



**The Town Of Clayton
Regular Council Meeting Agenda
Monday, October 5, 2015 @ 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. Clayton Band Classic Day Proclamation
[Cover - Clayton Band Classic Day](#)
[Clayton Band Classic Proclamation](#)
- b. Domestic Violence Awareness Month Proclamation
[Cover - Domestic Violence Awareness](#)
[Domestic Awareness Month Proclamation](#)
- c. September 8, 2015 Minutes
[Cover - September 8 2015 Minutes - Pdf](#)
[September 8 2015 Minutes DRAFT](#)
- d. 2015 Christmas Parade
[Cover - 2015 Christmas Parade](#)
[Christmas Parade Report](#)
- e. Sewer Allocation Request - East Village
[Cover - Sewer Allocation Request](#)
- f. 2016 Holiday Schedule
[Cover - 2016 Holiday Schedule](#)

2016 Holiday Schedule Resolution

- g. 2016 Town Council Meeting Schedule
[Cover - 2016 TC Meeting Schedule](#)
[2016 TC Meeting Resolution](#)
- h. Substation Project Resolution
[Cover - Substation Project](#)
[Reimbursement Resolution Substation](#)
- i. Budget Amendments
[Cover - Budget Amendments \(3\)](#)
[Fund 300 Budget Amendment Vactor Truck](#)
[Fund 310 Budget Amendment Unspent Revenue Bond Funds](#)
[General Fund & Police Special Revenue Fund-Budget Amendment](#)
- j. Resolution Directing Clerk to Certify Sufficiency of Voluntary Annexation Petition - 2015-51-ANX - JC Board of Alcoholic Control
[Cover - Resolution Directing Clerk to Investigate Sufficiency](#)
[ResolutionDirectingClerktoInvestigate,Contiguous 2015-51-ANX](#)
[Application 2015-51-ANX](#)
[Map 2015-51-ANX](#)

POTENTIAL ACTION:

Approval of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation of Clayton Band Day Proclamation
- b. Presentation of Domestic Violence Awareness Month Proclamation
- c. Sam's Branch Pump Station Decommission Feasibility Evaluation
[Cover - Decommissioning Feasibility - Pdf](#)
[Clayton WW System Planning CouncilPresentation](#)
- d. Electric Rate Analysis
[Cover - Electric Rate Analysis - Pdf](#)
[Electric Rate Analysis Report](#)
- e. Johnston County Parks & Recreation Master Plan Resolution
[Cover JC Parks & Rec Master Plan Resolution - Pdf](#)

Resolution of Support JC Parks & Rec Master Plan

POTENTIAL ACTION:

Approval/Disapproval of Resolution

5. ADMINISTRATIVE ITEMS

- a. Live Burn Notification

[Cover - Live Burn](#)

[Street Closure Request 202 S Robertson St-Live Burn Event](#)

[NCDOT Approval Letter-202 Roberston St](#)

POTENTIAL ACTION:

None - Informational Only

6. PUBLIC HEARINGS

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

[Cover - RZ 2014-21](#)

POTENTIAL ACTION:

Tabled - Date to be Determined

- b. Gordon Tract Subdivision - PSD 2014-95

[Cover - Gordon Tract Sub - PSD 2014-95](#)

POTENTIAL ACTION:

Tabled - Date to be Determined

- c. Novo Nordisk Southeast Property Rezoning - 15-37-01-RZ

[Cover - Novo Nordisk 15-37-01-RZ](#)

[StaffReport NovoNordisk](#)

[StaffReportMap NovoNordisk](#)

[Application 15-37-01-RZ](#)

[Parcel Info 15-37-01-RZ](#)

[HB343](#)

[Plat Book Information](#)

[Neighborhood Meeting Letter](#)

[Meeting Notes](#)

[Planning Board Rec - 15-37-01-RZ](#)

[ConsistencyAndReasonableStatement - NovoNordiskRezoning](#)

[Motion 15-37-01-RZ](#)

[Ordinance 15-37-01-RZ](#)

POTENTIAL ACTION:

Approval/Disapproval of Rezoning

- d. The Arbors at East Village Phase 2 Rezoning - 12-05-03-PDD
[Cover - Arbors at East Village Phase 2 Rezoning - 12-05-03-PDD](#)
[Staff Report 12-05-03-PDD](#)
[Staff Rpt Map UPDATED - 12-05-03-PDD Arbors II](#)
[Application 12-05-03-PDD](#)
[Arbors at East Village Elevations](#)
[Meeting Letter & Minutes 12-05-03-PDD](#)
[Planning Board Rec 12-05-03-PDD](#)
[Approval Letter Site Plan 12-05-03-PDD](#)
[Site Plan Excerpted 12-05-03-PDD](#)
[ConsistencyAndReasonableStatement - ArborsII Rezoning](#)
[Motion 12-05-03-PDD](#)
[Ordinance 12-05-03](#)

POTENTIAL ACTION:

Approval/Disapproval of Rezoning

- e. Fisher Street Two Family Home - 15-39-01-SUP
[Cover - Fisher Street SUP](#)
[Staff Report 15-39-01-SUP](#)
[Application 15-39-01-SUP](#)
[2nd Submission Plan 15-39-01-SUP](#)
[Neighborhood Meeting 15-39-01-SUP](#)
[Planning Board Rec 15-39-01-SUP](#)
[Approval SUP 15-39-01](#)
[Motion 15-39-01-SUP](#)

POTENTIAL ACTION:

Approval/Disapproval of SUP

- f. Hocutt Baptist Church Rezoning - 10-18-01-RZ (Amended)
[Cover - Hocutt Baptist Church Rezoning - Pdf](#)
[Memo Revision to RZ 10-18-01-RZ](#)
[UPDATED Staff Map 10-18-01-RZ](#)
[Staff Report 10-08-01-RZ](#)
[Application 10-18-01-RZ](#)
[Neighborhood Meeting 10-18-01-RZ](#)
[Planning Board Rec 10-18-01-RZ](#)
[ConsistencyAndReasonableStatement - HocuttRezoning](#)
[Motion 10-18-01-RZ](#)
[Ordinance 10-18-01-RZ](#)

POTENTIAL ACTION: Approval/Disapproval of Rezoning

- g. Resolution of Intent to Abandon Cross Street Right of Way
[Cover - Resolution of Intent](#)
[Resolution - Street Closing Order - ROW Cross Street](#)
[Public Notice - Cross Street ROW](#)
[Cross Street Adjacent Property Letter](#)
[Order Cross Street ROW Abandonment](#)

POTENTIAL ACTION: Approval/Disapproval of Resolution to Abandon Cross Street ROW

- h. Comprehensive Plan 2040
[Cover - Comprehensive Plan 2040 - Pdf](#)
[Memorandum of Modifications](#)
[Transportation Project Sheets](#)

POTENTIAL ACTION: Approval/Disapproval - Adoption 2040
Comprehensive Plan

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

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

10. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- b. Council Comments

11. ADJOURNMENT

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

Clayton Band Classic Day Proclamation

DESCRIPTION:

Request received to recognize October 17, 2015 as Clayton Band Classic Day. Proclamation will be presented at the October 5, 2015 Town Council Meeting.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Item Placed on Consent

Information Provided:

Proclamation

Date:

Action Taken:

Information Provided:

*P*roclamation

WHEREAS, the Clayton Band Classic was established in 1986 with the purpose of conducting competition among interested High School Marching Bands, to increase student interest, to bring out their musical talents, and to create pride in the local school band; and

WHEREAS, the Clayton Band Boosters will sponsor the 29th Annual Clayton Band Classic on October 17, 2015 at Clayton High School; and

WHEREAS, the Clayton Band Classic has won numerous awards to include; a Six Time National Regional Finalist at the Bands of America Event, 2005 NC State Champions at the United States Scholastic Band Association, Multiple Time Grand Champions at various local competitions, 2008 WGI (Winter Guard International) Color Guard Finalist, 2007 WGI Open Percussion Bronze Medalist, 2009 WGI Open Percussion Silver Medalist, 2013 WGI Open Percussion World Champion Gold Medalist as well as 6 Superior Ratings in Music Performance Assessment; and

WHEREAS, the Clayton Band Classic promises to provide citizens of the Clayton area community the opportunity to enjoy all the sights, sounds, and pageantry of watching the extraordinary talent of high school bands perform;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that October 17, 2015, be recognized as:

*C*LAYTON *B*AND *C*CLASSIC *D*AY

Duly adopted this 5th day of October, 2015.

