated they were always told the land was our common area, Mr. Evans replied multiple times "I couldn't know what might happen with that land 10 years later."

3. Proposed new open space plan presented to residents.

With the new proposed lot #78, Mr. Evans informed residents that he would be constructing a nature trail between proposed Lot 78 and Lot 52 for residents to access the proposed open space. A preliminary plat map was presented by Mr. Lane. Residents asked how the nature trail would be constructed and for more details. Mr. Evans responded it would be "natural" and that there would not

be any asphalt or concrete used in its construction due to impervious surface requirements. Residents asked for specifics for the nature trail's construction. Mr. Evans never answered. Mr. Evans informed residents that the 20 ft drainage easement would be included in the required 30 ft access to open space. Majority of proposed open space is located on opposite side of the wetlands. Mr. Evans notified he would not be constructing a bridge for residents to have access to the open space. He informed the residents they could walk through the wetlands to obtain access to proposed open space. This open space is located on the southeast of the subdivision corner abutting Hwy 70 and the Piedmont gas pipeline.

Mr. Evans informed that the open space would be deeded to the HOA after he completes the s/d.

Residents voiced concern about how the homeowners (HOA) would maintain these proposed open spaces, not knowing how wide the nature path would be in order to get mowers through and not having access to the open space, landlocked by the wetlands. Concern was also expressed over the expense of such upkeep to the HOA once it is deeded over. Malinda and Jay Johnson explained that Caterpillar, his local employer, attempted to install a similar nature path walkway on their facility grounds and quickly determined the maintenance was too much to adequately handle. The weed growth became a major problem and Caterpillar ultimately decided to cancel any further maintenance. Many residents complained the proposed nature trail Mr. Evans had planned would end up with the same results.

Residents voiced that the new proposed open space was not a fair, comparable, or suitable exchange for the land that was now advertised as the common area.

Many residents voiced concern over the open space being adjacent to wetlands and going through woods that are tick and snake infested. Concern was raised that the only flat, not waterlogged, tick or snake infested proposed open space is located on the Piedmont Natural Gas line easement and that nothing permanent would be able to be constructed there. Concern was raised that a bulk of the proposed open space is not usable space, and that Mr. Evans had proposed deeding over land that will not be able to serve its intended purpose of a recreational space for residents.

4. Reimbursement of HOA funds

Residents voiced that HOA funds had been used for years to maintain lawn and carry liability insurance for the tract of land thought to be a common area, but was always owned by Mr. Evans. Further discussion arose of how some years back the proposed Lot 78, which the residents believed to be their common area, contained large dirt piles. After a long period of time residents complained that the dirt piles needed to be removed. Mr. Evans explained he removed the dirt piles as requested by the residents and that when he turned over the maintenance of the neighborhood's entrance and the "common area" (proposed lot 78) to Kohn Ell, he ensured that it would be kept visibly nice. Mr. Evans explained he did this for the residents; however, if it were up to him he would have simply "bushwhacked" the grass twice a year which would have been less cost. Residents countered Mr. Evans' claim that keeping the proposed Lot 78 groomed and visibly nice innately helped him with selling more properties in the neighborhood. If he left the area unkempt and overgrown he would be in violation of the covenants.

Residents asked Mr. Evans if he would be reimbursing the HOA for these expenditures. Mr. Evans responded he would reimburse the HOA, but was not obligated to. This contention of not having to reimburse the funds was seconded by one of Mr. Evan's representatives. No monetary amount was discussed or agreed upon.

Resident Kathi Pagano raised the concern that the community has not received the HOA annual financials from 2006 to 2012. Mr. Evans stated that no one ever asked for them. Resident Gerald Lee stated that he had. Ms. Pagano stated she had asked in the first HOA meeting. Mr. Evans stated that we could obtain them from Kohn-Ell. Ms. Pagano replied "back to 2006?" Mr. Evans replied "yes". Ms. Pagano said "I had already asked Kohn-Ell for them and they said they do not have them prior to 2013." Mr. Evans replied "Well, I'm not an accountant."

5. Increased potential for more crime in Hannah's Creek

Mr. Evans was informed that homes adjacent to the gravel road side of s/d have been accessed from the rear and broken into due to the ease of access from the gravel road. It was also notified that car break-ins and theft increased when the 70 bypass was constructed due to ease of access. Concern was raised that adding a nature trail that runs directly behind the homes on Chardonney Drive and Concord Court could potentially increase ease of access for crime to occur.

6. Homeowner Valuation Impact

Residents expressed that the land was advertised as a common area and enticed sells. Many residents claimed they purchased their specific lot based on this information. Concern was raised that home values could decrease with this land being taken away and used to build a new home instead. Resident Kathi Pagano requested of Mr. Evans to provide a homeowner valuation impact study from an entity with no ties to him. Mr. Evans did not give an answer as to whether he would provide this.

7. Drainage Easement

There was discussion regarding water backing up and not flowing well in drainage easement between Lot 52 and proposed Lot 78. Concern was raised regarding how the water will flow once the retention pond is filled at the completion of construction.

There was a discussion regarding 20 ft drainage easement between Lots 46 and 47. One concern raised was that the storm runoff would be directed to the proposed septic field for proposed Lot 78 which runs alongside the proposed nature trail. Questions were raised concerning sanitation and if this would create more standing water. Concern was raised about how this would impact the proposed accessibility and use of the proposed trail and access to proposed open space.

8. Impervious Surface

A question was raised regarding the impervious surface for each lot. Mr. Lane and Mr. Evans explained that each lot was allotted 4,288 square feet of impervious surface. Mr. Lane and Mr. Evans assured those in attendance that the new lot in question at proposed Lot 78 would not affect the current

impervious surface amount and that each lot would still remain at 4,288 square feet.

Resident Malinda Johnson asked if Mr. Evans would be open to residents making a fair offer to purchase proposed Lot 78. Ms. Johnson explained this offer was something that she just thought of and it would have to be agreed upon by the residents, but to hypothetically mitigate the current situation, she posed the question to Mr. Evans. Mr. Evans responded he would have to think about that. Mr. Evans was asked how much the lot would be in price. Mr. Evans responded he would have think about that and get back with residents at a later time.

9. Maintenance of proposed open spaces

Questions were raised regarding who is obligated to maintain these spaces. Land is currently owned by developer and not HOA. Many residents were mistakenly under the impression that proposed Lot 78 and other open spaces (entrance to Hannah's Creek) were already deeded over and owned by the HOA. Mr. Evans explained this was not true and his company was the owner. Residents countered that they should no longer, currently and prospectively, be funding any maintenance of these spaces. Mr. Evans gave no response and no resolution was obtained at this time.

10. Minutes

Resident Misty Jackson asked who was taking the minutes and Mr. Lane, who was presenting the meeting stated he would take care of the minutes. Jay McLeod said he was keeping notes. The residents were informed that the minutes would be available.

11. Petition

Darryl D Evans was asked if he received a copy of the Petition in the private meeting he had with HTR, James Libscomb and two (2) HOA Board Members and he confirmed receipt of the Petition.

I have received a copy of the Hannah's Creek, Clayton NC Petition

Sharon Lockamy
Town of Clayton

9/22/15
Date

Kristen Hoffman
Kohn-Ell

9/22/15
Date

Nancy House
Johnston County Environmental Public Utilities

9/22/15
Date

Carol M. Sullivan
Johnston County Planning and Zoning
ENVIRONMENTAL

22 Sept 2015
Date

Dianne Spence
Home Towne Realty

9-22-15
Date

AT THE TRUE LINE MEETING 10/14/15
DARRYL D EVANS STATED HE
RECEIVED A COPY OF THE
HANNAH'S CREEK PETITION

Sept 14, 2015

Hannah's Creek Subdivision, Clayton NC Petition

We the undersigned and resident of Hannah's creek would like to halt any building development of the common area (green space between Concord Ct and Corvina Ct, aka lot #78) until the subdivision community residents have full disclosure from builder / developer, Darryl D. Evans, regarding the following:

- 1) Why/how our HOA dues have been spent on the common area to :
 - A) maintain (mowing, seeding etc)
 - B) carry liability insurance

The builder / developer, Darryl D Evans, intends to build a home in the common area (lot #78) so why have the residents been paying expenses to maintain it?

- 2) How water (rain and spring) will be redirected if the retention pond is closed in the wooded space of the common area. We want to ensure that the new water flow direction does not affect the community homes or the Piedmont gas pipeline.

- 3) How the septic lines permitted by Johnston County for a specific number of bedroom dwelling is in contradiction with builder/developer's, Darryl D. Evans, actual bedroom, dwelling build and marketing material and MLS.

We want the opportunity for a proper HOA meeting with the builder, Darryl D Evans and Kohn-El Management Company present to address and rectify the issues above. Additionally, we want the opportunity to voice and vote on the common area (lot #78) development.

We intend this petition to reach:

Johnston County
Town of Clayton
Piedmont Gas
Darryl D Evans
North Carolina Licensing Board for General Contractors
Home Towne Realty
Local Media

1. Keith Dyer Date 9/14/15
Name

66 Concord Ct Clayton NC 27520
Address

2. Malden Date 9/14/15
Name

54 Vineyard Drive
Address

3. Angela Warner Date 9/14/15
Name

65 Concord Ct Clayton NC 27520
Address

4. John + Raquel Fleming Date 9/14/15
Name

17 Corvina Dr. Clayton N.C. 27520
Address

5. Bennett Strickland
Aileen Strickland
Name

Date 9/14/15

86 Concord Court
Address

6. Jody + Mike Mullins
Name

Date 9/14/15

231 Corvina Dr.
Address

7. Keith + Kim Connolly
Name

Date 9-14-15

101 Vineyard Dr
Address

8. Vincent + Kim Scavone
Name

Date 9/14/15

14 Merlot Ct
Address

9. Erin Elmore
Name

Date 9/14/15

128 Corvina Dr
Address

10. Wanda F. Vint
Name 160 Corvina Drive

Date 9-14-15

Address _____

11. Karen McCann
Name _____

Date 9/14/15

170 Corvina
Address _____

12. Lauren Sabo
Name _____

Date 9/14/15

188 Corvina Dr.
Address _____

13. Paula Bm
Name _____

Date 9/14/15

235 CORVINA DR.
Address _____

14. Lee Stanton
Name _____

Date 9/14/15

234 CORVINA DR.
Address _____

15. Margaret B. Baker
Name

Date 9-14-15

228 Corvina Dr
Address

16. Glenn and Kelly McDowell
Name

Date 9-15-15

58 Cabernet Ct, Clayton NC
Address

17. Suzanne & James Flockhart
Name

Date 9/15/15

53 Cabernet Ct. Clayton
Address

18. Bill & Tammy Greiner
Name

Date 9/15/15

GERALD LEE
Address 54 Merlot Ct. -

19. Robert & Melinda Blackman
Name

Date 9/15/15

73 Merlot Ct.
Address

20. Holly E. O'Connor
Name

Date 9-15-15

33 Vineyard Drive, Clayton, NC 27520
Address

21. Connie Hick
Name

Date 9/15/15

24 Vineyard Dr.
Address

22. 30 Corving Dr
Name

Date 9/15/15

JOSHUA CARLISLE
Address

23. Rachel Schoonover
Name

Date 9/15/15

116 Chardonney Dr
Address

24. Dave Allison
Name

Date 9-15-15

121 Concord Ct
Address

25. Will - Hunt
Name

Date 9-15-15

20 CHARDONNEY
Address

26. Melissa Ingram
Name

Date 9/15/15

59 Chardonney Dr.
Address

27. Misty and Jody Jackson
Name

Date 9/15/15

87 Concord Ct Clayton NC
Address

28. James & Tammy Carroll
Name

Date 9/15/15

140 Cervina drive, Clayton NC
Address

29. Scott Smith
Name

Date 9/15/15

102 Cabernet Ct,
Address

30. Sarah Kapusta
Name

Date 9-15-15

78 Vineyard Drive
Address

31. Kisty Gomez
Name

Date 9-15-15

107 Cabernet Ct
Address

32. Brian L. Lippert
Name Brian L. Lippert

Date 9/15/15
9/15/15

150 CORONA DR.
Address

33. Kathleen Evans
Name

Date 9/15/15

106 Concord Court
Address

34. Brian Schenone
Name

Date 9/15/15

116 Chardonney DR
Address

35. Kevin and Melissa Ingram
Name Kevin Ingram

Date 9/15/15

59 Chardonney Dr.
Address

36. Levana Dorenas
Name Levana Dorenas

Date 9-15-15

58 Chardonney Dr
Address

37. Jonathan Ellis
Name [Signature]

Date 9/15/15

62 Corvina Dr Clayton, NC 27520
Address

38. [Signature]
Name

Date 9/15/15

105 Concord Ct Clayton, NC 27520
Address

39. Diana & John Tuttle
Name

Date 9/15/15

95 Cabernet Clayton
Address

40. EMMANUEL AND CARMELA ESLABON

Name Emmanuel

Date 9/15/15

31 MERLOT CT. CLAYTON NC 27520
Address

41. Lars & Carla Andersson
Name 86 Chardonnay Drive

Date 9/15/15

Address

42. Henry Marcus & Tabitha Marcus
Name

Date 9-15-15

70 Merlot Ct Clayton NC 27520
Address

43. Sue + Michael Beavers
Name

Date 9-15-15

42 Chardonnay Drive Clayton NC 27520
Address

44. David Miller Lynda Miller
Name

Date 9/18/15

39 Cabernet Ct Clayton, NC 27520
Address

45. Lish Laturno
Name

Date 9-15-15

74 Chardonney
Address

46. Robert B. Stephenson
Name

Date 9-15-15

121 Cabernet Ct, clayton NC 27520
Address

47. Rhonda Miles
Name

Date 9-15-2015

69 Chardonney Drive
Address

48. Anora Schott
Name

Date 9-16-2015

76 Cabernet Ct.
Address

49. Ashley Daughtnase
Name

Date 09/16/2015

117 Cabernet Ct.
Address

50. Kari Sawyer
Name 150 Chardonnay

Date 9-16-15

Address

51. Susan Fikes (Susan Fikes)
Name

Date 9/16/15

77 Merlot Court
Address

52. Alan Flowers
Name

Date 9-16-15

117 Cabernet Ct
Address

Frederick Bangert Kathy Bangert
53. Frank Bangert Kathy Bangert
Name Date 9-17-15

9 Cabernet Court
Address

54. _____
Name

Date _____

Address

See indicated by numbers for plans



*Many owners +
Homeowner Realty
verbally told
Resident this
was "common
+ area" -
be a model
for an playground
for residents*



5/10/2010

Hannah's Creek HOA
Amelia Church Rd. Clayton, NC
ATTN: Darryl D Evans
919-795-1515

Mr. Evans,

This is the proposal for a yearly maintenance contract at the Hannah's Creek Community. This agreement is to include the both sides of the entrance and the common area at the "T" intersection. It will be a 12 month agreement with a monthly charge of \$490.00 or \$5,880.00 annually.

Services included;

Turf Areas:

- Mow/Trim/Edge/Blow Weekly during the active growing season (roughly 32 times)
- 2 Applications of Pre & Post Emergence to control troublesome weeds (Spring & Fall)
- 4 Applications of fertilizer to improve health and appearance

Bed Areas:

- Round up / Weed control
- Prune Shrubbery as needed in island beds around signs only

Thank you for allowing Barefoot & Associates the opportunity to provide you with this estimate. Please feel free to contact us if you have any questions.

Best Regards,

Harry N. Wilson III
Sales Associate
Barefoot & Associates, Inc.
919-934-3554

2500 CLEVELAND ROAD • SMITHFIELD, NORTH CAROLINA 27577 • (919) 934-3554
www.barefootandassociates.com

Johnston County assumes no legal responsibility for the information represented here.

*** DISCLAIMER ***

Intersectum



Result 1

Id: 05G030151
 Tag: 05G030151
 Tax Unique Id: 4168980
 NCPin: 165803-21-4008
 Mapsheet No: 165803
 Owner Name 1: DARRYL D EVANS INC
 Owner Name 2:
 Mail Address 1: 425 INDIAN CAMP RD
 Mail Address 2:
 Mail Address 3: SMITHFIELD, NC 27577
 Site Address 1:
 Site Address 2:
 Book: 02780
 Page: 0475
 Market Value: 76850
 Assessed Acreage: 11.89
 Calc. Acreage: 11.99
 Sales Price: 0
 Sale Date: 2004-10-25
 Township: Clayton
 Flood Panel: 3720165800 J | 2005-12-02
 Water District: Clayton Water District
 ETJ: Clayton
 City Limits: N/A
 Town Zoning: R-E
 County Zoning: N/A
 Overlay Zoning: N/A
 EMS District: STA4
 Fire District: Claytex
 Law District: 7
 Census Tract: 411
 Electric District: CPL-GARNER
 Voting District: WEST CLAYTON
 Special Tax N/A

Scale: 1:6496 - 1 in. = 541.32 feet
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

-----Original Message-----

From: Keith Pagano <keithpagano@aol.com>

To: jwmcleod <jwmcleod@townofclaytonnc.org>

Sent: Mon, Oct 19, 2015 4:42 pm

Subject: Proposed Lot 78, Hannah's Creek Lot 52 submitting questions and concerns for Oct 26 Hearing

Katherine Pagano

66 Concord Court (Lot #52, Phase 1)

Clayton, NC 27520

October 19, 2015

Town of Clayton

111 East Second Street

Post Office Box 879

Clayton, NC 27528

Attn : Jay McLeod

Re: Major Subdivision Application by True Line Surveying for Darryl D. Evans for proposed lot #78 in Hannah's Creek Subdivision, Clayton, NC

Dear Jay McLeod,

With regard to the above referenced subject matter and the attached, I want to share concern and input to the Planning Board for consideration and review at the October 26, 2015 Public Hearing.

There are inherent water drainage issues that occur from the north side of Merlot Court, to the east side of Vinyard Dr and carry through to Concord Ct. The 20' drainage easement that sits between lot 52 and Proposed lot 78 is always wet and marshy even when it is not raining. When it rains the water flow can easily get to 5' wide and 24 to 30" deep in this drainage easement. There is a huge sediment / retention pond that sits directly behind lot #52 and historically full of water and loaded with cat tail vegetation. Once that sediment / retention pond is filled by the developer, it will take some time for the topography to settle and the natural water flow re-establish itself. How can any perk or storm water evaluation occur for proposed Lot #78 when the abutting environment is knowingly going to change as soon as the sediment / retention pond is filled.

The proposed Lot 78 hand out (showing walking trail and septic layout) in the True Line Meeting on 10/14 is not the same map that is submitted in the Oct 1, 2015 application. The major subdivision application was made available after the True Line Meeting on 10/14 so here are some questions with regard to the application:

Section:

Required information:

6. Preliminary Plat Subdivision Requirements Checklist form, completed and signed is not checked off.

11. Wastewater allocation request OR verification of wastewater allocation is marked N/A - How come?

Section:

Major Subdivision - Preliminary Plat Requirements Checklist

- Item 11 – Why is this section marked as N/A?

-Item 11 Within Town Limits of ETJ appears to be checked N/A but the actual check mark does not appear in the box allocated. Isn't Hannah's Creek in the ETJ?

-Item 11 - Sewer provider is not stated

-Item 11 -impervious for overall development and lot is not indicated

Item 11- Maximum allowable impervious is not shown

- Item 11 – Existing use vs proposed use not provided sufficiently and is misleading.

- The last plat map (dated Feb 21, 2005) of the application does not represent the current open space boundaries nor its characteristics.

-The wetlands are depicted in an area that differ from the recorded Plat.

-.Lot 55 is not accurately depicted plat map dated Feb 21, 2005. This lot was changed prior to the official recording of Phase 1 and should have no direct correlation/decision on Phase 3 or the newly proposed Lot 78.

- Lot 78 does not indicate septic layout or proposed community area changes.

-Item 19 – There is insufficient information of existing and proposed rights-of-way, easements, and public use areas. Existing clear land "common" areas have been replaced by a combination of wetlands, heavily wooded areas, non-buildable land, or areas not accessible to the community.

- Item 29 – Location, purpose, and dimensions of non-residential areas are not spelled out appropriately and therefore, do not designate responsible parties.

-Item 31 – Proposed stormwater retention/detention features and dimensions are not reflected. This is an area of known water drainage/retention problem areas that also is near a protected wetland and a current retention pond.

- Item 38 and 39, 40. – No information on landscaping shared.

- Item 41 – There are no details regarding the topography, but the application (and the presentation provided by True Line Surveying proposes swapping out clear, open land with combined land consisting of wetlands, heavily wooded, gas line easements and low lying drainage easement areas.

- Item 42 – Missing information on water/sewer and pipeline gas infrastructure easements.

- Item 49 – Missing existing and proposed changes to drainage structures. There is currently a retention pond in the drainage easement closest to protected wetlands.

-Item 51 – Missing existing and proposed easements for the plan presented by True Line on 10/14. Again, the application does not match the proposal presented in the meeting on 10/14.

-Item 54 – Missing storm water management system information in an area that contains a retention/detention pond next to wetlands that have a history of drainage issues.

As mentioned above, the plat maps presented in the application are not accurate for the current existing neighborhood. Also, the proposed plat changes proposed for Lot #78 and the new neighborhood common areas do not represent what True Line/Darryl D. Evans Inc presented during the 10/14 meeting.

There is a page omitted from the packet in the "Town of Clayton Subdivision Approval Sub 08-01 Granted" section. It is page 2 of 4.

Can the Town confirm with the following department if a determination of stream buffer was applied for:

James R. Graham Jr.
Environmental Specialist
Raleigh Regional Office
NCDENR-Division of Water Resources
3800 Barrett Drive
Raleigh, NC 27609
(919) 791-4256

James.Graham@ncdenr.gov

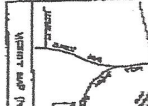
Thanking you in advance for taking the time to thoroughly review all the questions and concerns.

Best regards,

Katherine Pagano

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DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP JOHNSTON COUNTY



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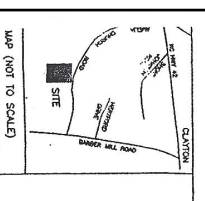
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TRUE LINE SURVEYING, P.C.

200 WEST MAIN STREET
 FAYETTEVILLE, NC 28404
 PHONE: (719) 338-0427
 FAX: (719) 338-0428
 WWW.TRUELINESURVEYING.COM

SUBDIVISION SITE DATA

AREA IN ACRES	74.21 AC
AREA IN SQUARE FEET	3,210,000 SF
AREA IN SQUARE METERS	321,000 M ²
AREA IN SQUARE YARDS	368,000 YD ²
AREA IN SQUARE FEET, EXCLUDING PERMANENT OPEN SPACE	2,880,000 SF
AREA IN SQUARE METERS, EXCLUDING PERMANENT OPEN SPACE	288,000 M ²
AREA IN SQUARE YARDS, EXCLUDING PERMANENT OPEN SPACE	330,000 YD ²
PERMANENT OPEN SPACE IN ACRES	1.381 AC
PERMANENT OPEN SPACE IN SQUARE FEET	60,118 SF
PERMANENT OPEN SPACE IN SQUARE METERS	5,577 M ²
PERMANENT OPEN SPACE IN SQUARE YARDS	6,411 YD ²



HANNAHS CREEK
DARRYL D. EVANS, INC.
 CLAYTON TOWNSHIP, JOHNSTON COUNTY
 NORTH CAROLINA
 FEBRUARY 21, 2005

N/E JANIS
 DB 522 PG 048
 PN 1658-12-2479

WAS (NOT TO SCALE)
 Scale 1" = 100'



PRELIMINARY PLAT
 NOT FOR RECORDATION
 CONVEYANCES OR SALES

N/E TOWN COUNCIL
 JOHNSTON COUNTY
 PN 1658-21-5400

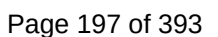
N/E SANDRA H. BRADY
 DB 522 PG 048
 PN 1658-21-5032

N/E JOSEPH L. HARRIS
 DB 522 PG 048
 PN 1658-11-3249

N/E JANIS
 DB 522 PG 048
 PN 1658-01-3558

Howards
Cress

Entrance



James Lipscomb 919-422-4704

or

Jerry Jones 919-427-3713

FOR INFORMATION CALL



Hi Jay,

Thanks for your explanation and assistance. It is greatly appreciated. Per your request, the community will be submitting information today for the Town Planning meeting on 10/26. Kathi Pagano has provided the package to you via email.

However, I will not be able to attend the 10/26 meeting and would like to submit my own comments/concerns in reference to the application dated 10/1/2015 that was submitted by True Line Surveying and Darryl D. Evans, Inc. The comments/concerns are specific to my residence, Lot # 60.

Attached is information that I would like to be submitted to the Clayton Town board for review as it relates to my Lot # 60 and the concerns with the presently submitted application. There are three attachments/packages provided:

- 1) Cover Letter
- 2) Letter Concerning Application
- 3) Major Subdivision application submitted on 10/1/2015.

Can you let me know if this will be included as review for the Clayton Town board?

Thanks in advance for your correspondence.

Thanks,

Steve Warren
65 Concord Ct
Clayton, NC 27520
Lot #60
(919) 333-2318 (m)
(919) 550-9353 (h)

P.S. – Copies of these attachments are being hand delivered to the Town office today.

Steve Warren
65 Concord Ct
Clayton, NC 27520
October 19, 2015

Mr. McLeod
Planner
Town of Clayton
111 East Second Street
PO Box 879
Clayton, NC 27528

Dear Mr. McLeod:

I am writing you in reference to the Major Subdivision application submitted by True Line Surveying on behalf of Darryl D. Evans, Inc. on 10/1/2015. The application is attached to this email as Attachment #1 for reference. Due to prior plans that cannot be changed, I will be unable to attend the 10/26 Planning Board meeting where this subject will be discussed. As such, I wanted to provide feedback on the application/proposal that is under consideration from the board. Please provide this letter to the Board for review prior to the 10/26 Planning Board.

As a precursor to the feedback/concerns below, I would like to state that my wife and I were one of the original buyers in the Hannah's Creek subdivision and reside in Lot #60 diagonally across from the proposed lot #78. Our lot has had water drainage issues (as well as septic line misrepresentation) that were not fully disclosed during the sales/closing of our property. These include the discovery of old drainage/sewage pipe buried on lots 52, 60, 61 and proposed new lot #78 that was broken during the construction of drainage easements for Phase 1 of the Hannah's Creek Subdivision. Additionally, a sink hole was discovered on lot 64 directly leading to the old terracotta pipe that was through my property (Lot #60).

As a result of the above mentioned, I have concerns with the application of proposed lot #78 and how it will affect existing water issues for not only the land on proposed lot #78, but the current drainage issues experienced in the community and specific to the drainage easement between lots 60, 61, 63, and 64. In reviewing the application submitted by True Line and Darryl D. Evans, it does not appear that the application has been submitted with all complete and/or relevant information. Below are the items requested in the application, but do not appear to be addressed.

- 1) The following checklist items in the application are not complete and/or incomplete:
 - a. Item 11 – Why is this section marked as N/A?
 - b. Item 11 - Sewer provider is not provided.
 - c. Item 11 – Existing use vs proposed use not provided sufficiently and is misleading.
 - i. The last plat map of the application does not reflect the current open space boundaries nor its characteristics.
 - ii. Lot 55 is falsely represented on the last page. This lot was changed prior to the official recording of Phase 1 and should have no direct correlation/decision on Phase 3 or the newly proposed Lot 78.
 - iii. Lot 78 does not indicate septic plan or proposed community area changes.
 - iv. The wet land areas are depicted differently on the two plat maps enclosed in the application.
 - v. Proposed Plat in application is not what was presented by True Line during the public meeting on 10/14.
 - d. Item 19 – There is inadequate information of existing and proposed rights-of-way, easements, and public use areas. Existing clear land “common” areas have been replaced by a combination of wetlands, heavily wooded areas, non-buildable land, or areas not accessible to the community.
 - e. Item 29 – Location, purpose, and dimensions of non-residential areas are not identified appropriately and thus do not designate responsible parties.
 - f. Item 31 – Proposed stormwater retention/detention features and dimensions are not reflected. This is an area of known water drainage/retention problem areas that also is near a protected wetland and a current retention pond.
 - g. Item 38 and 39, 40. – No information on landscaping provided.
 - h. Item 41 – There are no details regarding the topography, but the application (and the presentation provided by True Line Surveying proposes swapping out clear, open land with combined land consisting of wetlands, heavily wooded, gas line easements and low lying drainage easement areas.
 - i. Item 42 – Missing information on water/sewer and pipeline gas infrastructure easements.
 - j. Item 49 – Missing existing and proposed changes to drainage structures. There is currently a retention pond in the drainage easement closest to protected wetlands.
 - k. Item 51 – Missing existing and proposed easements for the plan presented by True Line on 10/14. Again, the application does not match the proposal presented in the meeting on 10/14.

Mr. McLeod
October 19, 2015
Page 3

1. Item 54 – Missing storm water management system information in an area that contains a retention/detention pond next to wetlands that have a history of drainage issues.
- 2) As mentioned in parts of item 1, the plat maps presented in the application are not accurate for the current existing neighborhood. Additionally, the proposed plat changes proposed for Lot #78 and the new neighborhood common areas do not represent what True Line/Darryl D. Evans Inc presented during the 10/14 meeting.
- 3) There is a page missing from the packet in the “Town of Clayton Subdivision Approval Sub 08-01 Granted” section. It is page 3 of 4.

Please advice on the next steps to address the concerns mentioned in this correspondence.

Sincerely,

Steve Warren

From: [Keith Pagano](#)
To: darryldevansinc@embarqmail.com
Cc: joshc@viewfusion.com; [Jay McLeod](#)
Subject: Fwd: Message To Darryl Evans on Proposal
Date: Friday, November 13, 2015 11:02:39 AM

Hi Darryl,

The proposal that you left in my mailbox was forwarded to Josh as you requested. Please see below.

-----Original Message-----

From: Joshua Carlisle <joshc@viewfusion.com>
To: Keith Pagano <keithpagano@aol.com>;
Sent: Thu, Nov 12, 2015 11:46 pm
Subject: Message To Darryl Evans on Proposal

Kathi,

Please forward this to Mr. Evans at your convenience.

Thanks!

Josh Carlisle

Mr. Evans,

I wanted to provide you some additional feedback regarding the latest proposal for the common area that was discussed at the on-site November 3rd meeting with some of the Hannah's Creek community residents as well as James Lipscomb and Andrew Hodge (of Adams and Hodge Engineering). Although Kathi is still the main point of contact for our community's efforts in this dispute, I felt that I should respond personally since we talked for a good bit on exploring some additional options.

I think those of us who participated in the meeting felt that the initial discussion surrounding the use of lot 73 itself was going to have more substance than simply including a few more feet of drainage easement essentially at the "trail head" of the original proposed nature trail. Needless to say that first proposal was not met upon positively by the community. As was mentioned several times the community is and will continue to be open to equitable exchanges for what we feel we may loose with the proposed lot 78 application. An equitable exchange would be a space of similar size that does not have any building restrictions, is accessible, and is safe.

As I mentioned from the beginning, my personal opinions then and now doesn't carry any more weight than any other community member. However, since I was the one that started exploring other options with you, I felt I should volunteer for collecting the feedback from others in the community. Over the last week, and since you sent the formal proposal to Kathi, I've collected feedback from many members of the community (some who were present and others who were not). Quite honestly this matter has become quite a source of stress and time consumption for all the parties involved. I really have been hopeful to see an equitable arrangement for the community so that we could all move past this. With that in mind we made very serious consideration of this offer and took quite a bit of time to hash out the details and really make sure this was the right thing for the community and generally satisfied our goals for our community. On first pass, I thought that the clearing of land behind lot 73 might meet the criteria of an equitable exchange. However, upon further consideration, discussions and analysis of the details of the full proposal, we unfortunately find that this will not be the case.

Some of the following reasons were identified:

- Based on conversations with many members of the community, visibility is very important. Visibility provides a level of security and safety to the area. On first pass with the property being within line of site to both nearby houses and partially Chardonney Drive it seemed that although the location is less than ideal, it may possibly be “enough”. Unfortunately, there is nothing to prevent homeowners from building privacy barriers such as fences and large trees to provide them privacy from the common area. This would lead the common area to once again be a secluded section of land hidden from view from both houses and the road leading to safety concerns – the same kind of concerns that were had for the nature trail. With this proposed area (behind lot 73), it would allow for the common area to be almost surrounded with a wood line, abutting the wetlands with the only open side facing the Piedmont gas pipeline easement and the highway 70 bypass with no direct line of sight from a neighborhood road or any houses.
- Many residents feel strongly that there isn’t enough information regarding that area around the creek/wetlands to make a true determination on the usability of the proposed space behind lot 73. Additionally, existing permits are outdated, expired, or seemingly unobtainable. The NC DWQ determined the existing buffer to be valid from March 3, 2005 through March 3, 2010. Being that the government agencies responsible for the information and validation has changed hands from state, to county, and in some cases to township, we would like to see an official updated buffer determination. With the eventual opening of the Concord Ct. easement pond, which currently holds a significant amount of rain water the dynamics of the region could potentially change significantly with a lot more water going through it. Also, we have noticed that the drainage easement sitting between Lot 46 and 47 (on Chadonney Drive) has been revamped/regraded and banks north at the tail east end. This is in opposition to the 5/14/2014 recorded plat map of Phase Three in which the tail east end of the drainage easement banks south. What is the reason for the easement being recorded one way and developed another? We would also like to know if the drainage easement between lot 73 and the Piedmont gas pipeline is designed, graded and established in its final flow pattern. The true buffer size and classification (once that is really determined as it should be) could make the land completely unusable for any kind of common area development. This could potentially lead to liability for the community in regard to this property and additionally prevent future development by the HOA. Quite simply, your response “we’ve done this before” isn’t enough of an assurance for the community.
- Even with inclusion of a small strip of land from lot 73 (mostly a drainage easement) accessibility still makes use of both drainage easements and the gas pipeline. A required buffer goes through this area in addition to a utility easement. You informed us during the meeting that none of our use has been requested or approved by Piedmont Gas which makes any proposal for any kind of use or improvement on that gas pipeline area suspect. Others still have valid concerns that a simple raised path will not be enough to provide adequate accessibility and want to see something more significant. The wording in the written offer of “passable access” is ambiguous at best.
- Without exception, every resident I discussed this with was objectionable to using funds due back to the HOA for upkeep and maintenance of your property over the years (originally believed to be HOA property) to cover the cost of clearing the land. They felt this was simply not fair, nor appropriate. Especially with the additional costs of pulling and installing lighting to improve safety, something we would not have to do for a common area accessed from the road with coverage by existing street lighting.
- Lastly, and probably legally most problematic is listing the Homeowners Association as the “promisor” of this legal document. As part of your written proposal, you are seeking protections that could potentially open up the entire HOA to future legal costs in any future dispute and essentially providing immunity for you in anything remotely related. You must have some concerns in this regard or you

wouldn't have placed such a clause in your proposal. There is great concern with how the community will be left once development is complete and if the HOA or homeowners will be left with a large bill after the next wet season or in coming years. A poorly thought out common area only adds to that liability. Finally, and most importantly, every member of the community is aware that you essentially still retain control of the HOA in the form of a majority vote making it very questionable whether it's appropriate for the HOA to be any promisor of any legal agreement due to that inherent conflict of interest. This is all reinforced by the fact that an HOA meeting regarding this dispute was requested back in September and still has not been scheduled and the management company you appointed for some inexplicable reason advised our board that they should not become involved. With all of this in mind we strongly feel that at this time the HOA of Hannah's Creek is not in any position to sign any legal documents regarding this dispute.

I honestly do appreciate the candid discussion and exploring options. Unfortunately, in this case it just doesn't meet the communities goal for an equitable exchange.

This common area is a real concern for many in the community and based on our petition, a majority. Just like our elected government, many in the community are relying on those of us with some extra time and flexibility to fight for what we believe was promised to us for the common good of the neighborhood. Please don't be deceived about our commitment when you only see 8 or 9 residents at a meeting held mid-day during the week in the pouring rain as you seemed to believe based on your comments. With only a few normal exceptions this community as whole is united in this regard. It goes beyond simple values of homes, despite what your appraiser may say. If there is no inherent value in a developed common areas (whether that is something as simple as a park with a playground or something as developed as a pool) then you would not have developers building them as center pieces to their communities, as selling points. They would simply build more houses. To say there is no value in this to our community is ludicrous. We want a heart to our community, we want a place where we can come together for community events, where our children can play together, and all the other advantages it holds for the entire lifetime of this community – especially a community at our price point. We feel we've been very patient for many years with you regarding this, giving you flexibility and understanding during the economy's downturn.

Although you might get this impression, we don't begrudge you for wanting to make money, many of us are business owners and know the challenges of business and the drive to take advantage of opportunities for profit when they arise, but we also understand the value in sticking through with commitments to customers despite changing circumstances – that too is good for business in many ways. You built us a beautiful community and it's attracted some wonderful residents. We just want that keystone – the capstone – that is the community area. Please put yourselves in our shoes, put yourselves in the shoes of what you would want to do for your own community, and do the right thing by providing us that common area our community's residents deserve.

Sincerely,

Joshua Carlisle



4/6/05
CUREK
Dag

Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

March 3, 2005

DWQ EXP# 05-0322
Johnston County

Daryl Evans
Daryl Evans Bld. Inc.
425 Indian Camp
Smithfield, NC 27577

Subject Property: **Hannah's Creek**
UT to Swift Creek [03-04-02, 27-43-11, C NSW (nutrient sensitive)]

**On-Site Determination for Applicability to the Neuse River Riparian Area Protection Rules
(15A NCAC 2B .0233)-EXPRESS REVIEW PROGRAM**

Dear Mr. Evans:

On March 2, 2005, at your request I conducted an on-site determination to review one feature located on the subject property for applicability to the Neuse Buffer Rules (15A NCAC 2B .0233). The feature is labeled as "A" on the attached maps initialed by me on March 3, 2005.

The Division of Water Quality (DWQ) has determined that the feature labeled as "A" on the attached maps is subject to the Neuse Buffer Rule, the origin of feature A has been delineated and flagged in the field with red flagging. This stream feature and its associated buffers should be identified on any future plans for this property. The owner (or future owners) should notify the DWQ (and other relevant agencies) of this decision in any future correspondences concerning this property. This on-site determination shall expire five (5) years from the date of this letter.

Landowners or affected parties that dispute a determination made by the DWQ or Delegated Local Authority that a surface water exists and that it is subject to the buffer rule may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o John Dorney, DWQ Wetlands/401 Unit, 2321 Crabtree Blvd., Raleigh, NC 27604-2260. Individuals that dispute a determination by the DWQ or Delegated Local Authority that "exempts" a surface water from the buffer rule may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected party (including downstream and adjacent landowners) is notified of this decision. DWQ recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This determination is final and binding unless you ask for a hearing within 60 days.

401 Oversight / Express Review Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604
Phone: 919-733-1786 / FAX 919-733-6893 / Internet: <http://h2o.enr.state.nc.us/ncwetlands>

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North Carolina
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This letter only addresses the applicability to the buffer rules and does not approve any activity within the buffers. Nor does this letter approve any activity within Waters of the United States or Waters of the State. If you have any additional questions or require additional information please call Deborah Edwards at (919) 733-9502.

Sincerely,

For, Deborah Edwards
Alan W. Klimek, P.E.

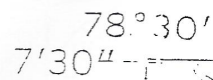
AWK/dae

Attachments: Johnston County Soil Survey map
USGS Powhatan Quad map

cc: DWQ Raleigh Regional Office
File Copy
Central Files
Neal Floyd-7908 Audubon Drive, Raleigh, NC 27615

Filename 050322HannahsCrk(Johnston)EXP+origin

2/F



SOIL CONSERVATION SERVICE

Abraham Edwards
3/3/05



My name is Joshua Carlisle and I am a resident of Hannah's Creek. I want to thank you for the opportunity to speak to the planning board this evening. My wife and I were the second family to move into Hannah's Creek in the Summer of 2006. I want to speak briefly from a prepared statement about concerns many in our community have regarding offers made by Darryl Evan's to our community and his recent and continuing statements in regards to the common area in general. Specifically, the original offer for a nature trail and more recently for land that borders the buffer of a creek and wetlands and is made up elements of currently identified open space.

Before I start it's also important to clarify the role of the Hannah's Creek HOA in this dispute since many might expect the HOA to have a more prominent role and recent communications to the community from Darryl Evan's lawyer that have been shared with the planning board imply the HOA has had a role in managing this dispute. As holder of majority control over the Hannah's Creek HOA Darryl Evans has had many opportunities to clarify the status of the common area over the last decade, and even more so since the creation of the HOA Board in 2013 but he has chosen not to despite routine and numerous opportunities over the years. Up until the True Line Neighborhood meeting, at no time did Darry Evan share, discuss, confer, or consult with the community regarding the change to the common area the community understood to be theirs. Following the True Line meetings, the community

requested an immediate HOA meeting with Darryl Evans which was scheduled and then inexplicably cancelled. Community member's found out later that Darryl Evan instead met privately with the HOA president and secretary of which the minutes and details have been kept secret despite requests for disclosure. Following this meeting we were directly advised by the HOA that we should pursue our complaints individually despite the HOA's obvious purview in this matter and unfortunately repeated requests for a formal HOA meeting have gone ignored. All of this would lead any reasonable person to believe that the HOA cannot act in good faith independent of Darryl Evan's and has subsequently forced the community to organize outside of the HOA.

With this in mind I read this on behalf of a majority members of the community who have signed the petition in opposition to this application. These statements are based on continued feedback in meetings held independently by residents of Hannah's creek all of which have been open to all residents and whose results have been shared regularly with the community at large giving numerous opportunity for feedback.

Although I'm happy to go into any detail, and our full response to the most recent offer is documented in the packet for the sake of brevity I will summarize that both proposals attempt to make use of land with limited and questionable use and poor if not non-existent access. All of this land is largely undesirable, unusable, and quite frankly the leftover scraps and odd corners

that always remain at the end of the development of a community. There was some initial hope that the last compromise might have had elements worth considering but after speaking with quite a few members of the community many aspects regarding the offer that hadn't been considered during the meeting came to light. Despite the honest effort to compromise and discuss alternatives and the desire to move on past this conflict the offer was quite simply a poor compromise for the community.

In general, the land and areas being offered are essentially different slices of the same section of property that was originally identified as Permanent Open space with the only truly usable portion of that being the portion that makes up the proposed Lot 78. The rest remains largely restricted due to wet land designations, creek buffers, and generally soggy and wet terrain. It was restrictive enough that the only use that could be offered by Darryl Evan's was that of an undeveloped nature trail. Essentially a dirt path in the woods.

So there remains legitimate concerns regarding the water drainage as this area as is quite obviously acts as the water shed for a portion of our community with several large drainage easements leading directly to this area. It is almost entirely surrounded by private property with limited access and very limited visibility, especially if residents chose to create additional tree and fence barriers. Proposed access through easements is also a concern. As Darry Evan's lawyer stated it's

common for easements to be made use in this way such as the sewage easement under portions of the greenway in Clayton, a fact we don't dispute, but we do dispute that fact that any improvements such as you see to the Greenway's of Clayton such as bridges and paved trails can never be made to offer the same level of usability that the greenway offer's on their easements.

All proposals have been in very stark contrast to the proposed Lot 78 that is highly visible, accessible, centrally located, well lit, and with no significant building restrictions that would affect common uses for a community area. There is no doubt on why this property was billed as the future common area to prospective buyers for so many years, even after Darryl Evans had started making other plans for the property.

Darryl Evan's offers a convenient narrative that would attempt to make us believe that such a common area would add liability onto our neighborhood and would encourage "outsiders" to make use of our facilities. That a development such as ours would get no value from a developed common area. The last meeting was in fact purportedly delayed in order to conduct a proper sales impacts study which in the end only provided an assessment regarding the impact of a house on that property and was actually completed more than a week prior to the original October planning board meeting. Put simply look around at the various subdivisions in our area and throughout the region and you will quickly see how ludicrous that

statement actually is with many developers making significant investments in common areas to make a community attractive to buyers. Unfortunately for the residents of Hannah's creek he was able to make the claim without the investment.

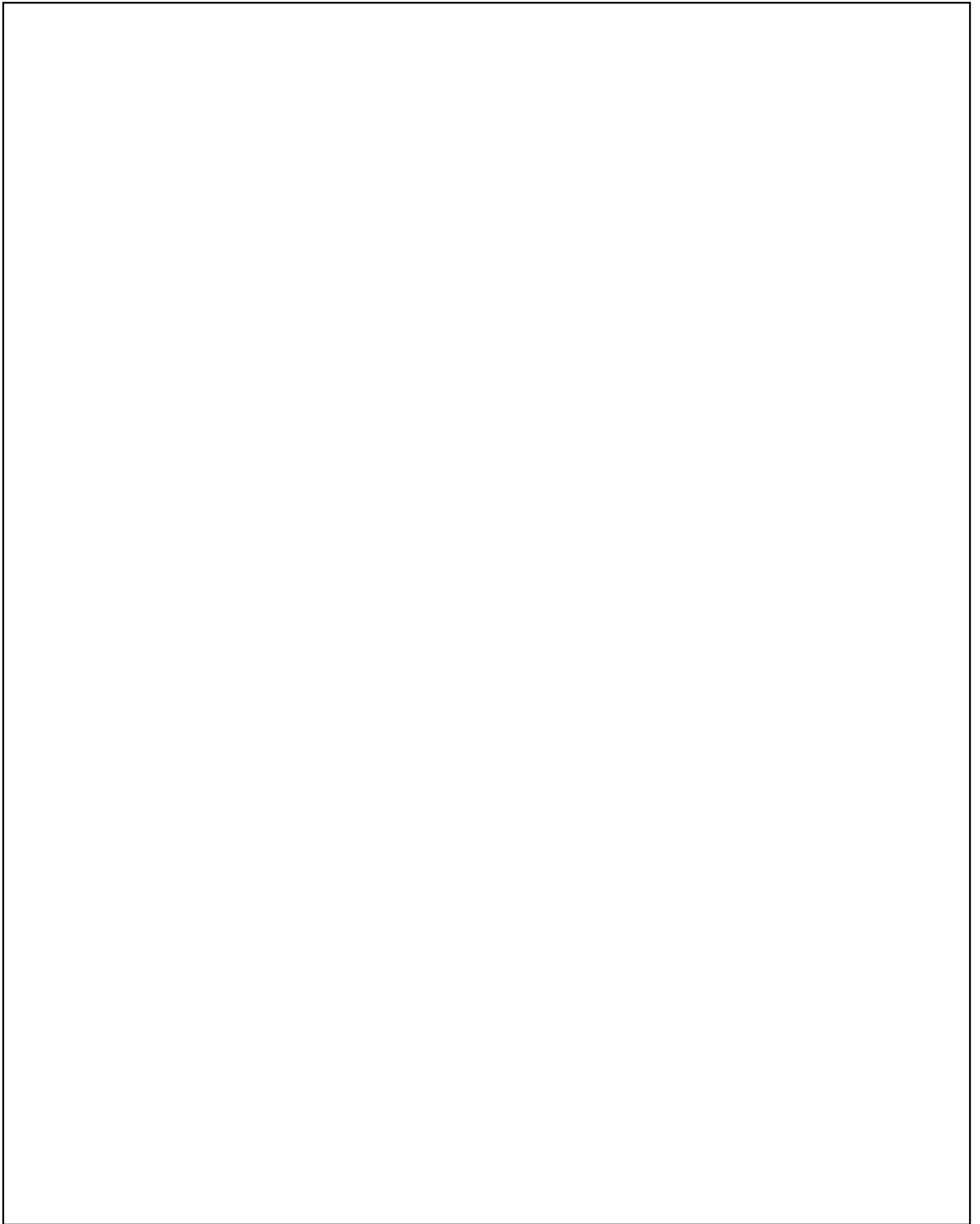
Members of our community have expressed different feelings on what a common area should be. Most agree that a pavilion and cookout area would be a nice start. Others would like to see a small community playground for the growing number of children in our community. Others recognize that a community goes through natural cycles and future residents 15 or 20 years down the line may have different ideas than current residents. The point though is that this type of decision should be left to the community and not to a developer whose decisions are based solidly on their financial bottom line and not truly what is best for the community.

Despite the community's solid understanding that the proposed Lot 78 would be our common area we have always remained open to compromise and an equitable exchange for the community. This has included a place that is first and foremost safe, accessible, visible, and doesn't have any significant development restrictions. We don't feel that these are unreasonable requests for a common area yet we have yet to receive an equitable offer that addresses these. We would in fact argue that the use of this land to even cover simple open space requirements, let alone an acceptable common area, should be carefully reviewed by the township.

The very fact that Darry Evan's offered the nature trail in the first place only after the outcry from the community and not before is acknowledgement that he in fact knew the significance of the land to the community and hoped to provide something to appease those upset by the loss of the common area. When it comes to the facts of the matter I ask the planning board to consider two scenarios. One where dozens of residents of a community actively conspired as a whole over a decade to acquire a common area through deception, or scenario two, that a developer found an opportunity to make some additional profit and tried to slip it when the development was just about complete with the hopes the community would not notice until it was too late and who additionally felt their actions were safe because they never promised anything in writing.

The residents of Hannah's creek feel strongly that spoken words have power, spoken words have weight, and spoken words can be just as binding as the written word.

The community of Hannah's Creek respectfully requests that you take all of this into account when determining this developer's request for application for Major Subdivision.





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

MEMORANDUM

Date: December 15, 2015
To: Town Council – workshop meeting on Dec. 21, 2015
From: Planning staff
Subject: **Hannah's Creek Lot 78 (13-106-01-SD) – materials submitted during or subsequent to Planning Board meeting**

The following items were submitted during or subsequent to the Planning Board meeting for Hannah's Creek Lot 78 (13-106-01-SD).

Supplemental Addendum

File No. A68151

Borrower							
Property Address	78 Concord Ct	County	JOHNSTON	State	NC	Zip Code	27520
City	Clayton						
Lender/Client	DARRYL D. EVANS						

10/19/2015

TOWN OF CLAYTON PLANNING DEPARTMENT:

AFTER REVIEWING THE PROPOSED PLAN AND PLAT MAP FOR LOT 78, HANNAHS CREEK SUBDIVISION, THE PROPOSED DWELLING WHICH HAS 3,232 SQUARE FEET AND A THREE-CAR GARAGE WITH A SITE SIZE OF 1.297 ACRES WOULD BE AN ATTRIBUTE FOR THE SUBJECT SUBDIVISION. IF THE PROPOSED DWELLING IS BUILT TO HANNAH'S CREEK STANDARD FEATURES, IT WILL NOT MATERIALLY DAMAGE THE PROPERTY VALUES OF THE ADJOINING PROPERTIES AND SHOULD BE AMONG THE MOST EXPENSIVE PROPERTIES IN THE NEIGHBORHOOD OF HANNAHS CREEK.

IN HANNAHS CREEK SUBDIVISION, THERE ARE CURRENTLY 5 CLOSED SALES IN THE PAST YEAR WHICH RANGE IN VALUE FROM \$289,500-\$311,900 WITH SQUARE FOOTAGE RANGING FROM 2,763 - 2,935 (\$104.77-\$106.27 / PER SQUARE FOOT) AND TYPICALLY HAVING A TWO-CAR GARAGE. THERE ARE CURRENTLY NO HOMES PENDING AND / OR CONTINGENT, AND 3 HOMES ACTIVELY LISTED - TWO OF WHICH ARE NEW CONSTRUCTION - WHICH RANGE IN VALUE FROM \$314,900-\$324,900 WITH A SQUARE FOOTAGE RANGE OF 3,009-3,145 (\$103.31-\$104.65 / PER SQUARE FOOT). FROM MY UNDERSTANDING, THE PROPOSED PRICE POINT FOR THE DWELLING LOCATED ON LOT 78, HANNAHS CREEK IS \$349,900 WHICH WILL EXCEED \$108.26/ SQ FT WHICH WILL BE AN ASSET ON PRICING WITHIN HANNAHS CREEK.

IN ADDITION AND IN APPRAISING 30 HOMES WITHIN HANNAHS CREEK SUBDIVISION SINCE THE SUBJECT SUBDIVISION WAS ORIGINALLY DEVELOPED, A PREMIUM FOR AN OPEN SPACE AND / OR COMMON AREA BUFFER HAS NOT BEEN WARRANTED. HOWEVER, THERE IS AN ADJUSTMENT IN HANNAHS CREEK FOR A PROPERTY WHICH IS LOCATED IN CLOSE PROXIMITY TO THE HWY 70 BYPASS WHICH IS CONSIDERED AN EXTERNAL OBSOLESCENCE.

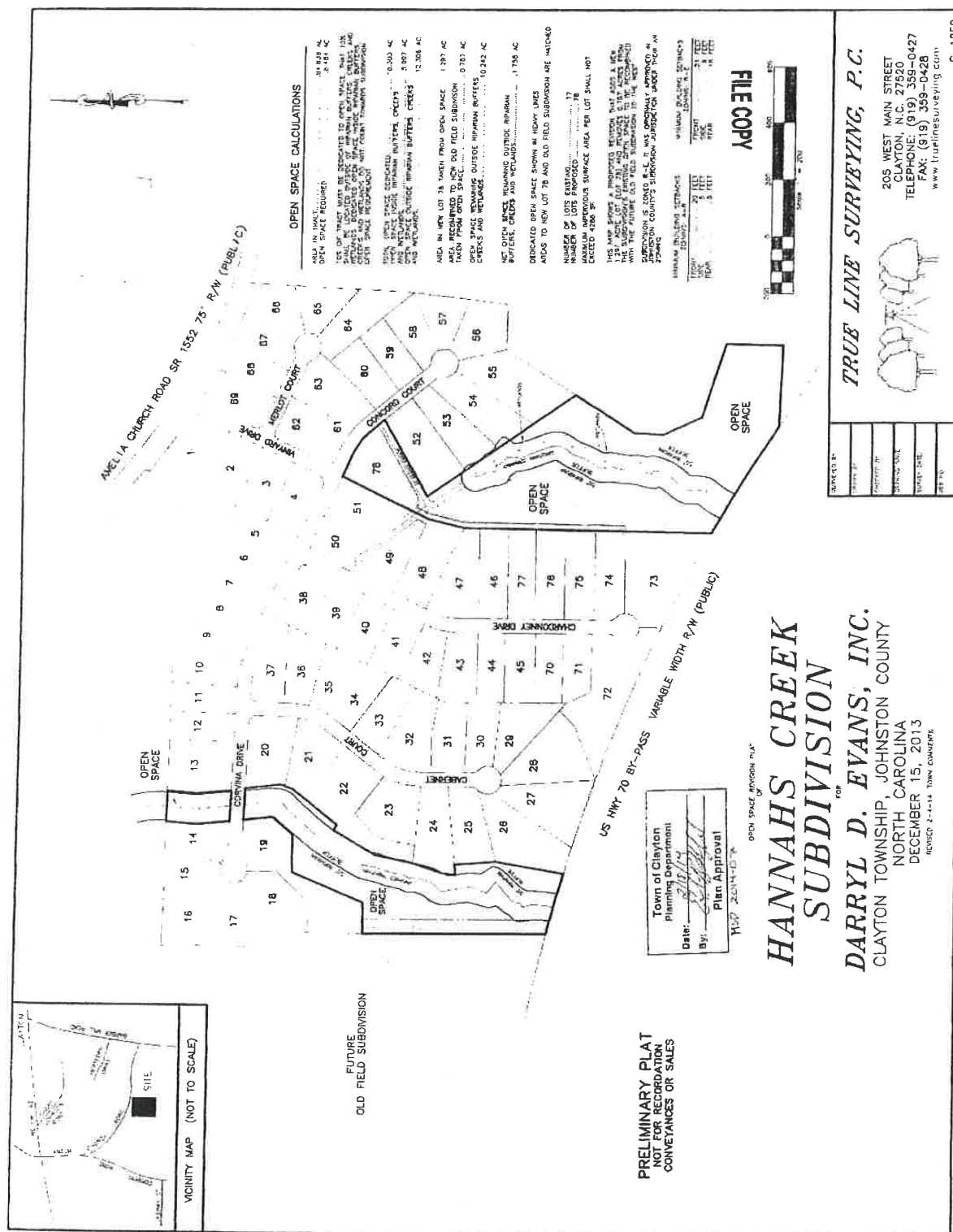
IF I MAY BE OF ANY FURTHER ASSISTANCE IN THIS MATTER, PLEASE GIVE ME A CALL. (919) 553-3945.

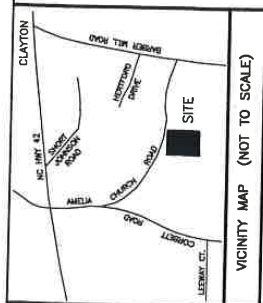
SINCERELY,


THAD S. AVENT #A3012
AVENT-PERMENTER GROUP

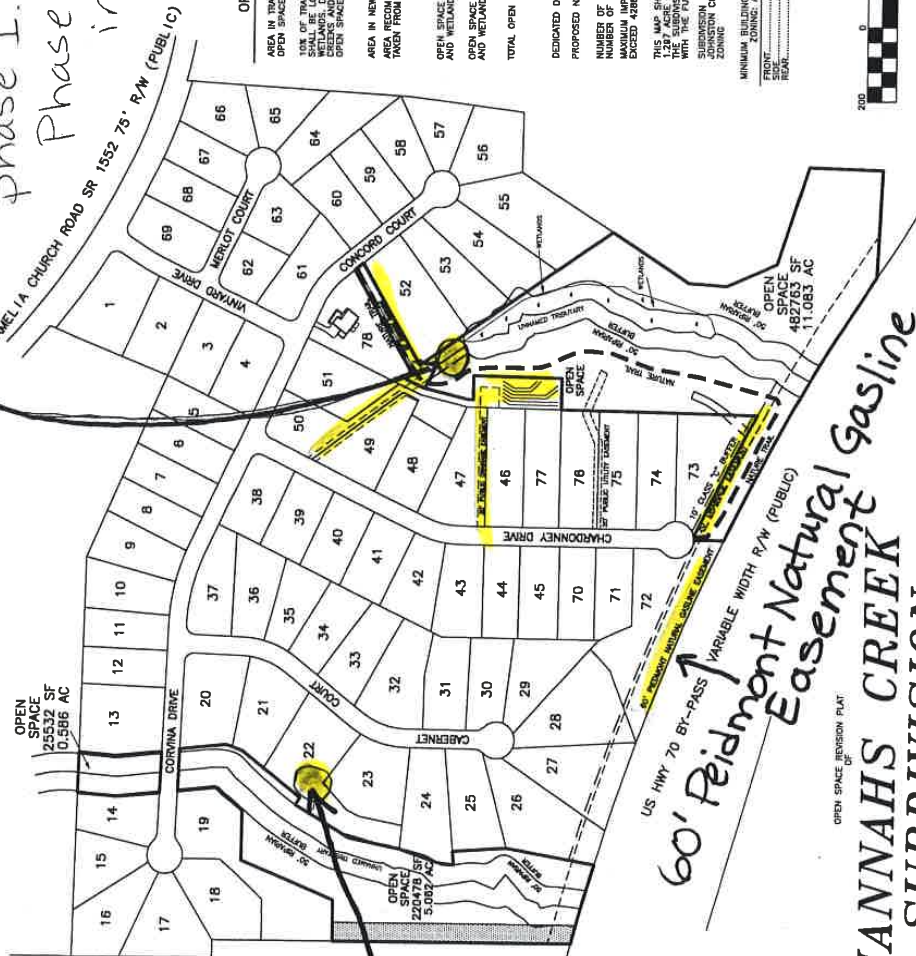
Signature		Signature	
Name	THAD S. AVENT #A3012	Name	
Date Signed	10/19/2015	Date Signed	
State Certification #	A3012	State Certification #	
Or State License #		Or State License #	
	State NC		State
	State		State







Retention pond never closed with completion of phase 1.
Phase 1 completed in 2008.



Phase 2 retention pond closed.

OLD FIELD SUBDIVISION

PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES

60' Piedmont Natural Gasline Easement
HANNAHS CREEK SUBDIVISION

FOR
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
OCTOBER 1, 2015

OPEN SPACE CALCULATIONS

AREA IN SPACE REQUIRED.....	84,838 AC
AREA IN SPACE PROVIDED.....	84,838 AC
NOTE: IF SPACE MUST BE SUBMITTED TO OPEN SPACE, THE SUBDIVISION'S EXISTING OPEN SPACE SHALL BE LOCATED OUTSIDE OF THE SUBDIVISION'S EXISTING OPEN SPACE INSIDE REPAIR BUFFER AND WETLANDS. DEDICATED OPEN SPACE INSIDE REPAIR BUFFER AND WETLANDS IS NOT COUNT TOWARDS SUBDIVISION OPEN SPACE REQUIREMENT.	
AREA IN NEW LOT 78 TAKEN FROM OPEN SPACE.....	1,237 AC
AREA RECOMMENDED TO NEW OLD FIELD SUBDIVISION TAKEN FROM OPEN SPACE.....	0.987 AC
OPEN SPACE INSIDE REPAIR BUFFER, CREEKS AND WETLANDS.....	
OPEN SPACE OUTSIDE REPAIR BUFFER, CREEKS AND WETLANDS.....	5,897 AC
TOTAL OPEN SPACE DEDICATED.....	10,733 AC
TOTAL OPEN SPACE REQUIRED.....	18,730 AC

DEDICATED OPEN SPACE SHOWN IN HEAVY LINES
PROPOSED MOTIVE TRAIL 1000+/- FT
NUMBER OF LOTS EXISTING.....78
NUMBER OF LOTS PROPOSED.....78
TOTAL LOT SURFACE AREA PER LOT SHALL NOT EXCEED 4200 SF

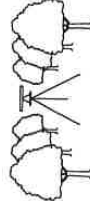
THIS MAP SHOWS A PROPOSED REVISION THAT ADDS A NEW LOT 78 TO THE SUBDIVISION. THE SUBDIVISION'S EXISTING OPEN SPACE SHALL BE LOCATED OUTSIDE OF THE SUBDIVISION'S EXISTING OPEN SPACE INSIDE REPAIR BUFFER AND WETLANDS. DEDICATED OPEN SPACE INSIDE REPAIR BUFFER AND WETLANDS IS NOT COUNT TOWARDS SUBDIVISION OPEN SPACE REQUIREMENT.

MINIMUM BUILDING SETBACKS

ZONING	FRONT	REAR
R-1	25 FEET	25 FEET
R-2	25 FEET	25 FEET
R-3	25 FEET	25 FEET



TRUE LINE SURVEYING, P.C.



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

C-1859

Map presented to residents at the True Line meeting - Differs from applicat

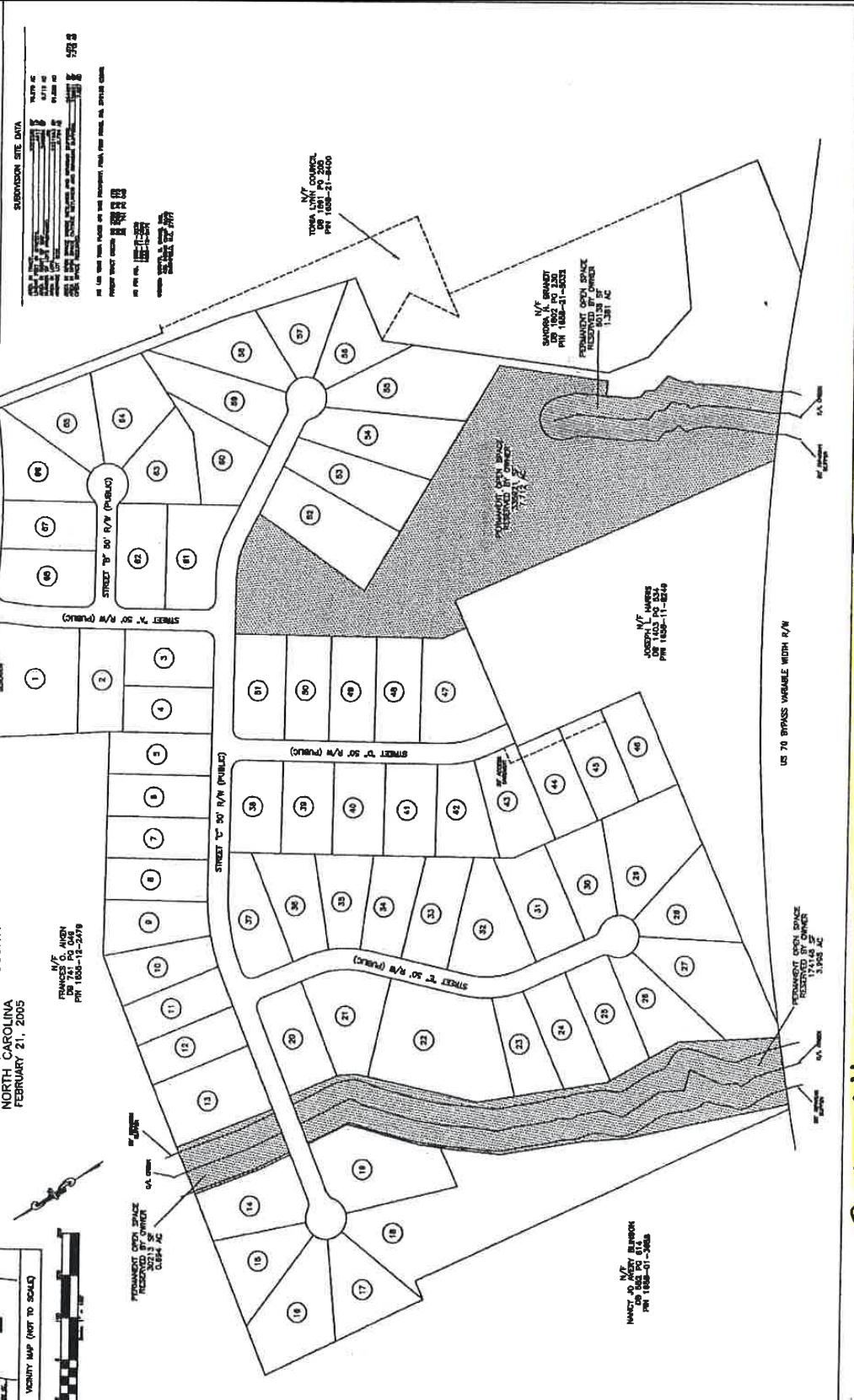
TRUE LINE SURVEYING, P.C.
 300 WEST MAIN STREET
 CLAYTON, NC 28520
 PHONE: (919) 286-2447
 FAX: (919) 286-2428
 WWW.TRUELINESURVEYING.COM

DATE	BY	REVISION
02/21/2006	DAVE	1
02/21/2006	DAVE	2
02/21/2006	DAVE	3
02/21/2006	DAVE	4
02/21/2006	DAVE	5
02/21/2006	DAVE	6
02/21/2006	DAVE	7
02/21/2006	DAVE	8
02/21/2006	DAVE	9
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02/21/2006	DAVE	82
02/21/2006	DAVE	83
02/21/2006	DAVE	84
02/21/2006	DAVE	85
02/21/2006	DAVE	86
02/21/2006	DAVE	87
02/21/2006	DAVE	88
02/21/2006	DAVE	89
02/21/2006	DAVE	90
02/21/2006	DAVE	91
02/21/2006	DAVE	92
02/21/2006	DAVE	93
02/21/2006	DAVE	94
02/21/2006	DAVE	95
02/21/2006	DAVE	96
02/21/2006	DAVE	97
02/21/2006	DAVE	98
02/21/2006	DAVE	99
02/21/2006	DAVE	100

HANNAHS CREEK
DARRYL D. EVANS, INC.
 CLAYTON TOWNSHIP, JOHNSTON COUNTY
 NORTH CAROLINA
 FEBRUARY 21, 2006

PERMANENT OPEN SPACE
 2021.3 AC
 0.884 AC

PERMANENT OPEN SPACE
 1741.6 AC
 3.195 AC



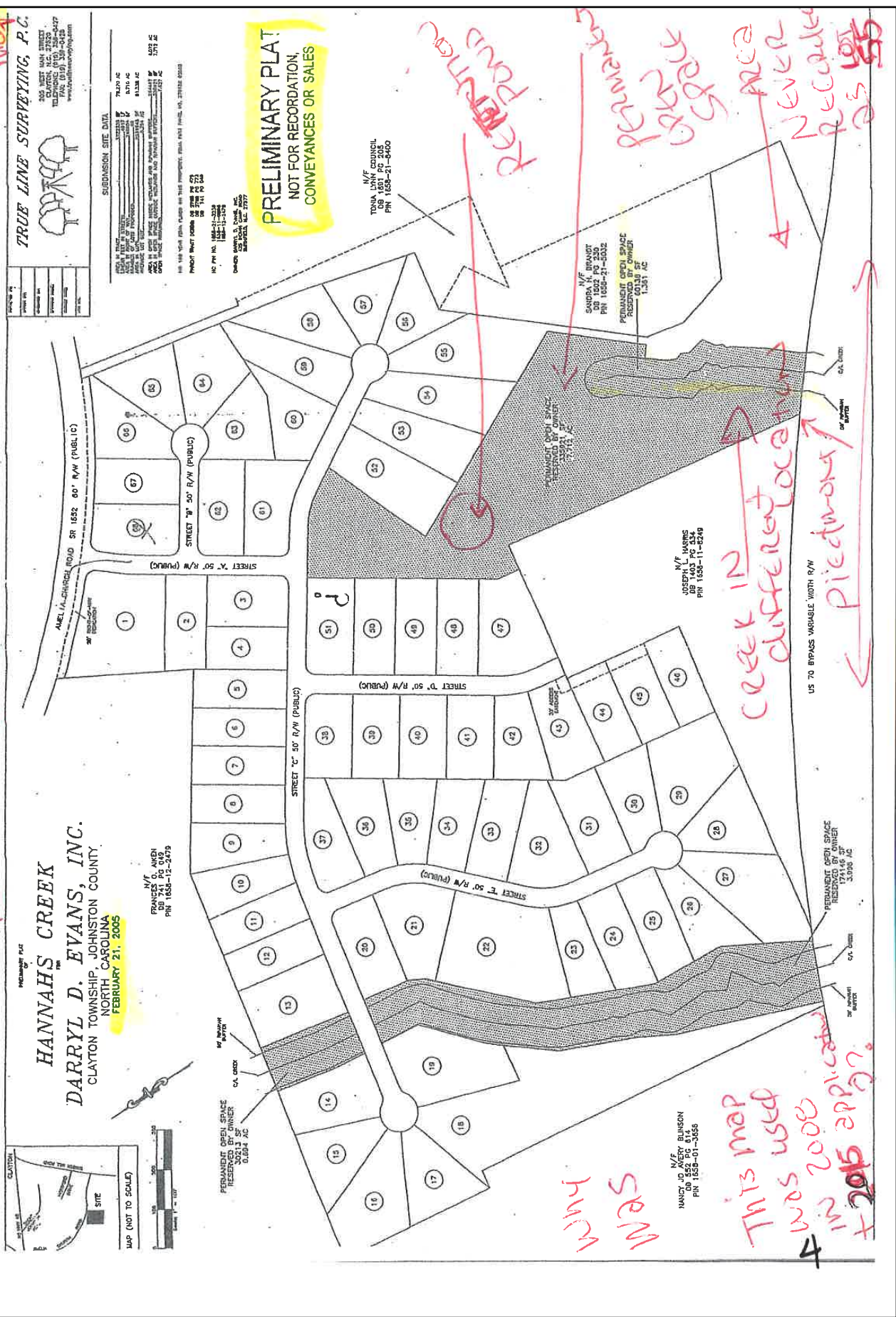
Submitted in application to Town of Clayton

3

NOT RECORDED - Registered

Creek in different location

HTP make in map



Entrance



[illegible]

HANNAHS CREEK

DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
FEBRUARY 21, 2005

MAP (NOT TO SCALE)



N/T
FRANCES O. AIKEN
CB 741 PG 049
PIN 1858-12-2470



TRUE LINE SURVEYING, P.C.

205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-3300
FAX: (919) 359-0422
www.truelinesurveying.com

	you are
	King County
	Cross Street
	and street
	US 101st
	by E. Street

SUBMISSION SITE DATA

[illegible]

NO 100 YEAR FLOOD PLACES ON THIS PROPERTY, FIRM FIRM NO. 379124 22000

FREIGHT TRUCK DELIVERIES
 28 2718 22 22
 28 2718 22 22
 28 2718 22 22

MC ME NO 183-3-1238
 183-3-1238
 183-3-1238

CROWN BUILT A. BUILT, INC.
 435 MOORE CAMP ROAD
 SUDBURY, N.J. 07377

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

N/F
TONIA LYNN COUNCIL
DB 1891 PG 205
PIN 1658-21-8400

N/F
SANDRA H. BRANDT
DB 1802 PG 230
PIN 1858-21-5032

N/F
JOSEPH L HARRIS
DB 1403 PG 534
PIN 1658-11-8240

N/F
NANCY JO AVERY BLINSON
DB 552 PG 614
PIN 1658-01-315A

US 70 BYPASS VALVE: 1" GLE WIDTH R/W

PERMANENT OPEN SPACE
RESERVED BY OWNER
74146 SF
3.998 AC

6

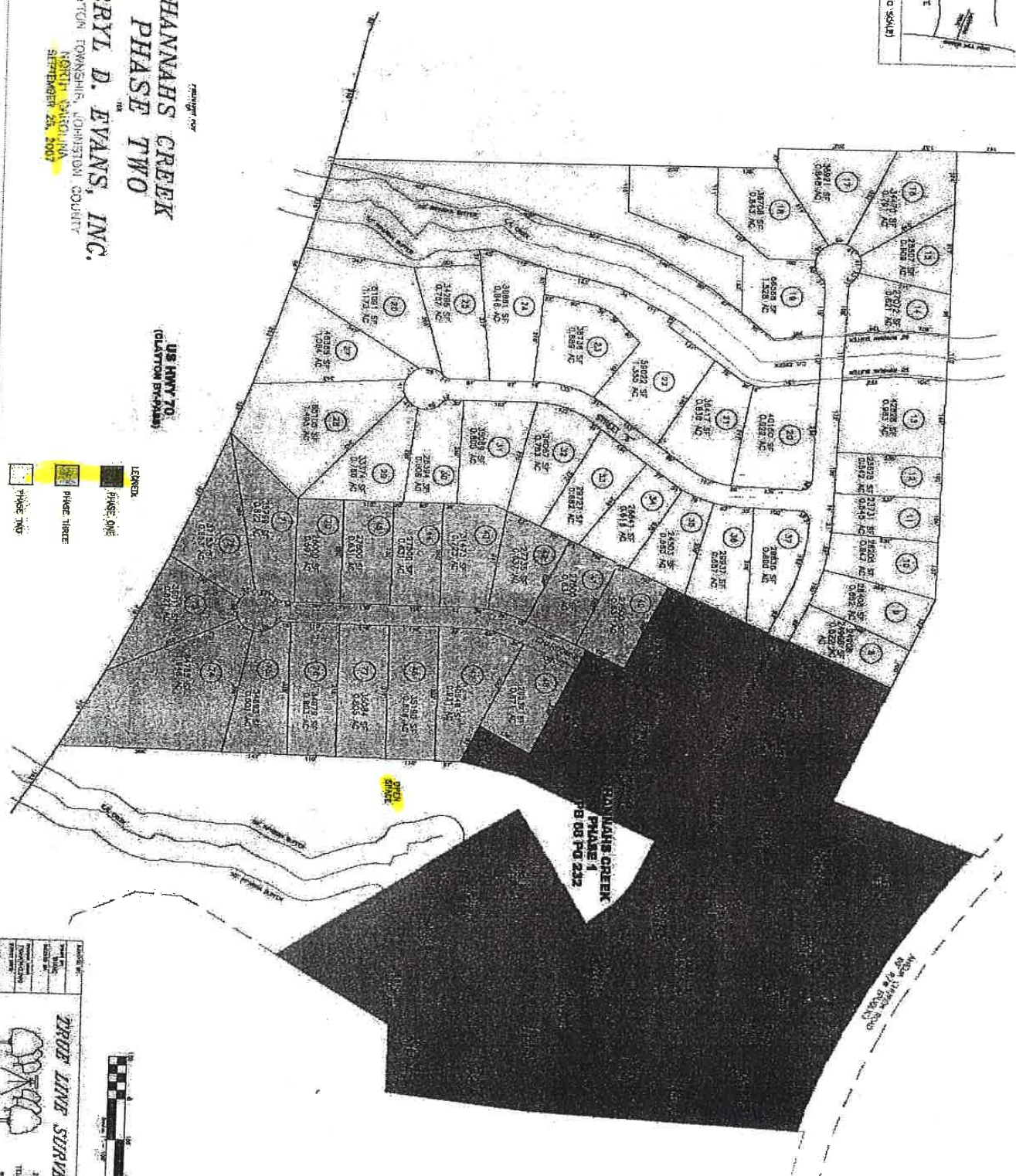
QREK
drawn in
a different
location



**HANNAHS CREEK
PHASE TWO**
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
SEPTEMBER 25, 2007

US HWY 70
(CLAYTON BRANCH)

- LEGEND
- PHASE ONE
 - PHASE THREE
 - PHASE TWO



HANNAHS CREEK
PHASE I
B 08 PG 232



TRUE LINE SURVEYING, P.C.

100 WEST MAIN STREET
CLAYTON, NC 27925
TEL: 813-228-0416
WWW.TRUELINESURVEYING.COM



5/10/2010

Hannah's Creek HOA
Amelia Church Rd. Clayton, NC
ATTN: Darryl D Evans
919-795-1515

Mr. Evans,

This is the proposal for a yearly maintenance contract at the Hannah's Creek Community. This agreement is to include the both sides of the entrance and the common area at the "T" intersection. It will be a 12 month agreement with a monthly charge of \$490.00 or \$5,880.00 annually.

Services included;

Turf Areas:

- Mow/Trim/Edge/Blow Weekly during the active growing season (roughly 32 times)
- 2 Applications of Pre & Post Emergence to control troublesome weeds (Spring & Fall)
- 4 Applications of fertilizer to improve health and appearance

Bed Areas:

- Round up / Weed control
- Prune Shrubbery as needed in island beds around signs only

Thank you for allowing Barefoot & Associates the opportunity to provide you with this estimate. Please feel free to contact us if you have any questions.

Best Regards,

Harry N. Wilson III
Sales Associate
Barefoot & Associates, Inc.
919-934-3554

2500 CLEVELAND ROAD • SMITHFIELD, NORTH CAROLINA 27577 • (919) 934-3554
www.barefootandassociates.com

Auto-Owners

Page 1

55039 (11-87)
Issued 03-18-2015

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

TAILORED PROTECTION POLICY DECLARATIONS

Renewal Effective 04-22-2015

AGENCY SIA GROUP INC
15-0726-00 MKT TERR 092 (910) 455-7576
INSURED HANNAH'S CREEK HOA INC

POLICY NUMBER 104615-35401912-15

ADDRESS 205 W MILLBROOK RD STE 210
RALEIGH, NC 27609-4492

Company
Bill

POLICY TERM
12:01 a.m. 12:01 a.m.
04-22-2015 to 04-22-2016

In consideration of payment of the premium shown below, this policy is renewed. Please attach this
Declarations and attachments to your policy. If you have any questions, please consult with your agent.

COMMON POLICY INFORMATION

BUSINESS DESCRIPTION: Hoa

ENTITY: Corporation

PROGRAM: Service

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PART(S).

PREMIUM

THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

COMMERCIAL PROPERTY COVERAGE	\$493.00
MINIMUM EQUIPMENT BREAKDOWN PREMIUM ADJUSTMENT (CP)	26.00
COMMERCIAL GENERAL LIABILITY COVERAGE	503.00
MINIMUM PREMIUM ADJUSTMENT (GL)	230.00

TOTAL \$1,252.00

PAID IN FULL DISCOUNT \$97.00

TOTAL POLICY PREMIUM IF PAID IN FULL \$1,155.00

The Paid in Full Discount does not apply to fixed fees, statutory charges or minimum premiums.
The Paid in Full Discount is based on favorable loss experience for the collective group of
policyholders who choose to pay their premiums in full directly to the Company.

FORMS THAT APPLY TO ALL COVERAGE PART SHOWN ABOVE (EXCEPT GARAGE LIABILITY, DEALER'S
BLANKET, COMMERCIAL AUTOMOBILE, IF APPLICABLE)
55000 (01-87) IL0017 (11-85)

A Merit Rating Plan Factor of 0.95 Applies.

Countersigned By: _____

11

AGENCY 15-0726-00

POLICY 104615-35401912

13563 (8-03)

SIA GROUP INC
827 GUM BRANCH RD
JACKSONVILLE, NC 28540

03-18-2015

Your agency's phone number is (910) 455-7576



P.O. BOX 30660, LANSING, MICHIGAN 48909-8160 • 517-323-1200

AUTO-OWNERS INSURANCE COMPANY
AUTO-OWNERS LIFE INSURANCE COMPANY
HOME-OWNERS INSURANCE COMPANY
OWNERS INSURANCE COMPANY
PROPERTY-OWNERS INSURANCE COMPANY
SOUTHERN-OWNERS INSURANCE COMPANY

HANNAH'S CREEK HOA INC
205 W MILLBROOK RD STE 210
RALEIGH, NC 27609-4492

You may view your policy online at www.auto-owners.com.
To enroll, use the policy number 35401912 and
Personal ID code N49 G3P 7A6. Once enrolled, you may
choose to stop receiving the paper policy in the mail.

Thank you for allowing Auto-Owners to handle your insurance needs.

Auto-Owners Insurance Group is financially sound with sufficient reserves to be ranked among the leaders in the industry for financial security. Our A+ + (Superior) rating by the A.M. Best Company signifies that we have the financial strength to provide the insurance protection you need.

If your policy is an audited policy, the billing of the audit premium will be included in your regular premium billing account. This premium is due in full upon billing and failure to pay as billed may result in the cancellation of all policies on the billing account. If you have questions on your audit or about your insurance needs, please contact your agent at the telephone number shown at the top of this letter.