Jody L. McLeod
Mayor

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

Domestic Violence Awareness Month Proclamation

DESCRIPTION:

Executive Director of Harbor of Johnston County will be present to accept the Proclamation.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Placed on October 5, 2015 Consent Agenda

Information Provided:

Proclamation

Date:

Action Taken:

Information Provided:

*P*roclamation

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender and income levels; and

WHEREAS, domestic violence is widespread and affects over one million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a higher rate than the national average; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about prevention of domestic violence and to show support for Harbor of Johnston County and other local organizations and individuals who provide critical advocacy, services and assistance to victims.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Clayton that October, 2015 be recognized as:

Domestic Violence Awareness Month

Duly adopted this 5th day of October, 2015.

Jody McLeod
Mayor

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

September 8, 2015 Minutes

DESCRIPTION:

Draft of September 8, 2015 Town Council Minutes are presented for approval.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Town of Clayton
Town Council Meeting
September 8, 2015
Minutes

Present: Mayor McLeod, Mayor Pro Tem Grannis, Council Member Satterfield, Council Member Lawter, Council Member Holder and Council Member Thompson

Others Present: Steve Biggs, Town Manager; Nancy Medlin, Deputy Town Manager; David DeYoung, Planning Director; Katherine Ross, Town Attorney; Kimberly Moffett, Town Clerk; Stacy Beard, Public Information Officer; Tommy Roy, Information Technology Specialist; Christie Starnes, Library Director; Tim Simpson, Public Works Director; Dale Medlin, Electrical Department; and Larry Bailey, Parks & Recreation Director

1. CALL TO ORDER

Mayor McLeod called the meeting to order at 6:37 p.m. and led the Pledge of Allegiance and offered the Invocation.

2. ADJUSTMENT OF THE AGENDA

Mr. Biggs requested that Pubic Hearing Items #5b and #5c reference Gordon Tract Rezoning and Subdivision be tabled until September 21, 2015. Jurisdictional issues are being addressed.

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. Draft Minutes
- b. Code of Ordinance - Amend 91.99
- c. 2015 Halloween Parade
- d. Charcot-Marie-Tooth Disease Awareness Month
- e. Constitution Week Proclamation

ACTION: Approval of Consent Agenda as Presented

Motion: Council Member Thompson

Second: Council Member Holder

Vote: Unanimous

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Presentation of 2015 Constitution Week Proclamation

Mayor McLeod presented Mary Aker of the Smith-Bryant Chapter of the National Association of the Daughters of the American Revolution with a Proclamation stating September 17 – 23, 2015 would be recognized as 2015 Constitution Week in the Town of Clayton.

b. Charcot-Marie-Tooth Proclamation

Mayor McLeod presented Margaret Lee, who is the RTP Branch Leader of the CMT Association, with a Proclamation declaring that September 2015 would be recognized as Charcot-Marie-Tooth Awareness Month in the Town of Clayton.

c. Hocutt-Ellington Memorial Library Open House

Ms. Christie Starnes provided information regarding the Open House at the Library scheduled to be held on September 24, 2015 from 5:00 – 7:00 p.m. This event will be an opportunity to celebrate all the services currently offered within the Library. Ms. Starnes stated that many local businesses have donated door prizes for the event. Ms. Starnes offered a formal invitation to the Town Council and also stated this event is open to the public.

5. PUBLIC HEARINGS

a. Comprehensive Plan 2040

Mr. Jake Petrosky of LandDesign was present and provided information regarding the Comprehensive Plan 2040. He stated the Town's current Comprehensive Plan was last completed in 2008. The work on this plan took approximately one years' worth of work. He provided additional information on the process including the context of the plan, the process taken, highlights of the plan and also addressed next steps to be taken.

He stated that there was great input from citizens and provided information regarding feedback received. He stated it was important to think about where and what the Town of Clayton wants to be in the next 10-15 years. Growth rate is projected at 3%.

Think Land Use, Think Downtown, Think Economic Development, Think Recreation & Open Space, Think Housing, Think Mobility, Think Utilities, Think Intergovernmental Coordination, Think Natural Resources and Think Arts and Cultures were all topics of focus within the Comprehensive Plan. Goals and Recommendations were provided for each of these topics.

Mayor Pro Tem Grannis thanked everyone for all the hard work completed on the plan and stated he had numerous questions but felt they related to discussions between our Planning Department and Town Council Members.

Mayor McLeod opened the Public Hearing at 7:27 p.m. With no one coming forward to speak, the Hearing was closed at 7:28 p.m.

ACTION: Place on October 5, 2015 for Approval

b. RZ 2014-21 - Rezoning - Gordon Tract

ACTION: Tabled until September 21, 2015

c. Gordon Tract Subdivision - PSD 2014-95

ACTION: Tabled until September 21, 2015

d. Brookside Rezoning - 15-22-01-RZ

Mr. DeYoung provided information on this proposed rezoning. Applicant is requesting to rezone 20.88 acres located east of Amelia Church Road, between NC 42 West Highway and Breeze Lane. Requested rezoning from Residential-10 (R-10) to Residential-8 (R-8). Applicant and developer were both present.

A neighborhood meeting was held on July 2, 2015. The rezoning is compatible with the Future Land Use. It is consistent with the Strategic Growth Plan and Surrounding Land Use.

The applicant has addressed Findings of Fact.

Both Staff and Planning Board recommend approval.

Council Member Lawter questioned if there would be any new uses that would be added with new rezoning. Mr. DeYoung stated there were not.

Mayor McLeod opened the Public Hearing at 7:32 p.m. and asked if anyone wished to speak to step forward and state their name for the record.

Jerry Dalton of Dalton Engineering stepped forward and spoke about the lot sizes.

With no one else coming forward and the Hearing was closed at 7:34 p.m. and turned over to Council for discussion.

Council Member Lawter stated he had several concerns regarding 4 of the 7 criteria required to approve rezoning request.

There was discussion regarding how the rezoning would be beneficial. Mr. DeYoung stated that going from an R-10 to an R-8 would allow for an improved quality product and balance with regard to types of homes in subdivision.

There was discussion regarding the adequacy of roads. Mr. Dalton stated the roads were very adequate and meets all NCDOT standards.

Discussion regarding adversity to adjoining property owners. Mr. Dalton stated there is no expectation of an adverse impact on adjoining property owners.

Council Member Lawter stated he had concerns regarding Item #7 of the Approval Criteria and possibility of only small group receiving benefit.

Mike Orlowski of Satinwood Drive stated he was of the opinion that adjoining property owners would not benefit and further stated the developer would be the only one to materially benefit from the rezoning and subdivision.

Mr. Dalton stated the developer is willing to participate with the adjoining subdivision's HOA with regard to maintaining open space and other amenities.

The Public Hearing was closed at 7:43 p.m. and turned over to Council for deliberation.

Council Member Lawter stated at his first hearing of this potential rezoning he has had concerns and is not sure this is the best rezoning to take place on this property and he is not in favor of the rezoning.

ACTION: Disapproval of Rezoning

Motion: Council Member Lawter

With there being no second, the motion dies.

ACTION: Approval of Rezoning

Motion: Council Member Thompson

Second: Council Member Holder

Vote: 4-1

Yes: Council Member Satterfield & Mayor Pro Tem Grannis

No: Council Member Lawter

e. Brookside Subdivision - 15-22-02-SUB

Attorney Ross reminded all this Public Hearing is quasi-judicial and provided information regarding the types of testimony and evidence that could be considered.

Mayor McLeod opened the Public Hearing and asked those wishing to offer testimony to step forward and the Town Clerk administered the Oath.

Mr. DeYoung provided information regarding this subdivision.

Proposed subdivision would consist of 38 single family detached homes with proposed density of 1.8 units per acres. Minimum lot size would be 8,000 square feet. There will be 2 parking spaces per unit.

The proposed subdivision is consistent with the Strategic Growth Plan and the Unified Development Code.

A portion of the parcel is within the Thoroughfare Overlay, which requires additional landscaping plantings with a certain distance of major roadways. NC 42 Highway West is one of these roadways. The developer is proposing to leave the land in its current, wooded, undisturbed state within the area covered by this overlay and staff agrees this satisfies the intent of the overlay.

Fee-in-lieu will be paid for recreation as no common open space or active recreation is being provided on site.

There is one access point on Satinwood Drive from the subdivision to the north with two stub-out roads within the development for future access to the west. There is no access proposed along NC 42 Highway West. The developer is proposing the two stub-out street would ultimately provide connectivity to Amelia Church Road when this parcel is developed in the future. If a stub-out street exists on a property line, adjacent parcels are generally required to maintain that connectivity if and when they develop in the future.

Initially, and until the parcel to the west is developed, all 38 lots within development are proposed to be accessed by Satinwood Drive. Even with counting the lots in the existing subdivision the lot count is well below the 75 dwelling threshold for which a secondary access point is required. Due to limited access and street length initially, the Fire Marshall has been consulted on fire hydrant placement and truck turning motions, and has determined that design is acceptable. Staff also supports the single connection via Satinwood as it was anticipated as a cross connection when the

Wynston Subdivision was developed. It should be noted the developer has chosen not to cross the stream and wetland area stretching east to west along the southern part of the property. Staff feels this decision not to cross the buffer for access to NC-42 eliminates a potential cross-thru from NC 42 West to Amelia Church Road and improves future spacing of driveway connections along this section of NC 42.