Auto-Owners Insurance - The "No Problem" People ®

Pay your premium in full, by the due date, and you will receive a discount as shown below:

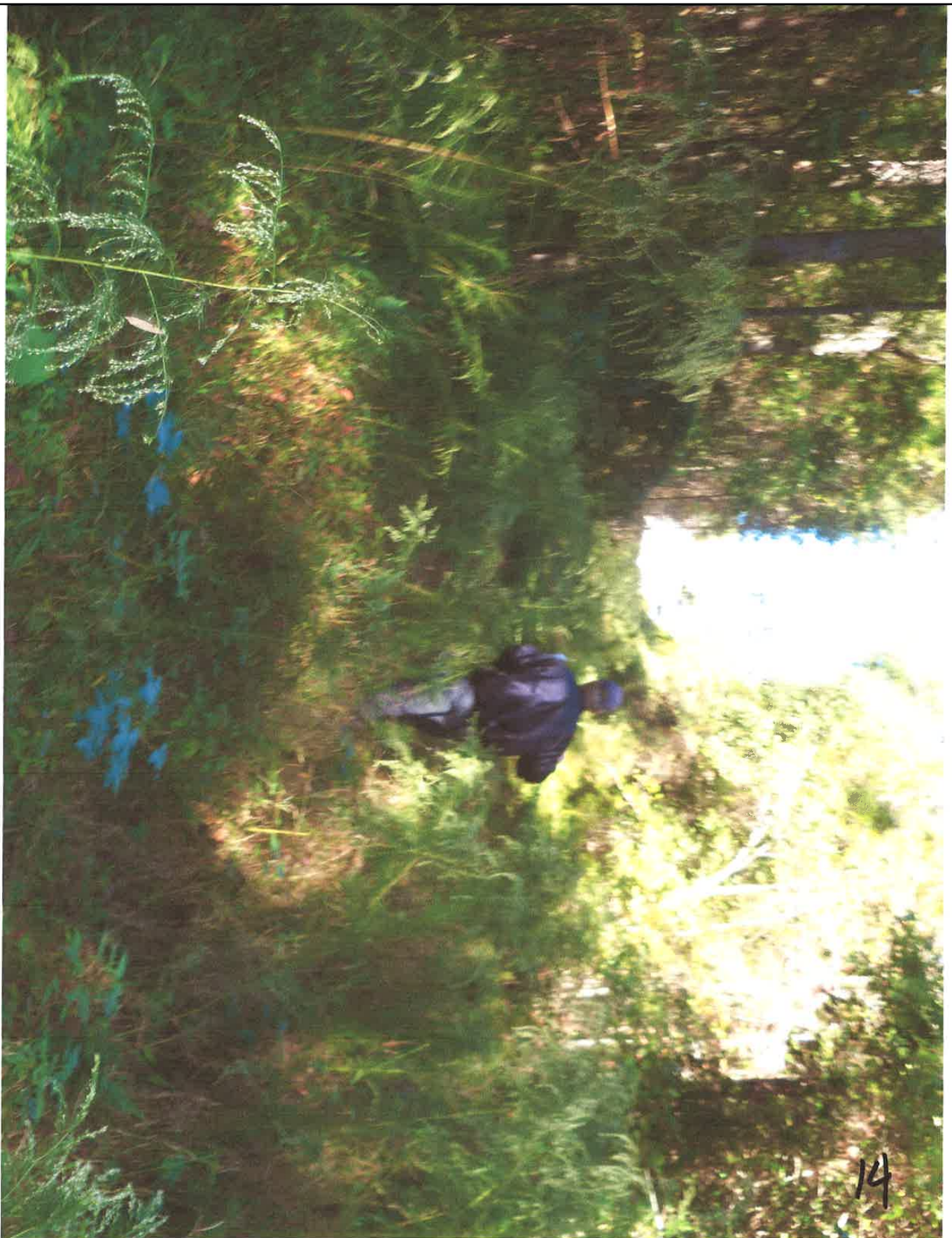
Total Policy Premium	\$1,252.00
Paid in Full Discount	\$97.00
Total Policy Premium If Paid In Full	\$1,155.00

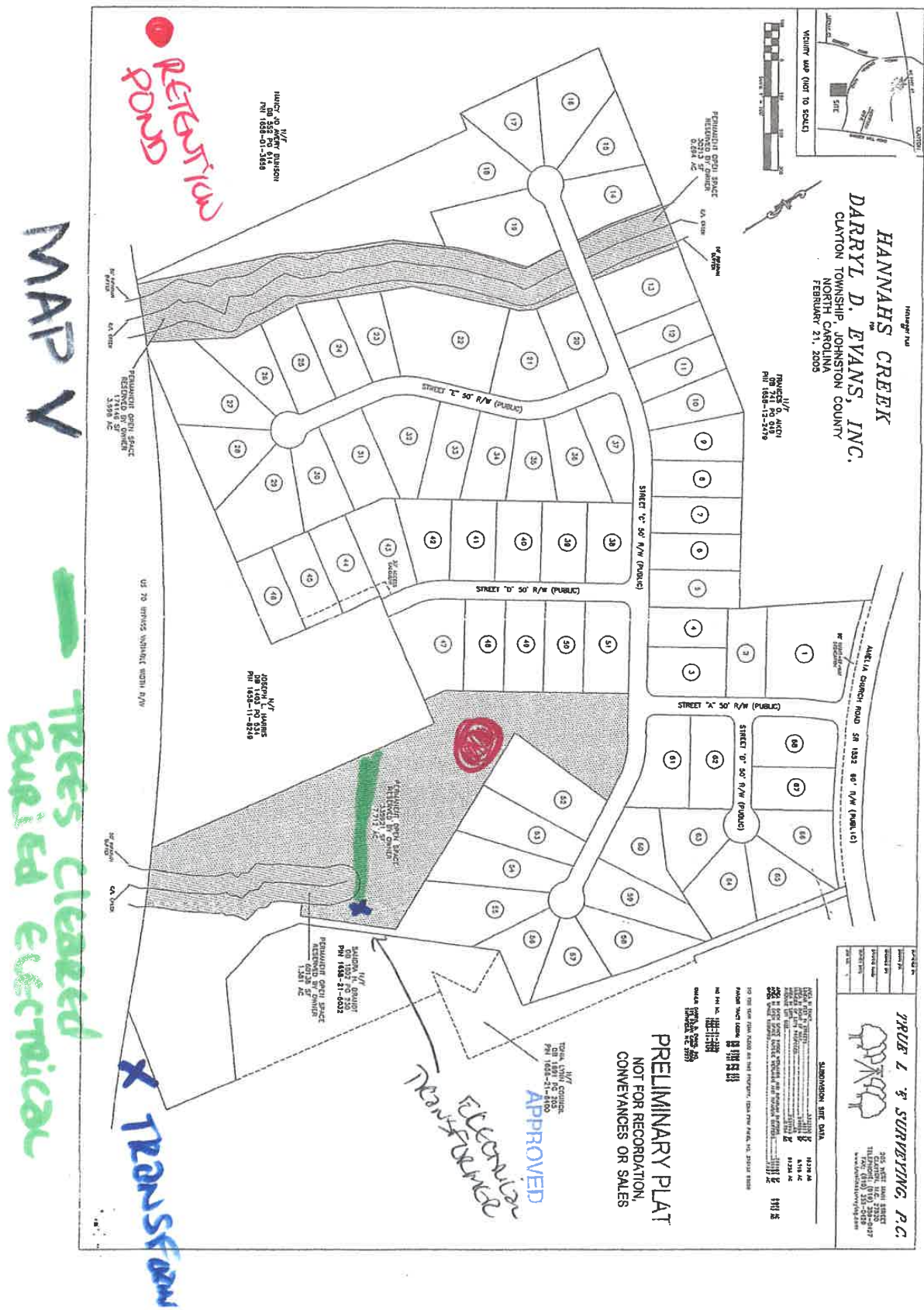
***** THIS IS NOT A BILL. *****
IF ADDITIONAL PREMIUM IS OWED, A BILL WILL BE MAILED SEPARATELY. PLEASE
PAY ANY UNPAID BILLS.

~ Serving Our Policyholders and Agents for More Than 90 Years ~

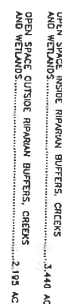
12







15

[illegible]

OPEN SPACE CALCULATIONS	
ASB IN TRACT	0.4235 AC
OPEN SPACE REQUIRED	0.6830 AC
NOTE: IF TRACT AREA IS SHOWN TO BE GREATER THAN OPEN SPACE REQUIRED, THE TRACT SHALL BE SUBMITTED FOR REVIEW BY THE PLANNING COMMISSION. IF THE TRACT AREA IS LESS THAN THE OPEN SPACE REQUIRED, THE TRACT SHALL BE SUBMITTED FOR REVIEW BY THE PLANNING COMMISSION.	
ASB IN NEW LOT 78 FROM OPEN SPACE	1.506 AC
ASB REQUIRED TO MEET OLD FLD SUBSTANTIAL	0.1672 AC
FROM FROM OPEN SPACE	
OPEN SPACE INSIDE RHAMANT BUFFERS, CREEKS	6.003 AC
AND WETLANDS	
OPEN SPACE OUTSIDE RHAMANT BUFFERS, CREEKS	10.709 AC
AND WETLANDS	
TOTAL OPEN SPACE DEDICATED	16.914 AC

**HANNAHS CREEK
SUBDIVISION**
DARRYL D. EVANS, INC.
CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
OCTOBER 1, 2015

PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCES OR SALES

Retention Pond

- Buried electrical
- × Electrical Transformer

SEPTIC LEACH FIELD

For 5 Bdkm | Repair area ??

MAP 3

TRUE LINE SURVEYING, P.C.

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

C-1859



Hello,

My name is Jay Johnson. I am a resident of Hannah's Creek subdivision, 54 Vinyard Dr, Lot #2. Thank you for your time and for giving us a platform to voice our thoughts, concerns and objections regarding the matter of a proposed application by Daryl D. Evans to expand our subdivision. I and other residents of Hannah's Creek subdivision are here based on a petition that represents a majority of our neighborhood (52 of ~68 lots represented with signatures) on the matter of a this proposed application by Mr. Evans to expand our subdivision. Specifically, the applicant, Mr. Evans is requesting preliminary subdivision plat approval to add one lot (Lot 78) to the existing Hannah's Creek subdivision.

We are here tonight to respectfully submit our objection to this application that is up for approval because of the following simple reason.....That a number of the residents were communicated to by both Daryl and his Real estate agency (Home Town Realty) that the area in question was going to be developed as a community area. We were led to believe this and are now quite surprised that his intention is now to build a house. For many of us (my wife and I included), we purchased in Hannah's Creek with the knowledge of having a community area in which our children could play and we could gather as a community for recreational activities.

I will speak briefly on the matter of concerns and un-answered questions that have come up in researching documentation in preparation for this meeting. These are primarily inconsistencies with plat maps and how they communicate (or do not communicate) clear descriptions, property lines, buffers, various zones, etc....of the property in question and what potential negative impacts could result

due to storm water run-off, drainage, easements, septic, etc.... Misty Jackson of 87 Concord Court (lot #59) will speak to the original intent of the "Permanent Open Space" and our being misled to believe this "Permanent Open Space" would be developed as a community common area and/or eventually be deeded to the HOA to be used as the HOA determined to be in the best interest of the residents. Lastly, Josh Carlisle of 30 Corvina Dr (lot #4) will speak to the matter of the HOA, Daryl D Evans and recent collaboration with the community regarding this area on the subject of the open space (originally platted as the "Permanent Open Space" and now termed "lot #78"), and the unacceptable exchange of wetland area for the original platted "Permanent Open Space".

We hope that with the documentation provided to you (please feel free to reference the material included in the packet provided) and with a significant majority opposition (as per the petition)... along with our statements this evening, you will find in favor of the residents of Hannah's Creek subdivision to not approve this application. At the very least, that you would allow for ample time to pull all the facts and data together in order to conduct a more informed review of the issue at hand.

The first issue is inconsistencies in the plat maps. The map (Map "X") that is stamped "approved" and dated February 21, 2005 shows the area in question (shaded area on the map) labeled as "Permanent Open Space" and 7.712 AC. The map (Map "Y") is dated May 4, 2006 shows the area in question labeled as "Area Reserved For Future Development" and 11.888 AC. Which map does the town deem as approved? Notice also in these maps the difference in the shape,

location and extent of the area denoted as “wetlands” and the subsequent 50’ of Riparian Buffer.

The second issue is in regards to potential negative impacts of storm water run-off, drainage, water management, retention pond(s) and drainage easements, etc....if the proposed “Lot #78” were developed. I would like to refer you to the letters of opposition submitted by Katherine Pagano, Steve Warren and the Hannah's Creek Community....all included in the packet for this council meeting. With regards to storm water run-off, drainage and potential impacts, these letters outline several concerns and un-answered questions (especially in regards to properties near the proposed Lot 78). Some of these concerns have come to light following the community meeting with True Line held on October 14th. In summary, the major points of concern for the addition of this lot 78 include:

1. Many properties that border proposed lot 78, the wetlands, and the “new” proposed open space area have frequent water drainage issues and are concerned this could potentially make them worse. Properties that do not border the immediate proposed lot #78 have also expressed that there are drainage issues with their properties and are concerned that the development of lot 78 could cause additional drainage issues.
2. The major subdivision application (as submitted) insufficiently addresses concerns with answers to important questions that are part of the Major Subdivision - Preliminary Plat Requirements checklist. Instead of providing clear answers they are instead marked as “N/A”. Some examples of these questions include items 31, 39, 41, 42, 48, 49 and 54 of the Major Subdivision application submitted by Darryl D. Evans, Inc.

3. Despite the analysis performed by Andrew W Hodge, P.E. of Adams & Hodge Engineering, PC....and with evidence of vast amounts of water in the wetlands area currently...will the storm water conveyance and retention with this proposed change be adequate for pollution, sewage, and water flow control to prevent flooding and or contamination of nearby structure and properties? Why wasn't the retention pond behind lot 52 cleaned up or undammed after the completion of phase 1 (completed in 2008) if the "approved" plat map (Map "X") shows this area as "Permanent Open Space".
4. There is concern that the percolation tests were conducted at a time of unusual drought and not indicative of actual typical environment conditions experienced in our neighborhood.
5. There are concerns that having a septic field so close to other property owner's back yards, wetlands, and areas that experience water drainage issues that problems could result in serious environment and health concerns. Is it good environmental engineering to pump septic sewage from the house location on the proposed lot #78 through the drainage easements and near the wetlands area to the septic leach field located a good distance from the proposed house location on Lot #78 and behind lots 46 and 77. Where is the repair leach field planned? And if it is meant to be directly behind the proposed house location, why is this possible if the main leach field can't be there due to percolation tests?
6. There is a current situation that water is backing up and not flowing freely in the drainage easement between Lot 52 and the proposed Lot 78. In fact, there is an excessive amount of water accumulation behind lot 52 and in the area of the retention pond at the "knee" of the proposed lot #78 (easement

area). How will water flow once the retention pond is taken away at the completion of construction? Again....Why wasn't this retention pond removed after the completion of Phase 1?

8. There are also two other 20 ft drainage easements between Lots 46 and 47 and at the back of lots 50 and 51. These two easements along with the easement between lot 52 and the proposed lot 78 appear to direct most watershed storm runoff directly towards the proposed lot 78 septic field. How will this affect sanitation, potential additional standing water and marsh conditions in these three easements and in the area around the septic field for Lot 78?
9. In addition to the above items, and to compliment #1 above, the letter of opposition submitted by Steve Warren speaks specifically to his property, lot #60 which is located diagonally across from the proposed lot #78. But also states concern for water easements further "upstream" of the proposed lot #78. The letter submitted to Daryl D Evans by Andrew W Hodge, P.E. of Adams & Hodge Engineering, PC speaks to storm water run-off viability "downstream" of lot 78. It does not seem to address impacts to the watershed "up stream" and those affected lots.

HANNAH'S CREEK
Lot 78
Darryl D Evans, Inc
425 Indian Camp Road
Clayton, NC

Subject: HANNAH'S CREEK
LOT 78

Dear Mr. Evans,

As requested I have evaluate the pre vs post stormwater calculations to determine if the proposed Lot 78 would affect downstream flow. Lot 78 is less than 1.5ac and only 3.7% of the total 40.1 ac watershed, which is less than 10% and considered insignificant.

Also, the attached calculations show that the addition of Lot 78 would increase the impervious area at the shown point of interest by only 0.3% and the overall imperviousness for this drainage area would remain under the required 12%. See attached watershed map.

I have also sized three culverts that need to be installed under the proposed nature trail. See attached calculations

If you have any questions or comments, please give me a call at 919-369-1938 or email to andrew@adamsandhodge.com.

Sincerely,

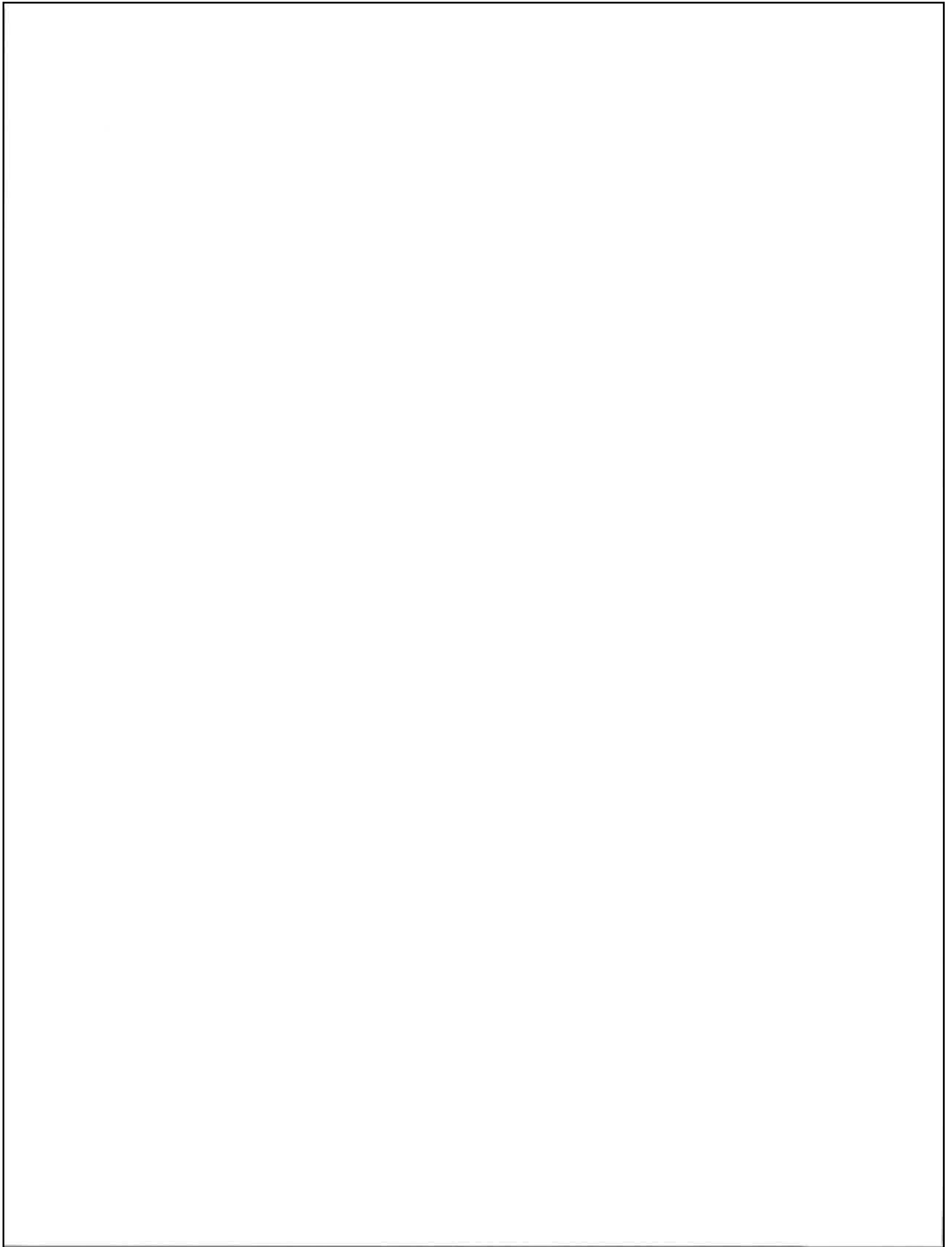


Andrew W Hodge, PE



The third and possibly most important issue I want to touch on goes back to some of these documentation inconsistencies. What future liability could be imposed on this community or HOA due to issues from potential violations that may exist now or arise in the future regarding the wetlands area and required buffer zones. (Reference letter from Division of Water Quality addressed to Daryl Evans, March 3 2005. Neuse Buffer Rule - expired March 3, 2010 - Is there now a violation because there is underground electrical

installed across the wetlands and there is no permit on record with Army
Corp of Engineers (David Schaeffer) to allow for this)???



From: [Joseph T. Hamer, Attorney](#)
To: joshc@viewfusion.com
Cc: [Jay McLeod](#); [CenturyLink Customer](#); keithpagano@aol.com
Subject: RE: Message To Darryl Evans on Proposal
Date: Tuesday, November 24, 2015 5:44:20 PM

Mr. Carlisle

I am writing in response to your November 13th, 2015 e-mail to Darryl Evans regarding the proposed addition of Lot 78 Hannah's Creek and the modification of the existing Open Space in the neighborhood. I have been working with Darryl on the approval process and he asked that I address your concerns formally with this e-mail.

First and foremost, I want to point out that Darryl has long been committed to the neighborhood of Hannah's Creek, and his commitment has never wavered at any point during the construction of the existing three phases. He has consistently constructed quality homes and increased property values to create one of the premier communities in the area. Even during a great recession that saw countless builders and developers bankrupt and out of business, Darryl never cut and ran or took the easy route out. He remained committed to his goal of developing an upscale, high quality community, and he continues to strive towards that goal even today.

Darryl has no desire to do anything that would be detrimental to the neighborhood or depreciate the value of any property in the subdivision. He also has no intention of taking anything away from the homeowners of Hannah's Creek. The area in question is part of a parcel that has been owned solely by Darryl D. Evans, Inc. since the company's original purchase of the property in 2006. The land has never been dedicated to the Homeowner's Association, and no recorded plat has ever referred to the parcel as anything other than "reserved for future development". Darryl has paid the property taxes since the purchase of the land in 2006, and until a few years ago he paid to maintain the landscaping as well.

In your e-mail, you refer to your desire for an "equitable exchange". In your words, an equitable exchange would be a space of similar size that does not have any building restrictions, is accessible, and is safe. As a general principal, the location of dedicated open space is irrelevant. So long as the developer meets the Town's requirements regarding the allocated amount of open space, the location of said space is not going to be a relevant consideration. Darryl is not taking anything from the homeowners of Hannah's Creek, he is actually giving the community additional open space over what is currently allotted. In addition, he has offered to clear and grade an area of comparable size and provide passable access to the cleared area, although he is not required to do so.

At this point, Darryl has gone above and beyond what would be required of a developer in his efforts to accommodate the concerns expressed by the homeowners of Hannah's Creek. It is important to remember that Darryl's plan for Lot 78 was actually approved by the Town of Clayton Planning Staff. When Darryl applied for the approval of Lot 78, he was simultaneously applying for the approval of Phase 3. His plan for Phase 3 was contingent on the approval of Lot 78 due to the fact that if Lot 78 was denied, he could re-draw the plans for Phase 3 to include an additional lot. The Town approved Lot 78, and Darryl has since acted in good faith in reliance

on that approval. Had the Town rejected his initial plan, Darryl could have revisited Phase 3's layout and perhaps we wouldn't be in this position. Unfortunately, the plans were approved only to be subsequently denied, leaving us in our current situation.

I am going to address each of your bullet points individually below:

Your first point addresses the community's desire for "visibility". In Darryl's opinion, having an open space that is visible and inviting may not be ideal for Hannah's Creek. In fact, more than one of your neighbors has voiced displeasure at the idea of having a space that is completely open with no element of seclusion. Visibility becomes even more of a concern in the event that the Homeowner's Association decides to build a playground on the lot. The more open and visible the open space, the more likely that third parties who are not Hannah's Creek homeowners will find their way into the community. Adding a playground to the equation not only invites potentially unwanted visitors, but also adds a significant risk of liability for the HOA. While I have no doubt that visibility is very important to some, I do not believe that the desire to have a visible open space is a consensus among the homeowners.

Next, you contend that there isn't enough information regarding the proposed area behind Lot 73 to make a true determination on the usability of the space. With all due respect to the concerned homeowners that have raised this issue, Darryl's concern in developing is primarily to comply with state and local codes and ordinances governing projects of this nature. While you may not trust Darryl saying "we've done this before", you should have great confidence in the fact that at this point, all state and local ordinances have been complied with and that Darryl has consulted numerous trained professionals to ensure that the project is undertaken properly. The appropriate authorities have been consulted with at every step of the planning process and the plans have been approved and signed off on by Andrew Hodge, a licensed professional engineer, and the Johnston County Stormwater Administrator. These are parties that most certainly know what they are doing and handle matters of this nature on a daily basis.

If developers were consistently held to the standards of neighboring homeowners as opposed to the laws and ordinance of the state and local municipalities, development would often be a stagnant process. That being said, Darryl has done in excess of what would normally be required to make sure that the project is handled properly and that it will not cause any negative consequences for the subdivision in the future.

Your next comment states that the proposed accessibility behind Lot 73 makes use of both drainage easements and the gas pipeline. Please note that it is extremely common for easements, including easements for access, to overlap and occupy the same space. A prime example of this is the Town of Clayton's Sam's Branch Trail, which overlaps a sanitary sewer easement. Nothing about that overlap will prevent access or cause issues for individuals wishing to access the space going forward. You also state that Piedmont Gas has not issued approval for the proposal, but Piedmont has actually given verbal consent to the plan and written approval should be forthcoming any day now. Regardless, written approval by Piedmont Gas can be a condition of approval and does not have to be obtained prior to action by the Town of Clayton.

Regarding your next point that all residents you have consulted are objectionable to

using funds due back to the HOA for upkeep and maintenance of the property over the years- Darryl has no legal obligation to provide any funds back to the HOA at this point. The maintenance of that area was paid for by Darryl for years and was only recently taken over by the HOA. Darryl has offered to recoup the HOA's costs in the event that his plan is approved in good faith, but he is in no way required to do so.

Although the HOA has paid for upkeep for a period of time, Darryl has always paid the property taxes and he did not force for HOA to pay for that upkeep. It was undertaken due to the desire of the HOA to keep the lot looking aesthetically pleasing and the upkeep paid for by the HOA provided a benefit to the homeowners. The alternative would have been for Darryl to bush hog the lot once or twice a year, but that would have most likely made the homeowners very unhappy. It is not as if Darryl has been pocketing the HOA's money and deriving some great benefit from that maintenance- it was done to benefit the neighborhood.

Your last point refers to the HOA being referred to as "promisor" on the document that was presented to you all. The inclusion of the "promisor" language was simply due to the fact that it is common legalese that is used in documents of that nature. Darryl has no desire to open up the HOA to future legal disputes, he simply wants to receive the assurance that if he goes through the expense of enacting his proposal, he doesn't want opposition from the HOA derailing his efforts. Darryl has gone above and beyond and in excess of any standard requirements in order to reach an agreement that would meet the desires of the homeowners. In doing so, he has incurred substantial expenses and will incur additional significant expenses enacting the plan once it is approved. He does not want to be met with legal action from the HOA or vocal opposition to approval when he is making multiple concessions above what he is required to do.

You also mention that the HOA management company advised that the HOA should not get involved. Please note that Darryl's position is the opposite of what Kohn-Ell has told you. Darryl has always and continues to want the HOA to be involved in this process because it is consistent with his goal of getting feedback from homeowners and reaching a fair and reasonable resolution. Darryl's commitment to being inclusive of the HOA is evidence by his meetings with the HOA President at the start of this approval process.

You state that the homeowners have been very patient with Darryl regarding receiving a "heart" to your community. Well please keep in mind Darryl's patience and unwavering commitment that has helped to make Hannah's Creek into the fantastic community that it currently is. He has gone above and beyond in this process to accommodate homeowner concerns and has even gone so far as to create two distinct, fully developed proposals based on feedback that he has received from homeowners to this point. This plan is not a reduction in open space, it is actually an increase in overall open space as required by Town Codes. Darryl is in no way attempting to steal or take anything from the homeowners of Hannah's Creek.

The plan is a simple modification to open space, with improvements, that was previously approved by the Town of Clayton Planning Department Staff. Darryl has consulted numerous professionals and put a great deal of time and effort into creating a plan that will be beneficial for all parties involved. The proposed plan increases the total open space for the subdivision, replaces the existing area in question with an area of comparable size and quality, and according to the opinion

of at least one professional appraiser, will increase property values for everyone in the neighborhood. In Darryl's opinion, this plan provides a net benefit to the community and although it may not appease every single homeowner in Hannah's Creek, it meets the requirements of all state and local ordinances and takes into account the concerns of the most vocal homeowners who have spoken out in opposition to the original plan.

If I haven't addressed any of your concerns or you need any clarification or would like to discuss the plan further, please don't hesitate to contact me.

Thanks,
Joe

--

Joseph T. Hamer
Attorney
McCullers, Whitaker & Hamer, PLLC
425 S. Lombard Street, Clayton, NC 27520

From: "Keith Pagano" <keithpagano@aol.com>
To: darryldevansinc@embarqmail.com
Cc: joshc@viewfusion.com, jwmcleod@townofclaytonnc.org
Sent: Friday, November 13, 2015 11:02:33 AM
Subject: Fwd: Message To Darryl Evans on Proposal

Hi Darryl,

The proposal that you left in my mailbox was forwarded to Josh as you requested. Please see below.

-----Original Message-----

From: Joshua Carlisle <joshc@viewfusion.com>
To: Keith Pagano <keithpagano@aol.com>;
Sent: Thu, Nov 12, 2015 11:46 pm
Subject: Message To Darryl Evans on Proposal

Kathi,

Please forward this to Mr. Evans at your convenience.

Thanks!

Josh Carlisle

Mr. Evans,

I wanted to provide you some additional feedback regarding the latest proposal for the common area that was

discussed at the on-site November 3rd meeting with some of the Hannah's Creek community residents as well as James Lipscomb and Andrew Hodge (of Adams and Hodge Engineering). Although Kathi is still the main point of contact for our community's efforts in this dispute, I felt that I should respond personally since we talked for a good bit on exploring some additional options.

I think those of us who participated in the meeting felt that the initial discussion surrounding the use of lot 73 itself was going to have more substance than simply including a few more feet of drainage easement essentially at the "trail head" of the original proposed nature trail. Needless to say that first proposal was not met upon positively by the community. As was mentioned several times the community is and will continue to be open to equitable exchanges for what we feel we may loose with the proposed lot 78 application. An equitable exchange would be a space of similar size that does not have any building restrictions, is accessible, and is safe.

As I mentioned from the beginning, my personal opinions then and now doesn't carry any more weight than any other community member. However, since I was the one that started exploring other options with you, I felt I should volunteer for collecting the feedback from others in the community. Over the last week, and since you sent the formal proposal to Kathi, I've collected feedback from many members of the community (some who were present and others who were not). Quite honestly this matter has become quite a source of stress and time consumption for all the parties involved. I really have been hopeful to see an equitable arrangement for the community so that we could all move past this. With that in mind we made very serious consideration of this offer and took quite a bit of time to hash out the details and really make sure this was the right thing for the community and generally satisfied our goals for our community. On first pass, I thought that the clearing of land behind lot 73 might meet the criteria of an equitable exchange. However, upon further consideration, discussions and analysis of the details of the full proposal, we unfortunately find that this will not be the case.

Some of the following reasons were identified:

- Based on conversations with many members of the community, visibility is very important. Visibility provides a level of security and safety to the area. On first pass with the property being within line of site to both nearby houses and partially Chardonney Drive it seemed that although the location is less than ideal, it may possibly be "enough". Unfortunately, there is nothing to prevent homeowners from building privacy barriers such as fences and large trees to provide them privacy from the common area. This would lead the common area to once again be a secluded section of land hidden from view from both houses and the road leading to safety concerns – the same kind of concerns that were had for the nature trail. With this proposed area (behind lot 73), it would allow for the common area to be almost surrounded with a wood line, abutting the wetlands with the only open side facing the Piedmont gas pipeline easement and the highway 70 bypass with no direct line of sight from a neighborhood road or any houses.
- Many residents feel strongly that there isn't enough information regarding that area around the creek/wetlands to make a true determination on the usability of the proposed space behind lot 73. Additionally, existing permits are outdated, expired, or seemingly unobtainable. The NC DWQ determined the existing buffer to be valid from March 3, 2005 through March 3, 2010. Being that the government agencies responsible for the information and validation has changed hands from state, to county, and in some cases to township, we would like to see an official updated buffer determination. With the eventual opening of the Concord Ct. easement pond, which currently holds a significant amount of rain water the dynamics of the region could potentially change significantly with a lot more water going through it. Also, we have noticed that the drainage easement sitting between Lot 46 and 47 (on Chadonney Drive) has been revamped/regraded and banks north at the tail east end. This is in opposition to the 5/14/2014 recorded plat map of Phase Three in which the tail east end of the drainage easement banks south. What is the reason for the easement being recorded one way and developed another? We would also like to know if the drainage easement between lot 73 and the Piedmont gas pipeline is designed, graded and established in its final flow pattern. The true buffer size and classification (once that is really determined as it should be) could make the land completely unusable for any kind of common area development. This could potentially

lead to liability for the community in regard to this property and additionally prevent future development by the HOA. Quite simply, your response “we’ve done this before” isn’t enough of an assurance for the community.

- Even with inclusion of a small strip of land from lot 73 (mostly a drainage easement) accessibility still makes use of both drainage easements and the gas pipeline. A required buffer goes through this area in addition to a utility easement. You informed us during the meeting that none of our use has been requested or approved by Piedmont Gas which makes any proposal for any kind of use or improvement on that gas pipeline area suspect. Others still have valid concerns that a simple raised path will not be enough to provide adequate accessibility and want to see something more significant. The wording in the written offer of “passable access” is ambiguous at best.
- Without exception, every resident I discussed this with was objectionable to using funds due back to the HOA for upkeep and maintenance of your property over the years (originally believed to be HOA property) to cover the cost of clearing the land. They felt this was simply not fair, nor appropriate. Especially with the additional costs of pulling and installing lighting to improve safety, something we would not have to do for a common area accessed from the road with coverage by existing street lighting.
- Lastly, and probably legally most problematic is listing the Homeowners Association as the “promisor” of this legal document. As part of your written proposal, you are seeking protections that could potentially open up the entire HOA to future legal costs in any future dispute and essentially providing immunity for you in anything remotely related. You must have some concerns in this regard or you wouldn’t have placed such a clause in your proposal. There is great concern with how the community will be left once development is complete and if the HOA or homeowners will be left with a large bill after the next wet season or in coming years. A poorly thought out common area only adds to that liability. Finally, and most importantly, every member of the community is aware that you essentially still retain control of the HOA in the form of a majority vote making it very questionable whether it’s appropriate for the HOA to be any promisor of any legal agreement due to that inherent conflict of interest. This is all reinforced by the fact that an HOA meeting regarding this dispute was requested back in September and still has not been scheduled and the management company you appointed for some inexplicable reason advised our board that they should not become involved. With all of this in mind we strongly feel that at this time the HOA of Hannah’s Creek is not in any position to sign any legal documents regarding this dispute.

I honestly do appreciate the candid discussion and exploring options. Unfortunately, in this case it just doesn’t meet the communities goal for an equitable exchange.

This common area is a real concern for many in the community and based on our petition, a majority. Just like our elected government, many in the community are relying on those of us with some extra time and flexibility to fight for what we believe was promised to us for the common good of the neighborhood. Please don’t be deceived about our commitment when you only see 8 or 9 residents at a meeting held mid-day during the week in the pouring rain as you seemed to believe based on your comments. With only a few normal exceptions this community as whole is united in this regard. It goes beyond simple values of homes, despite what your appraiser may say. If there is no inherent value in a developed common areas (whether that is something as simple as a park with a playground or something as developed as a pool) then you would not have developers building them as center pieces to their communities, as selling points. They would simply build more houses. To say there is no value in this to our community is ludicrous. We want a heart to our community, we want a place where we can come together for community events, where our children can play together, and all the other advantages it holds for the entire lifetime of this community – especially a community at our price point. We feel we’ve been very patient for many years with you regarding this, giving you flexibility and understanding during the economy’s downturn.

Although you might get this impression, we don’t begrudge you for wanting to make money, many of us are

business owners and know the challenges of business and the drive to take advantage of opportunities for profit when they arise, but we also understand the value in sticking through with commitments to customers despite changing circumstances – that too is good for business in many ways. You built us a beautiful community and it's attracted some wonderful residents. We just want that keystone – the capstone – that is the community area. Please put yourselves in our shoes, put yourselves in the shoes of what you would want to do for your own community, and do the right thing by providing us that common area our community's residents deserve.

Sincerely,
Joshua Carlisle

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
PRELIMINARY SUBDIVISION PLAT**

13-106-01-SD Hannah's Creek- Major Subdivision

On Monday, November 30, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

- ☐ approve the request with the conditions presented by staff;
- ☐ approve the request with the following modified or added conditions:

☒ deny the request.

Recommendation(s) made this 30 day of November while in regular session.

Signed:


Frank Price, Planning Board Chair

**Town of Clayton
Town Council
Preliminary Subdivision Plat Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to **(PICK ONE)**:

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

Preliminary Subdivision Plat Application Number: **13-106-01-SD**

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

2. The subdivision **DOES** meet all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT** meet all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

3. 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.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards for development of properties in the surrounding area. (State evidence supporting finding).

**Preliminary Subdivision Plat Motion Form
Page 1 of 2**

PPAB 2683271v1

4. 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.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

[If approved with conditions] The applicant meets this finding subject to the following conditions:

**TOWN OF CLAYTON
SUBDIVISION APPROVAL 13-106-01-SD
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Curk Lane

Owner: Daryl D. Evans

Property Location: Property is located in existing Hannah's Creek Subdivision, south of intersection of Corbina Drive, Concord Court and Vinyard Drive.

Tax Parcel Numbers: 165803-21-4008

Proposed Use of Property: Addition of one lot (Lot #78) to existing subdivision

Meeting Date: January 4, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Unified Development Ordinance, hereafter referred to as UDO, for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

1. The Conditions of Approval shall be inserted into the Site Plan, and three clean copies shall be delivered to the Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan.

3. All development fees shall be paid prior to the final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. The nature trail and any required recreation facilities shall be constructed or bonded prior to the issuance of building permits.
5. Any proposed pedestrian easements shall be revised so as to not overlap drainage easements.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod,
Mayor

ATTEST:

(SEAL)
Kimberly A. Moffett
Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

I, _____, a Notary Public, do hereby certify that Kimberly A. Moffett personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the ____ day of _____ 2016.

(SEAL)

Notary Public _____
(Printed Name)

NC County of Commission: _____

Commission expires: _____



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Public Hearings

Meeting Date:

January 4, 2016

ITEM TITLE:

Hocutt Baptist Church Western Parking 15-45-03-SUP

DESCRIPTION:

The applicant is requesting a Special Use Permit to use the subject parcels as a parking lot for Hocutt Baptist Church.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Jay McLeod, Planner

ITEM HISTORY:

Date:

December 21,
2015

Action Taken:

Presentation

Information Provided:

Staff Report / Application /Maps

Date:

Action Taken:

Information Provided:



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

November 30, 2015

STAFF REPORT

Application Number: 15-45-03-SUP

Project Name: Hocutt Baptist Church Western Parking Special Use Permit

NC PIN / Tag #: 165916-83-9670/05023001A, 165916-93-0614/05023002A, 165916-93-0710/05023003A, 165916-93-1726/05023003A
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: Green Engineering, PLLC
Owner: Hocutt Baptist Church
Location: 250, 214, 210 South Roberson Street

Public Noticing:

- Neighborhood meeting October 29, 2015
- Sign posted prior to November 20, 2015
- Newspaper ad prior to December 24, 2015

REQUEST: The applicant is requesting a Special Use Permit to use the subject parcels as a parking lot for Hocutt Baptist Church.

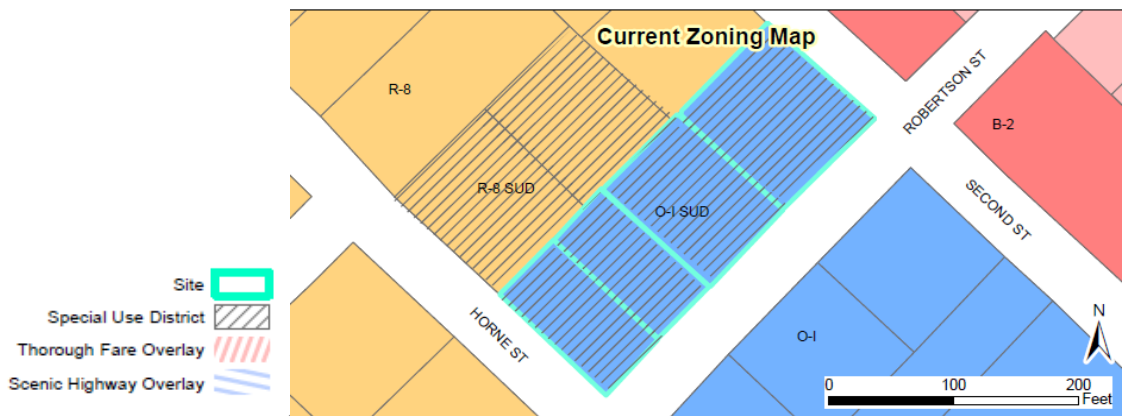
SITE DATA:

Acreage: .7847 Acres
Existing Use: Single-Family Residences/Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-8 (R-8) & Residential-8-Special Use District (R-8 SUD)	Single-Family Residences
South	Office-Institutional (O-I)	Single-Family Residences, Church
East	Neighborhood-Business (B-2)	Church, Residential
West	Residential-8 (R-8)	Single-Family Residences



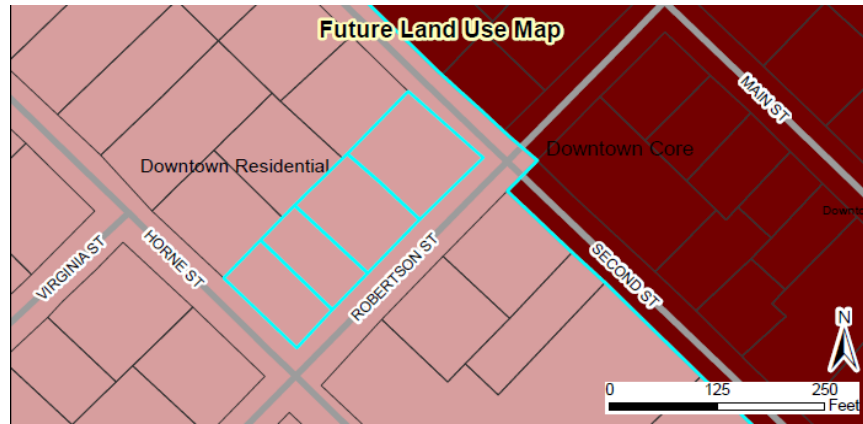
DEVELOPMENT DATA:

Proposed Uses: Parking Lot
Buildings: 0
Fire Protection: Town of Clayton
Electric Provider: Town of Clayton

STAFF ANALYSIS:

Overview

The applicant is requesting a special use permit in order to develop the subject parcels to be used as a parking lot for Hocutt Baptist Church. These parcels were recently rezoned to Office-Institutional-Special Use District (O-I-SUD). The proposed use would add additional parking for the church during all services. The applicant has also submitted a Major Site Plan application for the parking lot, which is running concurrently with this Special Use Request.



Consistency with Adopted Plans:

- **2040 Comprehensive Plan**

The 2040 Comprehensive Plan designates this parcel of land as "Downtown Residential". The majority of the surrounding land is also designated as "Downtown Residential", with the properties to the east designated as "Downtown Core". The proposed request is partially compatible with the Future Land Use Map, in that it is residential supportive and adjacent to the Downtown Core. The parking lot is part of a greater plan by Hocutt Baptist Church to redevelop and expand the church's campus. While this use needs to be limited so that it does not encroach further into the "Downtown Residential" areas, it is consistent with the current developmental trend.

- **Unified Development Code**

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

Background & History

In 2015, Town Council approved the rezoning request of the subject parcels from Residential-8 (R-8) to Office-Institutional-Special Use District (O-I-SUD). This makes these parcels able to be developed for uses supporting the Office-Institutional use of the Church.

Over the past two years, Hocutt Baptist Church has razed the residential buildings that were on these four parcels, in anticipation of creating a parking lot to support their main campus. Hocutt Church is an urban church, and has been on its present site for a long time. Churches in these conditions, and with expanding parishioner base, are often hard-pressed to find adequate parking to support their growth. While town staff understands the need for additional parking, the existing residential neighborhood needs to be buffered and protected from further encroachment.

Associated Site Plan

The applicant is requesting Major Site Plan approval (15-42-02-SP) running concurrently with this request. The proposed parking lot will have two access points, one located off of West Horne Street and the other located off of West Second Street. The parking lot will consist of a total of 58 parking spaces, and the applicant will be adding in a 5' concrete sidewalk along South Roberson Street, East Second Street, and West Horne Street. The applicant will also be adding a 10' landscaping buffer located along the northern property line in order to provide screening from the residentially zoned parcels to the north.

Recreation and Open Space

N/A

Environmental

N/A

Signs

The applicant has not submitted any proposed signage for the subject property. All signs will be reviewed separately through the Planning Department and will be required to adhere to UDC requirements. A location for signage has been identified on the corner of the lot in an appropriate location.

Architecture

N/A

Waivers/Deviations/Variances from Code Requirements

None

FINDINGS

When considering a Special Use Permit application, the Town Council shall consider specific Findings of Fact. A Special Use which fails to meet any of these Findings shall be deemed adverse to the public interest and shall not be approved. The applicant has adequately addressed the Findings of Fact expressly established by Chapter 155.711(I) of the UDC, and these Findings are accepted as part of the completed application.

CONSIDERATIONS:

- The Town Council approves Special Use Permits. The Planning Board shall make a recommendation to the Town Council.
- This Special Use Permit, if approved, will be governed by the associated Site Plan (15-45-02-SP).

RECOMMENDATION:

Staff is recommending that the above referenced Special Use Permit (15-45-03-SUP) be approved with the following conditions:

1. The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
2. Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.

3. A site/landscape inspection by the Planning Department shall be required prior to issuance of a certificate of occupancy. All site improvements shall be installed prior to the site inspection.
 4. A Zoning Compliance Permit shall be required prior to issuance of any building permits.
 5. Development fees shall be paid to the Town prior to issuance of any building permits.
 6. All signage for the site shall require a sign permit and shall comply with requirements of the Unified Development Code.
-

ATTACHMENTS:

- 1) Staff Report Map
- 2) Application
- 3) Neighborhood Meeting Materials
- 4) Associated Site Plan, 15-45-02-SP



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

SPECIAL USE APPLICATION

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

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

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

APPLICATION TYPE

☒ New Special Use Permit

☐ Major Modification to an approved SUP

Permit Modified: _____

SITE INFORMATION

Name of Project: HOCUTT BAPTIST CHURCH
WESTERN PARKING Acreage of Property: 0.7847 AC
Parcel ID Number: 165916-83-9670 493-0614 Tax ID: 05023001A, 3001, 3002, 3003
93-0770 93-1726
Deed Book: 4202-695, 4379-410 Deed Page(s): 4469-174, 4635-355
Address/Location: 250, 214, 210 S ROBERTSON ST

Existing Use: VACANT / SINGLE FAMILY Proposed Use: PARKING

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): _____

RECEIVED		OFFICE USE ONLY	
Date Received:	SEP 28 2015	Amount Paid:	<u>\$400.00</u>
Town of Clayton Planning Department		Permit Number:	<u>15-45-03-SUP</u>

PROPERTY OWNER INFORMATION

Name: HOGUTT BAPTIST CHURCH
 Mailing Address: 314 W. HORNE ST CLAYTON NC 27520
 Phone Number: 919-553-9897 Fax: _____
 Email Address: _____

APPLICANT INFORMATION

Applicant: GREEN ENGINEERING, PLLC - SEAN P. HEIN
 Mailing Address: 303 GOLDSBORO ST E. WILSON NC 27893
 Phone Number: 252-237-5365 Fax: _____
 Contact Person: SEAN P. HEIN MI: 252-230-2576
 Email Address: S.hein@greeneng.com

REQUIRED INFORMATION (to be submitted with the application)

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

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	☐			
2. Review Fee (\$400)	☒	☐			
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 SITE IS A PARKING AREA FOR AN EXISTING CHURCH.
THE PARKING WILL BE WELL BUFFERED. IT IS TO
SERVE AN EXISTING USE.

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.

THIS SITE IS BEING DEVELOPED WITH TOWN STANDARDS
AND 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.

THIS SITE WILL BE BUFFERED AND IS A TRANSITION
ALONG ROBERTSON FROM OBI TO RESIDENTIAL

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.

THIS SITE MEETS THE PLANS AND POLICIES OF THE TOWN

EXPLANATION OF PROJECT

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

FOUR RESIDENTIAL PROPERTIES FRONTING ON ROBERTSON
BEING USED AS A PARKING AREA TO SERVE ADJACENT CHURCH.

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.

SEAN P. HEIN
Print Name


Signature of Applicant

9-23-2015
Date

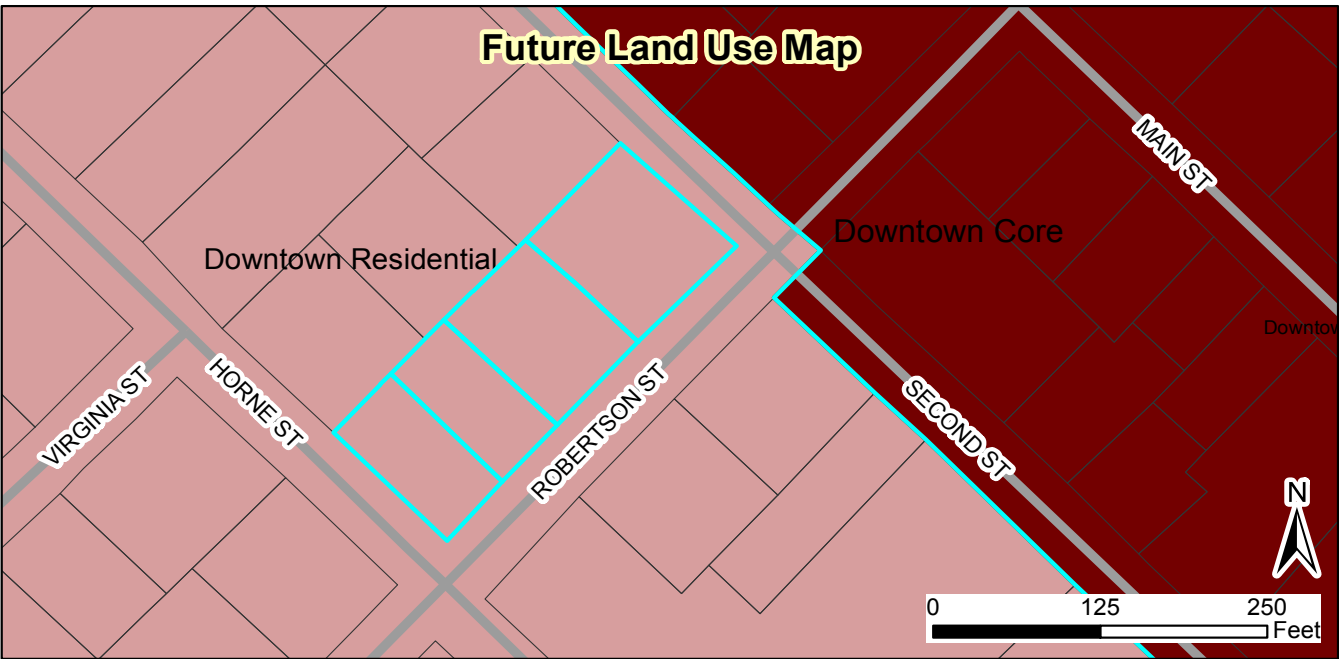
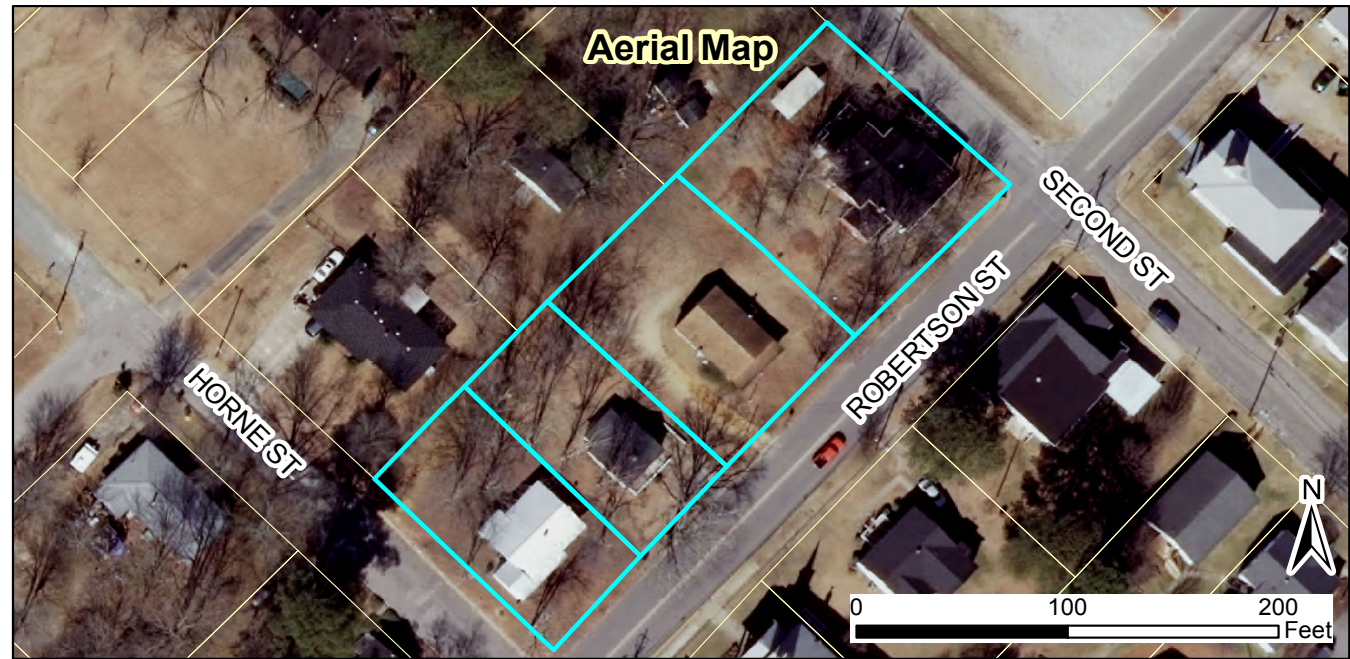
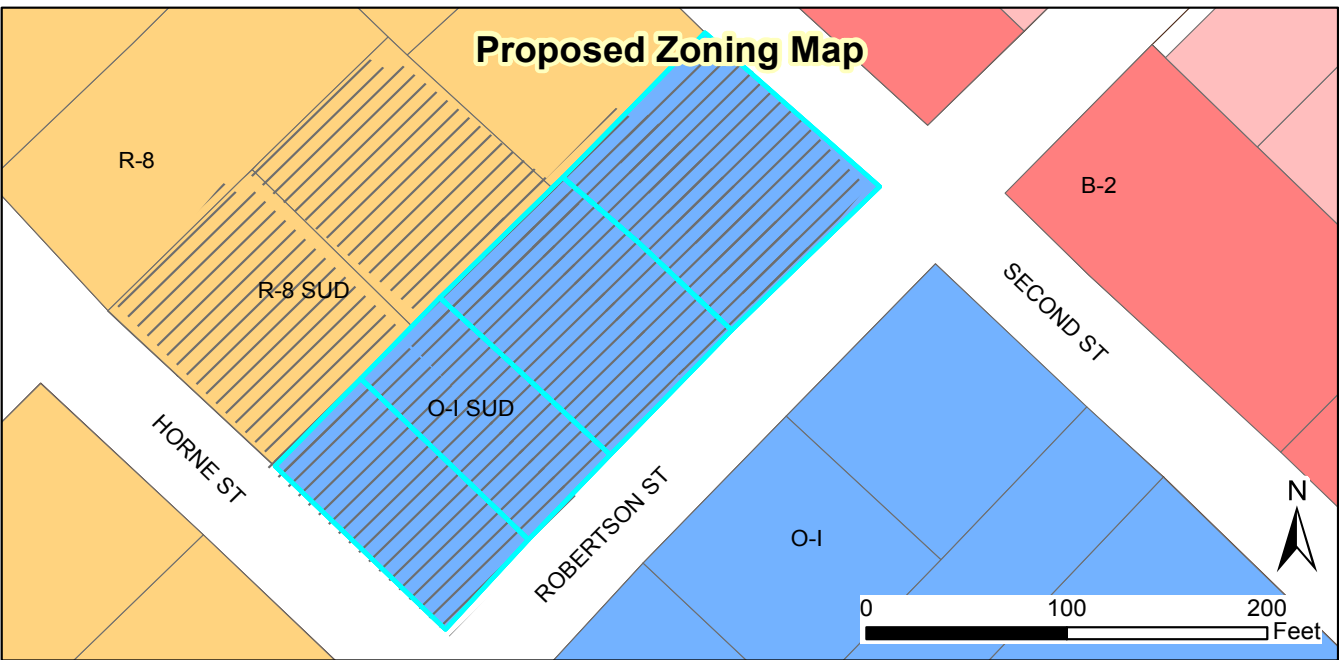
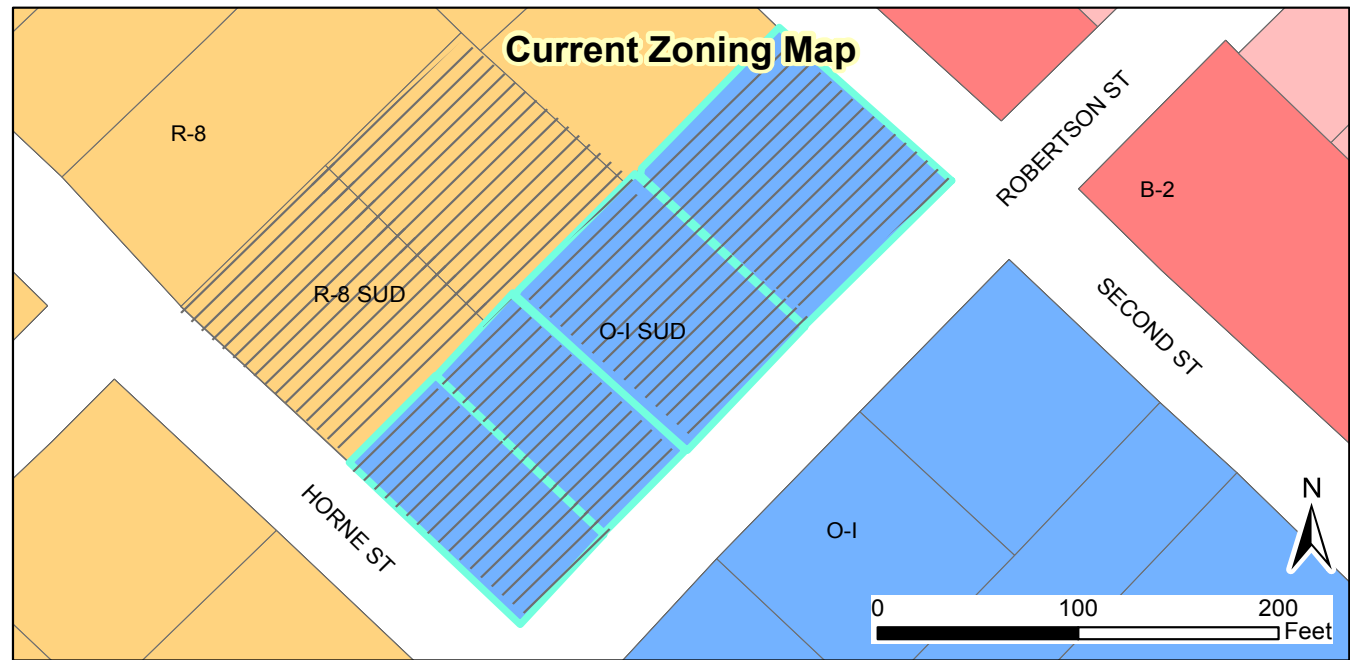
ADJACENT PROPERTY OWNERS LIST

Project Name: HOCUTT BAPTIST CHURCH WESTERN PARKING

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.

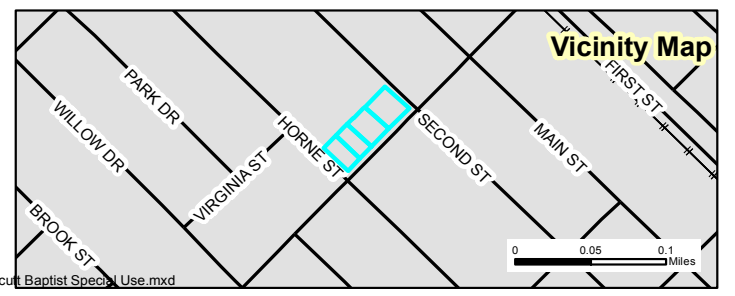
PARCEL NUMBER	NAME	ADDRESS
05023042	HOCUTT BAPTIST CHURCH	314 W. HORNE ST
05023005	" "	
05019027	" "	
05019028	" "	
05018036	" "	
05019025	NEW TRINITY MISSIONARY BAPTIST	115 ROBERTSON ST
05023028	" "	
05023049	RAYMOND E. LEE	2117 SHOTWELL ROAD
05023004	RODNEY LYNCH	411 W. 2ND ST
05024006	JEFFREY A. CANTRELL	12873 DARNICK CT BRISTOL VA 20136
05024005	BRYAN E. BELVIN	PO Box 746 Clayton 27528
05020048C	TOWN OF CLAYTON	PO Box 879 Clayton 27520



15-45-03-SUP Hocutt Baptist Western Parking Special Use
Request: Special Use approval to develop the subject parcels into a parking lot for Hocutt Baptist Church
 Applicant: Green Engineering
 Property Owner: Hocutt Baptist Church
 Parcel ID Numbers: 165916-83-9670, 165916-93-0614, 1655916-93-0710, 165916-93-1726
 Tag #s: 05023001A, 05023001, 05023002, 05023003



- Site
 - Special Use District
 - Thorough Fare Overlay
 - Scenic Highway Overlay
- 11/19/15
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SPECIAL USE\2015\15-45-03-SUP Hocutt Baptist Western Parking Special Use\StaffReportMap_Hocutt Baptist Special Use.mxd

October 29, 2015

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of:

A Site Plan and
A Special Use Permit

These have been filed with the Town of Clayton, on behalf of Hocutt Baptist Church, 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 the application, answer questions, and solicit comment.

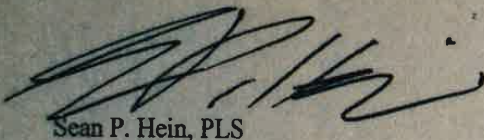
Meeting Date: **November 10, 2015 at 7:00 pm**

Meeting Location: **Chapel (Old Sanctuary) at Hocutt Baptist Church
314 W. Horne St. Clayton, NC 27520**

The purpose for these Applications is for a new parking lot to be built for the use of Hocutt Baptist Church. This parking lot will be paved and will include lighting and landscaping meeting Town of Clayton's ordinances.

Please see the enclosed map that shows the subject property. If you have any questions prior to the meeting, you may contact Sean P. Hein with Green Engineering, PLLC at 252-237-5365.

Sincerely,


Sean P. Hein, PLS

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: HOCUTT BAPTIST CHURCH WESTERN PARKING

Application: SITE PLAN & SPECIAL USE PERMIT

Location/Date: 314 W. HORNE ST, CLAYTON

	NAME	ADDRESS
1	SEAN P. HEN	303 GOLDSBORO ST B. WILSON
2	Steve Roy	76 Hillsdale Dr Clayton, NC
3	Robin Smith	2005 Olive Tree Ln Clayton NC.
4		
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From: [Sean Hein](#)
To: [Jay McLeod](#)
Subject: Fwd: Sign-up Sheet
Date: Monday, November 23, 2015 8:54:16 AM
Attachments: [ATT00001.htm](#)
[SKM_C454e15112308420.pdf](#)
[ATT00002.htm](#)

Jay,

Enclosed is the meeting roster. Mr. Smith is a deacon from the Missionary Baptist Church next door. He said he just wanted to see what we were doing. We showed him the parking lot plan, spoke briefly about hopeful future plans. Pastor Steve of Hocutt told him that his church would be welcome to use our parking lot anytime we were not. He did not express any concerns.

Thank you,

Sean P Hein, PLS, CFS
Green Engineering, PLLC

Begin forwarded message:

From: Penny Glover <p.glover@greeneng.com>
Date: November 23, 2015 at 8:43:35 AM EST
To: Sean Hein <s.hein@greeneng.com>
Subject: Sign-up Sheet

Penny B. Glover



**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
SPECIAL USE PERMIT**

15-45-03-SUP Hocutt Baptist Western Parking- Special Use Permit

On Monday, November 30, 2015, the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to:

☒ approve the request with the conditions presented by staff.

☐ approve the request with the following modified or added conditions:

☐ deny the request.

Recommendation(s) made this 30 day of November while in regular session.

Signed:



Frank Price, Planning Board Chair

**TOWN OF CLAYTON, NC
PLANNING BOARD WRITTEN RECOMMENDATION
Major Site Plan:**

15-45-02-SP Hocutt Baptist Church Western Parking Lot- Major Site Plan

On **Monday, November 30, 2015** the Planning Board heard the above-referenced request and made the following vote:

- ☒ Approval of the request with the conditions as presented by staff at the meeting.
- ☐ Approval of the request with the following amendments to the conditions presented by staff at the meeting:

- ☐ Denial of the request.

Decision made this 30th day of November 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

**Town of Clayton
Town Council
SUP Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to (PICK ONE):

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application: **15-45-03-SUP**

This motion is based on the following findings:

1. 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.

OR

The application **will** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. 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.

OR

The application **does not meet all** required specifications and **does not** conform to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

3. 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.

**SUP Motion Form
Page 1 of 2**

PPAB 2652471v1

OR

The application **will** substantially injure the value of adjoining or abutting property, and **will** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

4. 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.

OR

The application **will** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#15-45-03-SUP
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant:	GREEN ENGINEERING, PLLC
Property Owner:	HOCUTT BAPTIST CHURCH
Property Location:	250/214/210 S. ROBERTSON STREET
Brief Property Description:	VACANT SINGLE FAMILY
Tax Parcel Number:	165916-83-9670 / 165916-93-0614 / 165916-93-0710 & 165916-93-1726
Proposed Use Of Property:	PARKING
Hearing Date:	JANUARY 4, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following findings:

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.

The Town Council also finds the Special Use Permit is subject to the following conditions:

- (1) The development of the site is limited to the site design and uses approved by the Planning Board. Modifications to the approved site plan shall require review and approval in accordance with Section 155.707 of the Unified Development Code.
- (2) Following Board approvals, three copies of the Final Site Plan, Landscape Plan and Architectural Elevations meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval.
- (3) A site/landscape inspection by the Planning Department shall be required prior to issuances of a certificate of occupancy. All site improvements shall be installed prior to the site inspection.
- (4) A Zoning Compliance Permit shall be required prior to issuance of any building permits.
- (5) Development fees shall be paid to the Town prior to issuance of any building permits.
- (6) All signage for the site shall require a sign permit and shall comply with requirements of the Unified Development Code.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod
Mayor

DATE: _____ [Note:
within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)
Kimberly A. Moffett, CMC, NCCMC

Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

I, _____, a Notary Public, do hereby certify that Kimberly A. Moffett personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the _____ day of _____, 2016.

Notary Public

My Commission Expires:



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Consent

Meeting Date:

January 4, 2016

ITEM TITLE:

Rhodes Farm Major Subdivision 15-56-01-SD

DESCRIPTION:

Request for subdivision with 41 single family detached homes. Located off of Little Creek Church Road, on the corner of Peele Road and Little Creek Church Road.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Jay McLeod, Planner

ITEM HISTORY:

Date:

December 21,
2015

Action Taken:

Set Public Hearing for January 4, 2016

Information Provided:

Staff Report / Application / Map / Neighborhood Meeting Info / Planning Board
Recommendation

Date:

Action Taken:

Information Provided:



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
November 30, 2015*

STAFF REPORT

Application Number: 15-56-01-SD
Project Name: Rhodes Farm Major Subdivision

NC PIN / Tag #: 166700-37-5678 / 05H04037D, 1667-57-0686 / 05H04037, 166700-67-4991 / 05H04037C
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Gray Wolf Development
Owner: Charles D. Rhodes Trustee
Location: Located off of Little Creek Church Road, on the corner of Peele Road and Little Creek Church Road

Public Noticing:

- Neighborhood meeting November 10, 2015
- Sign posted November 8, 2015
- Letters mailed prior to December 24, 2015
- Newspaper ad published prior to December 24, 2015

REQUEST: Conventional subdivision with 41 single family detached homes.



SITE DATA:

Acreage: 51.32 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate	Vacant
South	Residential-Estate	Vacant, Single-Family Homes
East	Residential-Estate	Single-Family Homes
West	Residential-Estate	Vacant

DEVELOPMENT DATA:

Proposed Uses: Single-Family Homes
Buildings: 40 dwelling units
Density/Intensity: .77 dwelling units per acre
Number of Stories: Maximum height of 35 feet
Required Parking: 2 spaces per unit
Proposed Parking: 2 spaces per unit
Fire Protection: The Town of Clayton Fire Department will provide fire protection.
Access/Streets: There will be five access points, with only one functioning initially.
Water/Sewer Provider: County Water and Septic
Electric Provider: Duke Energy

STAFF ANALYSIS:

Overview

The applicant is proposing to develop 40 single-family lots on 51.92 acres of land located in an R-E zoning district off of Little Creek Church Road. The subject site includes three separate parcels that will be recombined to create the development tract. There is currently an existing single-family home located on the subject parcels, and the lot on which this home is located upon will be recombined with Lot 26. The mail kiosk for the development will be located in an area deeded to the Homeowner's Association.

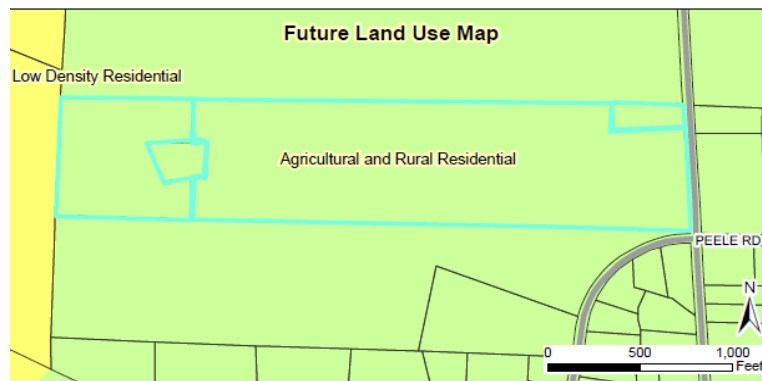
Overall, the average size of the lots will be 1.29 acres, with a minimum size of 30,000 square feet which meets the minimum lot size requirement when public water (provided by Johnston County) and septic systems are utilized.

Because it is part of an R-E zoning district, the minimum dwelling unit size will be 1,400 square feet. The subdivision will have five access points, one a main access off of Little Creek Church Road and the other four in the form of stub-outs connecting to adjacent properties to the north and south.

Consistency with Adopted Plans

- **2040 Comprehensive Plan**

The 2040 Comprehensive Plan designates these parcels, as the majority of the surrounding parcels, as “Agricultural Residential”. The proposed development is consistent with what the 2040 Comprehensive Plan envisions for these parcels, and the surrounding parcels. The intent of the “Agricultural Residential” designation is to maintain the rural character in areas of Clayton. The proposed development’s low density of 0.77 units/acre fulfills this intent.



- **Unified Development Code**

The proposed development is generally consistent with the requirements of the Unified Development Code (UDC). The applicant is requesting two waivers from the requirements to build sidewalks and provide curb-and-gutter roadways. The sidewalk waiver includes the internal roads and the sidewalk along Little Creek Church Road frontage.

Compatibility with Surrounding Land Uses

The properties surrounding the subject parcel are primarily vacant, with some single-family residences. The low density of the proposed development makes it compatible with these surrounding land uses.

Landscaping and Buffering

The applicant will provide one street tree per lot, as required by Town of Clayton’s Unified Development Code. The applicant is also proposing a Class “A” landscaping buffer along Little Creek Church Road, which is consistent with the UDC.

Recreation and Open Space

This is a conventional subdivision, so the applicant will be paying fee-in-lieu for recreation.

Environmental

A total of 0.217 acres, located along the western most portion of the proposed development, is located in the 100 Year Flood Zone. The only lot affected by this is Lot 26 which is to be recombined with the lot of the existing

single-family residence on the parcels. While Lot 26 will have an existing single-family residence located on it after the recombination, no further development activity is proposed to occur.

Access/Streets

There are five proposed access points to the subdivision. The main access will be located off of Little Creek Church Road. The other four access points will be provided in the form of stub-outs at the ends of "Street C" and "Street F", connecting to the properties to the north and south of the proposed development. These stub-outs will be utilized in event that the adjacent parcels are developed in the future.

The applicant is proposing to construct a swale/ditch roadway system with no curb and gutter, as the proposed streets will not connect to any existing curb-and-gutter (Little Creek Church Rd is a ditch-and-swale section). Planning staff is recommending fee-in-lieu for all sidewalks. (§155.602(B)(2)(b)).

Multi-Modal Access

No sidewalks are proposed in the development, and no sidewalks will be provided along Little Creek Church Road either. The applicant is requesting to pay fee-in-lieu instead of providing sidewalks based on the following code criteria:

- Within the development, main road coming from Little Creek Church Rd, §155.602(B)(2)(b)4.A.
- Within the development, stub-outs to adjacent parcels, §155.602(B)(2)(b)4.B.
- Along Little Creek Church Rd, §155.602(B)(2)(b)3.

Garbage / Recycling

Residents will contract individually for service (outside of Town Limits).

Waivers/Deviations/Variations from Code Requirements

The applicant is requesting a ditch/swale road due to the rural characteristics of the proposed development, and that it will connect to Little Creek Church Road, which also lacks curb-and-gutter. The applicant is also requesting a waiver (fee-in-lieu) from 155.602(H)(1) requiring sidewalks be installed throughout the development due to the lack of curb & gutter.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for a 41 single-family residential subdivision.
- The applicant is requesting waivers from:
 - Providing curb-and-gutter streets.
 - Providing sidewalk along Little Creek Church Road.
 - Providing internal sidewalks, both along the main road and secondary stub-outs.
- This plan is subject to final approval by Town Council.

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
2. All development fees shall be paid prior to final plat recordation.
3. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
4. All signs shall require review/approval pursuant to UDC Section 155.713.
5. A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
6. The landscaping buffer along Little Creek Church Road shall be installed prior to the issuance of any Certificate of Occupancy.
7. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.

STAFF RECOMMENDATION:

Staff is recommending approval with conditions of the proposed preliminary subdivision plat of the subject parcel.

ATTACHMENTS:

- 1.) Staff report
- 2.) Maps
- 3.) Application
- 4.) Waiver Requests
- 5.) Neighborhood Meeting Materials
- 6.) Preliminary subdivision plan



TOWN OF CLAYTON

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

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: \$400.00 + \$5.00 per lot

Modifications to approved plans:

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: ☐

☐ New Subdivision Master Plan

☐ Modification to Approved Preliminary Plat

Major: ☐ Minor: ☐

Name of Project: Rhodes Farm Subdivision Acreage of Property: 51.32 Acres

Tag #: 05H04037D, 05H04037, 05H04037C NC PIN: 166700-37-5678, 1667-57-0686, 166700-67-4991

Location: West side of NCSR 1563 (Little Creek Church Road) Near the intersection with NCSR 1571

Number of Lots (existing): 0 (Proposed) 41 Min Lot Size: 30,000 SF

Zoning District: R-E Electric Provider: Duke Progress

☒ Septic

☐ Well

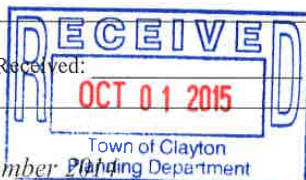
Wastewater: ☐ Sewer (check one)

Water: ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☒ Fee in lieu ☐ Land Dedication – Acreage: _____

FOR OFFICE USE ONLY

Date Received:



Amount Paid:

\$605.00

File Number:

15-56-01-SD

November 2015

Page 1 of 17

PROPERTY OWNER INFORMATION

Name: Charlie D. Rhodes Trustee

Mailing Address: 836 Peele Road, Clayton NC 27520

Phone Number: _____

Fax: _____

Email Address: _____

APPLICANT INFORMATION

Applicant: Gray Wolf Development

Mailing Address: 104 Airport Industrial Drive, Clayton, NC 27520

Phone Number: 919-760-1056

Fax: _____

Contact Person: Wade Corbett and Dan Simmons

Email Address: wcorbett@graywolfdevelopmentnc.com & dan.simmons@trcivil.com

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:		
<i>Submit 9 copies of all materials unless otherwise directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: <u>9-24-2015</u>	☒				
2. Completed Application	☒				
3. Review 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>	☐	☒			

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* 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	☐	☒			
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. 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.

The property is 51.32 acres located on the west side of Little Creek Church Road near the intersection of Peele Road. The property will be subdivided into 41 lots with lot number 27 to be deeded back to Charlie D. Rhodes. We are requesting an exemption from the curb and gutter and sidewalk requirement due to the rural characteristic of the development and the existing neighborhood. Payment in lieu of the open space requirement will be made.

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.

Dan Simmons

Print Name

November 2014


Signature of Applicant

10-1-2015

Date

Page 3 of 17

FINDINGS OF FACT

Section 155.706(1)(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.
~~The subdivision meets all the requirements of the Unified Development Code with the exception of sidewalks and curb and gutter which we are requesting an exemption.~~

- (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 property will be developed as a rural subdivision which is in harmony with 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.
~~The addition of 41 residential lots will not have an adverse affect on the adjoining roadways and roadways are being extended to the adjoining properties to allow for future inter connection. Due to the rural characteristic and low density of the development it will not 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.
~~The subdivision as proposed does not adversely affect the general plan for orderly growth and development of the town and is consistent with the planning policies of the town.~~

Project Name: Rhodes Farm Subdivision

Dan Simmons
Print Name


Signature of Applicant

10-1-2015
Date

November 2014

Page 4 of 17

NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for developments that are part of an approved Planned Development Master Plan.*

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. *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.*

ADJACENT PROPERTY OWNERS LIST

Project Name: Rhodes Farm Subdivision

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
05H04036C	Doris M. Matthews	5850 Northshore Dr. Hixson, Tn. 37343
05H04038W	Doris M. Matthews	5850 Northshore Dr. Hixson, Tn. 37343
05105006Z	Harvey lee & Janet Moss	4804 Little Creek Church Rd. Clayton, NC 27520
05105052C	Janet P. & Harvey L. Moss	4804 Little Creek Church Rd. Clayton, NC 27520
05H04022	James L. Jr. & Cindy B. Peele	3913 Robin Lane, Clayton, NC 27520
05H04020B	Carolina Packers Inc.	PO Drawer 1109, Smithfield, NC 27577

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

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).	☒	☐	
2. Separate sheets for each: Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. 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 subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	☒	☐	
6. Revision Date	☐	☒	
PRELIMINARY PLAN SHEET:			
7. Name of township, county, and state in which the property is located.	☒	☐	
8. Vicinity sketch/map.	☒	☐	
9. Surveyor or professional engineer's name and seal.	☒	☐	
10. Date of survey and plat preparation.	☒	☐	
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	☒	☐	
- Parcel Identification # (and/or Tag #)	☒	☐	
- Owner's name and address	☒	☐	
- Within Town limits or ETJ	☒	☐	
- Zoning District	☒	☐	
- Overlay District (if applicable)	☐	☒	
- 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)	☒	☐	
- Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot	☒	☐	
- Maximum allowed impervious	☐	☐	
- Existing Use	☒	☐	
- Proposed Use	☒	☐	
12. 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.	☒	☐	
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	☒	☐	
14. Accurate location and description of all monuments, markers and control points.	☒	☐	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	☒	☐	
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___".	☒	☐	
17. Phase lines. Phases are clearly labeled.	☐	☒	
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	☒	☐	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	☒	☐	
20. Location of safe sight triangles at project ingress/egress points, or as required.	☒	☐	
21. Minimum building setbacks /envelope are noted.	☒	☐	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	☒	☐	
23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.	☐	☒	
24. Width and type of any buffers and easements.	☐	☒	
25. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☐	☒	
26. Proposed streets are labeled, named and dimensioned. Correct street cross	☒	☐	

November 2014

Page 11 of 17

To be completed by the applicant:			Staff:
	Yes	N/A	
section detail provided. Label street type based on definitions in §155.602(D). If streets are private: - All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat. - Streets are labeled "Private Streets – No Town Maintenance." Street names must be approved by Town of Clayton via a Road Name Application.	☐ ☐	☒ ☒	
27. Lengths of all cul-de-sacs.	☒	☐	
28. Identify proposed traffic control signs and striping.	☒	☐	
29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.) - All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.	☐	☒	
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided: "The Resource Conservation Area shown hereon is provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity per the standards of the Unified Development Code"	☐	☒	
31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	☐	☒	
32. Existing and proposed sidewalk system, access ramps, and crosswalks.	☐	☒	
33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.	☐	☒	
34. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	☒	☐	
35. Location of clustered mailboxes.	☒	☐	
36. Location and orientation of freestanding signs (signage is permitted separately).	☐	☒	
LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)			
37. Show location, width, and type of all landscape buffers.	☐	☒	
38. Provide a plant list summary table which includes: - A planting key identifying the various planting elements - The quantity of each type of plant material proposed - The size, height, caliper and spacing of plant material proposed - The Botanical and common names of plant material proposed	☐	☒	
39. If common landscaped areas are provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant	☐	☒	

To be completed by the applicant:			Staff:
	Yes	N/A	
species must be used).			
40. Location, species, and caliper of any existing trees that will remain on site. If used to meet planting requirements, make note of what requirements are fulfilled by the preserved trees.	☐	☒	
EXISTING CONDITIONS SHEET:			
41. 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.	☒	☐	
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☒	☐	
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	☒	☐	
44. Label adjacent property acreage, owners, and zoning districts.	☒	☐	
45. Label subject parcel property owner, acreage, and zoning.	☒	☐	
PRELIMINARY ENGINEERING PLAN SHEET:			
46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	☒	☐	
47. Identify curb radii for all internal and external vehicular use areas.	☐	☒	
48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☒	☐	
49. Location of all existing and proposed drainage structures.	☐	☒	
50. Location of all existing and proposed fire hydrants.	☒	☐	
51. Location of all existing and proposed easements, labeled as "public" or "private."	☐	☒	
52. Show street cross-sections.	☒	☐	
53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	☐	☒	
54. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	☐	☒	
OTHER			
55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	☐	☒	
56. Any other information considered by either the applicant or the Town to be pertinent to the review.	☐	☒	

Signed by Applicant:



Date: 10-1-15

November 2014

Page 13 of 17



**Town of Clayton
Planning Department**

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

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: RHODES FARM S/D **Address or PIN #:** 166700-37-5678, 1667-57-0686, 166700-67-4991

AGENT/APPLICANT INFORMATION:

Gray Wolf Development
(Name - type, print clearly)

104 Airport Industrial Drive Suite 101
(Address)
Clayton, NC 27520
(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*):

All permit applications, code exceptions, and
meetings related to the subdivision of my property

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:

Charlie D. Rhodes
(Name - type, print clearly)

836 Peele Road
(Address)

Charlie D. Rhodes
(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF
COUNTY OF

NC
Johnston

Sworn and subscribed before me Jacqueline S. Mitchell a Notary Public for the above State and County, this
the 28 day of Sept, 2015.

SEAL

Jacqueline S. Mitchell
Notary Public

My Commission
Expires:

7/11/18
Page 14 of 17

November 2014



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

ROAD NAME APPROVAL APPLICATION

Road name applications are for public street signs (blades) that are located within the Town limits. Once the public street names have been approved, the applicant must submit a written request to the Town of Clayton Public Works Department identifying the approved blades and their installation location(s). The Public Works Department will order and install the blades along with any required regulatory signage. The applicant will be invoiced for the total cost of the blades, one-half the cost of sign posts and one man hour of labor per sign post.

SITE INFORMATION

Name of Project: Rhodes Farm Subdivision Acreage of Property: 51.32 Acres
Tax ID #: 05H04037D, 05H04037, 05H04037C NC PIN: 166700-37-5678, 1667-57-0686, 166700-67-4991
Deed Book: 552, 1726 Deed Page(s): 375, 758
Location:
On Little Creek Church Road
Nearest Intersecting Roads: Little Church Road and Peele Road
Township: Clayton

PROPERTY OWNER INFORMATION

Name: Charlie D. Rhodes Trustee
Mailing Address: 836 Peele Road, Clayton, NC
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Gray Wolf Development
Mailing Address: 104 Airport Industrial Drive Suite 101, Clayton, NC 27520
Phone Number: 919-934-7788 Fax: _____
Contact Person: Dan Simmons dan.simmons@trcivil.com
Email Address: _____

FOR OFFICE USE ONLY

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

November 2014

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ROAD NAME GUIDELINES SUPPLEMENTAL INFORMATION

The following guidelines must be followed. Please note that the Town of Clayton reserves the right to not approve any street name that is deemed inappropriate or fails to meet the guidelines.

- ☐ No street names duplicate or sound similar to existing road names.
- ☐ None of the streets are names after individuals.
- ☐ Street names have been limited to 14 characters or less.
- ☐ No compass directions are included in the street names (north, south, east, west).
- ☐ Punctuation marks are not used in the street names (e.g. periods, hyphens, apostrophes, etc.).
- ☐ Double suffixes have been avoided (e.g. Deer Path Lane).
- ☐ All names have acceptable suffixes (e.g. Street, Drive, Court, Lane, etc.). *Please see the Town of Clayton's approved list of suffixes (attached).*
- ☐ Names that are difficult to pronounce have been avoided.

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

Please submit twice as many road names as needed with highest priority names listed first, written exactly as they should appear on the sign. The Town of Clayton Planning Department will coordinate with the Johnston County Planning Department for joint approval of street names. The Town of Clayton Planning Department will provide the applicant the final approval of street names. Approved street names are reserved for one year.

Road Name	Suffix
Ex.: Willow	Lane
1. HIGHLAND RHODES	DRIVE
2. RHODES POND	DRIVE
3. RHODES	BLUFF
4. LOGAN'S	WAY
5. MACIE'S	RIDGE
6. EMMA'S	WAY
7. SPENCER'S	DRIVE
8.	
9.	
10.	