Applicant has addressed the Major Subdivision Approval Criteria and Findings of Fact.

The Planning Board is recommending approval. Staff recommends approval with conditions as listed in staff report as well as addition of the following condition:

The developer shall pursue a temporary construction entrance from NC 42 West. In the event that permitting precludes this entrance the developer shall be permitted to utilize existing public right-of-way for construction traffic.

Mayor Pro Tem Grannis asked if there were any other options and Mr. DeYoung stated there were none.

Mayor Pro Tem Grannis asked what the chances of getting temporary entrance off of 42 might be. Mr. DeYoung stated he felt the chances were good.

There was a lengthy discussion about both temporary and permanent entrance off of Highway 42. Discussion also included information about legal rights and stub-outs. Mr. DeYoung stated he is not sure that the NCDOT would permit a permanent entrance off of Highway 42.

Mr. Jerry Dalton of Dalton Engineering stated he is of the opinion that subdivision totally meets requirements. He states he has met numerous times with Planning Board and Planning Staff. He further stated that approval was received from the Planning Board. He addressed the issue of stub out and legality regarding them. He stated he has heard concerns of the adjoining subdivision and feels he has done all within his power to do due diligence and has spoken about all the meetings held. He addressed the issues with DOT and entrance off of 42. He further addressed a letter from Timmons Engineer who stated he did not recommend entrance off of Highway 42. He spoke about 401/404 permit, which he states is almost unheard of when you have another entrance and they are willing to get that temporary entrance for two years. Mr. Dalton stated he feels good about this temporary approval. He also stated they are willing to pay for whatever it takes to get in and out in within the two years. He feels they have done everything possible to make this right. He asked to provide a copy of the letter from Timmons Engineering letter. Attorney Ross stated due to the fact that the author of the letter was not present it could not be entered as competent evidence.

Mr. Michael Orłowski who lives 2012 Satinwood Drive stated he was representing Wynston Subdivision. He spoke about a 40% increase in traffic on Satinwood and Breeze that would take place. He shared concerns about blind spots along curves on the road and stated they are not opposed to houses being built but adverse to safety issues with increased traffic. He stated he was of the opinion that he did believe the Findings of Fact had been met due to safety. Spoke about benefit of current HOA and landscape. Traffic and mitigation not met. He addressed children kids being on the road early in the morning waiting for bus and feels that a 40% increase in cars/traffic would increase the risk of an accident. He further stated he did feel Findings of Facts #2 and #3 were met.

Mayor Pro Tem Grannis asked about the figure of 40% was arrived at. Mr. Orlowski stated he used the figures of 1.5 cars per household with 2 trips per day to arrive at the figure. Mayor Pro Tem Grannis asked if traffic count was done. Mr. Orlowski stated he didn't feel that was his responsibility.

Mayor McLeod offered a reminder that all evidence needed to be factually based not just suggestive, which was the reason for asking about the traffic count.

Eric Ballard of 1013 Breeze Lane stated he felt the numbers could easily be born out. He also stated he echoed all the comments of Mr. Orlowski. He stated he felt this neighborhood is being forced into this space. States he does not feel it is right at this time for this location. He stated he believes there is a reason why so much effort is being placed on this project. Main concern is this project is being forced. He states he felt it is about money and does not feel it is necessary to force this project.

Mr. David DeYoung shared information regarding the code and traffic study. He stated that the code dictates a traffic study be completed when 100 peak hour trips are reached. Additionally our code only calls for one access point up to 75 homes and further stated there are many subdivisions with only one entrance.

Jerry Dalton stated the entrance off of Highway 42 is not about the money and wants the record to show all the effort that will be put forth.

Council Member Lawter asked if capacity of street was acceptable. Mr. Dalton stated it was absolutely suitable for traffic based on regulations and sound standards.

Offered up partnership between HOAs regarding landscaping costs.

Mike Orlowski stated he felt it was arbitrary to throw out numbers of homes and not factor in the curves on the roads.

Eric Ballard questioned traffic study and peak hours.

At 8:37 Town Council took a brief break.

Town Council returned from recess at 8:52 p.m. and Mayor McLeod noted that during the break no ex-parte communication took place between Council Members and anyone involved.

With no one else coming forward the Public Meeting was closed and turned over to Council for deliberation.

Council Member Satterfield stated that the developer has the right to use the existing right-of-way and cannot be forced to find another. He also stated he believed the developer has gone above and beyond in an attempt to get a temporary entrance off of Highway 42 West.

Mayor Pro Tem Grannis asked for clarification regarding Condition #8 and that should temporary entrance on Highway 42 West be denied they would have authority to use Breeze Lane. Mr. DeYoung stated that was correct.

Mayor Pro Tem Grannis stated believes that with regard to Findings of Fact #3 – he feels if Breeze Lane is used as a construction entrance it qualifies as endangering public safety. However, should Highway 42 West be used as construction entrance he could vote for approval, though he does not like it.

Council Member Satterfield stated he doesn't like it either, however, he has not heard any testimony that it was unsafe, but had heard testimony that it was safe.

Mayor Pro Tem stated he had not heard any testimony that it was safe.

Council Member Lawter spoke about rezoning process and that there is a different set of standards in a quasi-judicial setting that require what type of evidence and testimony presented be considered. He further stated he did not feel we had authority to tell developer he has to have two entrances.

Attorney Ross reminded that competent evidence is not opinion and there must be credible expert testimony. Layman testimony/opinion related to increased traffic cannot be considered.

Mayor Pro Tem Grannis referred to Finding of Fact #3 and stated he struggles and feels public health and safety issue comes from using Breeze Lane as a construction entrance and that up to this point no one has convinced him it will be not be a safety issue.

There was discussion regarding subdivisions being built in phases and construction entrances are always a part of that. Discussion continued regarding possibility of modifying condition #8. Mr. DeYoung suggested if that were consensus modification should state "that developer shall use temporary construction off of Highway 42 West" and leave it at that.

Mr. DeYoung stated that if that were the wish of the Council, the developer would have to agree to that. Discussion continued around this issue.

Council Member Satterfield stated everyone understood what the issue was tonight and that competent evidence and testimony needed to be provided and we cannot require a second entrance.

Council Member Holder stated there are over 800 homes in his subdivision and there are only 3 entrances and further stated does not feel we can vote against this subdivision based on our own code.

Discussion regarding entrance continued and possibility was raised that additional information may be necessary. It was thought permits process for temporary entrance permit may take 2-3 months and perhaps decision should be tabled until that time.

Attorney Ross reminded that requiring a second entrance for approval and denying because the applicant has not met burden. Attorney Ross also advised it was possible to table the item if desired.

Mayor McLeod stated should the decision be to table this item, the neighborhood understand the expectation of them when this item is before the Town Council.

Council Member Satterfield stated he believed that delay in decision would be very unfair to the developer. He further stated that both Council Member Lawter and he had attended the neighborhood board meeting and made them very aware of what would be necessary for the Public Hearing.

Council Member Lawter stated he agreed and further that neighborhood knew what expectations were for the Public Hearing and they were aware hearsay would not be permissible and the process was explained.

Mayor Pro Tem Grannis stated this is a hard decision and feels this is a good project, though he still struggles with construction traffic going back and forth on Breeze Lane.

ACTION: Motion to Modify Condition #8 as follows;

“The developer shall pursue a temporary construction entrance from NC Hwy 42 W”

Motion: Mayor Pro Tem Grannis

With no second, the motion dies.

There was discussion regarding the subdivision approval process, phases and construction entrances.

Mr. Biggs stated the normal process for conditions and approval is that the developer accepts conditions based on their execution of approval.

ACTION: Approval of Subdivision to Include Condition #8

Motion: Council Member Satterfield

Second: Council Member Holder

Vote: 3-2

Yes: Council Members Satterfield, Holder, Lawter

No: Mayor Pro Tem Grannis, Council Member Thompson

f. Amend Unified Development Code - Chapter 155, Article 2 (Public Facilities)

Mr. DeYoung stated it was recently discovered that staff did not properly advertise this item. Based on that it is requested that Ordinance 2015-06-02 be rescinded and replaced with updated Ordinance.