Road Name	Suffix
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	

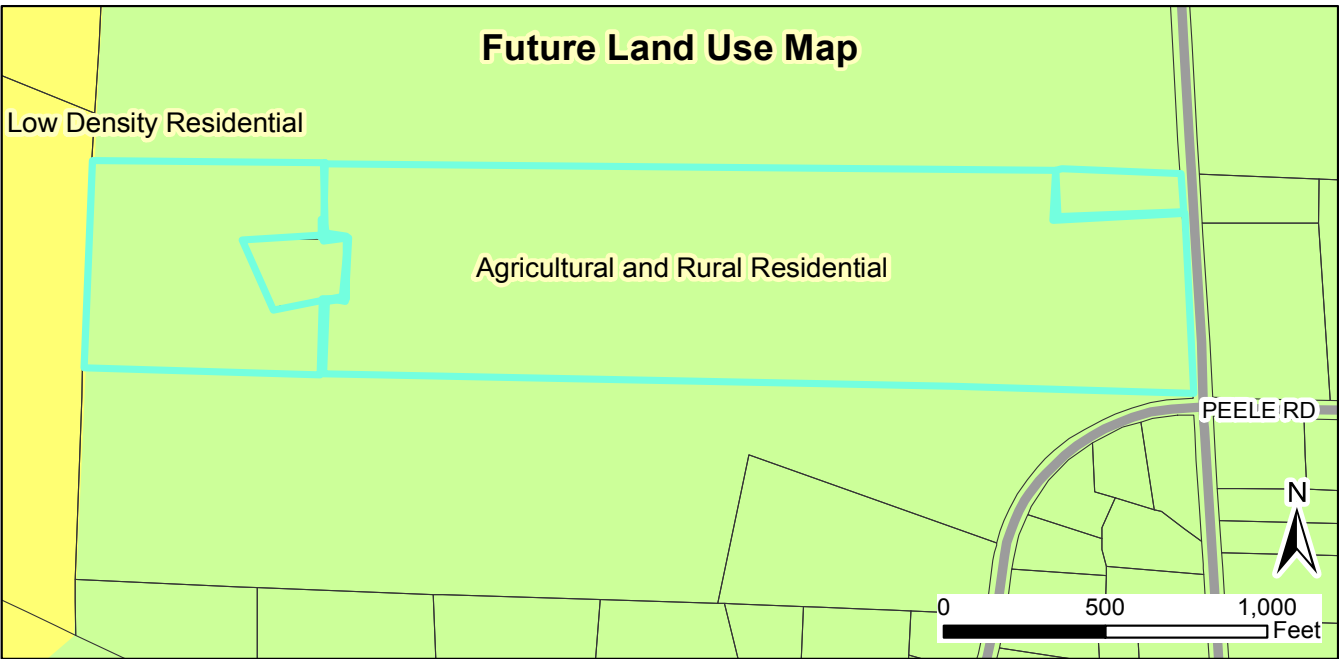
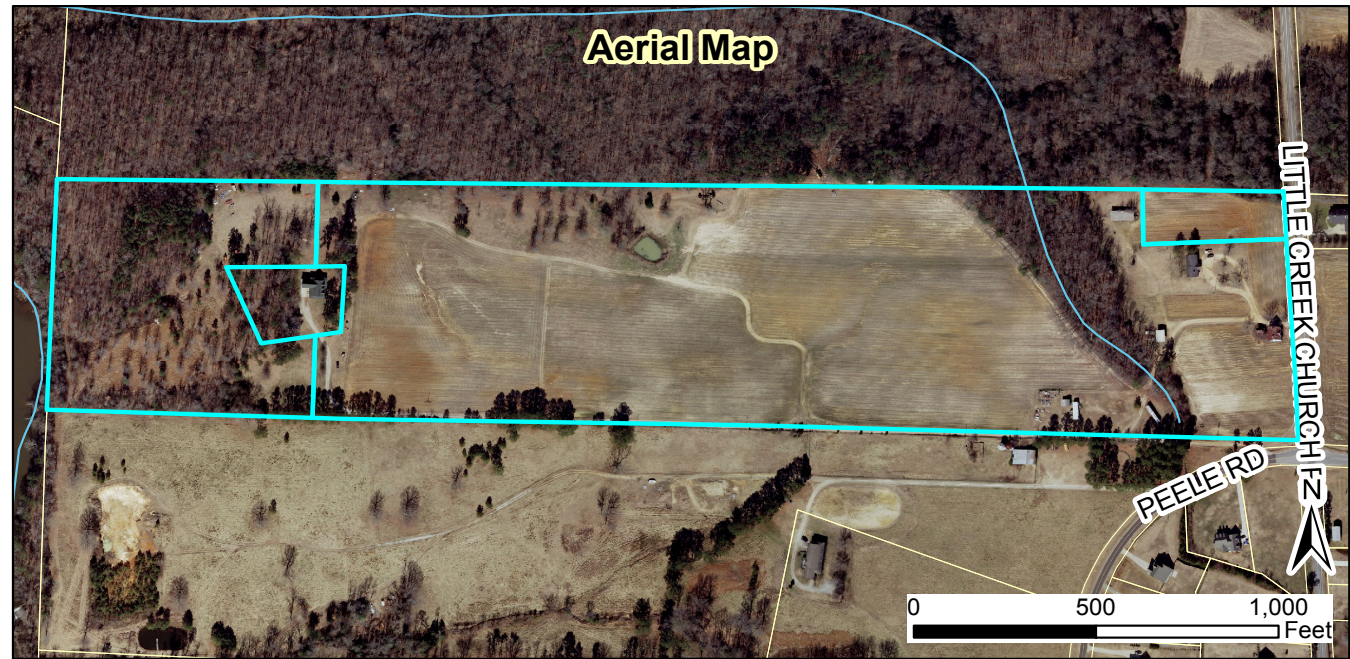
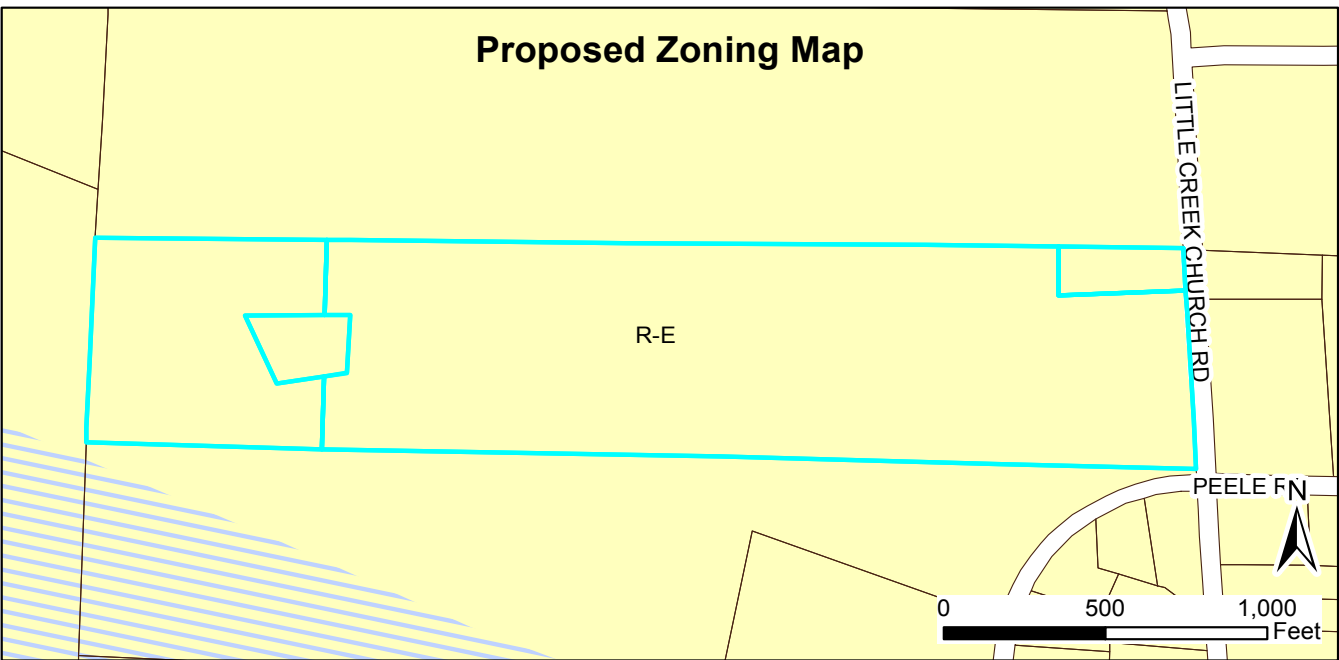
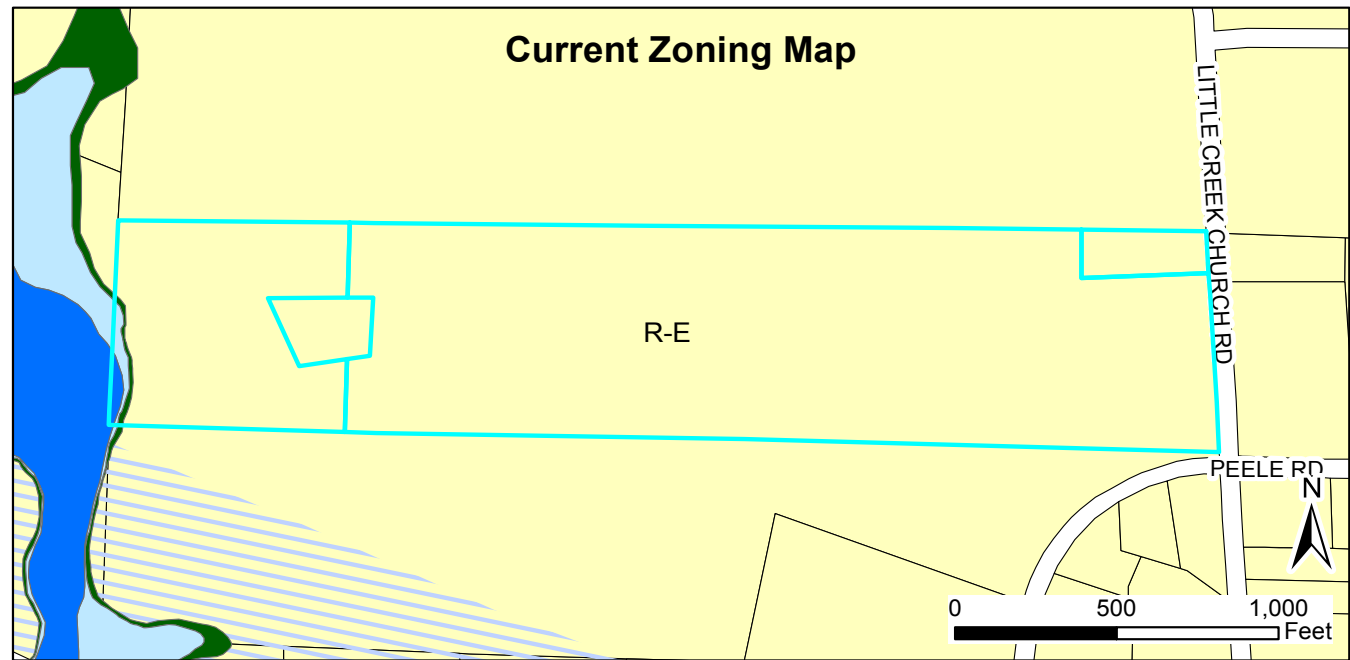
APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton Planning Department for street names. 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.

DAN SIMMONS
Print Name


Signature of Applicant

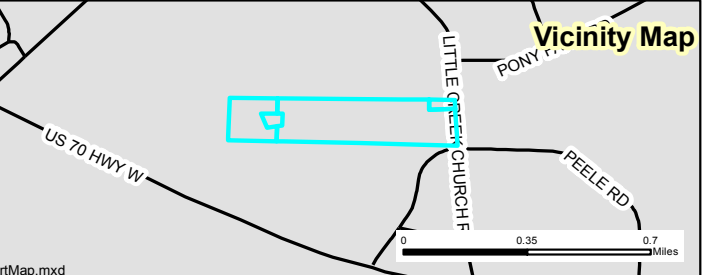
10-1-15
Date



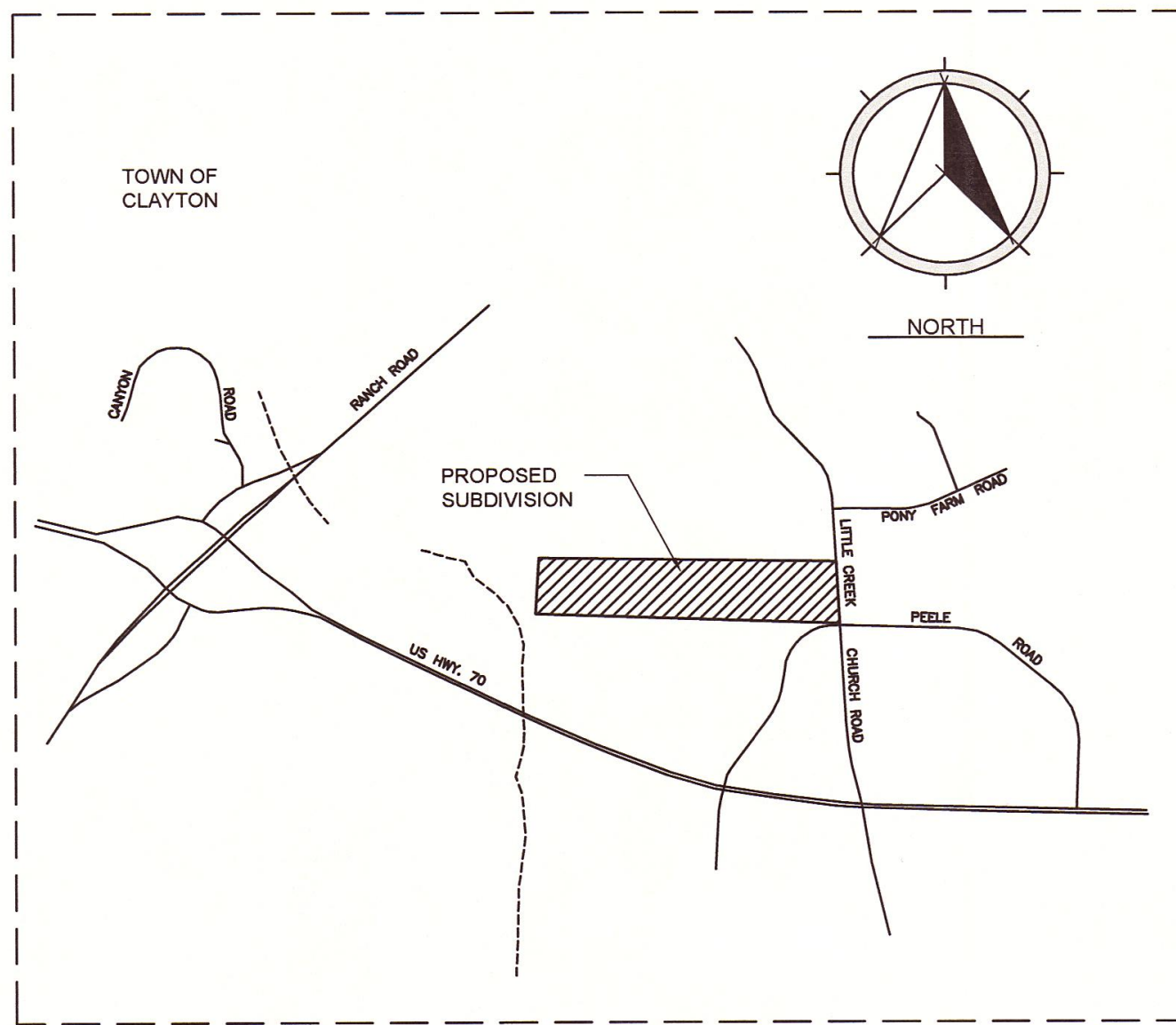
15-56-01-SD Rhodes Farm Major Subdivision
Request: Develop 41 single-family lots on 51.32 acres of land
 Applicant: Gray Wolf Development
 Property Owner: Charles D. Rhodes Trustee
 Parcel ID Numbers: 166700-37-5678, 1667-57-0686, 166700-67-4991
 Tag #: 05H04037D, 05H04037, 05H04037C



- Site
 - Special Use District
 - Thorough Fare Overlay
 - Scenic Highway Overlay
- 10/28/15
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2015\15-56-01-SD Rhodes Farm Major Subdivision\Maps\StaffReportMap.mxd



VICINITY MAP

PRELIMINARY PLAT

RHODES FARM MANOR SUBDIV
PRELIMINARY PLAT

15130

OWNER:

GRAY WOLF DEVELOPMENT, LLC
104 AIRPORT INDUSTRIAL DR
CLAYTON NC 27520

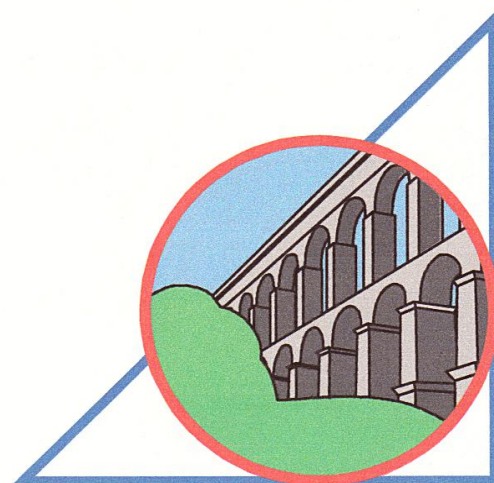
SITE ADDRESS:

4805 LITTLE CREEK CH RD
CLAYTON NC 27520

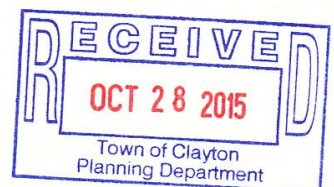
CLIENT:

GRAY WOLF DEVELOPMENT, LLC
104 AIRPORT INDUSTRIAL DR
CLAYTON NC 27520

OCTOBER 2015



TRIANGLE
CIVILWORKS
PROFESSIONAL ASSOCIATION
NCBELS NO. C-2603
211 TYLER DRIVE
SMITHFIELD, NC 27577
919-209-9955



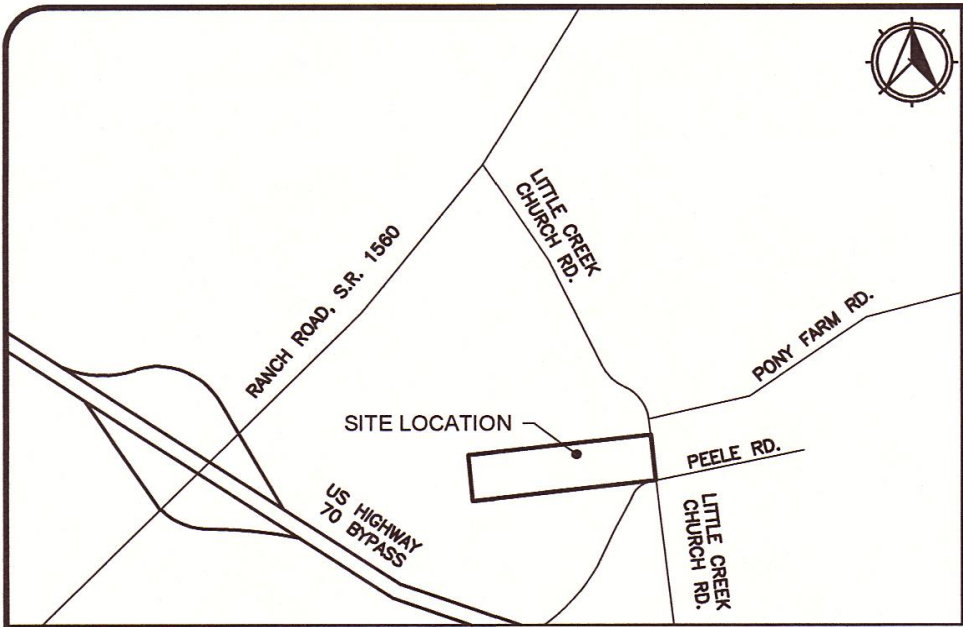
PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION
10/01/15

.15130

RHODES FARM MANOR SUBDIV.—PRELIMINARY PLAT—###

ISS. NO.	DESCRIPTION	DATE

SAVED: 10/26/15 11:28 AM



VICINITY MAP
NOT TO SCALE

DEVELOPMENT TRACT SUMMARY

TRACT 1
OWNER: JANICE RHODES SOHN
1615 FIRE DEPARTMENT ROAD
CLAYTON, NC 27527
PIN: 166700-67-4991
AREA: 1.27 ACRES

TRACT 2
OWNER: EDWARD W. RHODES ESTATE
c/o CHARLIE RHODES
836 PEELE ROAD
CLAYTON, NC 27520
PIN: 166700-37-6866
AREA: 39.97 ACRES

TRACT 3
OWNER: CHARLIE D. RHODES AND
BONNIE J. RHODES LIFE ESTATE
836 PEELE ROAD
CLAYTON, NC 27520
PIN: 166700-37-6658
AREA: 1.25 ACRES

TRACT 4
OWNER: CHARLIE D. AND BONNIE J. RHODES
836 PEELE ROAD
CLAYTON, NC 27520
PIN: 166700-37-5678
AREA: 10.0 ACRES

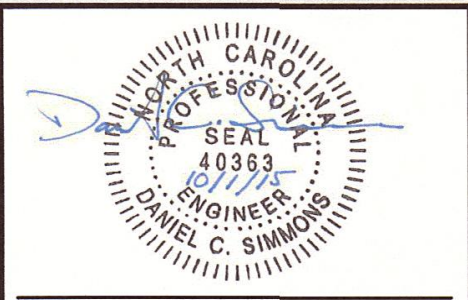


NOTES

1. NO CGS MONUMENTS FOUND WITHIN 2000 FEET OF PROPERTY.
2. TRACTS 1, 2, AND 4 ARE TO BE RECOMBINED TO CREATE DEVELOPMENT TRACT.

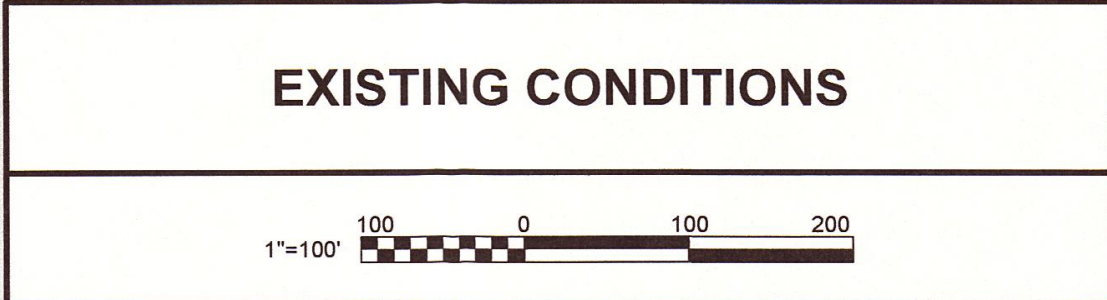


DESIGNED: DCS	PROJECT DATE: OCTOBER 2015		
DRAWN: RAJ	PROJECT NO. 15130		
CHECKED: DCS	DWG FILE NAME: 1 Existing Conditions.dwg		
PROD. ENG:		REV. NO.	DESCRIPTIONS
			REVISIONS



RHODES FARM MANOR SUBDIV
PRELIMINARY PLAT

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520



PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION

10/01/15

SHEET NO.
1
OF: 3

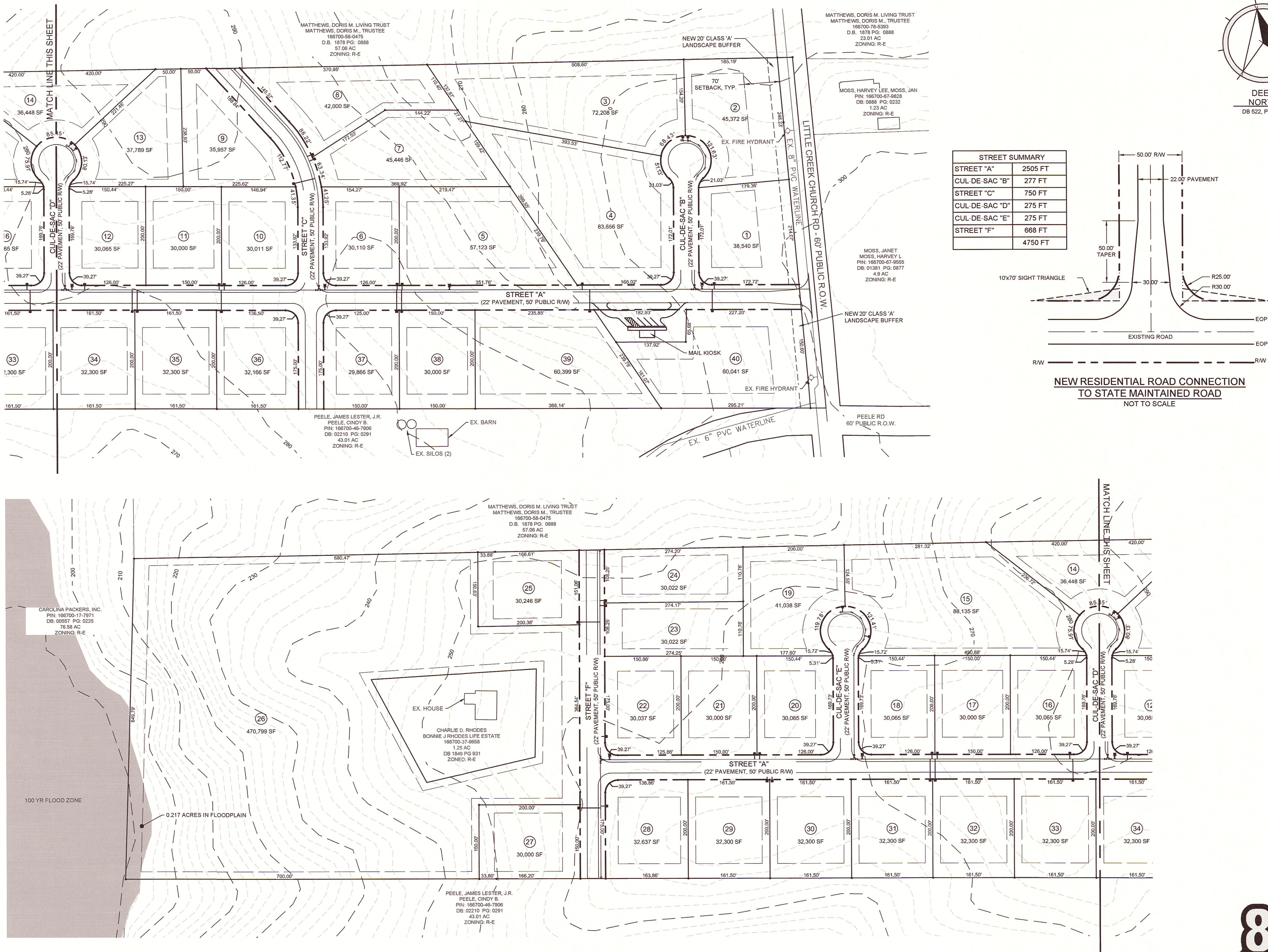
RHODES FARM MANOR SUBDIV-----PRELIMINARY PLAT-----10/01/15

SUBDIVISION DATA

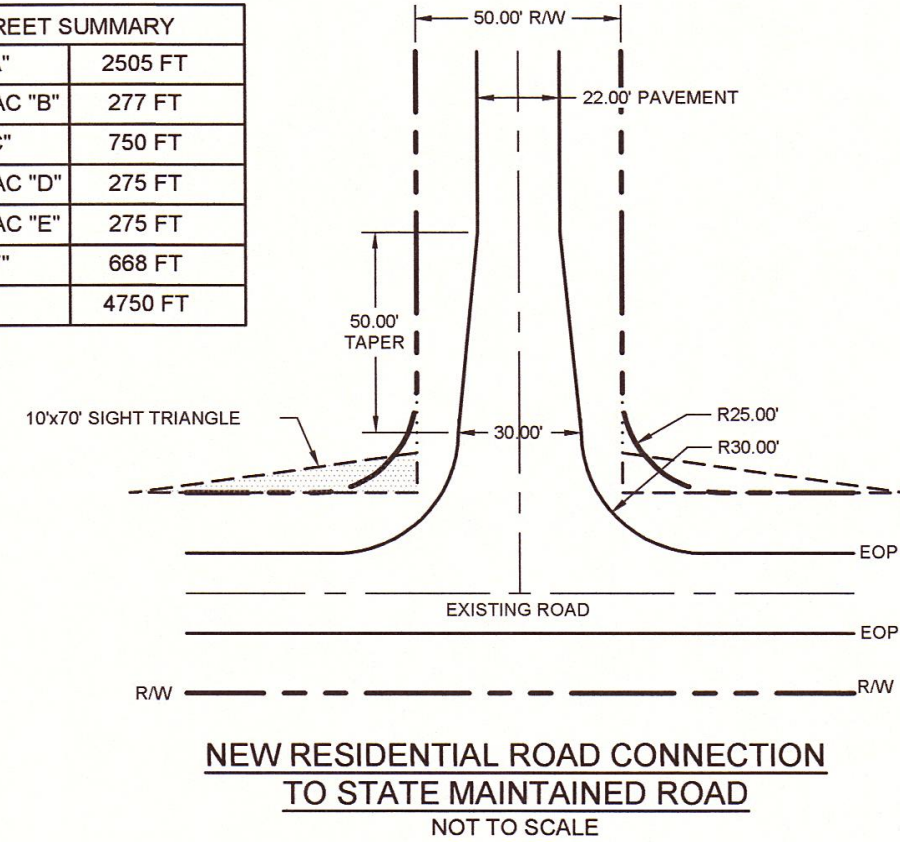
- GROSS TRACT AREA: 2,281,845 SF (51.92 AC)
- TAG# 05H04037 05H04037C 05H04037A 05H04037D
- DEVELOPER: GRAY WOLF DEVELOPMENT, LLC. 104 AIRPORT INDUSTRIAL DR. CLAYTON, NC 27520
- TOWNSHIP: CLAYTON
- TOWN LIMITS: NONE
- ZONING DISTRICT: R-E
- OVERLAY DISTRICT: N/A
- WATERSHED PROTECTION OVERLAY: N/A
- AREA IN RESOURCE CONSERVATION AREAS: 0.0 AC
- FEDERAL DESIGNATED FLOODPLAIN: N/A
- FEMA DESIGNATED FLOODPLAIN: 0.217 ACRES
- ELECTRIC PROVIDER: DUKE PROGRESS ENERGY
- WATER PROVIDER: JOHNSTON COUNTY
- SEWER COLLECTION: VIA INDIVIDUAL SEPTIC SYSTEM
- EXISTING USE: AGRICULTURAL/RESIDENTIAL
- PROPOSED USE: SINGLE FAMILY RESIDENTIAL
- LOT SUMMARY:
 - TOTAL LOTS PROVIDED: 40
 - DENSITY PROVIDED: 0.77 UNITS / AC (1.5 UNITS / AC MAX.)
 - AVG. LOT SIZE: 1.29 AC
 - SMALLEST LOT SIZE: 30,000 SF (0.69 AC) (# 25)
 - LARGEST LOT: 471,146 SF (12.06 AC) (# 26)
 - MINIMUM LOT SIZE: 30,000 SF
 - MINIMUM LOT WIDTH: 100 FT
 - MAXIMUM BUILDING HEIGHT: 35 FT
 - MINIMUM DWELLING UNIT SIZE: 1,400 SF
 - MAXIMUM BUILDING COVERAGE: 35%
- SETBACKS
 - FRONT: 35'
 - STREET SIDE: 25'
 - SIDE/INTERIOR: 15'
 - REAR: 30'
 - LITTLE CREEK CHURCH RD: 70'
- IMPERVIOUS AREA SUMMARY
 - EXISTING IMPERVIOUS AREA: 20,980 SF (0.49 AC)
 - MAXIMUM IMPERVIOUS AREA ALLOWED (50%): 1,130,822 SF (25.96 AC)
 - (IMPERVIOUS AREA ALLOWED w/ NO ADDT) (STORMWATER MGMT CONTROL - 15%): 339,247 SF (7.97 AC)
 - PROPOSED TOTAL IMPERVIOUS AREA:
 - AREA IN ROADS: 107,564 SF (2.53 AC)
 - AREA IN MAIL KIOSK: 5,153 SF (0.12 AC)
 - TOTAL AREA IN LOTS: 228,530 SF (5.32 AC)
 - MAXIMUM IMPERVIOUS AREA PER LOT: 5,525 SF

NOTES

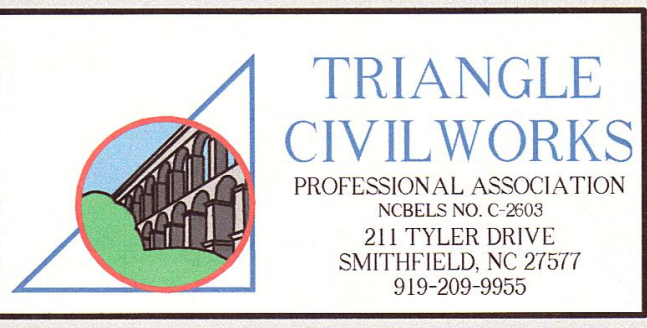
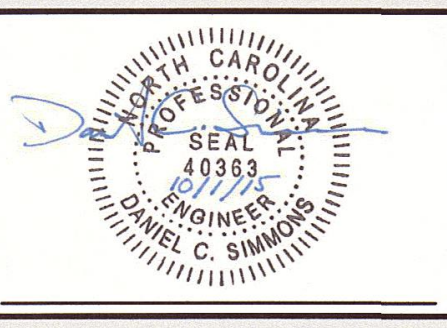
- NO NCGS MONUMENTS FOUND WITHIN 2000 FEET OF PROPERTY.
- TRACTS 1, 2, AND 4 ARE TO BE RECOMBINED TO CREATE DEVELOPMENT TRACT.
- STREET TREES WILL BE REQUIRED AT A RATE OF ONE PER LOT.
- ALL STREETS WITHIN THE SUBDIVISION MUST MEET NCDOT STANDARDS AND SPECIFICATIONS AND BE ACCEPTED FOR DEDICATION BY NCDOT.
- LOT 26 WILL BE COMBINED WITH THE EXISTING CHARLIE D RHODES PARCEL.
- MAIL KIOSK TO BE A SEPARATE PARCEL DEEDED TO THE HOMEOWNERS ASSOC.



STREET SUMMARY	
STREET "A"	2505 FT
CUL-DE-SAC "B"	277 FT
STREET "C"	750 FT
CUL-DE-SAC "D"	275 FT
CUL-DE-SAC "E"	275 FT
STREET "F"	688 FT



DESIGNED:	RAJ	PROJECT DATE:	OCTOBER 2015
DRAWN:	RAJ	PROJECT NO.:	35130
CHECKED:	DCS	DWG FILE NAME:	2 Subdivision Plan.dwg
PROJ. ENG.:		REV. NO.:	
		DESCRIPTIONS:	
		REVISIONS:	



RHODES FARM MANOR SUBDIV PRELIMINARY PLAT

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520

SUBDIVISION PLAN

1"=100'

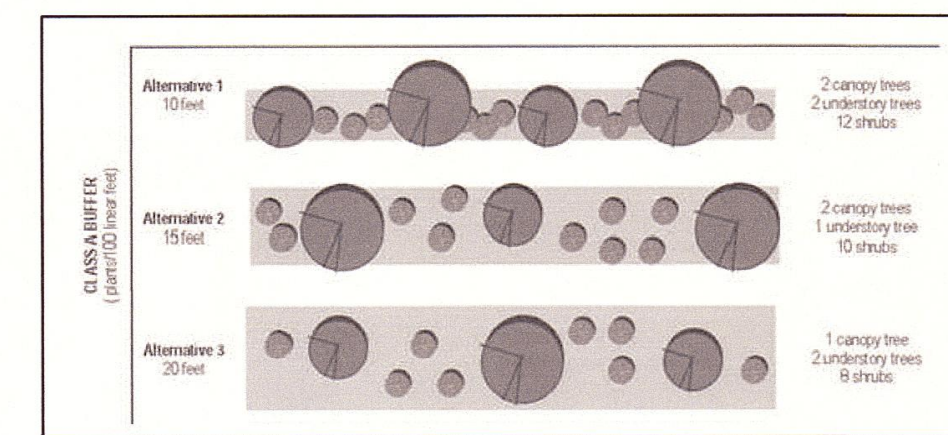
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PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION

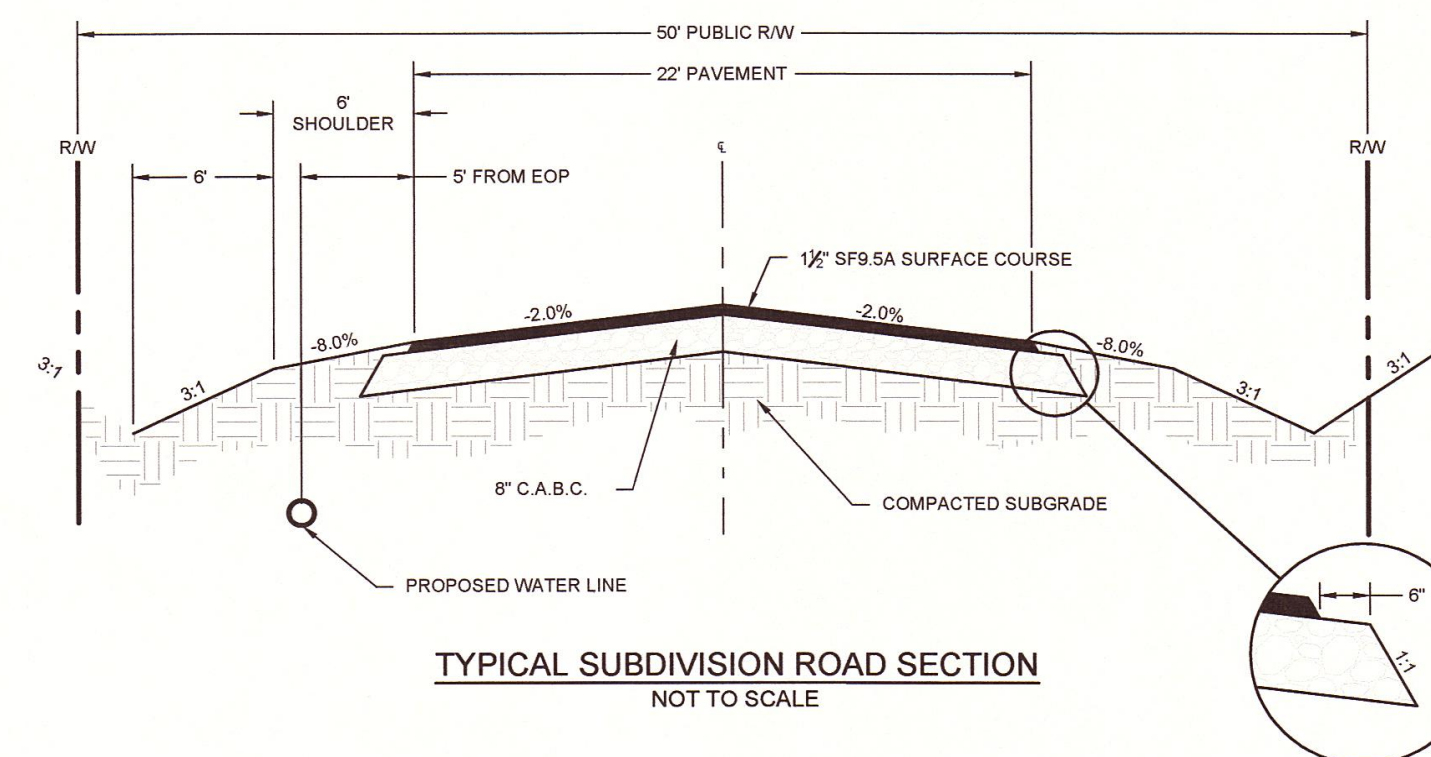
10/01/15

SHEET NO.
2
OF: 3

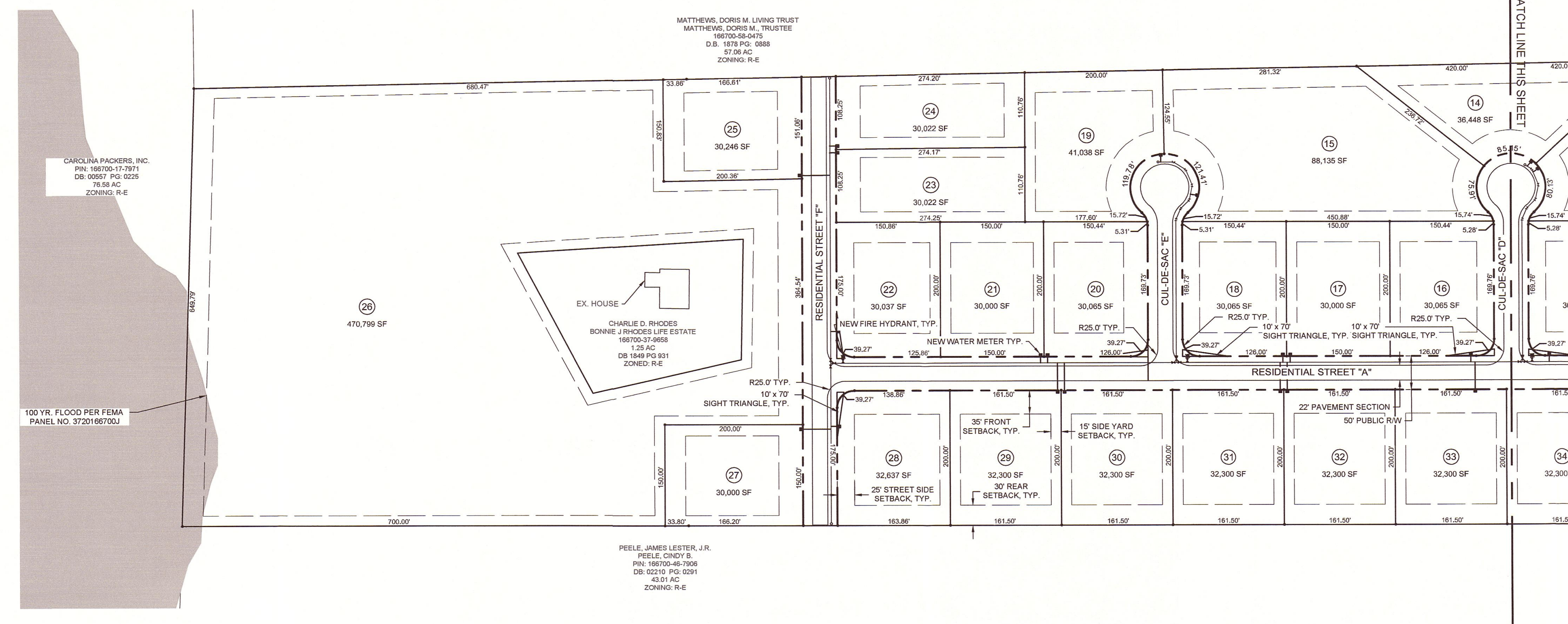




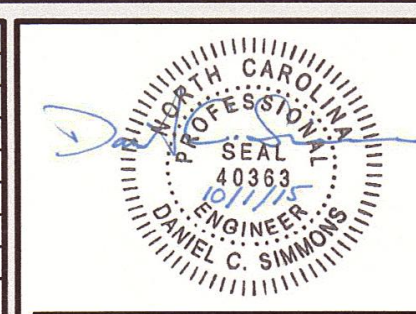
CLASS 'A' LANDSCAPE BUFFER TYPICAL
NOT TO SCALE



TYPICAL SUBDIVISION ROAD SECTION
NOT TO SCALE



DESIGNED:	PROJECT DATE: OCTOBER 2019			
DRAWN:	PROJECT NO. 15130			
CHECKED:	DWG FILE NAME: 3 Engineering Plan.dwg			
PROJ. ENG:		REVNO.	DESCRIPTIONS	
			REVISIONS	



**RHODES FARM MANOR SUBDIV
PRELIMINARY PLAT**

SITE ADDRESS
4805 LITTLE CREEK CH RD
CLAYTON NC 27520

PRELIMINARY ENGINEERING PLAN



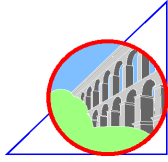
PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION

10/01/15

SHEET NO.

3

OF: 3



TRIANGLE CIVILWORKS, P.A.

211 TYLER DRIVE
SMITHFIELD, N.C. 27577
Phone or Fax: (919) 209-9955

October 28, 2015

James L Jr. & Cindy Peele
3913 Robin Lane
Clayton, NC 27520

Reference: Rhodes Farm Subdivision

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.

Date of Meeting:	November 10, 2015
Location:	The Clayton Center – York Room
Time:	6:00 pm
Type of Application:	Major Subdivision
General Description:	Gray Wolf Development is constructing a residential subdivision as shown on the attached plan.

If you have any questions prior to or after this meeting, you may contact us at **(919) 209-9955**.

Sincerely,

Dan Simmons
Vice President
Triangle Civilworks, PA

Cc: Clayton Planning Department

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: OCTOBER 27, 2015

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

Printed Name: DAN SIMMONS

Signature: 

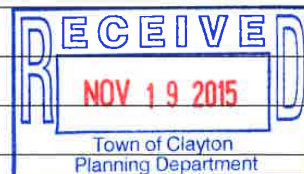
Date of Meeting: 11-10-15

Time of Meeting: 6:00 PM

Location of Meeting: TOWN HALL YORK ROOM

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.

MR. & MRS MOSS WANTED TO SEE THE PROJECT
LAYOUT, I REVIEWED THE PROJECT WITH THEM
AND THEY HAD NO OBJECTION TO THE
SUBDIVISION BEING LOCATED ACROSS THE STREET
FROM THEIR HOME.



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

November 2014

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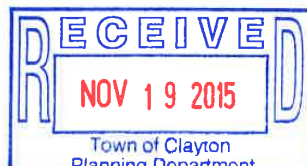
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: GRAY WOLF DEVELOPMENT

Location/Date: TOWN HALL , YORK ROOM

	NAME	ADDRESS
1	Harvey Mass	4804 Little CK. Ch. Rd.
2	Jan Mass	Clayton, NC 27520
3		
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November 2014



Page 9 of 17

ADJACENT PROPERTY OWNERS LIST

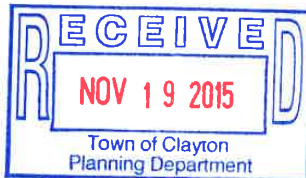
Project Name: Rhodes Farm Subdivision

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.

[illegible]

November 2014



Page 7 of 17

Rhodes Farm Subdivision

Waivers Requested:

1. Sec. 155.601 H. Curb and Gutter – We respectfully request a waiver for this requirement due to the rural characteristics of the proposed subdivision and the neighborhood. There aren't any curb and gutter installed on the streets in this neighborhood.
2. Sec. 155.601 G. Sidewalks – Constructing sidewalks on streets without curb and gutter is not very practical since NCDOT will not maintain the sidewalks and any sidewalks would have to be constructed behind the ditches if the waiver requested above is granted.

Considerations:

1. The granting of these waivers 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. There is no other streets with curb and gutter in the neighborhood and no like infrastructure to connect to.
2. The conditions upon which the requests for the waivers are based are unique to the property for which the waiver is sought and are not generally applicable to other property. If this property were in an urban setting and receiving town services (water, sewer, and street maintenance by the Town of Clayton) these requirements would be appropriate but considering the rural neighborhood we feel it is not appropriate.
3. A hardship would be place on this developer if he were to comply with the strict requirements of the code because you would be putting an urban development in a rural setting.
4. The purpose of these waivers is not based on financial consideration but based on creating a development that is in harmony with the surrounding neighborhood.

Stormwater Management Statement

Project Name: Rhodes Farm Subdivision
Project Address: 4805 Little Creek Church Road
Clayton, NC 27520

Developer: Gray Wolf Development, LLC
Mailing Address: 104 Airport Industrial Drive
Clayton, NC 27520
Telephone: 919-760-1056
Email: Wade@wadecorbett.com

Existing Site

The site is an existing 51.32 Acre tract that is currently utilized as farm land. The site is bordered on the east by Little Creek Church Road and is located within the Town of Clayton ETJ. The following are additional site information:

Watershed: Part of the Swift Creek watershed. Site is not located in a protected watershed district.
Flood: 0.217 Acres along the western property line is located in a flood zone according to FEMA map 370139 1667 dated December 2, 2005.
Soils: Contains sandy loam to loamy clay soils.
Land Use: Farming

Proposed Development

? Subdivision is a proposed 41-lot single family subdivision with the following development improvements:

Houses: Anticipated to range from 1,600 sf to 3,000 sf
Roads: 4,400 LF of 22' paved roadway with sideline ditches to meet NCDOT Standards
Sidewalks: There will be no sidewalks.
Utilities: Public water will be supplied by Johnston County and sewer by on-site septic systems.

Open Space: There will be no open space provided and a payment in lieu of will be made.

The proposed subdivision is being developed with the water system being turned over to Johnston County and the roads being turned over to NCDOT.

The site has 5,621 sf of existing impervious area.

Impervious area Calculations – Proposed

The following are the proposed impervious areas:

Houses (roof, patios, driveways and accessory building):	5,000 sf x 41 lots = 205,000 sf
Roads:	106,457 sf
Total Impervious Area	311,457 sf or 7.15 ac.
% Impervious	13.89%

Stormwater Impacts from Proposed Development

The site is a very small percentage of the total drainage basin for Swift Creek therefor the impact to the downstream properties will be negligible. As the site is less than 15% impervious no peak flow attenuation is required and calculating the TN export for the property using method 1 is 2.47 lbs/yr.

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
PRELIMINARY SUBDIVISION PLAT**

15-50-01-SD Rhodes Farm- Major Subdivision

On Monday, November 30, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request with the conditions presented by staff;

☐ approve the request with the following modified or added conditions:

☐ deny the request.

Recommendation(s) made this 30 day of November while in regular session.

Signed:



Frank Price, Planning Board Chair



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

*Town Council
January 4, 2015*

CONDITIONS OF APPROVAL

Application Number: 15-56-01-SD
Project Name: Rhodes Farm Major Subdivision

CONDITIONS OF APPROVAL (amended following Town Council workshop 12/21/2015):

Staff recommends the following Conditions of Approval be applied to the preliminary subdivision plan:

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
2. All development fees shall be paid prior to final plat recordation.
3. All streets shall be built to NCDOT standards and successfully dedicated to NCDOT in accordance with NCDOT regulations.
4. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.
5. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
6. All signs shall require review/approval pursuant to UDC Section 155.713.
7. A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
8. The landscaping buffer along Little Creek Church Road shall be installed prior to the issuance of any Certificate of Occupancy.

Waivers:

9. All requested waivers for sidewalks on all roads shall be paid as fee-in-lieu prior to plat recordation.
10. Waiver from constructing curb-and-gutter road: all roads will be dedicated to NCDOT and will connect to NCDOT roads.

**Town of Clayton
Town Council
Preliminary Subdivision Plat Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to **(PICK ONE)**:

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

Preliminary Subdivision Plat Application Number: **15-56-01-SD**

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

2. The subdivision **DOES** meet all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT** meet all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

3. 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.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards for development of properties in the surrounding area. (State evidence supporting finding).

**Preliminary Subdivision Plat Motion Form
Page 1 of 2**

PPAB 2683271v1

4. 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.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

[If approved with conditions] The applicant meets this finding subject to the following conditions:

**TOWN OF CLAYTON
SUBDIVISION APPROVAL 15-56-01-SD
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: Gray Wolf Development

Owner: Charles D. Rhodes Trustee

Property Location: Located off of Little Creek Church Road on the corner of Peele Road and Little Creek Church Road

Tax Parcel Numbers: 166700-37-5678 / 166700-57-0686 & 166700-67-4991

Proposed Use of Property: Conventional subdivision with 41 single family detached homes.

Meeting Date: January 4, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Unified Development Ordinance, hereafter referred to as UDO, for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

1. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
2. All development fees shall be paid prior to final plat recordation.

3. All streets shall be built to NCDOT standards and successfully dedicated to NCDOT in accordance with NCDOT regulations.
4. Recreation fees shall be paid as fee-in-lieu, prior to plat recordation.
5. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
6. All signs shall require review/approval pursuant to UDC Section 155.713.
7. A homeowners' association document (if applicable) shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
8. The landscaping buffer along Little Creek Church Road shall be installed prior to the issuance of any Certificate of Occupancy.

WAIVERS:

9. All requested waivers for sidewalks on all roads shall be paid as fee-in-lieu prior to plat recordation.
10. Waiver from constructing curb-and-gutter road; all roads will be dedicated to NCDOT and will connect to NCDOT roads.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett
Town Clerk

NORTH CAROLINA
JOHNSTON COUNTY

I, _____, a Notary Public, do hereby certify that Kimberly A. Moffett personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the ____ day of _____ 2016.

(SEAL)

Notary Public _____
(Printed Name)

NC County of Commission: _____

Commission expires: _____



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Public Hearings

Meeting Date:

January 4, 2016

ITEM TITLE:

East Village Walk - Rezoning 12-05-04-PDD & Preliminary Plat Subdivision 12-05-05-SD

DESCRIPTION:

Applicant is requesting to rezone 52.57 acres of land to PD-R. The subject property's existing zoning is PD-R. However, this was designated in 2012 when the property was running concurrently with a different master plan than the one currently proposed for the site. All Planned Developments are tied to specific Master Plans. As a result, in order for the new master plan to be approved the property must go through the rezoning process again.

Request for approval for a preliminary subdivision approval for a 300 unit, single-family subdivision to be developed on 52.57 acres of land. This project is running concurrently with rezoning request 12-05-04-PDD to rezone the property to PD-R.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Dave DeYoung, Planning Director

ITEM HISTORY:

Date:

November 16,
2015

Action Taken:

Set Public Hearing for January 4, 2016

Information Provided:

Staff Report / Application / Map / Neighborhood Meeting Information

Date:

Action Taken:

Information Provided:



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
September 28, 2015

STAFF REPORT

Application Number: 12-05-04-PDD Project Name: East Village Walk Rezoning

NC PIN / Tag #: 166807-50-2827 / 05037010E
Town Limits/ETJ: Town Limits
Overlay: Watershed Protection Overlay
Applicant: East Village Investments, LLC
Owner: East Village Investments, LLC
Location: The project is located at the intersection of East Front Street and Bent Branch Loop.

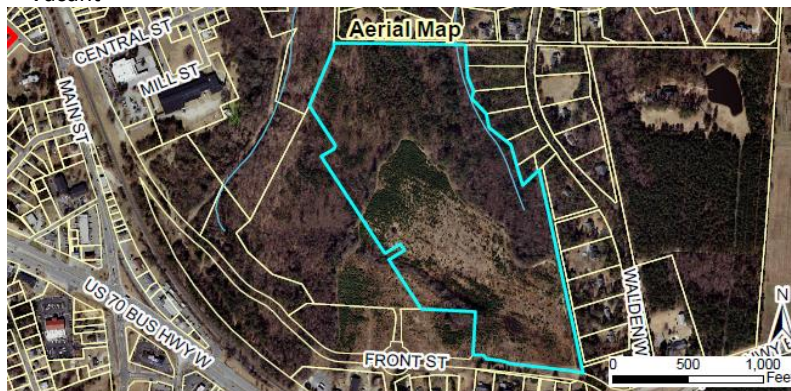
Public Noticing:

- Neighborhood meeting September 9, 2015
- Sign posted September 18, 2015
- Letters mailed prior to October 21, 2015
- Newspaper Ad posted prior to October 21, 2015

REQUEST: Rezoning 52.57 acres from PD-R to PD-R. This application is running concurrently with preliminary subdivision plat application, acting as a master plan, 12-05-05-SD East Village Walk.

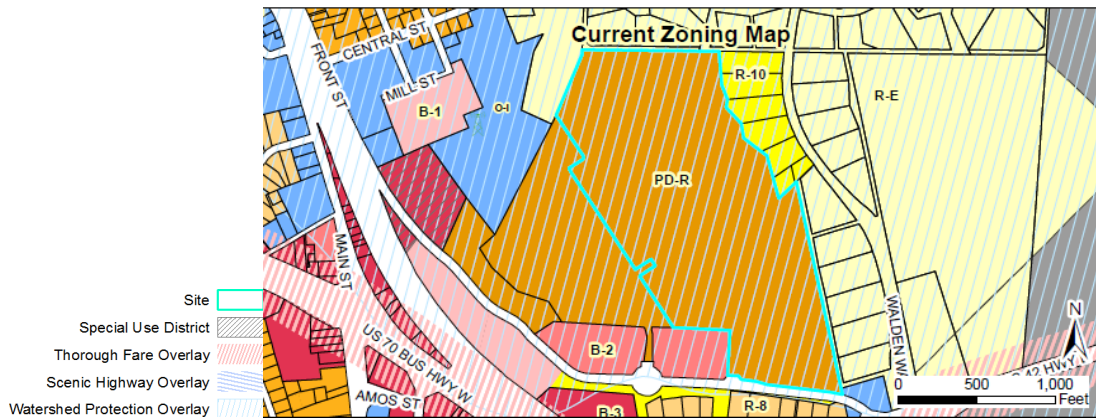
SITE DATA:

Acreage: 52.57
Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

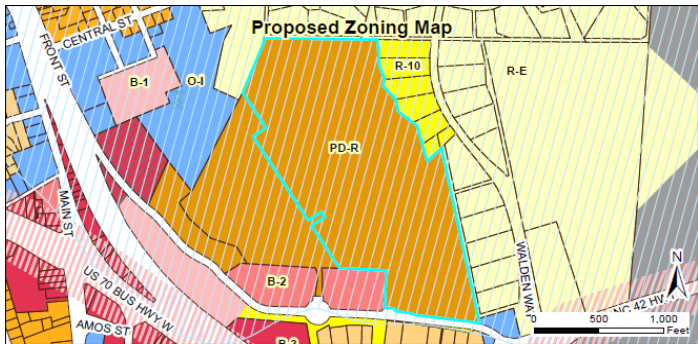
Direction	Zoning	Existing Use
North	Residential-Estate	Single-Family Homes, Vacant
South	Neighborhood-Business, Residential-8, Residential-10	Vacant, Single-Family Homes
East	Residential-10, Residential-8	Single-Family Homes
West	Planned Development-Residential, Residential-Estate	Apartments, Vacant



STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 52.57 acres of land to PD-R. This application is running concurrently with a major preliminary plat, acting as a master plan, for East Village Walk. The subject property's existing zoning is PD-R. However, this was designated in 2012 when the property was running concurrently with a different master plan than the one currently proposed for the site. All Planned Developments are tied to specific Master Plans. As a result, in order for the new master plan to be approved the property must go through the rezoning process again.

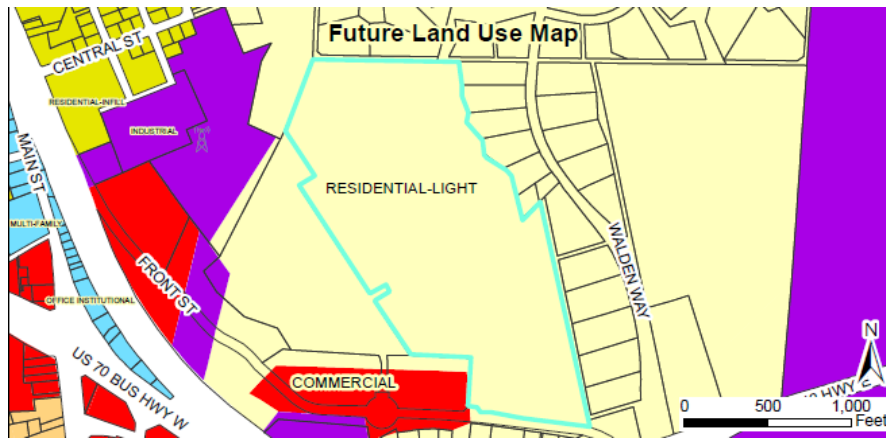


Compatibility with Surrounding Land Uses

The surrounding land uses are primarily residential, along with some vacant parcels. The proposed zoning category is Planned Development-Residential, making it compatible with surrounding residential uses.

Consistency with the Strategic Growth Plan

Clayton's 2008 Strategic Growth Plan designates this parcel as "Residential-Light". The proposed rezoning for this site is Planned Development-Residential. This zoning category will be consistent with the strategic growth plan because it allows the property to be developed for residential use, which is what was envisioned in the Growth Plan.



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 subdivision request (12-05-05-SD East Village Walk)

APPROVAL CRITERIA:

The applicant has addressed the Rezoning Approval Criteria outlined in §155.705. The applicant's responses are incorporated as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel.

Staff Report
12-05-04-PDD East Village Walk Rezoning

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application
- 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

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 fee: Standard Rezoning: \$500.00
Rezoning to Planned Development District: \$1,000.00 + \$5.00 acre
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: EAST VILLAGE Pocket Community Acreage of Property: 52.57
County Tag Number: 05037010E NC PIN: 166807-5A-2827
Address/Location: NORTH SIDE EAST FRONT ST.
Existing Zoning District: ~~PR-D~~ PD-R
Proposed Zoning District: ~~PR-D~~ PD-R
Is project within an Overlay District? ☐ No
☒ Yes (list): Watershed Protection

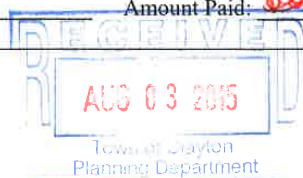
APPLICANT INFORMATION

Applicant: EAST VILLAGE INVESTMENTS, LLC
Mailing Address: 2217 STATTONSBURG RD, GREENVILLE, NC
Phone Number: 919-796-1612 Fax: _____
Contact Person: MARK GRAMLING
Email Address: mark@timugroup.com

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: ~~\$2,000.00~~ \$1265.00 File Number: 12-056-04-~~RE~~PDD

January 2015



Page 1 of 10

PROPERTY OWNER INFORMATION

Name: EAST VILLAGE INVESTMENTS, LLC
Mailing Address: 2217 STANTONBURG RD, GREENVILLE, NC
Phone Number: _____ Fax: _____
Email Address: _____

EXPLANATION OF PROJECT

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

AS FOR SUBMITTED

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:			To be completed by staff:		
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	☐	☒		
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments)	☒		☒		
3. Completed application	☒		☒		
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☐	☒		☒ needed.	
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department). <u>AS SUBMITTED</u>	☐		☒		
6. If property to be rezoned is a portion of a parcel: - Property legal description typed (10 pt. font or greater). The legal description must also be submitted electronically in Microsoft Word format. - Plat showing property to be rezoned, matching legal description.	☐	☒	☒		
7. Adjacent property owners list <u>AS SUBMITTED</u>	☒	☒		☒ forthcoming.	
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☐			☒ forthcoming.	
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>	☐			☒ needed.	

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

As per Submission, Yes

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

As per Submission, Yes

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

As per Submission, meets 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.

Adequate Services & Facilities are Available.

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

As per Submission, Yes

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.

As per Submission, Yes

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.

Yes.

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.

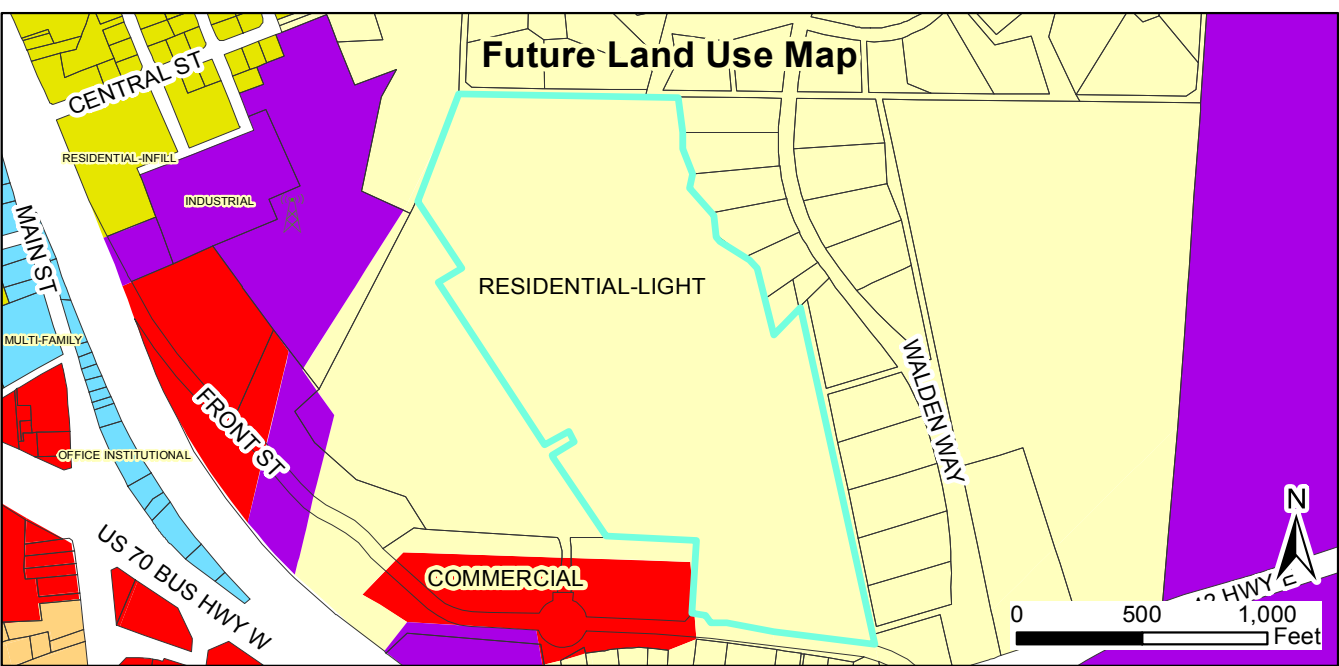
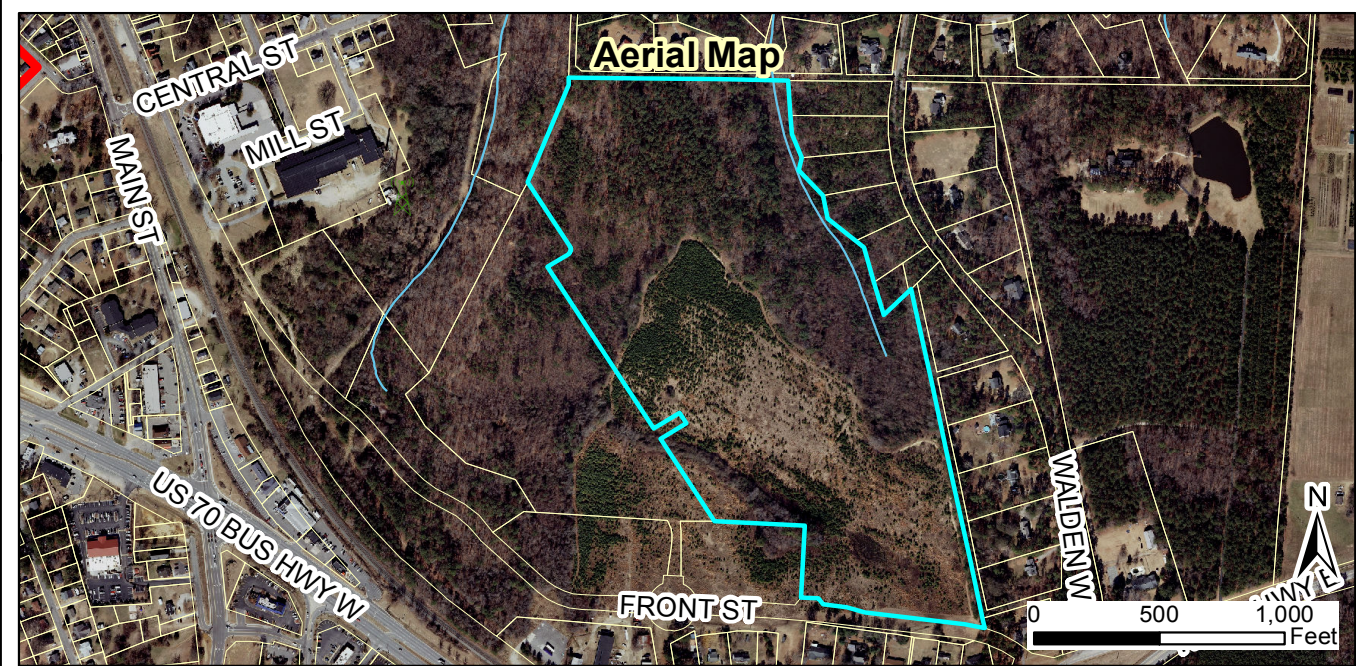
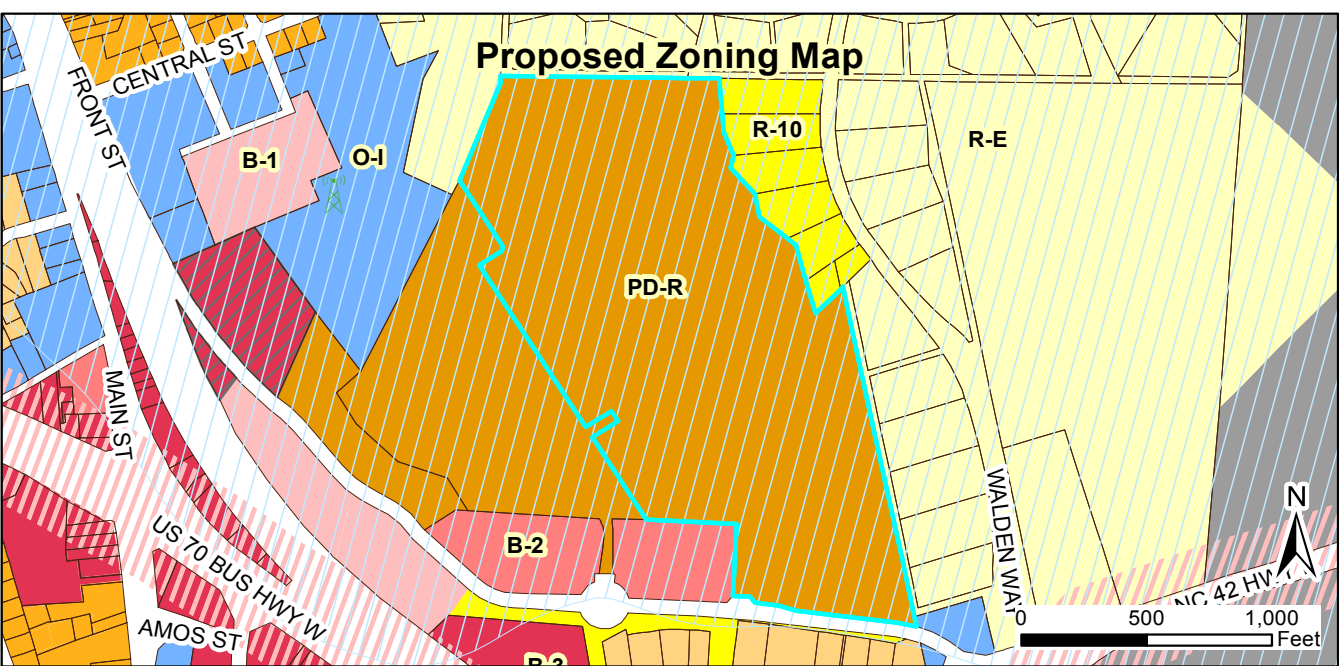
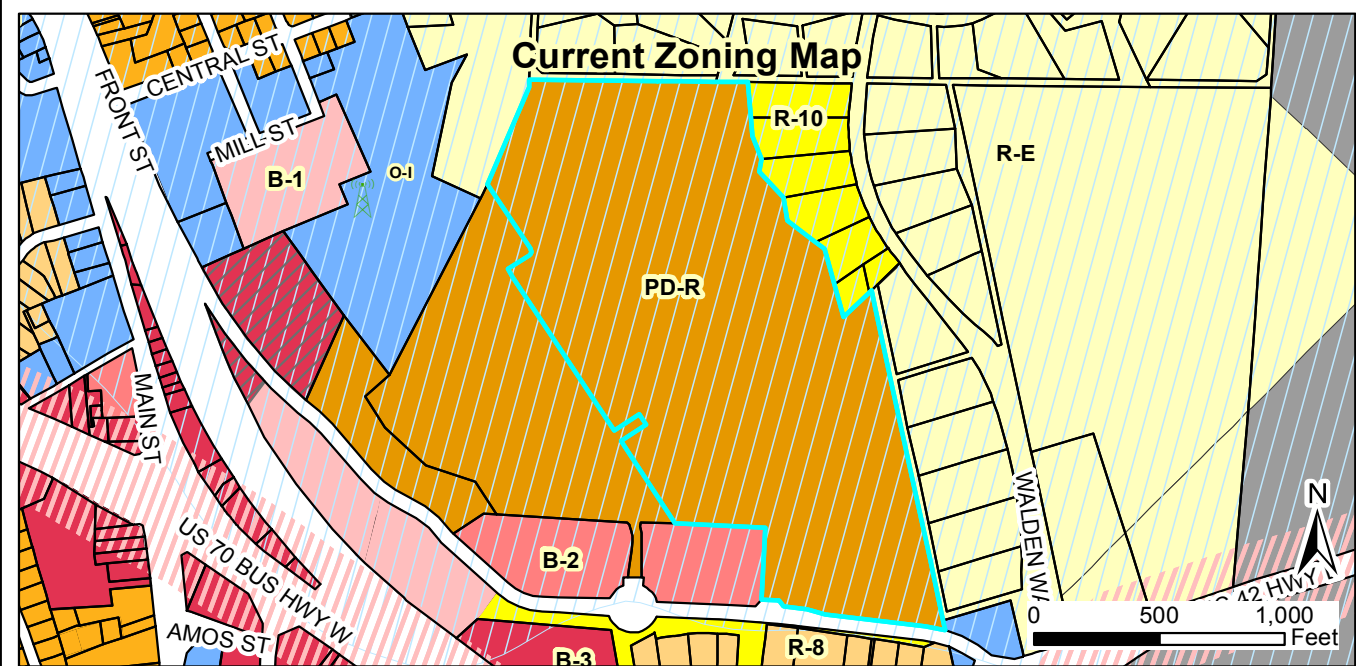
Mark Gramling
Print Name

[Signature]
Signature of Applicant

8-3-15
Date

January 2015

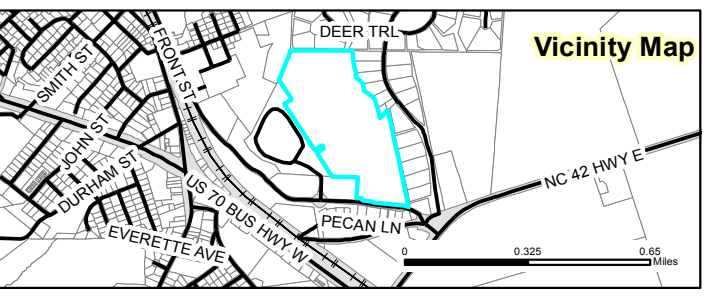
Page 4 of 10



12-05-04-PDD East Village Walk
Request: Rezoning from PD-R to PD-R
12-05-05-SD East Village Walk
Request: 300-lot sbudivision
 Applicant: East Village Investments, LLC
 Property Owner: East Village Investments, LLC
 Parcel ID Number: 166807-50-2827
 Tag #: 05037010E



- Site
 - Special Use District
 - Thorough Fare Overlay
 - Scenic Highway Overlay
 - Watershed Protection Overlay
- 09/15/2015
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2015\12-05-05-SD East Village Walk - maj subdivision\Maps\StaffReport\Map_EastVillageRezoning&Subdivision.mxd



3715 Neil Street * Raleigh, NC 27607 * O) 919.827.1790 * www.timugroup.com

August 26, 2015

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 proposed Rezoning and Subdivision Development adjacent or in close proximity to property shown in your ownership by Johnston County tax records. Per Town of Po 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, September 9th, 2015

Meeting Time: 6:30 – 7:30 PM

Meeting Location: The Clayton Center, Hales Room: 111 E 2nd Street Clayton, NC 27520

Type of Application: Rezoning & Major Subdivision

Project Address: Please see attached map and project description, below

Project Description: East Village Pocket Community is a 52.57 acre Planned Residential Development (PD-R) in the Town of Clayton. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates. The development plan incorporates a mixture of single-family homes and townhomes, and will be age targeted to an active adult population (55 years and older). Single-family homes and townhomes will be clustered into pods. The single family home pods front a pedestrian oriented greenspace. A private Amenity Center, including a swimming pool and fitness center, is proposed.

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 the 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) 363-0404. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Gramling'.

Mark Gramling
TIMU Group

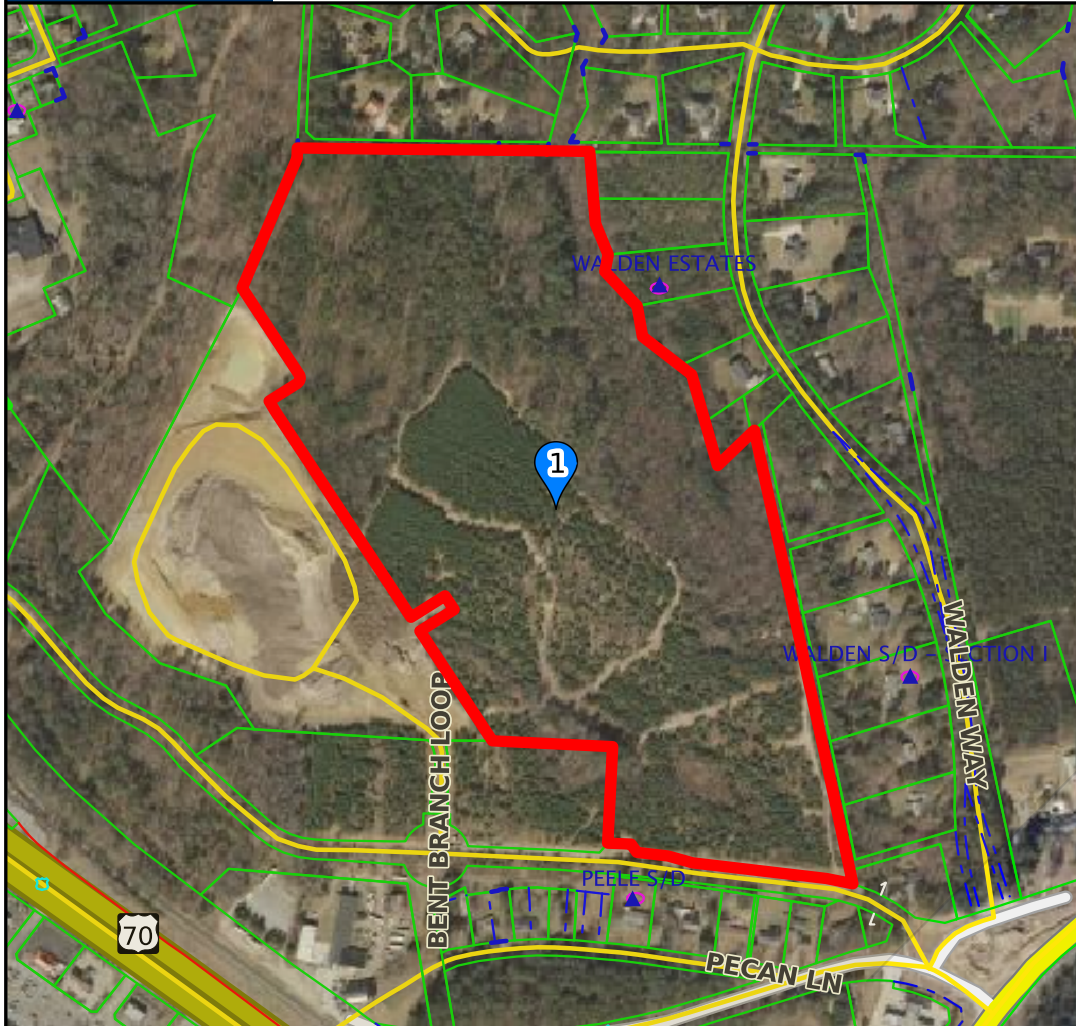
Cc: Town of Clayton Planning Department

East Village Pocket Community- Vicinity Map



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 166807-59-2827
Tag: 05037010E
Tax Unique Id: 4244398
NCPin: 166807-59-2827
Mapsheet No: 166807
Owner Name 1: TH CLAYTON DEVELOPMENT COMPANY LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 566
Mail Address 3: GREENVILLE, NC 27835-0566
Site Address 1:
Site Address 2:
Book: 04483
Page: 0821
Market Value: 1010540
Assessed Acreage: 52.57
Calc. Acreage: 52.8
Sales Price: 2704500
Sale Date: 2014-08-08



Scale: 1:5993 - 1 in. = 499.38 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
August 17, 2015



EAST VILLAGE WALK

NEIGHBORHOOD MEETING AGENDA, September 9, 2015

- 6:30-6:45pm - Review of plans (informal discussions, attendees roam at their leisure)
 - 6:45- 7:10pm – Official welcome of attendees; introduction of team
 - Developer comments; thanks attendees for coming; describes his firm’s interest in project and connection to Clayton as place appropriate for project.
 - Project background: existing subdivision approved September 2012; completion of East Front Street and The Arbors
 - Comparison of layouts of original and proposed: street access points unchanged; arrangement of lots, open space, and greenway trails basically the same; amenities now include clubhouse and swimming pool; density increase from 208 to 300 .
 - Project Design features: (1) The Common Courtyards Concept (Focus on intimate “front yard” pedestrian-only community open spaces; Cars in alleys; reduce visual impact of cars on neighborhood; Small to midsize lots for lower maintenance)
 - Architectural Character: (1) Small to mid-sized houses; (2) Downstairs master suites; (3) Garage parking (option); (4) Front porches for architectural character and promotion of community.
 - 7:10-7:30pm – Questions from attendees. See Q&A sheets
 - 7:30pm – Meeting ends
-



EAST VILLAGE WALK

NEIGHBORHOOD MEETING – Questions & Answers

September 9, 2015

Notes by: Jimmy Thiem, HagerSmith Design

- Q: Will proposed Tupelo Street (Subdivision Entrance 1) intersect E. Front Street at same location as shown on previously approved subdivision plan? Berm on south side of Front Street installed as part of Front Street project built to height of 3' vs. 6', with limited screening vegetation. [from: owner of PIN 166807-58-3397]
 - o A: Tupelo Street is proposed to remain in the same location as shown on the existing approved subdivision plan. Recommended contacting Town of Clayton Public Works regarding height of berm and plantings. Representative of TIMU Group offered to go look at the situation to see what improvements might be made to enhance buffering of traffic.
- Q: What is residential density of approved and proposed plans?
 - o A: Approved density is 208 units. Proposed density is 300 units.
- Q: What is time frame for build-out of project?
 - o A: 4-5 years with construction starting early 2016.
- Q: How will parking be provided on streets/lanes?
 - o Groups of parallel parking spaces are provided in various locations along the streets/lanes.
- Q: Where are vehicle ingress/egress locations for project?
 - o A: There are three: (1) proposed Tupelo Street connecting to E. Front Street, (2) public street connecting to existing street stub-out at The Arbors, (3) public street stub-out at northwest corner of site to undeveloped lot west of Walden subdivision.
- Q: Has traffic study been done? Concern for impact of traffic on E. Front Street.
 - o A: The original traffic study has been updated to reflect both the increased density proposed for East Village Walk as well as for the proposed expansion of The Arbors which replaces property originally planned for future commercial development. The study indicates a reduction in daily vehicle trips, primarily related to the reduced traffic levels associated with the 55+ year adult focus for East Village Walk. The study has been submitted to the Town of Clayton and is presently under review.
- Q: Where will you start construction?
 - o A: The southern end of the site near E. Front Street.
- Q: What is proposed for property bordered by Pecan Lane and Old NC 42?

- o That property is not part of the East Village Walk project, and we are not involved in its development.
 - Q: There is a problem with drivers east bound on E. Front Street making a left-hand turn onto NC 42 during certain times of the day. What can be done to fix this?
 - o A: We understood, during the planning phase for the E. Front Street extension, that a traffic light was proposed for this intersection at some future date. Recommended that they contact Clayton Public Works or the local N.C. Division of Highways District office for more information.
 - Q: Are there alternative locations for vehicular access.
 - o A: Discussion focused on routing of street from proposed East Village Walk stub-out at the north end of the site after it exited the property. All agreed that tying back into the Walden subdivision to the west was highly unlikely. Extending the street to the west the most likely connection was to Central Street which would involve crossing a stream channel with riparian buffers and significant side slopes.
-

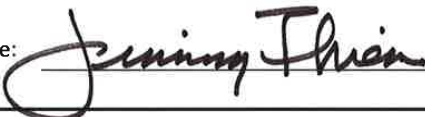
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: EAST VILLAGE WALK 12-05-05-SD

Date of Mailing: AUG. 27, 2015

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: JIMMY THIEM Signature: 

Date of Meeting: SEPT. 10, 2015 Time of Meeting: 6:30 PM

Location of Meeting: THE CLAYTON CENTER, HALES ROOM

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.*

SEE ATTACHMENT: NEIGHBORHOOD
MEETING - QUESTIONS & ANSWERS

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



EAST VILLAGE WALK

NEIGHBORHOOD MEETING – Questions & Answers

September 9, 2015

Notes by: Jimmy Thiem, HagerSmith Design

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-

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: EAST VILLAGE WALK

Application: 12-05-03-SD (Preliminary Plat / Major Subdivision)

Location/Date: CLAYTON CENTER, HALLS ROOM SEPT. 9, 2015

	NAME	ADDRESS
1	Jimmy Thiem	634 N. Blount St., Raleigh, NC 27604
2	Tim Kurematskie	1030 Washington St. Raleigh, NC 27605
3	Mark Cramling	3715 Lenoir St., Raleigh, NC
4	Dean Strocco	" " "
5	Joe Smith	118 Ashtu Ave Raleigh
6	Elizabeth Bottom	116 Pecan Lane Clayton
7	Angela Jones	118 Pecan Lane
8	" "	106 Pecan Lane
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning or Text Amendment)

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] 12-05-04-PDD**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP
OF THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Planned Development Residential (PD-R) zone the property described below, said property formerly being zoned Planned Development Residential (PD-R)and

WHEREAS said property is owned by East Village Investments, LLC; and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Clayton News Star, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160A-364 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:30 p.m. on January 4, 2016, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Planned Development Residential zone the following described property:

General Description:

Intersection of East Front Street and Bent Branch Loop.

Specific Description:

NC Parcel Identification Numbers: 166807-50-2827 / 05037010E

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Planned Development Residential (PD-R) zone the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED by the Clayton Town Council this 4th day of January, 2016, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk



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
September 28, 2015*

STAFF REPORT

Application Number: 12-05-05-SD

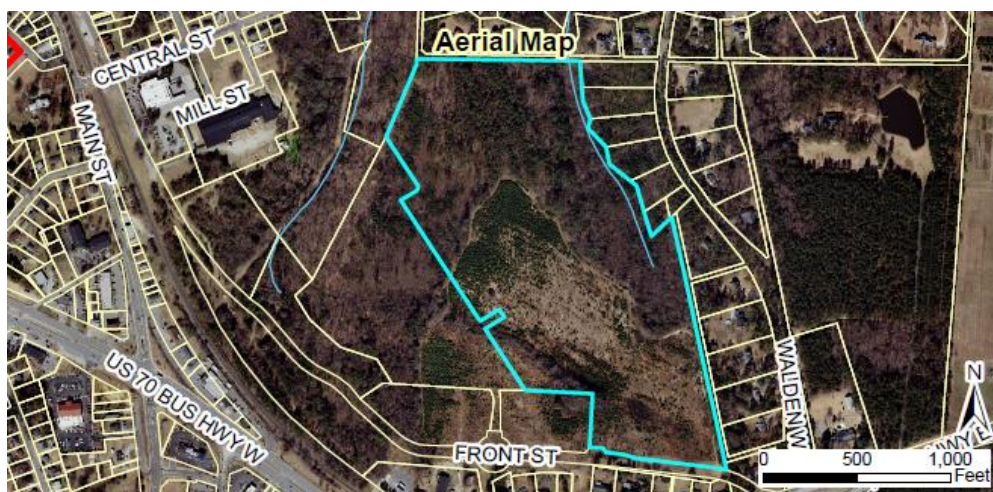
Project Name: East Village Walk Preliminary Subdivision/Master Plan

NC PIN / Tag #: 166807-59-2827 / 05037010E
Town Limits/ETJ: Town Limits
Overlay: Watershed Protection Overlay
Applicant: East Village Investments, LLC
Owner: East Village Investments, LLC
Location: Off of East Front Street, between the Arbors at East Village apartments and Walden Way Subdivision

Public Noticing:

- Neighborhood meeting September 9, 2015
- Sign posted September 18, 2015
- Letters mailed prior to October 21, 2015
- Newspaper Ad posted prior to October 21, 2015

REQUEST: The applicant is requesting preliminary subdivision approval for a 300 unit, single-family subdivision to be developed on 52.57 acres of land. This project is running concurrently with rezoning request 12-05-04-PDD to rezone the property to PD-R.