ACTION: Rescind Ordinance 2015-06-02

Motion: Council Member Satterfield

Second: Council Member Holder

Vote: Unanimous

ACTION #2: Approval/Disapproval of Ordinance

Motion: Council Member Satterfield

Second: Council Member Lawter

Vote: Unanimous

g. Town Facility Operations Center - Rezoning - RZ 2015-25

Mr. DeYoung provided information with regard to RZ215-25, RZ-2015-26 and RZ-2015-28. Request is to rezone all properties to that of Public Facilities. Currently the Town Operations Center is zoned Highway Business (B-3), Waste Water Treatment Plan is zoned Residentia-8 (R-8) and Maplewood Cemetery is zoned Residential-8 (R-8).

The Public Hearing was opened and closed with no one coming forward to speak.

ACTION: Approval/Disapproval of Rezoning

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

h. Town Facility - Waste Water Treatment Plant - Rezoning - RZ 2015-26

ACTION: Approval/Disapproval of Rezoning

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

i. Maplewood Cemetery Rezoning - RZ 2015-28

ACTION: Approval/Disapproval of Rezoning

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

6. OLD BUSINESS

a. Amendment to Town Code of Ordinances - Chapter 95 – Open Burning

Mr. DeYoung provided an update regarding the requested language change regarding the issue of Open Burning within the Town Limits of Clayton's Fire District.

ACTION: Approval of Ordinance Amending Chapter 95

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

b. Carolina Park - Alternate Sign Plan

Mr. DeYoung provided a background on this item and stated the applicant was present for any questions or concerns.

It is the recommendation of the Planning Department to grant approval to this request. It was noted that current tenants would not have to change their signs.

ACTION: Approval of Alternate Sign Plan

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

7. NEW BUSINESS

a. Resolution of Intent to Abandon Portion of Cross Street Right of Way

Mr. DeYoung provided information stating this “paper” street is part of the Parkview approval and it was agreed that the Town would abandon this street.

ACTION: Approve Resolution and Set Public Hearing for October 5, 2015

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

b. Cross Parking / Cross Access Agreement

Applicant has land that is adjacent to a town parking lot and has proposed to put a parking lot at the rear of structure at this location. This proposal would create extra spaces for parking and is considered a win all around.

ACTION: Authorize Town Manager to Enter into Agreement

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

8. STAFF REPORTS

a. Town Manager –

Mr. Biggs stated he was seeking authorization to purchase 7.2 acres of property adjacent to the Neuse River at a cost of \$21,000 per acres as well as to prepare contract and other related documents to purchase. Mr. Biggs stated no final approval was needed but negotiation has taken place.

ACTION: Authorize Town Manager to Proceed

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

- b. Town Attorney**
- c. Town Clerk**
- d. Other Staff**

Planning director provided update regarding Prichard Road Signal. The cost will be \$110,000 and the developers will split the cost. Time frame is 30-60 days for design and 60-90 days for construction.

9. OTHER BUSINESS

- a. Informal Discussion & Public Comment
- b. Council Comments

Mayor Pro Tem Grannis thanked Council Members for all work that went into Brookside Subdivision.

Mayor McLeod introduced Drew Jackson, who is now our contact with the Clayton News Star. Mr. Jackson recently moved to the area from Richmond Virginia and he stated he is excited to be here.

Council Member Thompson provided an update regarding the Council on Aging and stated he will be attending a meeting next week that will include an update on a four- year plan under development. Mr. Biggs stated that the Johnston County Council on Aging is interested in attending the next Town Council Work Session to share some ideas on a possible partnership effort.

Mayor McLeod reminded everyone of the upcoming League of Municipalities Annual Conference coming up in October.

Council Member Lawter reminded everyone of the upcoming Harvest Festival.

10. ADJOURNMENT

With there being nothing further the meeting was adjourned at 9:54 p.m.

<u>ACTION:</u>	Adjourn
Motion:	Council Member Satterfield
Second:	Mayor Pro Tem Grannis
Vote:	Unanimous

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

2015 Christmas Parade

DESCRIPTION:

The 2015 Christmas Parade is scheduled to be held on Saturday, December 12, 2015. This event is organized by the Clayton Chamber of Commerce and street closures are requested.

POTENTIAL ACTION:

Other

DEPARTMENT:

Planning + Zoning

PRESENTER:

Mr. David DeYoung

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Placed on October 5, 2015 Consent Agenda

Information Provided:

Special Event Report

Date:

Action Taken:

Information Provided:



Town Planning
111 E. Second Street, Clayton
P.O. Box 879, Clayton
Phone:
Fax:

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Stephanie Ross: 919-280-1278

EVENT INFORMATION:

Event Name: Christmas Parade **File Number:** 2015-19
Event Description: Christmas Parade
Event Date(s): December 12, 2015 **Event Time(s):** 3:00 pm to 5:00 pm
Event Location: Main Street
Event Coordinator: Polly Mudd **Contact Number:** 919-255-2662
Contact Email: polly@claytonchamber.com
Attendees (Per Day): 10,000

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Town Council / DOT	Road Closure Approval: ~Main Street from US 70 Bus to Robertson ~Robertson St ~Smith Street ~Lombard between Main & Second	12/12/15 11:00 - 5:00 pm 2:30-6:00 pm 11:00-4:00 pm 11:00-5:00 pm	Stephanie Ross	(919) 359-9349
Public Works	10 Rollout Trash Carts along Main & Horne Square (no recycle)	Deliver: 12/11/15 Pickup: 12/14/15	Steve Blasko	(919) 359-1287
	Barricades and Cones – according to Police Department Planning Document	Deliver: 12/11/15 Pickup: 12/14/15	Steve Blasko	(919) 359-1287
Police Dept.	Put barricades in place to close Main Street and side roads accessing Main Street at 11:00 according to Police Department Planning Document with assistance from Chamber of Commerce volunteers. REOPEN Main Street no later than 6:00 pm	Close: 12/12/15 11:00 pm Open: by 6:00 pm	Lt. Ken Lunger	(919) 796-6814 (cell)
	Put barricade on Robertson Street just north of the Walgreen & Rite Aid driveways from 3:00 pm to 6:00 pm. Traffic will be allowed south only to US 70.	Close: 2:00 pm Open: 6:00 pm	Lt. Ken Lunger	(919) 796-6814 (cell)

STAFF USE:

SEC Approval	☐ Approved ☐ Denied	Date:	☐ No Council Action needed
Council Action	Presentation	Date:	☐ Approved ☐ Denied
	Consent Agenda	Date:	Date:
Pending Actions	☐ DOT Road Closure Approval		
	☐ ABC Permit Submittal		
	☐ Other		
☐ Issue Permit Date:			

(SEC – Special Event Committee)

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

Sewer Allocation Request

DESCRIPTION:

Request for additional sewer allocation regarding East Village.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Public Works/Operations

PRESENTER:

Mr. Tim Simpson

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Placed on October 5, 2015 Consent Agenda

Information Provided:

Memo

Date:

Action Taken:

Information Provided:

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

2016 Holiday Schedule

DESCRIPTION:

Adoption 2016 Holiday Schedule for the Town of Clayton.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Placed on October 5, 2015 Consent Agenda

Information Provided:

Proposed 2016 Holiday Schedule

Date:

Action Taken:

Information Provided:

**TOWN OF CLAYTON
2016 HOLIDAY SCHEDULE**

WHEREAS, it is the policy of the Town of Clayton to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2016 Holiday Schedule was retrieved from the State of North Carolina website:

2016 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 1, 2016	Friday
Martin Luther King Jr.'s Birthday	January 18, 2016	Monday
Good Friday	March 25, 2016	Friday
Memorial Day	May 30, 2016	Monday
Independence Day	July 4, 2016	Monday
Labor Day	September 5, 2016	Monday
Veteran's Day	November 11, 2016	Friday
Thanksgiving	November 24 & 25, 2016	Thursday and Friday
Christmas	December 23, 26 & 27, 2016	Friday, Monday and Tuesday

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2016 Holiday Scheduled as presented.

Duly adopted this 5th day of October, 2015 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

2016 Town Council Meeting Schedule

DESCRIPTION:

2016 Town Council Meeting Schedule

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Amend Schedule to remove first meeting in July of 2016.
Placed on October 5, 2015 Consent Agenda.

Information Provided:

Proposed Meeting Schedule

Date:

Action Taken:

Information Provided:

**TOWN OF CLAYTON
2016 TOWN COUNCIL MEETING SCHEDULE**

WHEREAS, the Clayton Town Council exists to conduct the business of the citizens; and

WHEREAS, the Clayton Town Council meetings are held the first and third Monday of the month at 6:30 p.m. in the Council chamber of the Town Hall, unless otherwise noted; and

WHEREAS, each meeting of the Clayton Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Clayton Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF CLAYTON 2016 CALENDAR TOWN COUNCIL MEETINGS		
MONTH	REGULAR SESSION	WORK SESSION
January	January 4, 2016	January 19, 2016 (Tuesday)
February	February 1, 2016	February 15, 2016
March	March 7, 2016	March 21, 2016
April	April 4, 2016	April 18, 2016
May	May 2, 2016	May 16, 2016
June	June 6, 2016	June 20, 2016
July	NO MEETING SCHEDULED	July 18, 2016
August	August 1, 2016	August 15, 2016
September	September 6, 2016 (Tuesday)	September 19, 2016
October	October 3, 2016	October 17, 2016
November	November 7, 2016	November 21, 2016
December	December 5, 2016	December 19, 2016

NOW THEREFORE, BE IT RESOLVED that the Town Council of Clayton hereby adopts the 2016 Clayton Town Council Schedule as presented.