SITE DATA:

Acreage: 52.57 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate	Single-Family Homes, Vacant
South	Neighborhood-Business, Residential-8, Residential-10	Vacant, Single-Family Homes
East	Residential-10, Residential-8	Single-Family Homes
West	Planned Development-Residential, Residential-Estate	Apartments, Vacant

DEVELOPMENT DATA:

Proposed Uses: Single-Family Homes
Buildings: 300 residential units
Density/Intensity: 5.7 dwelling units per acre
Number of Stories: Maximum height of 35 feet
Impervious Surface: 49.08%
Required Parking: 2 spaces per unit
Proposed Parking: 2 spaces per unit
Fire Protection: The Town of Clayton Fire Department will provide fire protection.
Access/Streets: There will be three access points. One will be provided off of East Front Street. Another access will be connected to an existing stub-out in the Arbors at East Village Apartment complex. The third access will be a stub-out located on the northwestern corner of the property for future development.
Water/Sewer Provider: Town of Clayton
Electric Provider: Town of Clayton

STAFF ANALYSIS:

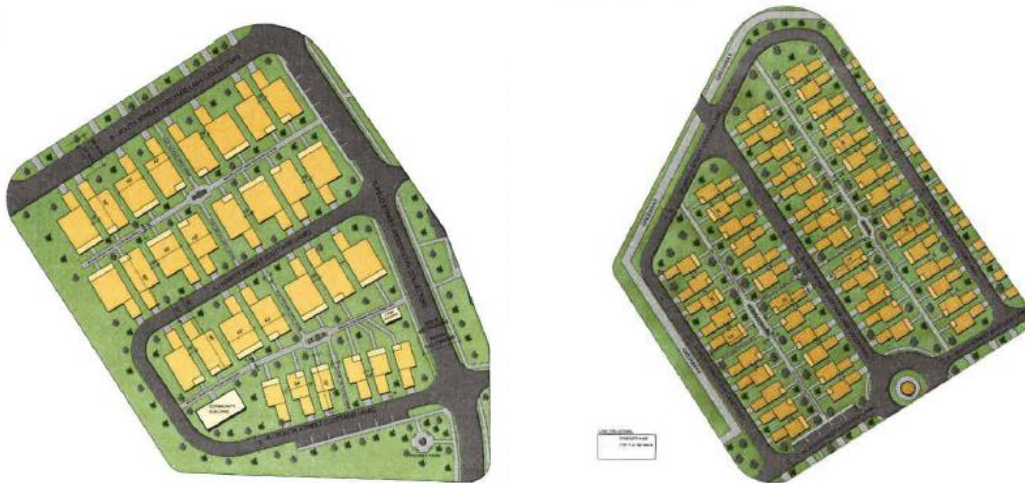
Overview

The applicant is requesting preliminary subdivision plat approval, acting as a Master Plan, for East Village Walk. This 52.57 acre project is running concurrently with rezoning request 12-05-04-PDD which would rezone this property to PD-R. The rezoning request must be approved in order for the revised subdivision to be approved.

The plan proposes to develop 300 single-family units. These units are clustered together in a higher density with very small setbacks due to the unique design of the development. The development is proposed to be a “Pocket Community” which means that the homes in the community will be clustered into “pods” that front a 30 foot pedestrian greenspace/courtyard. Vehicular access to these homes will be located at the rear of the homes off of small side streets (alleys) referred to as “cottage lanes”. The development is proposed to be a 55+ community, and will have amenities such as a club house, swimming pool, fitness center, and “pocket parks”.



TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE
NTS

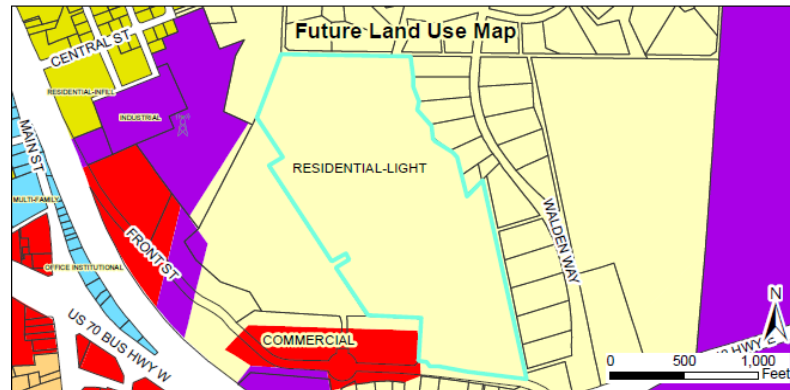


Consistency with Adopted Plans

- **2008 Strategic Growth Plan**

The 2008 Strategic Growth Plan designates this property as “residential-light”. The high density proposed for this development is not what the Strategic Growth Plan originally envisioned for the property and the surrounding area. However, one of the goals of the Strategic Growth Plan is to increase residential presence in the downtown area which is what this project would do. When the Growth Plan

was adopted in 2008, East Front Street had not yet been developed. With the development of East Front Street, the subject property and surrounding properties, now have a much quicker and easier access to downtown Clayton. The Town of Clayton has already begun incorporating residential uses with higher densities in the surrounding area. For example, the property directly to the West of the subject property was developed into 192 multi-family apartments (Arbors at East Village), and is currently seeking approval for 72 additional units in 3 new buildings. While the high density seen in this proposal is not what was originally intended for the subject property, it is consistent with the direction of having higher densities close to the Downtown Core.



- **Unified Development Code**

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

Compatibility with Surrounding Land Uses

The proposed use is a residential subdivision and is compatible with the current land uses surrounding the subject property which are primarily residential with some agricultural. The property directly west of the subject property is currently used for multi-family apartments. The high density of this residential subdivision would fit in well with this use.

The properties directly east of the subject property are single-family residences in an R-E zoning district. The lot sizes of these residences are much larger than that of the proposed subdivision. However, the existing vegetation and riparian buffer area that lies between the subject property and these residences is a large enough buffer to mitigate the impact on the existing homes.

Landscaping and Buffering

The applicant is proposing to provide a "streetscape" along the main collector road of the subdivision. A landscape buffer is also being provided along the perimeter of the property. A detailed landscaping plan will be submitted when each phase of the subdivision comes in for review. Each residential lot will have one ornamental street tree and two shrubs. Corner lots with a side yard will contain two ornamental street trees and two shrubs per lot.

Recreation and Open Space

The subdivision includes six "pocket parks" for the residents. There is also a club house located on the site with amenities such as a pool, fitness center, and club rooms.

Environmental

The property has a resource conservation area located on the western portion of the property. The total acreage of resource conservation areas for the property is 2.01 acres. A buffer is provided per code, and the applicant will comply with all conservation buffer requirements from the Town of Clayton.

This site is within the Watershed Protection Overlay, and already has a previously approved Special Intensity Allocation, which will allow it to exceed the 2 dwelling units/acre (or 36% impervious surface) development restriction. As currently proposed, the site will have $\pm 49\%$ impervious surface.

Access/Streets

There will be three access points to the subdivision. The first access is a two-way entrance driveway located off of East Front Street. There is also be an entrance connecting to The Arbors at East Village Apartments via an existing stub-out. The third access point is located on the northwestern corner of the property. A stub-out will be provided here to connect the property to any future development to the north.

Multi-Modal Access

Interior sidewalks are provided throughout the subdivision for residents. These sidewalks are located along the perimeter of each "pod" and extend throughout the entire community, allowing pedestrian access to all "pocket parks" and club house amenities. A greenway trail is also provided from East Front Street which extends along the western and northern perimeter of the property.

Garbage / Recycling

Residents will use roll-outs and the club house will use dumpsters.

Architecture/Design

All homes will have slab-on-grade, crawl-space, or basement foundation. The homes will include decorative features, such as shutters and bay windows. Garage doors will have will also have windows and other decorative features. The homes will consist of varied color palettes and the materials of the homes will consist of cementations stucco, wood, wood composite, glass, and architectural metals. The applicant has stated that vinyl siding is not permitted in the subdivision.

Waivers/Deviations/Variances from Code Requirements

None.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval, which is functioning as a Master Plan, for a 300 unit residential subdivision.
- This plan is subject to final approval by Town Council.
- This approval is subject to approval of 12-05-04-PDD

FINDINGS:

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

CONDITIONS:

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

1. The unmet Conditions of Approval accepted as a part of Petition Number PSD 2012-60 and 2012-96 for the single-family and townhome portion of East Village are hereby deleted and replaced as follows:
2. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
5. The Master Plan/Preliminary Subdivision Plan is considered to be a preliminary plat. Individual phases are subject to final plat review. This includes neighborhood parks and amenities.
6. All sidewalks and greenways shall be bonded and constructed prior to plat recordation for the associated phase.
7. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
8. No more than 250 certificates of occupancy may be issued within the subdivision until the required third access has been constructed or bonded for construction.
9. All signs shall require review/approval pursuant to 155.713.
10. Resource Conservation Areas as defined in Article 5 of the Unified Development Code shall remain undisturbed pursuant to standards of Article 5, and shall be shown on all plats as being permanently set aside pursuant to 155.500(C).
11. Prior to grading and construction activities, tree protection fencing shall be installed around all resource conservation areas. Once the tree protection fence is installed, it must be inspected by the Planning Department before construction activities begin.
12. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
13. A wastewater allocation request must be approved by the Town Council.

STAFF RECOMMENDATION:

Staff is recommending approval with conditions of the proposed preliminary subdivision plat, acting as a master plan, of the subject parcel.

ATTACHMENTS:

- 1.) Staff Report Maps
- 2.) Application
- 3.) Neighborhood Meeting Materials
- 4.) Site Plan
- 5.) East Village- Previous Approval/Conditions



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: \$400.00 + \$5.00 per lot

Modifications to approved plans:

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: ☐

☐ New Subdivision Master Plan

☒ Modification to Approved Preliminary Plat

Major: ☒ Minor: ☒

Name of Project: East Village Pocket Community Acreage of Property: 52.57

Tag #: 05037010E NC PIN: 166807-59-2827

Location: North Side of East Front St.

Number of Lots (existing): 209 (Proposed) 300 Min Lot Size: 40x80

Zoning District: _____ Electric Provider: Duke Power

☐ Septic

☐ Well

Wastewater: ☒ Sewer (check one)

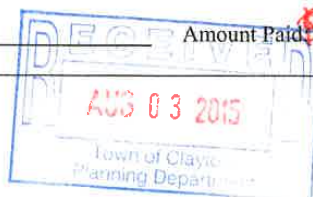
Water: ☒ Public/Private Water (check one)

Recreation/Open Space Requirement: ☒ Fee in lieu ☐ Land Dedication – Acreage: _____

FOR OFFICE USE ONLY

Date Received: _____ Amount Paid: ~~8000.00~~ 31900.00 File Number: 12-05-05-SD

November 2014



Page 1 of 17

PROPERTY OWNER INFORMATION

Name: East Village Investments, LLC
Mailing Address: 2217 STANFORDS BURG RD, GREENVILLE, NC
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION

Applicant: Same
Mailing Address: _____
Phone Number: 919-796-1612 Fax: _____
Contact Person: MARK GRAMLIN
Email Address: marketing@out.com

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 directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application meeting was held with Town Staff. Date: _____	☒		✓		
2. Completed Application	☒		✓		
3. Review Fee	☒		✓		
4. Findings of Fact, signed <i>Not required for minor modifications. Form is included in this packet.</i>	☐	☒	✓ - Not Signed		
5. Owner's Consent Form <i>Required if applicant is not the property owner. Included in this packet</i>	☐	☒		✓ needed	
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	☐	☒	✓	needs revision	
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	☐	☒		✓ - needed	
10. Road Name Application <i>Included in this packet</i>	☐	☒		✓ - needed.	
11. Wastewater allocation request OR verification of wastewater allocation <i>Letter format, to the attention of the Town Manager.</i>	☐	☒		✓ - use existing	

	Yes	No	N/A
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) <i>As Completed</i>	☐	☐	☒ <i>see prev. T.I.A.</i>
13. Neighborhood Meeting Notice Letter* 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	☐	☐	☒ <i>forthcoming</i>
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. 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>Needed</i>

EXPLANATION OF PROJECT

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

AS PER SUBMISSION

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.

Max Crumrine
Print Name

Max Crumrine
Signature of Applicant

8-3-15
Date

November 2014

Page 3 of 17

FINDINGS OF FACT

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.

AS PER SUBMISSION

- (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.

AS PER SUBMISSION

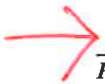
- (3) That the subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public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

AS PER SUBMISSION

- (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.

IT WILL NOT ADVERSELY AFFECT THE
ORDERLY GROWTH & DEVELOPMENT OF THE
TOWN

Project Name: EAST VILLAGE



Print Name

Signature of Applicant

Date

November 2014

Page 4 of 17

MAJOR SUBDIVISION – PRELIMINARY PLAT REQUIREMENTS CHECKLIST

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

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).	☒	☐	✓
2. Separate sheets for each: Subdivision Plan, Preliminary Engineering Plan, Existing Conditions. 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 subdivision (including phase numbers if applicable) and plan type (Subdivision, Final Plat, Exempt Plat, or Recombination).	☒	☐	✓
6. Revision Date	☐	☐	
PRELIMINARY PLAN SHEET:			
7. Name of township, county, and state in which the property is located.	☒	☐	✓
8. Vicinity sketch/map.	☒	☐	✓
9. Surveyor or professional engineer's name and seal. <i>As Prev. Submitted</i>	☒	☐	✓
10. Date of survey and plat preparation. <i>As Prev. Submitted</i>	☒	☐	✓
11. Provide the following project data in <u>Tabular</u> form:			
- Area of tract in square feet and acres	☒	☐	<i>needs to be on site plans.</i>
- Parcel Identification # (and/or Tag #)	☒	☐	
- Owner's name and address	☒	☐	
- Within Town limits or ETJ	☒	☐	
- Zoning District	☒	☐	
- Overlay District (if applicable)	☒	☐	
- 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)	☐	☐	

November 2014

Page 10 of 17

To be completed by the applicant:			Staff:
	Yes	N/A	
- Sewer Provider (or indicate if septic)	☒	☐	<i>put on site plan.</i>
- Impervious (existing and proposed, square feet and %) – provide impervious for overall development and per lot	☒	☐	
- Maximum allowed impervious	☒	☐	
- Existing Use	☒	☐	
- Proposed Use	☒	☐	
12. 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.	☒	☐	✓
13. The exact course and distance of every boundary line of the tract to be subdivided, fully dimensioned (metes and bounds) along with the location of intersecting boundary lines of adjoining lands in accordance with the North Carolina General Statutes § 47-30 – Plats and subdivisions; mapping requirements.	☒	☐	<i>N/A This is a master plan.</i>
14. Accurate location and description of all monuments, markers and control points.	☒	☐	
15. Show the 100 year flood plain, riparian buffer, wetlands, and any Resource Conservation Areas on all sheets.	☒	☐	✓
16. Blocks numbered consecutively throughout entire subdivision with lots numbered consecutively in each block. Lot numbers shall be placed in a circle or labeled "Lot ___".	☐	☒	
17. Phase lines. Phases are clearly labeled.	☒	☐	✓
18. The name and location of all adjoining subdivisions and adjoining lot property lines drawn with dotted lines at the same scale. Include the names of adjacent landowners.	☒	☐	
19. Location and width of all existing and proposed rights-of-way, Resource Conservation Areas, easements and areas dedicated to public use with the purpose of each stated.	☒	☐	
20. Location of safe sight triangles at project ingress/egress points, or as required.	☐	☒	
21. Minimum building setbacks /envelope are noted.	☒	☐	
22. All dimensional standards are shown in table format. Dimensional standards shall include: min. lot size, min. lot width, max building coverage, max impervious surface (entire subdivision), max impervious surface (per lot, in %), density, max height, and min dwelling unit size.	☒	☒	<i>needs to be on site plans.</i>
23. Location of all existing and proposed easements, labeled as "public" or "private" and labeled with easement type.	☐	☒	
24. Width and type of any buffers and easements.	☒	☐	
25. Indicate the boundaries of any utility or greenway easements dedicated to the Town of Clayton and label "To Be Dedicated to the Town of Clayton."	☒	☐	
26. Proposed streets are labeled, named and dimensioned. Correct street cross	☐	☒	

November 2014

Page 11 of 17

To be completed by the applicant:			Staff:
	Yes	N/A	
section detail provided. Label street type based on definitions in §155.602(D). If streets are private:			
- All private streets shall be maintained by a designated responsible party. The party shall be noted on the plat.	☐	☒	
- Streets are labeled "Private Streets – No Town Maintenance."	☐	☒	
Street names must be approved by Town of Clayton via a Road Name Application.			
27. Lengths of all cul-de-sacs.	☐	☒	
28. Identify proposed traffic control signs and striping.	☐	☒	
29. Location, purpose and dimensions of non-residential areas (such as parks, playgrounds, open space, churches, school sites, etc.)	☐	☒	
- All open space, parks, and similar common areas shall be maintained by a designated responsible party. The party shall be noted on the plat.			
30. Resource Conservation Areas must be shown and dimensioned on the plat. The following note must also be provided: "The Resource Conservation Area shown hereon is provided per the requirements of Article 5 of the Town of Clayton's Unified Development Code. This Resource Conservation Area must be preserved in perpetuity per the standards of the Unified Development Code"	☐	☒	
31. Proposed stormwater retention/detention features and dimensions. If fenced, include fence location.	☐	☒	
32. Existing and proposed sidewalk system, access ramps, and crosswalks.	☐	☒	
33. Identify alternative modes of transportation including school stops, pedestrian connections, bicycle paths and bicycle racks.	☐	☒	
34. Show how streets are connected to property lines ("stub-out" streets) to provide for cross-connectivity and development on adjacent parcels. Show cross-access easements.	☒	☐	
35. Location of clustered mailboxes.	☐	☒	
36. Location and orientation of freestanding signs (signage is permitted separately).	☐	☒	
LANDSCAPING PLAN SHEET (See §155.402 for Landscaping Requirements)			
37. Show location, width, and type of all landscape buffers.	☐	☒	
38. Provide a plant list summary table which includes:			
- A planting key identifying the various planting elements			
- The quantity of each type of plant material proposed	☐	☒	
- The size, height, caliper and spacing of plant material proposed			
- The Botanical and common names of plant material proposed			
39. If common landscaped areas are provided, provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant	☐	☒	

To be completed by the applicant:			Staff:
	Yes	N/A	
species must be used).			
40. Location, species, and caliper of any existing trees that will remain on site. If used to meet planting requirements, make note of what requirements are fulfilled by the preserved trees.	☐	☒	
EXISTING CONDITIONS SHEET:			
41. 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.	☐	☒	
42. Location of all existing buildings and structures, water/sewer/gas infrastructure, underground structures, easements, or other existing features.	☐	☒	
43. Existing structures, existing streets and roadway improvements, and existing utilities within 100 feet of the site.	☐	☒	
44. Label adjacent property acreage, owners, and zoning districts.	☐	☒	
45. Label subject parcel property owner, acreage, and zoning.	☐	☒	
PRELIMINARY ENGINEERING PLAN SHEET:			
46. Show subdivision layout, streets, and all pertinent information from subdivision plat sheet.	☐	☒	
47. Identify curb radii for all internal and external vehicular use areas.	☐	☒	
48. Location of all existing and proposed utilities (water, sewer, electric, natural gas, etc.).	☐	☒	
49. Location of all existing and proposed drainage structures.	☐	☒	
50. Location of all existing and proposed fire hydrants.	☐	☒	
51. Location of all existing and proposed easements, labeled as "public" or "private."	☐	☒	
52. Show street cross-sections.	☐	☒	
53. Indicate method of slope stabilization measures for all slopes steeper than 2.5:1.	☐	☒	
54. Identify the proposed storm water management system with location of inlets, piping and positive outfall along with typical section and top surface area of storm water retention/detention pond, including soil types, slope, bottom and top elevations, and finish floor elevations.	☐	☒	
OTHER			
55. If subdivision includes townhomes, include architectural elevations sheet, noting construction materials, finishes and colors, height, and number of stories.	☐	☒	
56. Any other information considered by either the applicant or the Town to be pertinent to the review.	☐	☒	

Signed by Applicant: _____ Date: _____



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

OWNER'S CONSENT FORM

Consent is required from the property owner(s) if an agent will act on their behalf. A separate form is required from each owner. Consent is valid for one year from date of notary, unless otherwise specified. All fields must be completed.

Project Name: EAST VILLAGE WALK Address or PIN #: 4244398

AGENT/APPLICANT INFORMATION:

MARK W. GRAMMICH
(Name - type, print clearly)

3715 NEIL ST.
(Address)
RANDOLPH, NC 27607
(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):

RE-ZONING
MASTER PLAN

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:

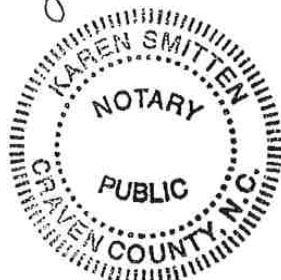
HUBERT G. TALSON, III
(Name - type, print clearly)
[Signature]
(Owner's Signature)

227 E. Front Street
(Address)
WAWBERN, NC 28560
(City, State, Zip)

STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

Sworn and subscribed before me Karen Smitten, a Notary Public for the above State and County, this the 17th day of August, 2015.

SEAL



Karen Smitten
Notary Public
My Commission
Expires:

9-6-19

January 2015

Page 10 of 10

EAST VILLAGE WALK

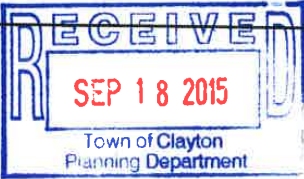
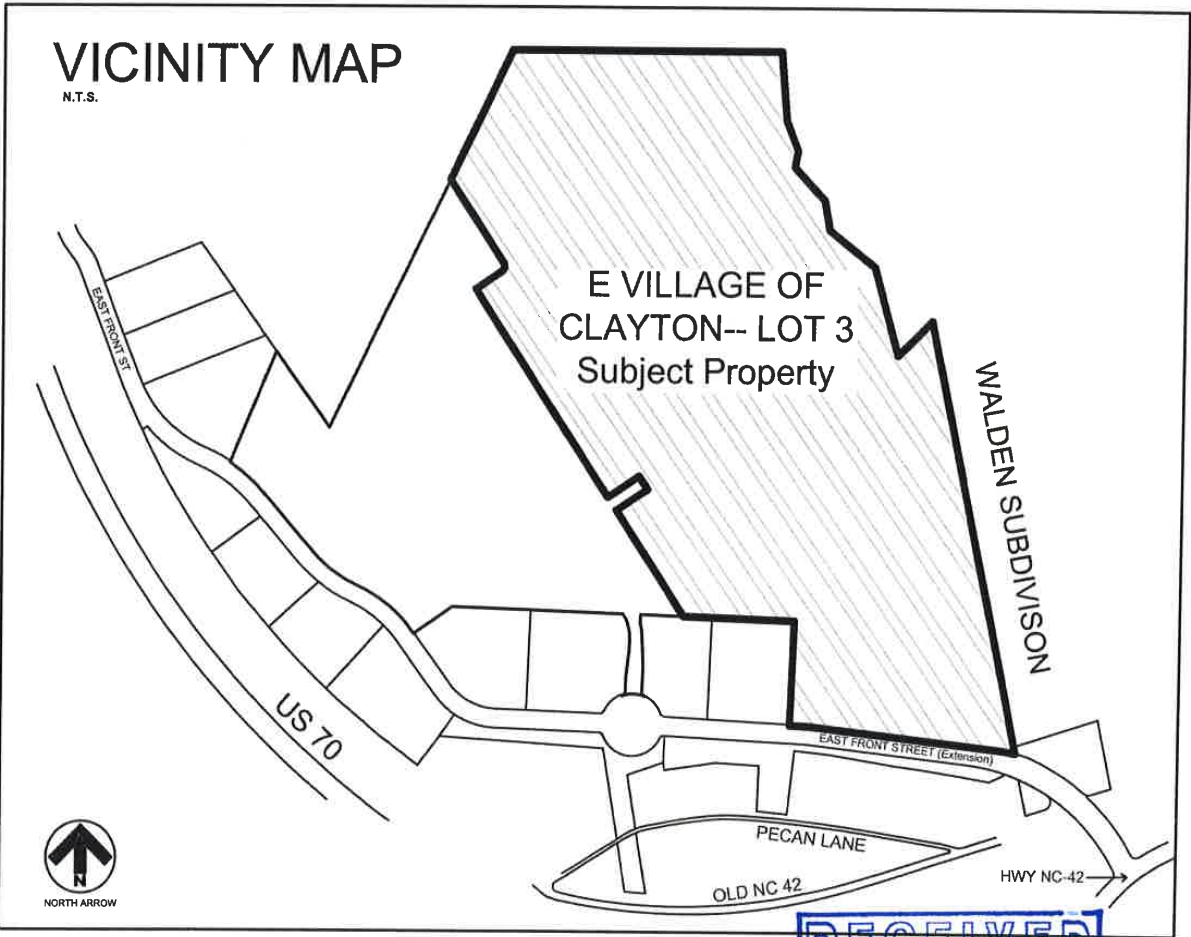
12-05-05-SD

(PRELIMINARY PLAT / MAJOR SUBDIVISION)

CLAYTON, NC

JOHNSTON COUNTY

PD-R SUBMISSION



SHEET INDEX:

- CS1 - COVER SHEET
- EX1 - EXISTING CONDITIONS
- EX2 - PHASING MASTER PLAN
- EX3 - GREENWAY & NATURAL AREA PLAN
- EX4 - CIRCULATION PLAN
- EX5 - ENLARGED POCKET NEIGHBORHOOD PLANS
- EX6 - TYPICAL HOME ELEVATIONS & PERSPECTIVE LAYOUT
- EX7 - TYPICAL HOME & AMENITIES ELEVATIONS
- EX8 - UTILITY PLAN

PD-R PLAN for

East Village Walk
Clayton, North Carolina

Prepared for:
The Town of Clayton
August 2015

Prepared by:
Timu Group and
Architect Kurmaski and Associates
3715 Neil St.
Raleigh, NC 27607

Developer:
East Village Investments, LLC
c/o Hubie Tolson
2217 Stantonsburg Rd.
Greenville, NC 27834

PURPOSE
East Village Walk is a 52.57-acre Planned Residential Development (PD-R) in Town of Clayton, North Carolina. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates.

This single entity Developer will be the sole party from which the Town will accept decisions regarding the Planned Residential Development and PD-R Plan.

East Village will be age targeted to an active adult population (55 years and older). The development plan incorporates a mixture of single-family village and cottage-style homes. Single-family village and cottage homes will be clustered into pocket neighborhoods. The single family village and cottage homes will front a pedestrian oriented greenspace. Each home is then served for vehicular traffic and services through a "Cottage Lane".

The East Village property lies within a PD-R zoning as designated on the Official Town of Clayton Zoning Map, adopted June 19, 2006.

A private Amenity Center will be incorporated into East Village. The facility will provide a recreational size swimming pool and other active and passive outdoor recreational activities. In addition, there will be a fitness center and club rooms housed inside the building. Commons buildings will be situated throughout the development.

East Village's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned private Amenity Center, as well as community open space amenities, commons buildings, sidewalks, multi-use paths and Greenway system of the Town of Town of Clayton.

akai

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KURMASKIE
ASSOCIATES,
INC.

1010 Washington St
Raleigh, NC 27605
Phone: 919-846-1600
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EAST VILLAGE
INVESTMENTS, LLC
c/o Hubie Tolson
2217 STANTONSBURG RD
GREENVILLE, NC 27834
PHONE (252) 638-4215
FAX (252) 670-4870



EAST VILLAGE
WALK
12-05-05-SD
(PRELIMINARY PLAT / MAJOR SUBDIVISION)
CLAYTON, NC
JOHNSTON COUNTY

Project Reference Numbers
Architect's Project No. 150029

Drawn By: NK

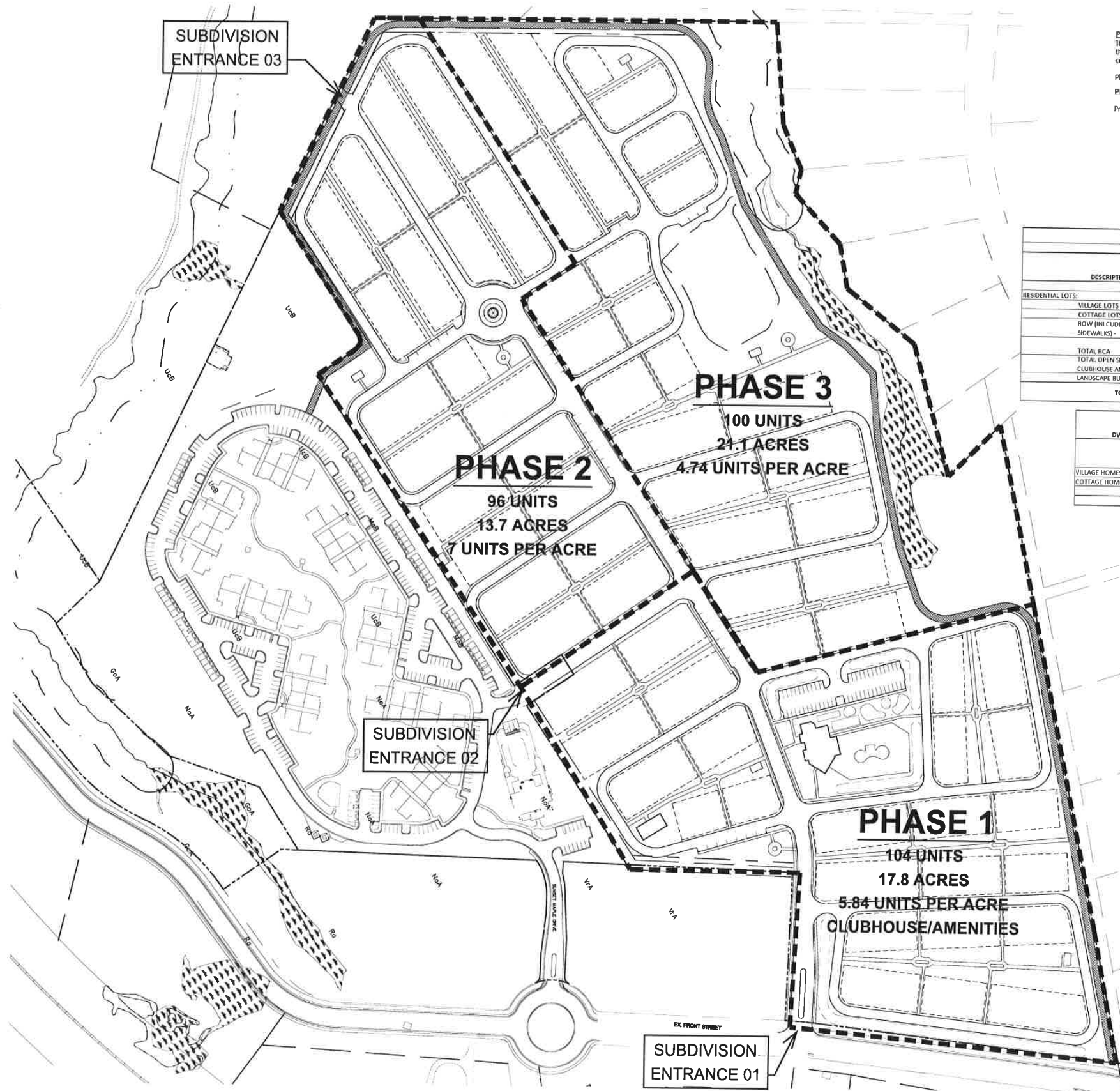
REVISIONS
08-28-15 TRC - 1ST REVIEW CMNTS.
09-17-15 TRC - 2ND REVIEW CMNTS.

DATES	
PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

COVERSHEET

SHEET NUMBER

CS1



PHASING
It is anticipated that the completion of East Village Walk will occur in year 2019. Build out of the subdivision will take place in multiple phases. Phase one includes the roadway and utility connections from East Front Street to the Arbors Apartments.

Phasing Chart:

PERMITTED USES

Proposed Uses shall be limited to the following:

1. Single-Family Detached
2. Alley Loaded Homes
3. Village and Cottage Style Homes
4. Community Center, with Gym, Spa, Pickleball Courts, Pool, Private Meeting Rooms
5. Commons Buildings - Buildings that are located in common areas for use as gathering areas for community use. Building and common areas are to be owned and maintained by the HOA.

IMPERVIOUS ARE CALCULATION						
DESCRIPTION	NO. LOTS	AVERAGE SIZE OF LOTS	TOTAL AREA	% OF TOTAL SITE	IMPERVIOUS AREA (SQ. FT.)	% IMPERVIOUS SURFACE
RESIDENTIAL LOTS:						
VILLAGE LOTS -	134	4,051	542,834	23.71%	298,558.70	13.04%
COTTAGE LOTS -	166	3,060	507,960	22.18%	275,378.00	12.20%
ROW (INCLUDES STREETS AND SIDEWALKS) -			437,586	19.11%	380,000	16.59%
TOTAL RCA			87,944	3.84%	-	0.00%
TOTAL OPEN SPACE (INCLUDES POOL, CLUBHOUSE, AMENITIES, GREYWAYS, LANDSCAPE BUFFERS)			574,916	25.11%	165,934	7.25%
			140,018	6.11%	-	0.00%
TOTAL AREA -	300	3,503	2,291,256	100%	1,123,870.7	49.08%

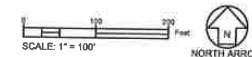
DWELLING TYPE	MINIMUM LOT SIZE	MAXIMUM LOT SIZE	MINIMUM NO. OF UNITS	MINIMUM % OF UNITS	MAXIMUM NO. OF UNITS	MAXIMUM % OF UNITS
VILLAGE HOMES	3780	4120	134	45%	134	45%
COTTAGE HOMES	3060	3060	166	55%	166	55%
TOTALS DWELLINGS -			300	100%	300	100%

OPEN SPACE, GREENWAYS AND OTHER RECREATION		
DESCRIPTION	ACRES	% OF TOTAL SITE
PASSIVE OPEN SPACE	5.58	10.61%
ACTIVE RECREATION AREAS (POOL, CLUBHOUSE, DEVELOPED PARKS, ETC.)	9.19	17.48%
GREENWAYS (PAVED SURFACE ONLY)	0.97	1.85%
TOTAL OPEN SPACE -	15.74	29.94%
NOTE: PER TOWN OF CLAYTON DEVELOPMENT STANDARDS.		

RESOURCE CONSERVATION AREAS		
DESCRIPTION	ACRES	% OF TOTAL SITE
RIPARIAN BUFFER AREA	1.12	2.12%
OPEN BODIES OF WATER AND JURISDICTIONAL WETLAND	0.89	1.69%
100 YEAR FLOOD PLAIN	0	0.00%
RESOURCE CONSERVATION AREAS -	2.01	2.12%

LOT INFORMATION:
LOT SIZE & QUANTITY:
SINGLE FAMILY VILLAGE UNITS: 134
TYP. LOT SIZE: 42' X 90' & 48' X 90'
SINGLE FAMILY COTTAGE UNITS: 166
TYP. LOT SIZE: 34' X 80'
TOTAL UNITS: 300

PHASING INFO:			
PHASE	UNITS	DENSITY	ACREAGE
PHASE 1	104 UNITS	5.84 UNITS PER ACRE	17.8 AC
PHASE 2	96 UNITS	7.00 UNITS PER ACRE	13.1 AC
PHASE 3	100 UNITS	4.74 UNITS PER ACRE	21.1 AC
TOTAL	300 UNITS	5.70 UNITS PER ACRE	52.07 AC



akai

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EAST VILLAGE
WALK
12-05-05-SD
(PRELIMINARY PLAT / MAJOR SUBDIVISION)
CLAYTON, NC
JOHNSTON COUNTY

Project Reference Numbers
Architect's Project No. 150029

Drawn By: NK

REVISIONS

08-28-15 TRC - 1ST REVIEW CMNTS.
09-17-15 TRC - 2ND REVIEW CMNTS.

DATES	
PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

PHASING
MASTER PLAN

SHEET NUMBER

EX2



LANDSCAPING
The Landscape Plan, which will be submitted on future plans, will demonstrate compliance with the standards set forth in the Town of Clayton's Unified Development Ordinance. Specifically as approved for the East Village.

Perimeter Buffers - As shown on plans.
Street Buffers - As shown on plans.

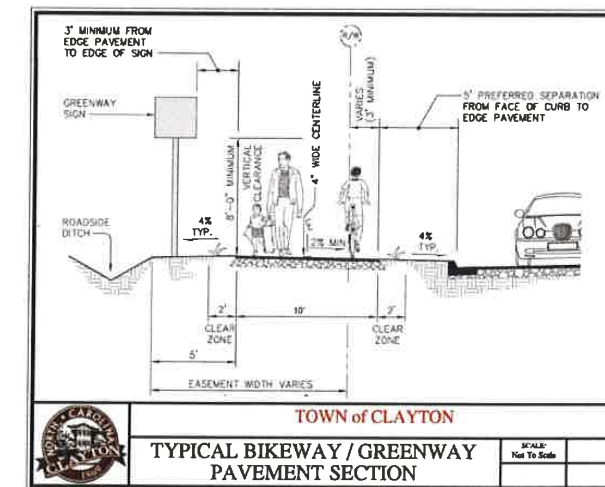
Residential Lot Landscaping Requirements - The front yard for each building lot will contain one appropriate ornamental type street tree and two shrubs per lot. All rear yards fronting the "Cottage Lanes" will contain the same requirements as the front yard. Corner building lots with a side yard will contain two appropriate ornamental type street trees and two shrubs per lot. All mechanical units and utilities visible from the public right-of-way will be screened with evergreen shrubs.

PARKS AND RECREATION
East Village will provide active and passive recreation for its residents and will provide the greenway connection as shown on the plans.

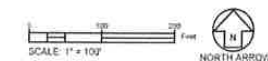
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
The East Village plan will comply with all conservation buffer rules enforced by the Town of Clayton as well as all other governing jurisdictions. There is no FEMA designated 100-year floodplain within the property.

See RCA and Open Space, Greenways and other Recreation Charts.

STORMWATER MANAGEMENT
East Village will comply with the Town's requirements for stormwater management. The owners and/or their assigns will maintain all storm water facilities. Stormwater design shall meet the applicable requirements of the Town of Clayton UDO.