Duly adopted this 5th day of October, 2015 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

Substation Project Resolution

DESCRIPTION:

Mr. McKie previously provided information regarding Resolution and Reimbursement of Substation Project.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Finance Department

PRESENTER:

Mr. Robert McKie

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Placed on October 5, 2015 Consent Agenda.

Information Provided:

Resolution

Date:

Action Taken:

Information Provided:

TOWN COUNCIL
OF THE TOWN OF CLAYTON, NORTH CAROLINA

Excerpt of Minutes
of Meeting on
October 5, 2015

Present: Mayor _____ presiding, and

Councilmembers : _____

Absent: _____

The following resolution was discussed and its title was read:

RESOLUTION OF OFFICIAL INTENT TO PURSUE
TAX EXEMPT FINANCING AND TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Town Council of the Town of Clayton, North Carolina (the "Town") intends to provide a portion of the financing of the acquisition, construction, renovation and equipping of certain capital improvements for an electric substation (the "Project");

WHEREAS, the Town may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON, NORTH CAROLINA:

1. The Town intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to revenue bonds or notes (the "Indebtedness") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$7,000,000.

2. The Town intends that the proceeds of the Indebtedness be used to reimburse the Town for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.

3. The Town intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

4. This resolution shall take effect immediately upon its passage.

Councilmember _____ moved the passage of the foregoing resolution,
Councilmember _____ seconded the motion, and the resolution was passed by the
following vote:

Ayes: _____

Nays: _____

Not Voting: _____

* * * * *

I, Kimberly Moffett, Clerk to the Town Council for the Town of Clayton, North Carolina,
DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the
proceedings of the Town Council at a regular meeting duly called and held October 5, 2015, as it
relates in any way to the resolution hereinabove set forth and that such proceedings are recorded
in Minute Book _____ of the minutes of the Town. Pursuant to G.S. § 143-318.12, a current
copy of a schedule of regular meetings of the Town Council is on file in my office.

WITNESS my hand and the common seal of the Town, this ____ day of October, 2015.

Clerk, Town Council
Town of Clayton, North Carolina

(SEAL)

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

Budget Amendments

DESCRIPTION:

Mr. McKie previously presented information regarding budget amendments.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Finance Department

PRESENTER:

Mr. Robert McKie, Finance Director

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Placed on October 5, 2015 Consent Agenda

Information Provided:

Budget Amendments

Date:

Action Taken:

Information Provided:

**Town of Clayton
Amendment to the FY 15-16 Budget**

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON
that the following amendments shall be made to the FY 15-16 Budget:

Fund: Water & Sewer Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
300-56-60-52 35	Maintenance & Repair – Equipment \$10,950	+12,000	\$22,950
300-56-90-57 045	Debt Service Vactor Truck Capital Lease \$0	+44,530	\$44,530
300-56-95-58 50	Capital Outlay \$318,740	+282,470	\$601,210

Revenues

300-56-00-48 05	Misc. Finance Capital \$0	+339,000	\$339,000
-----------------	------------------------------	----------	-----------

Amendment necessary to budget the finance capital and related expenditures for the purchase of a new Vactor truck for the Water and Sewer System, which is required for compliance with G.S. 159-15

Duly adopted this ____ day of _____, 2015 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 15-16 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON
that the following amendments shall be made to the FY 15-16 Budget:

Fund: Electric Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
310-57-95-58 00	Capital Projects \$665,815	+152,468	\$818,283
310-57-95-58 50	Capital Outlay \$109,351	+112,700	\$222,051
Revenues			
310-57-00-48 99	Fund Balance Appropriated \$0	+265,168	\$265,168

Amendment necessary to budget unspent funds received from the issuance of the 2015 Revenue Bond for the following items, which is required for compliance with G.S. 159-15:

1. Ashcroft – \$72,726
2. Hwy 42 Project – \$25,501
3. Walden Woods – \$54,241
4. Warehouse Expansion – \$112,700

Duly adopted this ____ day of _____, 2015 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

Town of Clayton
Amendment to the FY 15-16 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF
CLAYTON that the following amendments shall be made to the FY 15-16 Budget:

Fund: General Fund and Police Special Revenue Fund

<u>Line Item</u>	<u>Previous Appropriation</u>	<u>Adjustment</u>	<u>Revised Appropriation</u>
Expenditures			
100-50-00-55 06	Drug Seizure Funds – State		
	\$0	+6,943	\$6,943
212-55 05	Drug Seizure Funds – Federal		
	\$0	+8,092	\$8,092
Revenue			
100-40-00-48 99	Fund Balance Appropriated		
	\$702,278	+6,943	\$709,221
212-48 99	Fund Balance Appropriated		
	\$0	+8,092	\$8,092

-Explanation: Amendment necessary to reflect the appropriation of Fund Balance to purchase equipment for police investigations with the proceeds from unauthorized substance tax distributions (USTD) from the State and forfeited property from the U.S. Department of Justice Asset Forfeiture Program, which were received in prior years. The General Statutes (G.S. 105-113.113) mandates the Department of Revenue to distribute 75% of the USTD funds to the local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The State establishes a special nonreverting account for the USTD funds. The Controlled Substances Act, Section 881(e)(3) of Title 21, United States Code authorizes the sharing of forfeited property. All funds received from USTD and the forfeiture program are restricted to directly enhancing the law enforcement activities of the Clayton Police Department.

Duly adopted this ____ day of _____, 2015 while in regular session.

Jody L. McLeod
Mayor

Attest:

Kimberly A. Moffett
Town Clerk

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

AGENDA LOCATION:

Consent

Meeting Date:

October 5, 2015

ITEM TITLE:

Resolution Directing Clerk to Certify Sufficiency of Voluntary Annexation Petition - 2015-51-ANX

DESCRIPTION:

Voluntary Annexation 2015-51-ANX - Johnston County Board of Alcoholic Control - Contiguous 1.02 acres.

POTENTIAL ACTION:

Place on Consent Agenda

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Application / Resolution

Date:

Action Taken:

Information Provided:

**ANNEXATION PETITION 2015-51-ANX
Johnston County Board of Alcoholic Control
Parcel 05G02002T
Owners: Johnston County Board of Alcoholic Control
Contiguous; 1.02 acres**

**TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 1, 2015, by the Town of Clayton; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Clayton that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 5th day of October 2015, 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

PETITION FOR VOLUNTARY ANNEXATION

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1.

Applications are due by 5pm on the first working day of each month.

Request Information

☒ Contiguous Annexation

☐ Non-Contiguous Annexation

The following items must accompany an annexation petition:

To be completed by the applicant:	Included?	
	Yes	No
1. Petition for Annexation with original signatures	☒	☐
2. A boundary plat of the area to be annexed meeting requirements of the Plat Checklist (included in this application packet).	☒	☐
3. Legal Description (metes and bounds)	☒	☐

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant.

Annexation Plat Submission: After the map and legal description are deemed sufficient by the Town, the applicant is required to submit two (2) Mylar annexation plats to the Planning Department.

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.

Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton.

Recordation: If the annexation is approved by the Town Council, the Annexation Plats shall be recorded at the appropriate county Register of Deeds.

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A CORPORATION:

Submittal Date: 9-1-2015

Petition No.: 2015-51 Anx

To the Town Council of the Town of Clayton, North Carolina:

1. I/We the undersigned owner(s)* of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Clayton, North Carolina.

*If the owner of real property is a corporation or religious entity, attach a copy of the articles of incorporation describing who is/are authorized to sign with the petition.

2. The area to be annexed is ✓ contiguous, non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.
3. If contiguous, this annexation shall include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

Total acreage to be annexed: 4.025 AC.

Existing housing units:

Population of acreage to be annexed:

Existing Zoning District*: RE

Proposed Town Zoning District*:

Reason for petitioner to annex: ✓ Receive Town Services

 Other (please specify):

5. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this 25 day of Aug, 2015.

Corporate Name: Johnston County Board of Alcoholic Control

SEAL

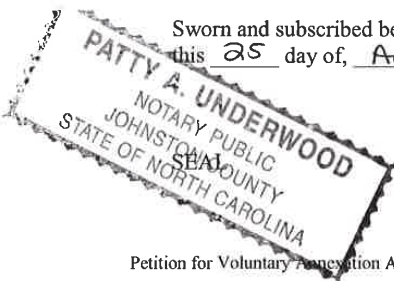
By: Swade W. Canol

(Signature)

Attest: N/A
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Patty A. Underwood, a Notary Public for the above State and County, this 25 day of Aug, 2015.



Patty A. Underwood
Notary Public

My Commission Expires: 9-17-16

Voluntary Annexation Plat Checklist

#	Required Plat Items
1.	Fully dimensioned by metes and bounds, and the location of intersecting boundary lines of the existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2.	Any utility easements with metes and bounds.
3.	Accurate locations and descriptions of all monuments, markers and control points.
4.	Ultimate right-of-way widths on all streets.
5.	Entitle "ANNEXATION MAP FOR THE TOWN OF CLAYTON" OR "SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON," as appropriate.
6.	Name of property owner(s).
7.	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8.	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9.	Names of the township, county, and state.
10.	A detailed vicinity map.
11.	Include address of property if assigned.
12.	Show all contiguous or non-contiguous town limits.
13.	The following certification must be placed on the map near a border to allow the map to be sealed: Annexation # _____ I, David DeYoung, AICP, Planning Director, Clayton, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, _____, by the Town Council. I set my hand and seal to the Town of Clayton, _____. Day/Month/Year _____ David DeYoung AICP
14.	Leave 2 inch by 2 inch space for the county Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

BOOK 927 PAGE 73

State of North Carolina
Johnston County
Filed for registration at 9:55 AM
Jan 26 11 83 in the
Register of Deeds Office
Recorded in Book 927 Page 73
J. H. Ragsdale, Jr.
Register of Deeds

State Tax 33.00

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to NARRON, O'HALE, WHITTINGTON & WOODRUFF, P.A.
P. O. Box 1523, Smithfield, NC 27577

This instrument was prepared by O. Hampton Whittington, Jr.
Brief description for the Index _____

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this _____ day of January, 1983, by and between

GRANTOR

Cecil B. Heavner and wife,
Glendora B. Heavner;
Daniel L. Heavner and
wife, Patsy B. Heavner;
and Charles O. Heavner (single)

GRANTEE

Johnston County Board of Alcoholic
Control, a body politic

CONVEYANCE OF THIS PROPERTY
HAS BEEN ON FILED ON THE
TAX RECORDS.
TAX SUPERVISOR

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

BEGINNING at a point in the southern right-of-way of a proposed service road, said iron stake being located South 54 degrees 33 minutes 36 seconds East 934.00 feet along the southern right-of-way of U. S. 70 and South 35 degrees 26 minutes 24 seconds West 60.00 feet from the northeast corner of a lot owned by John Hopkins; thence with the southern right-of-way of a proposed service road South 54 degrees 33 minutes 36 seconds East 175.00 feet to an iron stake, a new corner with Cecil Heavner; thence a new line with Cecil Heavner South 35 degrees 26 minutes 24 seconds West 255.00 feet to an iron stake, a new corner with Cecil Heavner; thence a new line with Cecil Heavner North 54 degrees 33 minutes 36 seconds West 175.00 feet to an iron stake on the eastern right-of-way of a proposed road, thence with said right-of-way North 35 degrees 26 minutes 24 seconds East 255.00 feet to the point and place of beginning, containing approximately 1.00 acre, as shown on a plat and survey prepared by Ragsdale Consultants, P.A., dated December 13, 1982, to which reference is hereby made for a more particular description of same.



Legend

- Clayton Town Limits
- Parcels
- Area to be Annexed

Produced by: TOC Planning
September 14, 2015

Annexation Map

Applicant(s): Johnston County Board of Alcoholic Control
Property Owner(s): Johnston County Board of Alcoholic Control
Parcel Number(s) 05G02002T
File Number(s): Annexation Petition 2015-51 ANX



1 inch = 300 feet



Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

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

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

October 5, 2015

ITEM TITLE:

Sam's Branch Pump Station Decommission Feasibility Evaluation

DESCRIPTION:

A representative from CH2M will be present to review the feasibility of decommissioning 9 sanitary sewer pump stations within the Sam's Branch sewer basin.

POTENTIAL ACTION:

None – Informational Only

DEPARTMENT:

Public Works/Operations

PRESENTER:

Tim Simpson, Public Works Director

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Wastewater System Planning

Town Council Meeting Presentation

October 5, 2015

Project Objective(s)



1. Sam's Branch Pump Station Decommissioning Feasibility Evaluation

- Review the feasibility of decommissioning 9 sanitary sewer pump stations within the Sam's Branch sewer basin.

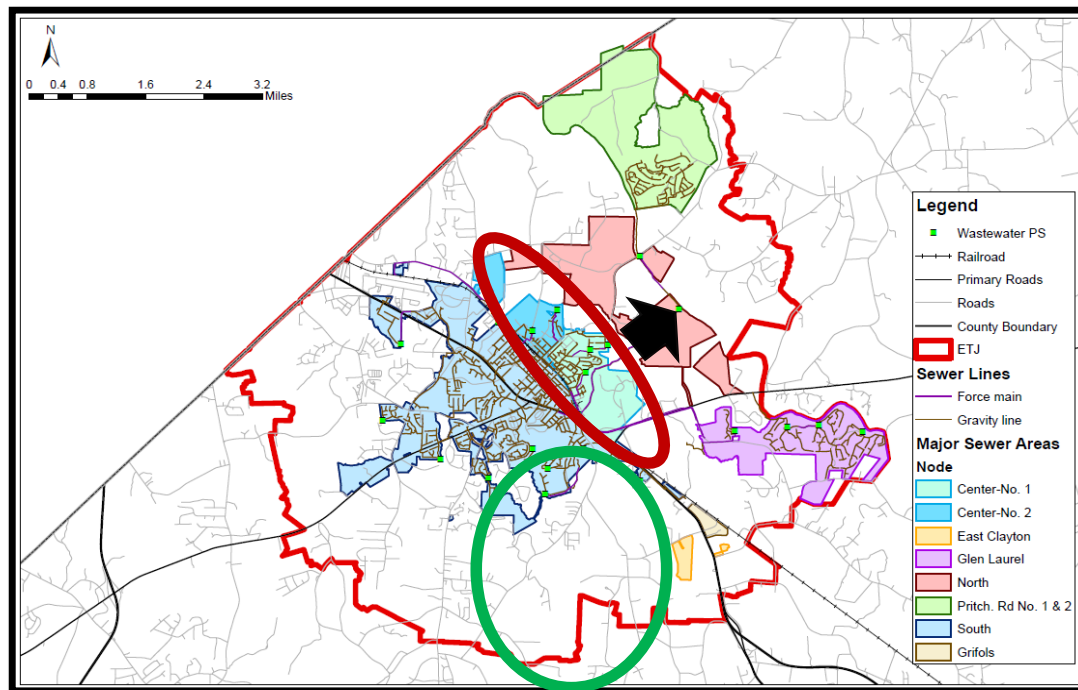
2. South East Basin Master Plan

- Develop an understanding of the potential, long term infrastructure requirements for the provision of sewer service to unsewered areas to the south and east of Town, up to the limits of the Extra-territorial Jurisdiction (ETJ) boundary.