- LEGEND**
- POCKET PARK GREENSPACE
 - RESIDENCES
 - COMMUNITY BUILDING
 - GREENWAY (SEE DETAIL)
 - STREETSCAPE
 - SIDEWALK (5'-0" WIDE MIN., 8'-0" WIDE IN MAJOR COURTYARDS)
 - STREAM BUFFER/WETLAND
 - LANDSCAPE BUFFER



akai

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**EAST VILLAGE
WALK**
12-05-05-SD
PRELIMINARY PLAN / MAJOR SUBMITTAL
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Drawn By: NK

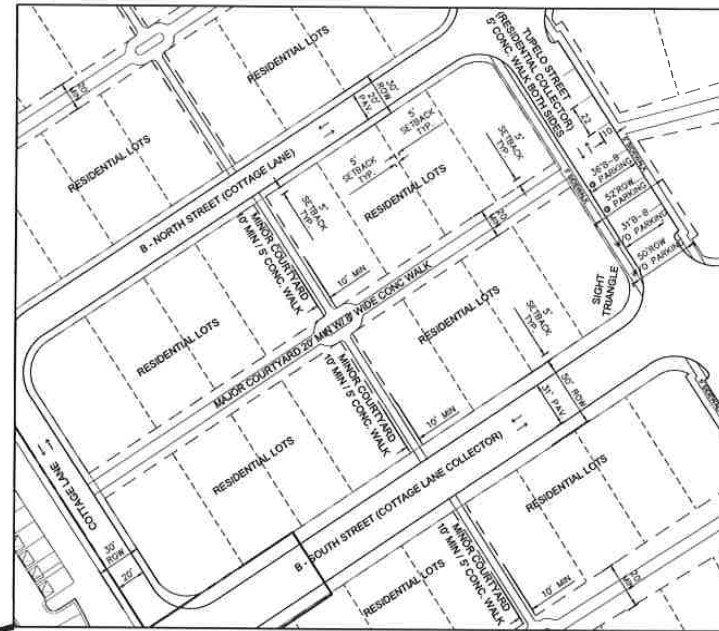
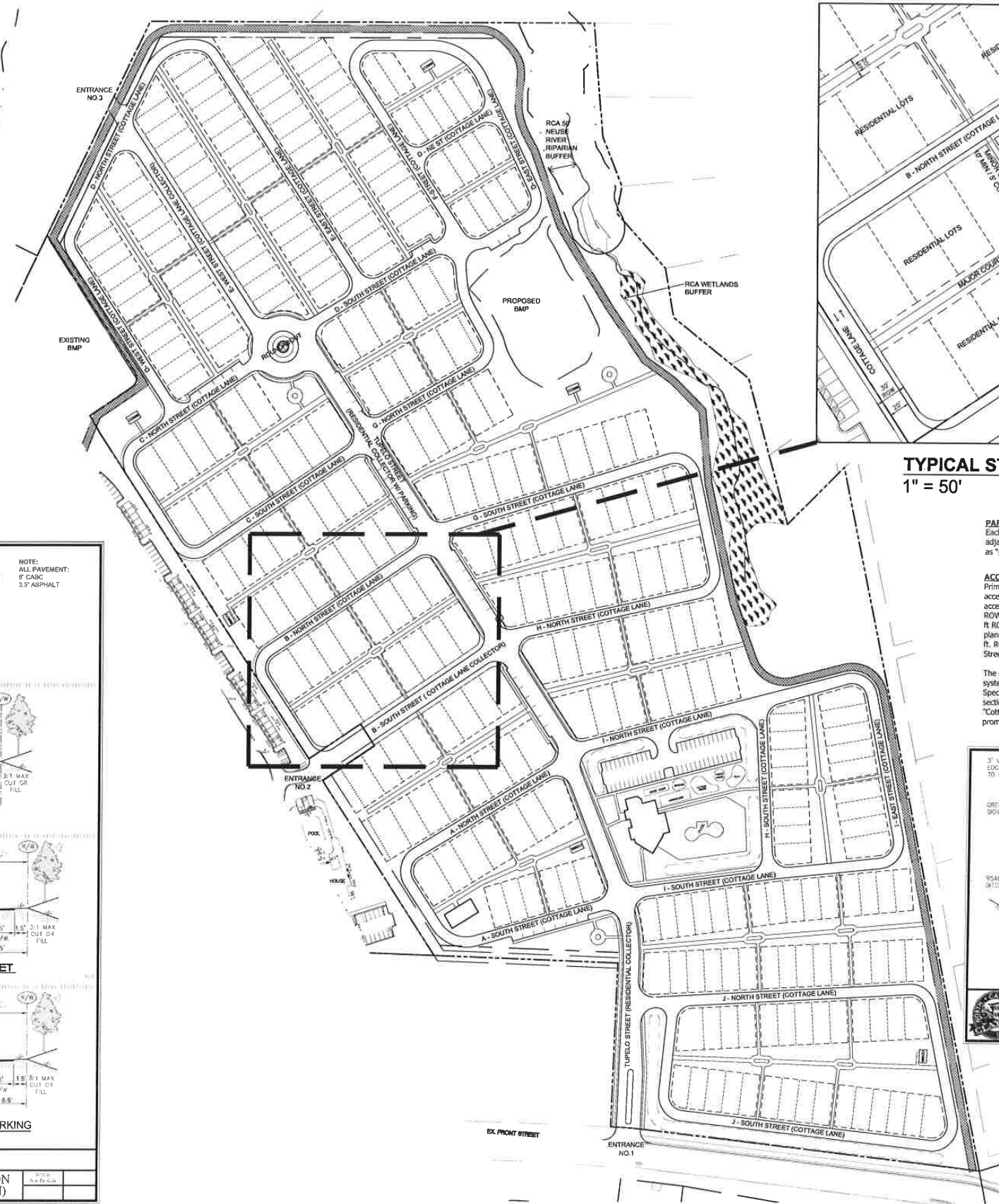
REVISIONS
08-28-15 TRC - 1ST REVIEW COMMENTS
08-17-15 TRC - 2ND REVIEW COMMENTS

DATES

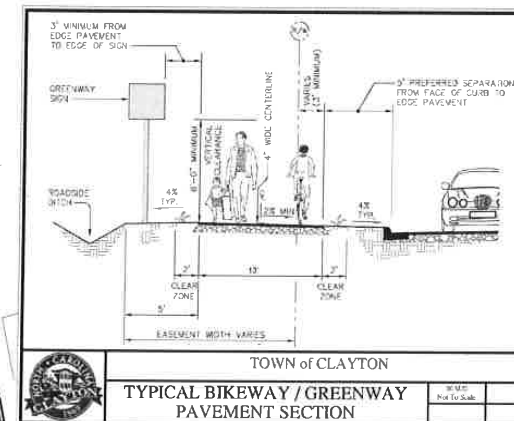
PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

**GREENWAY &
NATURAL AREA
MASTER PLAN**
SHEET NUMBER

EX3



The design of East Village allows for a safe and adequate on-site transportation circulation system. Planned roadways are consistent with the Town's Transportation Plan and Standard Specifications and Construction Details and show required right-of-way widths and road sections. East Village will be connected by an urban grid of residential streets, including "Cottage Lanes" and pedestrian walkways (major/minor courtyards, greenway) in order to promote connectivity.



LEGEND

	HATCH ON PLAN INDICATES GREENWAY WITH CLEAR ZONES (SEE TYP. SECTION ABOVE FOR DETAILS)
	HATCH ON PLAN INDICATES RCA WETLANDS



EX4

PURPOSE
East Village Walk is a 52.57-acre Planned Residential Development (PD-R) in Town of Clayton, North Carolina. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates.

This single entity Developer will be the sole party from which the Town will accept decisions regarding the Planned Residential Development and PD-R Plan.

East Village will be age targeted to an active adult population (55 years and older). The development plan incorporates a mixture of single-family village and cottage-style homes. Single-family village and cottage homes will be clustered into pocket neighborhoods. The single family village and cottage homes will front a pedestrian oriented greenspace. Each home is then served for vehicular traffic and services through a "Cottage Lane".

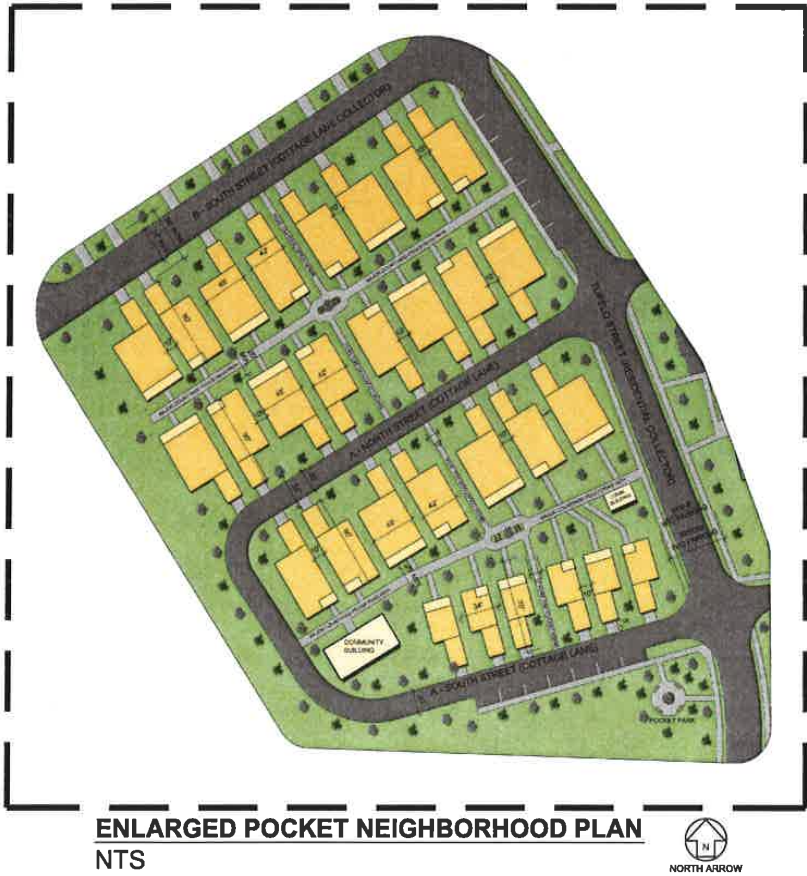
The East Village property lies within a PD-R zoning as designated on the Official Town of Clayton Zoning Map, adopted June 19, 2006.

A private Amenity Center will be incorporated into East Village. The facility will provide a recreational size swimming pool and other active and passive outdoor recreational activities. In addition, there will be a fitness center and club rooms housed inside the building. Commons buildings will be situated throughout the development.

East Village's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned private Amenity Center, as well as community open space amenities, commons buildings, sidewalks, multi-use paths and Greenway system of the Town of Clayton.

COMMON COURT YARDS (MAJOR AND MINOR)

The single family homes (village and cottage style) will front a "Major" common space court yard. "Minor" common space courtyards will provide lateral accessibility between adjacent pocket neighborhoods. The courtyard system will provide connectivity throughout the residential development and create a community environment. The width of the "major" common space courtyards will be variable from lot line to lot line, but will be a minimum of 20 ft. and the "Minor" common space courtyards will be a minimum width of 10 ft.



ARCHITECT
KURMASKIE
ASSOCIATES,
INC.

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Raleigh, NC 27603
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Fax: 919-846-5454
ARCHITECTSKT.COM

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Construction IQ

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INVESTMENTS, LLC**
C/O HUBB TOLSON

227 STANTONBURG RD
GREENVILLE, NC 27604
PHONE (252) 608-4225
FAX (252) 670-9270

09/11/2015

**EAST VILLAGE
WALK**
12-05-05-SD
OFFICIAL MAP / MAJOR SUBDIVISION
CLAYTON, NC
JOHNSTON COUNTY

Project Reference Numbers
Architect's Project No. 150029

Drawn By : NK

REVISIONS

08-28-15 TRC - 1ST REVIEW CMNTS.	
09-17-15 TRC - 2ND REVIEW CMNTS.	

DATES

PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

ENLARGED POCKET
NEIGHBORHOOD
PLAN

SHEET NUMBER

EX5



TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE
NTS



TYP. RESIDENTIAL SINGLE-FAMILY (VILLAGE & COTTAGE) HOME ELEVATIONS: ALLEY SIDE
(NOT-TO-SCALE)



TYP. RESIDENTIAL SINGLE-FAMILY (VILLAGE & COTTAGE) HOME ELEVATIONS: COURTYARD SIDE
(NOT-TO-SCALE)

TYPICAL HOUSE ELEVATIONS
NTS



TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE
NTS



TYPICAL POCKET NEIGHBORHOOD RENDERING-PERSPECTIVE
NTS

akai

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EAST VILLAGE WALK
12-05-05-SD
(PRELIMINARY PLAN / MAJOR SUBMISSION)
CLAYTON, NC
JOHNSTON COUNTY

Project Reference Numbers	
Architect's Project No. 150029	
Drawn By : NK	
REVISIONS	
08-28-15 TRC - 1ST REVIEW CMNTS.	
08-17-15 TRC - 2ND REVIEW CMNTS.	
DATES	
PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15
TYP. HOME ELEVATIONS & PERSPECTIVE LAYOUT	
SHEET NUMBER	

EX6

PURPOSE
East Village Walk is a 52.57-acre Planned Residential Development (PD-R) in Town of Clayton, North Carolina. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates.

This single entity Developer will be the sole party from which the Town will accept decisions regarding the Planned Residential Development and PD-R Plan.

East Village will be age targeted to an active adult population (55 years and older). The development plan incorporates a mixture of single-family village and cottage-style homes. Single-family village and cottage homes will be clustered into pocket neighborhoods. The single family village and cottage homes will front a pedestrian oriented greenspace. Each home is then served for vehicular traffic and services through a "Cottage Lane".

The East Village property lies within a PD-R zoning as designated on the Official Town of Clayton Zoning Map, adopted June 19, 2006.

A private Amenity Center will be incorporated into East Village. The facility will provide a recreational size swimming pool and other active and passive outdoor recreational activities. In addition, there will be a fitness center and club rooms housed inside the building. Commons buildings will be situated throughout the development.

East Village's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned private Amenity Center, as well as community open space amenities, common buildings, sidewalks, multi-use paths and Greenway system of the Town of Town of Clayton.

Applicable Design Standards.— Unless otherwise stated or clarified, the following will be applicable and represent the minimum standards for the PD-R Plan.

Chapter 155 – Unified Development Ordinance
Article 1: General Provision
Article 2: Zoning Districts
Article 3: Specific Use Standards
Section 155.301 Residential Use Standards
(b) Alley-Loaded House
(c) Townhouse
(d) Single Family House
Section 155.308 Accessory Structures and Uses
(A) General
(B) Accessory Uses In Residential Districts
(c) Swimming Pools
(d) Outdoor Community Pools
Article 4: General Development Standards
Section 155.400 Access
Section 155.401 Off-Street Parking and Loading
Section 155.402 Landscaping, Screening and Buffering
Part 1: Site Interior Landscaping Requirements
(d) Site Interior Landscaping
(1) Interior Landscaping
Part 2: Perimeter Buffers
Part 4: Screening
(c) Screening
(d) Mechanical Equipment
(e) Fencing and Walls (no chain link fence permitted)
Part 5: General Landscaping, Screening and Buffering Provisions
Section 155.403 Signs
Section 155.404 Outdoor Lighting
Article 5: Natural Resource Protection
Section 155.500 Resource Conservation Areas
Section 155.501 Watershed Protection
Section 155.502 Stream Buffers
Article 6: Subdivision Standards
Section 155.600 Applicability
Section 155.601 Sequence of Improvements
Section 155.602 Streets (as specifically designated)
Section 155.604 Utilities
Section 155.605 Public Facilities
(C) Recreation and Open Space
Section 155.607 Permanent Reference Points
Section 155.607 Guarantee of Improvements
Article 7: Administration
Article 8: Definitions

DESIGN CONTROLS

Max Impervious Coverage: 60% of Gross Project Area
Max Density: 6 units/acre

Village Homes
Max Building Height: 2 Stories (35 ft.)
Minimum Lot Width: 40 ft.
Front Setback: 5 ft.
Side Setback: 3 ft.
Corner Side Setback at Public Right-of-Way: 5 ft.
Rear Setback: 5 ft.

Cottage Homes
Max Building Height: 2 Stories (35 ft.)
Minimum Lot Width: 32 ft.
Front Setback: 5 ft.
Side Setback: 5 ft.
Rear Setback: 5 ft.

Yard Encroachments
Yard Encroachments will be as per Town of Clayton UDO, Article 2: Section 155.201.1, (4) Yard Encroachments with the following exceptions:

(b) Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend into any required yard, but shall remain at least three feet from the property line.
(c) Sills and ornamental features may extend into any required yard, but shall remain at least three feet from the property line.
(d) Unenclosed patios, decks or terraces, including lighting structures may extend into any required yard, but shall remain at least three feet from the property line.
(e) Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to 18 inches into any required yard, but shall remain at least three feet from the property line.
(f) Front steps and stoops may extend into any required yard, but shall remain at least two feet from the property line.

ARCHITECTURAL STANDARDS

The PD-R will follow the additional architectural standards.

1. All single-family, village, and cottage homes will be slab on-grade, crawl-space or basement foundation.
2. The single-family, village, and cottage homes shall include decorative features such as shutters, bay windows, garage trellis, and raised trim around the windows.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. Materials will consist of cementitious stucco or siding, architectural masonry (full brick, stone, synthetic stone, etc.), cementitious siding, wood, wood composite, glass and architectural metals. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted. A varied color palette will be utilized.
5. The side elevations of end units and corner single-family homes (village/cottage) will incorporate unique architectural elements, such as bay windows, porches and decorative trim.
6. Retaining walls, if necessary, will have a brick or stone veneer or be composed of precast segmental concrete block, in a complementary color.
7. The project will be pedestrian friendly with sidewalks connecting all parts of the neighborhood to each other. To minimize the effects of on-site lighting, down lighting and shielded fixtures will be utilized where applicable. Electrical transformers and HVAC units will be screened in accordance with the stated UDO.
8. An Architectural Review Board (ARB) will be established before and building permits will be applied for. A representative from the Town of Clayton's Planning Department will be a member of the ARB. A portfolio of homes must be approved by the ARB prior to applying for any building permits. The portfolio of homes will include the following:
 - a. Detailed elevations of all homes to be constructed
 - b. Color palette
 - c. Details of windows, finishes, doors, shutters, etc.

ACCESS AND CIRCULATION

Primary access would be via a primary residential collector road connecting to Front Street and accessing the residences via a network of traffic circle and "Cottage Lanes" that provide direct access to the garages. The "Cottage Lane" will be a 20 ft. paved roadway section with a 30 ft. ROW. A Cottage Lane – "Collector" (B-South Street) will be a 31 ft. paved roadway with a 50 ft. ROW and will connect to the Arbors of Clayton and to a third access point as shown on the plans. The Cottage Lane – Collector (E-West Street) will be a 31 ft. paved roadway with a 43 ft. ROW and will connect to property North. The primary residential collector road (Tupeo Street) will allow for on street visitor parallel parking. All streets to be public.

The design of East Village allows for a safe and adequate on-site transportation circulation system. Planned roadways are consistent with the Town's Transportation Plan and Standard Specifications and Construction Details and show required right-of-way widths and road sections. East Village will be connected by an urban grid of residential streets, including "Cottage Lanes" and pedestrian walkways (major/minor courtyards, greenway) in order to promote connectivity.

PARKS AND RECREATION

East Village will provide active and passive recreation for its residents and will provide the greenway connection as shown on the plans.

COMMON COURT YARDS (MAJOR AND MINOR)

The single family homes (village and cottage style) will front a "Major" common space court yard. "Minor" common space courtyards will provide lateral accessibility between adjacent pocket neighborhoods. The courtyard system will provide connectivity throughout the residential development and create a community environment. The width of the "major" common space courtyards will be variable from lot line to lot line, but will be a minimum of 20 ft. and the "minor" common space courtyards will be a minimum width of 10 ft.

LANDSCAPING

The Landscape Plan, which will be submitted on future plans, will demonstrate compliance with the standards set forth in the Town of Clayton's Unified Development Ordinance. Specifically as approved for the East Village:

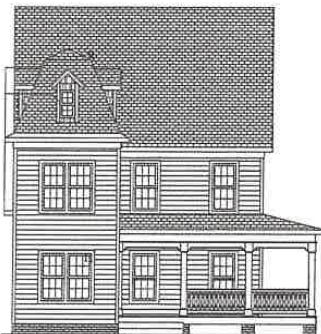
Perimeter Buffers – As shown on plans.

Street Buffers – As shown on plans.

Residential Lot Landscaping Requirements – The front yard for each building lot will contain one appropriate ornamental type street tree and two shrubs per lot. All rear yards fronting the "Cottage Lanes" will contain the same requirements as the front yard. Corner building lots with a side yard will contain two appropriate ornamental type street trees and two shrubs per lot. All mechanical units and utilities visible from the public right-of-way will be screened with evergreen shrubs.



TYPICAL COTTAGE HOME ELEVATIONS
NTS



TYPICAL VILLAGE HOME ELEVATIONS
NTS



AMENITIES CLUBHOUSE CONCEPTUAL ELEVATION
NTS

akai

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EAST VILLAGE
WALK
12-05-05-SD
(PRELIMINARY PLAT / MAJOR SUBDIVISION)
CLAYTON, NC
JOHNSTON COUNTY

Project Reference Numbers

Architect's Project No. 150029

Drawn By : NK

REVISIONS

08-28-15 TRC - 1ST REVIEW CMNTS.
08-17-15 TRC - 2ND REVIEW CMNTS.

DATES

PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

TYPICAL
HOME/AMENITIES
ELEVATIONS

SHEET NUMBER

EX7



NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
The East Village plan will comply with all conservation buffer rules enforced by the Town of Clayton as well as all other governing jurisdictions. There is no FEMA designated 100-year floodplain within the property.

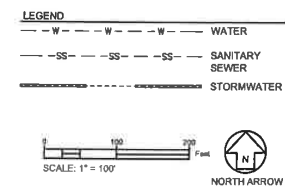
See RCA and Open Space, Greenways and other Recreation Charts.

STORMWATER MANAGEMENT
East Village will comply with the Town's requirements for stormwater management. The owners and/or their assigns will maintain all storm water facilities. Stormwater design shall meet the applicable requirements of the Town of Clayton UDO.

PUBLIC FACILITIES
All improvement standards applicable to the public facilities that will serve East Village shall comply with the Town of Clayton's UDO and all other design standards. All on-site potable water and wastewater lines will be designed according to sound engineering standards and provided by the developer. All easement acquisition will occur at the construction document submittal stage. Routing of other utilities, to include electricity, phone, cable and gas, will be in keeping with the Town of Clayton standards.

East Village development will be served by the existing sanitary sewer pump station located adjacent to the property.

Potable water will be supplied by an existing water line located along East Front Street. The development will provide a looped waterline connection along the major streets to connect from East Front Street and tie into the existing waterline in the Arbors Apartments.



akai

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FAX: (252) 670-9070



**EAST VILLAGE
WALK**
12-05-05-SD
(PRELIMINARY PLAN / MAJOR SUBDIVISION)
CLAYTON, NC
JOHNSTON COUNTY

Project Reference Numbers
Architect's Project No. 150029

Drawn By: NK

REVISIONS

08-28-15 TRC - 1ST REVIEW CMNTS.
08-17-15 TRC - 2ND REVIEW CMNTS.

PHASE	ISSUED
REVISED	08/28/15
REVISED	09/17/15

**UTILITIES
PLAN**

SHEET NUMBER

EX8

**TOWN OF CLAYTON
SUBDIVISION APPROVAL SUB 2012-60
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: James E. Thiem of HagerSmith Design, PA
Owner: East Village Investments LLC
Property Location: Fronts on East Front Street Extension to the south and borders Walden subdivision to the north and east
Tax Parcel Numbers: 05037010E
Proposed Use of Property: Single-Family Subdivision
Meeting Date: September 4, 2012

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Unified Development Ordinance, hereafter referred to as UDO, for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

- (1) The applicant shall complete the subdivision strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Planning Department office.
- (2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval shall be void and of no effect.

As set forth in Section 155.706 of the UDO, the Town Council imposed the following additional conditions of the Subdivision Permit:

- Provisions of PDD-R 2012-05 apply:
 1. All public infrastructures shall be constructed to Town of Clayton standards and approved by the Public Works Department prior to the approval of zoning permits.
 2. Homeowners Association documents which delineate funding and maintenance of common areas shall be prepared and submitted to the town prior to the recordation of final plats.
 3. Additional conditions (as modified 4-16-12) that were originally part of the preliminary subdivision plan for the Clayton East Village Subdivision (SUB 06-04) as approved July 17, 2006:
 - A. Acreage, capacity and nutrient offset fees for water/sewer shall be paid prior to recording of final plat.
 - B. The review and approval of project water, sewer, storm drainage, and street construction drawings is a separate process. Two sets of these drawings must be submitted to the Public Works Department when they become available.
 - C. Street name request forms shall be submitted to TOC GIS and approved prior to submitting final plat.
 - D. Debris from the clearing of the site will not be burned within TOC Limits.
 - E. A registered landscape architect shall complete a landscape design plan for the storm water control structures.
 - F. Storm water detention ponds shall be designed as amenity areas for the project and be in compliance with TOC's General Design Guidelines. Such facilities shall be owned and maintained by a HOA with adequate financial surety to the Town to assure their future integrity.
 - G. Wetland and riparian buffer areas will be undisturbed except as required for the installation of streets, utilities and greenways. All work shall be in accordance with applicable state and local regulations. Existing trees and vegetation will be preserved as much as practical and in accordance with all applicable regulations.
 - H. All phases of the planned development shall require Site Plan review and approval by the Planning Board.
 - I. No stucco foundations (Council condition).
 - J. Use of the single-family house at the intersection of proposed East Front Street and Old NC 42 HWY East shall be discontinued following completion of the single-family component of East Village. The future use of the property shall be determined at this time and fully comply with the Town of Clayton's Unified Development Code.

New Conditions:

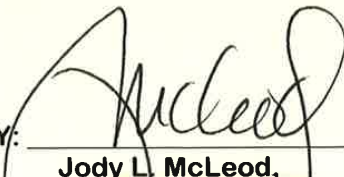
1. The perimeter landscaping along East Front Street for the project's frontage must be installed prior to the issuance of a Certificate of Occupancy for Phase I.

2. Traffic improvements to be completed by the developer will be determined based on coordination with the NCDOT District Office and will be installed prior to the issuance of a certificate of occupancy for the phase that generates an improvement. The timing of the installation of a proposed traffic signal at the intersection of East Front Street and NC 42 Hwy. East will be determined based on a warrant analysis to be completed by the developer and approved by the NCDOT Division Office. An initial signal warrant analysis will be prepared by the developer and submitted to NCDOT upon completion of the East Front Street Extension.
3. Consistent with the Locally Administered Project Agreement (Project U-3605) dated January 17, 2012, execution of a Developers Agreement between the Town and the Developer shall be complete prior to the start of construction of the Front Street Extension.
4. In order to facilitate expedited construction of the East Village greenway system, the applicant is permitted to limit sidewalk construction to one side of each street as approved by the Planning Department.
5. In order to facilitate expedited construction of the East Village greenway system, the applicant will receive 100 percent credit toward Recreation and Open Space fees associated with Land Units S-1 through S-6, M-1 and M-2 as indicated on the Master Plan.

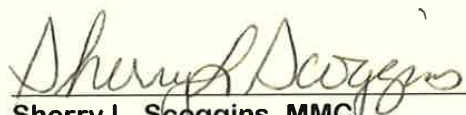
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IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: 
Jody L. McLeod,
Mayor

ATTEST:

 (SEAL)
Sherry L. Scoggins, MMC
Town Clerk

NORTH CAROLINA
JOHNSTON COUNTY

I, Stephanie B. Lanzolla, a Notary Public, do hereby certify that Sherry L. Scoggins personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the 1st day of October 2012.

(SEAL)


Notary Public - Stephanie B. Lanzolla
(Printed Name)

NC County of Commission: 6/10/12^{SL} Johnston

Commission expires: 6/10/2017

James E. Thiem, applicant, of the above-identified property for the above Preliminary Subdivision Permit, does hereby acknowledge receipt of this Preliminary Subdivision Permit issued by the Clayton Town Council. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

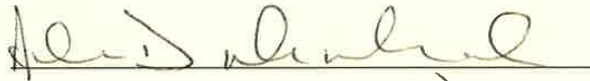

Signature of Applicant

NORTH CAROLINA

WAKE COUNTY

I, Adam D Wakefield, a Notary Public in and for said County and State, do hereby certify that James E Thiem III (applicant) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 17th day of SEPT, 2012.



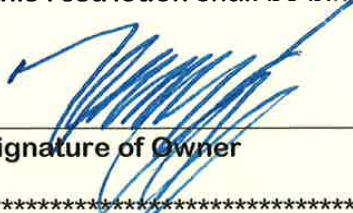
Notary Public - Adam D. Wakefield
(Printed Name)

NC County of Commission: WAKE

Commission expires: 12/28/2013



Thomas F. Taft Sr., owner and registered agent of East Village Investments LLC, of the above-identified property for the above Preliminary Subdivision Permit, does hereby acknowledge receipt of this Preliminary Subdivision Permit issued by the Clayton Town Council. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.



Signature of Owner

NORTH CAROLINA

Pitt COUNTY

I, Jessica M McGowan, a Notary Public in and for said County and State, do hereby certify that Thomas F. Taft, Sr. (owner) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 20th day of September, 2012.





Notary Public - Jessica M. McGowan
(Printed Name)

NC County of Commission: Pitt

Commission expires: May 13, 2017





3715 Neil Street * Raleigh, NC 27607 * O) 919.827.1790 * www.timugroup.com

August 26, 2015

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 proposed Rezoning and Subdivision Development adjacent or in close proximity to property shown in your ownership by Johnston County tax records. Per Town of Po 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, September 9th, 2015

Meeting Time: 6:30 – 7:30 PM

Meeting Location: The Clayton Center, Hales Room: 111 E 2nd Street Clayton, NC 27520

Type of Application: Rezoning & Major Subdivision

Project Address: Please see attached map and project description, below

Project Description: East Village Pocket Community is a 52.57 acre Planned Residential Development (PD-R) in the Town of Clayton. The property is bounded by East Front Street, the Arbors Apartments and Walden Estates. The development plan incorporates a mixture of single-family homes and townhomes, and will be age targeted to an active adult population (55 years and older). Single-family homes and townhomes will be clustered into pods. The single family home pods front a pedestrian oriented greenspace. A private Amenity Center, including a swimming pool and fitness center, is proposed.

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 the 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) 363-0404. You may also contact the Planning Department at (919) 553-5002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Gramling'.

Mark Gramling
TIMU Group

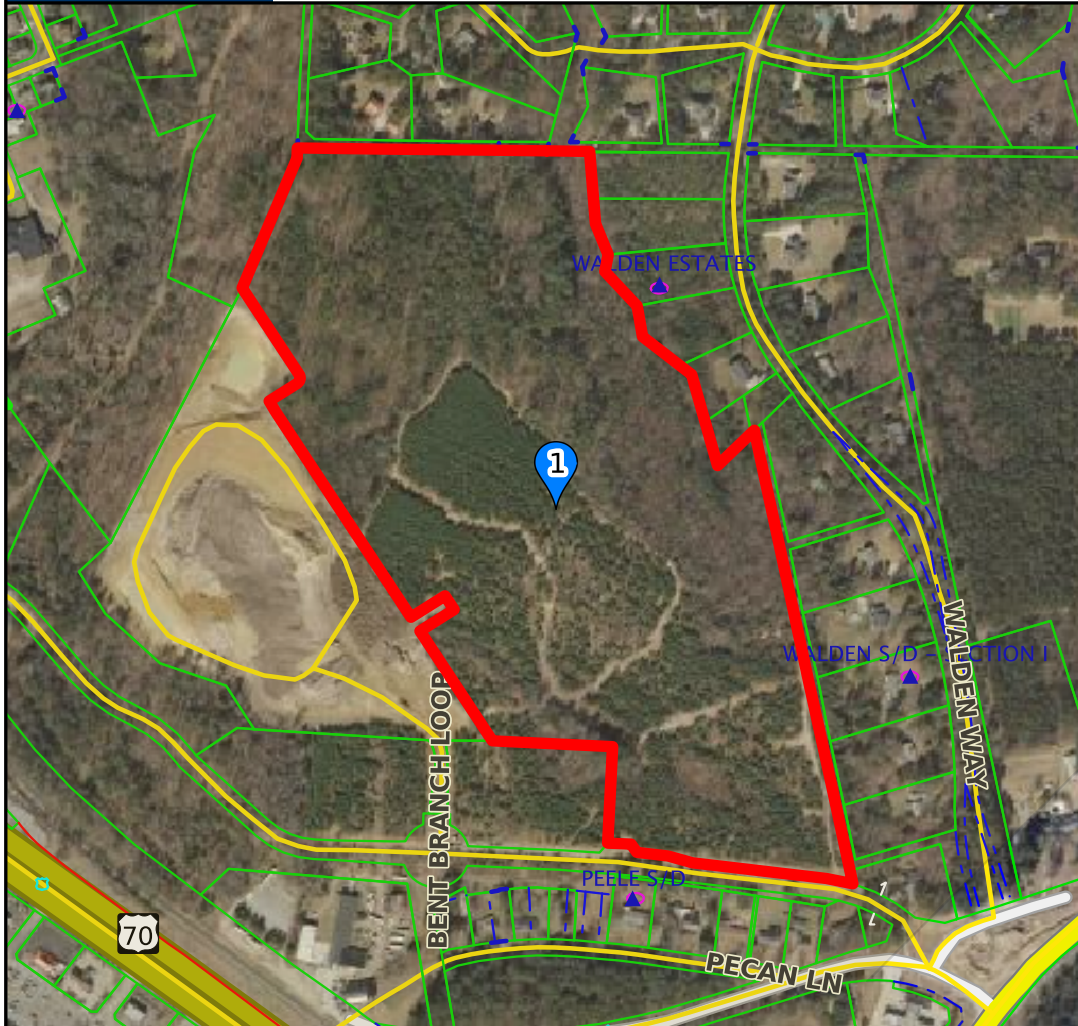
Cc: Town of Clayton Planning Department

East Village Pocket Community- Vicinity Map



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result 1

id: 166807-59-2827
Tag: 05037010E
Tax Unique Id: 4244398
NCPin: 166807-59-2827
Mapsheet No: 166807
Owner Name 1: TH CLAYTON DEVELOPMENT
COMPANY LLC
Owner Name 2:
Mail Address 1:
Mail Address 2: PO BOX 566
Mail Address 3: GREENVILLE, NC 27835-0566
Site Address 1:
Site Address 2:
Book: 04483
Page: 0821
Market Value: 1010540
Assessed Acreage: 52.57
Calc. Acreage: 52.8
Sales Price: 2704500
Sale Date: 2014-08-08



Scale: 1:5993 - 1 in. = 499.38 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
August 17, 2015



EAST VILLAGE WALK

NEIGHBORHOOD MEETING AGENDA, September 9, 2015

- 6:30-6:45pm - Review of plans (informal discussions, attendees roam at their leisure)
 - 6:45- 7:10pm – Official welcome of attendees; introduction of team
 - Developer comments; thanks attendees for coming; describes his firm’s interest in project and connection to Clayton as place appropriate for project.
 - Project background: existing subdivision approved September 2012; completion of East Front Street and The Arbors
 - Comparison of layouts of original and proposed: street access points unchanged; arrangement of lots, open space, and greenway trails basically the same; amenities now include clubhouse and swimming pool; density increase from 208 to 300 .
 - Project Design features: (1) The Common Courtyards Concept (Focus on intimate “front yard” pedestrian-only community open spaces; Cars in alleys; reduce visual impact of cars on neighborhood; Small to midsize lots for lower maintenance)
 - Architectural Character: (1) Small to mid-sized houses; (2) Downstairs master suites; (3) Garage parking (option); (4) Front porches for architectural character and promotion of community.
 - 7:10-7:30pm – Questions from attendees. See Q&A sheets
 - 7:30pm – Meeting ends
-



EAST VILLAGE WALK

NEIGHBORHOOD MEETING – Questions & Answers

September 9, 2015

Notes by: Jimmy Thiem, HagerSmith Design

- Q: Will proposed Tupelo Street (Subdivision Entrance 1) intersect E. Front Street at same location as shown on previously approved subdivision plan? Berm on south side of Front Street installed as part of Front Street project built to height of 3' vs. 6', with limited screening vegetation. [from: owner of PIN 166807-58-3397]
 - o A: Tupelo Street is proposed to remain in the same location as shown on the existing approved subdivision plan. Recommended contacting Town of Clayton Public Works regarding height of berm and plantings. Representative of TIMU Group offered to go look at the situation to see what improvements might be made to enhance buffering of traffic.
- Q: What is residential density of approved and proposed plans?
 - o A: Approved density is 208 units. Proposed density is 300 units.
- Q: What is time frame for build-out of project?
 - o A: 4-5 years with construction starting early 2016.
- Q: How will parking be provided on streets/lanes?
 - o Groups of parallel parking spaces are provided in various locations along the streets/lanes.
- Q: Where are vehicle ingress/egress locations for project?
 - o A: There are three: (1) proposed Tupelo Street connecting to E. Front Street, (2) public street connecting to existing street stub-out at The Arbors, (3) public street stub-out at northwest corner of site to undeveloped lot west of Walden subdivision.
- Q: Has traffic study been done? Concern for impact of traffic on E. Front Street.
 - o A: The original traffic study has been updated to reflect both the increased density proposed for East Village Walk as well as for the proposed expansion of The Arbors which replaces property originally planned for future commercial development. The study indicates a reduction in daily vehicle trips, primarily related to the reduced traffic levels associated with the 55+ year adult focus for East Village Walk. The study has been submitted to the Town of Clayton and is presently under review.
- Q: Where will you start construction?
 - o A: The southern end of the site near E. Front Street.
- Q: What is proposed for property bordered by Pecan Lane and Old NC 42?

- o That property is not part of the East Village Walk project, and we are not involved in its development.
 - Q: There is a problem with drivers east bound on E. Front Street making a left-hand turn onto NC 42 during certain times of the day. What can be done to fix this?
 - o A: We understood, during the planning phase for the E. Front Street extension, that a traffic light was proposed for this intersection at some future date. Recommended that they contact Clayton Public Works or the local N.C. Division of Highways District office for more information.
 - Q: Are there alternative locations for vehicular access.
 - o A: Discussion focused on routing of street from proposed East Village Walk stub-out at the north end of the site after it exited the property. All agreed that tying back into the Walden subdivision to the west was highly unlikely. Extending the street to the west the most likely connection was to Central Street which would involve crossing a stream channel with riparian buffers and significant side slopes.
-

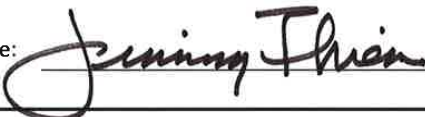
NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: EAST VILLAGE WALK 12-05-05-SD

Date of Mailing: AUG. 27, 2015

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: JIMMY THIEM Signature: 

Date of Meeting: SEPT. 10, 2015 Time of Meeting: 6:30 PM

Location of Meeting: THE CLAYTON CENTER, HALES ROOM

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.*

SEE ATTACHMENT: NEIGHBORHOOD
MEETING - QUESTIONS & ANSWERS

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



EAST VILLAGE WALK

NEIGHBORHOOD MEETING – Questions & Answers

September 9, 2015

Notes by: Jimmy Thiem, HagerSmith Design

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-

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: EAST VILLAGE WALK
Application: 12-05-03-SD (Preliminary Plat / Major Subdivision)
Location/Date: CLAYTON CENTER, HALLS ROOM SEPT. 9, 2015

	NAME	ADDRESS
1	Jimmy Thiem	634 N. Blount St., Raleigh, NC 27604
2	Tim Kurematskie	1030 Washington St. Raleigh, NC 27605
3	Mark Cramling	3715 Lenoir St., Raleigh, NC
4	Dean Strocco	" " "
5	Joe Smith	118 Ashtu Ave Raleigh
6	Elizabeth Bottom	116 Pecan Lane Clayton
7	Angela Jones	118 Pecan Lane
8	" "	106 Pecan Lane
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Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

*Town Council
January 4, 2015*

CONDITIONS OF APPROVAL

Application Number: 12-05-05-SD
Project Name: East Village Walk Major Subdivision

CONDITIONS OF APPROVAL (amended prior to Town Council hearing on 01/04/2015):

Staff recommends the following Conditions of Approval be applied to the preliminary subdivision plan:

1. The unmet Conditions of Approval accepted as a part of Petition Number PSD 2012-60 and 2012-96 for the single-family and townhome portion of East Village are hereby deleted and replaced as follows:
2. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
5. The Master Plan/Preliminary Subdivision Plan is considered to be a preliminary plat. Individual phases are subject to final plat review. This includes neighborhood parks and amenities.
6. All sidewalks and greenways shall be bonded and constructed prior to plat recordation for the associated phase.
7. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
8. No more than 250 certificates of occupancy may be issued within the subdivision until the required third access has been constructed or bonded for construction.
9. All signs shall require review/approval pursuant to 155.713.
10. Resource Conservation Areas as defined in Article 5 of the Unified Development Code shall remain undisturbed pursuant to standards of Article 5, and shall be shown on all plats as being permanently set aside pursuant to 155.500(C).

Conditions of Approval

12-05-05-SD, East Village Walk subdivision

11. Prior to grading and construction activities, tree protection fencing shall be installed around all resource conservation areas. Once the tree protection fence is installed, it must be inspected by the Planning Department before construction activities begin.
 12. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
 13. A wastewater allocation request must be approved by the Town Council.
 14. If the project should deviate from the planned 55+ age restriction, a revised Traffic Impact Analysis shall be submitted to the Planning Department.
-

**Town of Clayton
Town Council
Preliminary Subdivision Plat Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to **(PICK ONE)**:

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

Preliminary Subdivision Plat Application Number: **12-05-05-SD**

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

2. The subdivision **DOES** meet all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT** meet all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

3. 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.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards for development of properties in the surrounding area. (State evidence supporting finding).

**Preliminary Subdivision Plat Motion Form
Page 1 of 2**

PPAB 2683271v1

4. 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.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

[If approved with conditions] The applicant meets this finding subject to the following conditions:

**TOWN OF CLAYTON
SUBDIVISION APPROVAL 12-05-05-SD
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant: East Village Investments, LLC
Owner: East Village Investments, LLC
Property Location: North side of East Front Street, Clayton
Tax Parcel Numbers: 166807-59-2827
Proposed Use of Property: 300 unit, single-family subdivision.
Meeting Date: January 4, 2016

Having heard all the evidence and argument presented at the hearing, the Town Council finds that the application is complete, that the application complies with all of the applicable requirements of the Clayton Unified Development Ordinance, hereafter referred to as UDO, for the subdivision proposed, and that, therefore, the application to subdivide the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the UDO and the following conditions:

1. The unmet Conditions of Approval accepted as part of Petition Number PSD 2012-60 and 2012-96 for the single-family and townhouse portion of East Village are hereby deleted and replaced as follows:
2. Following Board approvals, three copies of the final Preliminary Subdivision Plan meeting the requirements of the Conditions of Approval shall be submitted to the Planning Department for final approval. The conditions of approval shall be recorded on the plans before final approval is granted.

3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plan. Modifications shall require additional approvals pursuant to Section 155.706 of the Unified Development Code.
5. The Master Plan/Preliminary Subdivision Plan is considered to be a preliminary plat. Individual phases are subject to final plat review. This includes neighborhood parks and amenities.
6. All sidewalks and greenways shall be bonded and constructed prior to plat recordation for the associated phase.
7. No more than 75 certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.
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12. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.

13. A wastewater allocation request must be approved by the Town Council.

14. If the project should deviate from the planned 55+ age restriction, a revised Traffic Impact Analysis shall be submitted to the Planning Department.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Town has caused this approval to be issued in its name.

TOWN OF CLAYTON

BY: _____
Jody L. McLeod,
Mayor

ATTEST:

(SEAL)
Kimberly A. Moffett
Town Clerk

**NORTH CAROLINA
JOHNSTON COUNTY**

I, _____, a Notary Public, do hereby certify that Kimberly A. Moffett personally appeared before me this day and acknowledged that she is Town Clerk of the Town of Clayton and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Jody L. McLeod, Mayor of the Town of Clayton.

Witness my hand and notarial seal this the ____ day of _____ 2016.

(SEAL)

Notary Public _____
(Printed Name)

NC County of Commission: _____

Commission expires: _____



**TOWN OF CLAYTON
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Old Business

Meeting Date:

January 4, 2016

ITEM TITLE:

NC 42 East East - 15-48-01-PDD - Master Plan Approval Amendment

DESCRIPTION:

Request to amend two Conditions of Approval that were approved by Town Council at the December 7, 2015 Town Council meeting.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Prepared By: Town of Clayton, PO Box 879, Clayton, NC 27528

CORRECTIVE AFFIDAVIT

Giving notice of typographical or other minor error made in Planned Development Approval as originally recorded in the Johnston County Registry.

Title of Original Instrument:	Approval for Planned Development Mixed Use
Date of Recording:	December 21, 2015
Recording Book and Page:	Deed Book 4698, Pages 136-140, Johnston County Registry
Instrument Information:	15-48-01-PDD Approval
	Applicant: Brantley Tillman, Commercial Properties
	Owner: James B. Hunt Jr.
	Property Location: 1430 NC Hwy. 42, located at southeast corner of NC 42 & Glen Laurel Road
	Parcel: 167800-29-8988 / 05104003

I, the undersigned, hereby certify that the following error appeared in the above name recorded instrument in accordance with the provisions of N.C.G.S. 47-36.1, effective December 21, 2015.

DESCRIPTION OF ERROR(S):

Condition #5 should state the following:

"All right of way necessary for the widening of NC 42 E. and Glen Laurel Road shall be dedicated prior to the issuance of a certificate of occupancy".

Condition #14 should state the following:

"To ensure interconnectivity with future development, there must be **one** cross access point to the south".

(Delete remainder of condition as previously recorded)

This, the _____ day of January 4, 2016.

(SEAL)
Kimberly A. Moffett, CMC
Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn to and subscribed to me this _____ day of January, 2016.

Notary Public: _____
Anna C. Anastasi

My Commission Expires: _____