Alignment with Long-Term Conveyance Strategy



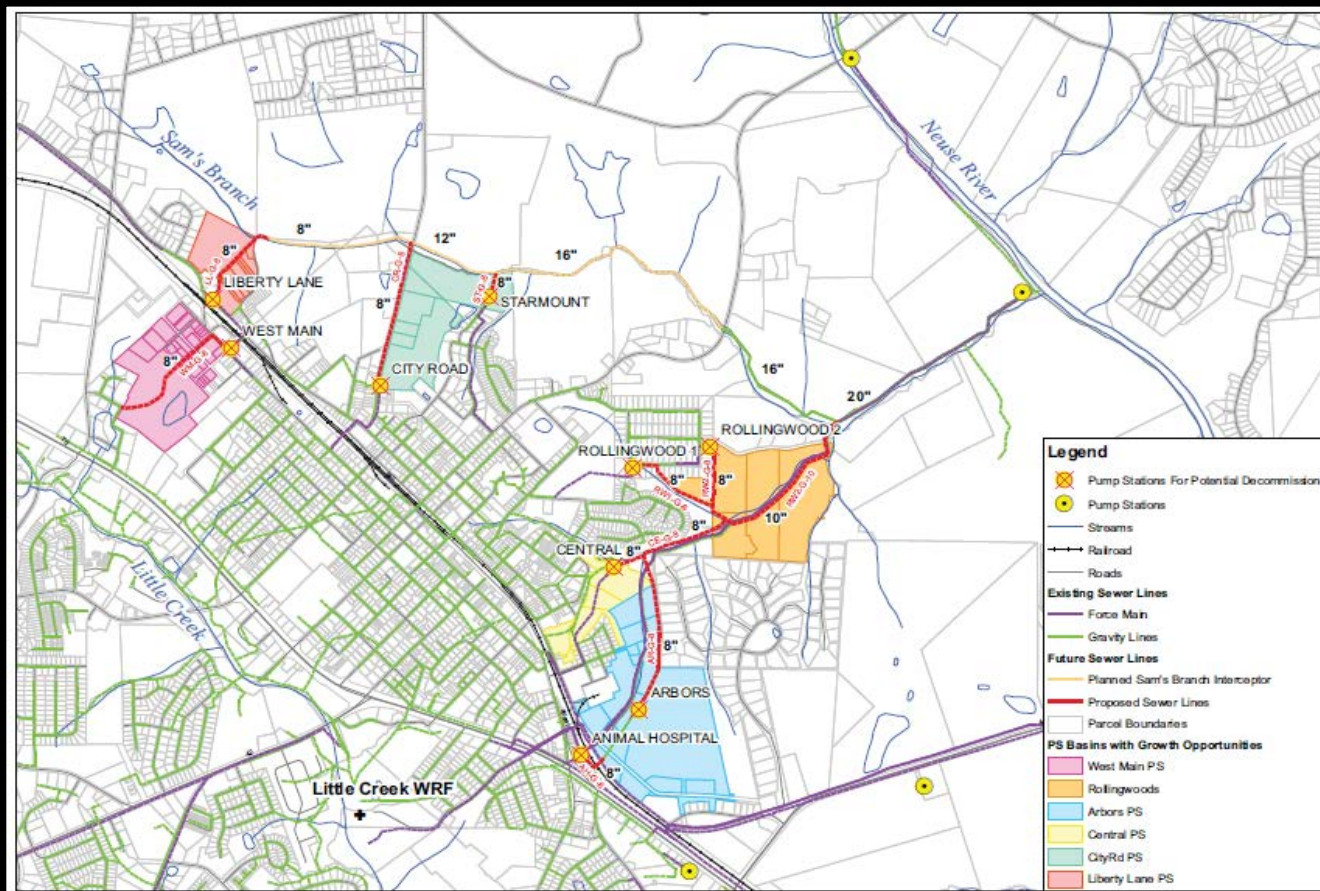
- Long-term conveyance strategy for the Town as defined by the 2013 Wastewater Conveyance Study:



Least cost (thru 2035)
Town-wide
conveyance system
strategy routes:

1. Center 1 & 2 basins to the Neuse 2 PS
2. Southern portion of Town to Little Creek WRF

PS Decommissioning: Proposed Infrastructure



PS Decommissioning: Options Comparison Summary



Pump Stations	Continued Pump Station Operation		Pump Station Decommission, New Gravity Line		
	Initial Capital Cost	20-Year Net Present Value	Initial Capital Cost	20-Year Net Present Value	Year of Payback
Liberty Lane	\$20,000	\$28,200	\$390,000	\$12,000	24
West Main	\$20,000	\$17,600	\$640,000	(\$183,000)	34
City Road	\$20,000	\$19,900	\$640,000	(\$37,600)	23
Starmount	\$ -	\$143,100	\$100,000	\$88,900	1

PS Decommissioning: Options Comparison Summary



Pump Stations	Continued Pump Station Operation		Pump Station Decommission, New Gravity Line		
	Initial Capital Cost	20-Year Net Present Value	Initial Capital Cost	20-Year Net Present Value	Year of Payback
Central	\$20,000	\$204,600	\$550,000	\$236,200	14
Central and Arbors	\$40,000	\$332,500	\$1,230,000	\$588,300	13
Central, Rollingwood 1, and Rollingwood 2	\$60,000	\$363,500	\$2,080,000	\$244,300	22
Central, Arbors, Rollingwood 1, and Rollingwood 2	\$80,000	\$403,900	\$2,760,000	\$268,800	22
Central, Arbors, Rollingwood 1, Rollingwood 2, and Animal Hospital	\$100,000	\$444,500	\$2,990,000	\$108,900	23

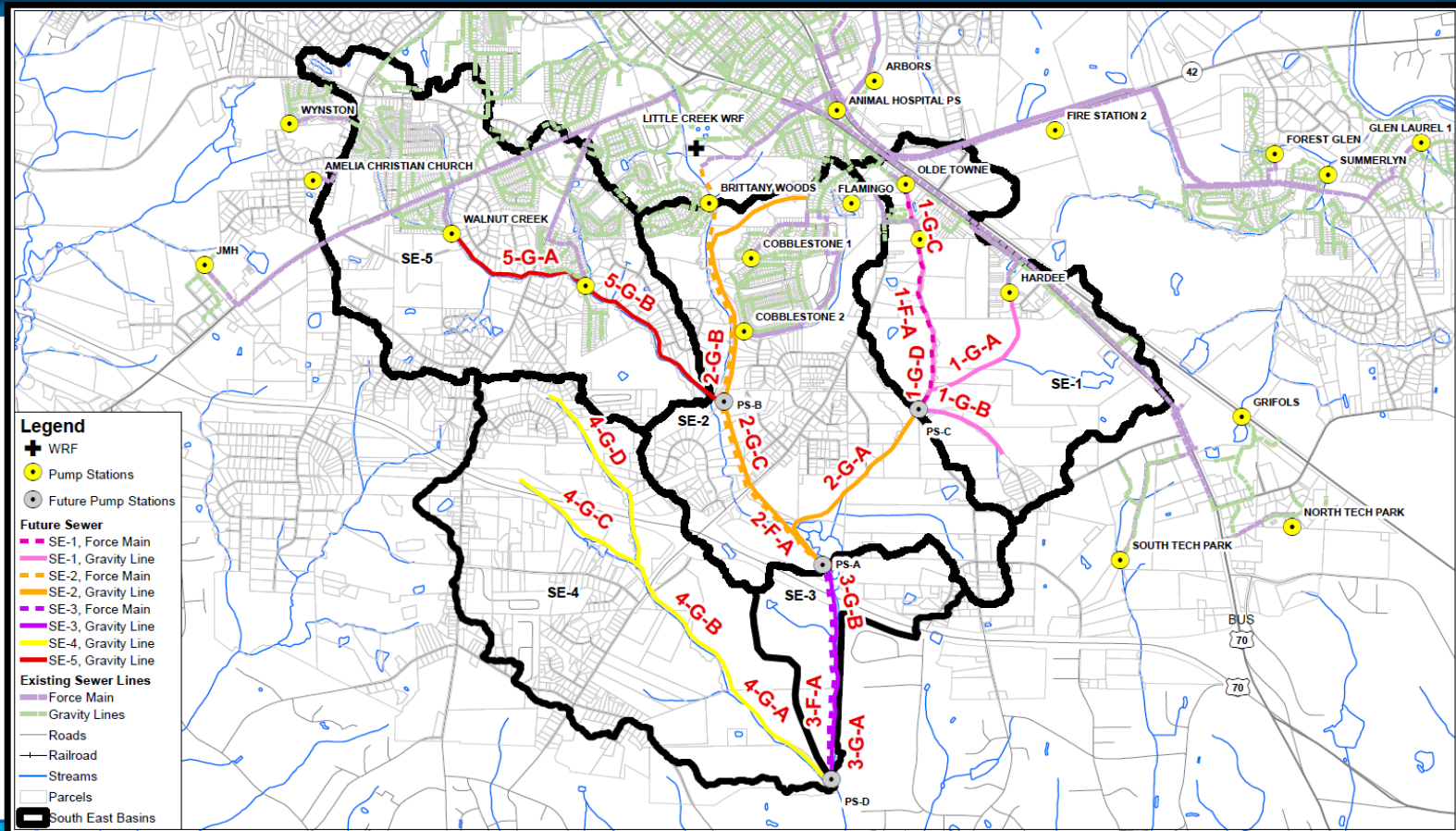
The Reality is...



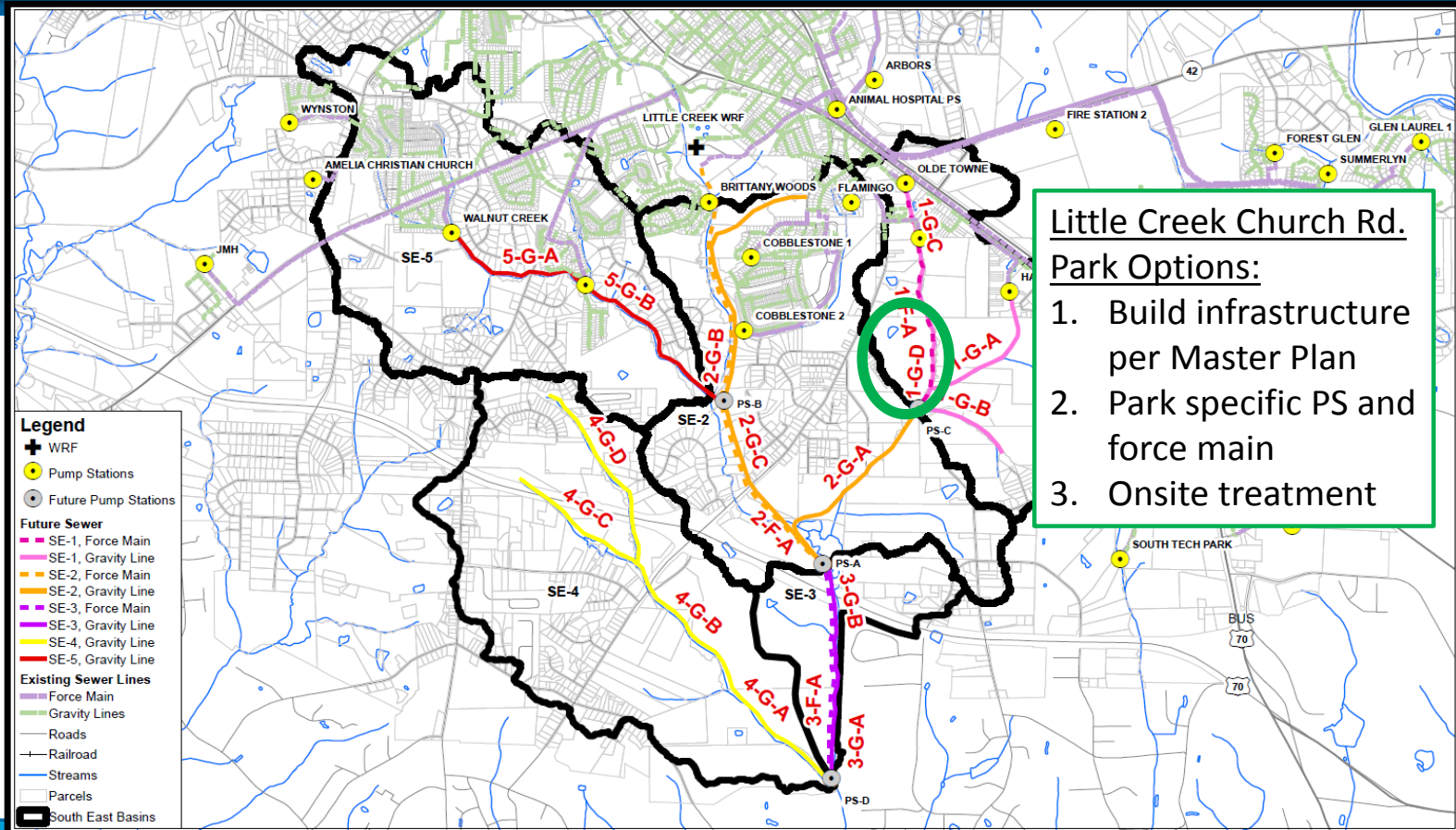
- Each option for decommissioning the candidate pump stations is technically feasible.
- Many of the pump stations require over 2,500 feet of gravity line to be decommissioned.
- These are small pump stations that do not cost a lot to operate and maintain.
- The broader system context will be the driver to proceed with decommissioning the candidate pump stations.
 - Including: current increase in growth, long-term conveyance strategy, Neuse 2 regional PS coming online, Sam's Branch Interceptor construction, and long-term benefit of the PS decommissioning (operational efficiency and economic benefit).



South East Basin Master Plan



South East Basin Master Plan



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

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

October 5, 2015

ITEM TITLE:

Electric Rate Analysis

DESCRIPTION:

Andy Givens of Cardinal Energy Services will be present to provide a report regarding Electrical Rate Analysis.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

The Town of Clayton

FY2016 Retail Rate Analysis and Rate Proposal

October 2015

**Andrew C Givens
Cardinal Energy Service, Inc.
603 N West St
Suite 103
Raleigh, NC. 27612**

The Town of Clayton

FY2016 Retail Rate Analysis and Rate Proposal

October 2015

Executive Summary

Cardinal Energy Service Inc. has been engaged by the Town of Clayton to review the retail electric rates, the change in the power cost and other expenses, and make recommendations regarding the rates for FY 2016 and succeeding years. To do this Cardinal Energy carried out a Revenue Requirements study using FY2016 as the test year. The Revenue Requirements study used the FY 2016 budget adopted by the Town in June 2015 as the starting point. We then made adjustments to reflect the reduced power cost and other typical level of expenses that the Town expects to recover in the rates during the test year. These estimates were extended to the FY 2017, FY2018, and FY2019. This study calculated the net margins and debt service coverage earned under the current rates, and established the reduction in revenue that was compatible with the Town's financial objectives.

It was clear from the Revenue Requirements study that without the power cost decrease, the Town would need a rate increase of 2% to 5% in FY 2016. However, with the power cost decrease the Town could reduce the total rate revenue by 4.5% in November 2015. At this lower rate level, the Town will be able to currently fund the budgeted FY2016 capital projects, meet other expected budgeted expenses, have debt service coverage of 1.3, and carry forward a small fund balance to help stabilize rates in the 2018-2019 time period.

Cardinal Energy proposes that the recommended rate changes take effect on November 1, 2015.

The Town of Clayton

FY2016 Retail Rate Analysis and Rate Proposal

October 2015

1) Introduction

Cardinal Energy Service, Inc. was engaged by the Town of Clayton to review the town's electric rates, and to develop new rates that reflect the Electric Department requirements in the 2016 Fiscal Year, and to provide for rate stability in subsequent years. This review was conducted to reflect three recent changes, including; 1) the reduction in the Town's power cost as a result of the sale of NC Eastern Municipal Power Agency's electric generation; 2) the capital related expenses for system expansion and the addition of a new substation; and 3) the overall increase in operating expenses. Cardinal Energy has carried out this review using a FY 2016 Test Year, and has developed proposed rates that should provide rate stability into FY 2018.

2) Rate Analysis

The proposed rates are based on a revenue requirements analysis. In a Revenue Requirements analysis we examined the revenue generated by the current rates, the margin produced at the test year level of expenses, and establish the revenue increase or decrease required to balance the revenue and expenses for the test period. For the Town of Clayton the study began with a review of the approved FY 2106 electric department budget. The primary goals for the study, in addition to covering the operating expenses and power cost included the funding of the budgeted capital projects, and was to meet the 1.25 coverage requirements included in the Town's financial policy. While the FY 2016 period was used as the test year for the analysis, the analysis was projected through FY 2019 in order to develop rates that are stable beyond the current year.

The energy usage for a utility varies over time and with the weather, and it is necessary to analyze the retail billing data and related wholesale purchase data to develop realistic revenue and power cost estimates for the adjusted revenue requirements study. The detailed FY 2015 customer usage and revenue data was reviewed and a detailed test year revenue projection was made. This was necessary to insure that the proposed rates can be properly compared to the current rates, both for the current test year and for the future years of concern. Similarly, the wholesale power purchases and power cost for the same test year period was reviewed to establish the comparable test year power cost estimate.

In addition to the revenue and the power cost estimates for the test year analysis, we paid particular attention to the capital projects and the other capital outlays for 2016 and subsequent years. Also the contractor services, and support services were reviewed to determine which components were being capitalized and which should be included in the current rates. For the purpose of the test year revenue requirements study, the data from the budget was adjusted to establish rates that properly reflected the revenue needed for the current fiscal year.

The primary focus of the revenue requirements analysis was to develop rates that met the revenue requirements for FY 2016. However, rate stability was also important when making this change. The Revenue Requirements Study looked out beyond FY2016 to include FY2017, FY2018, and FY 2019. As the study progressed, it was clear that the rising power cost after 2016, as well as the rising debt service cost, and the other rising cost of operation after 2016 will continue to put upward pressure on the rates. We expect that by FY 2018 it will be necessary for the Town management and Council to review the decisions regarding capital projects and debt financing, as a way to provide rate stability as the Town grows and the expenses increase.

The discussion below provides more detail concerning the power cost and the capital related cost during the test year.

a) Power Cost

In the Spring of 2015, the Town of Clayton and the other members of the NC Eastern Municipal Power Agency (NCEMPA) approved the sale of the ownership interest in five power plants that are primarily owned and operated by Duke Energy Progress. NCEMPA purchased the interest in these plants in 1981 as a way of stabilizing the wholesale power cost and insuring a long term supply of power. With the changes in the power industry and related factors, the ownership of this resource created higher power cost for the participants in recent years. This was expected to continue into the future and the decision was made to sell the generation.

Figure 1 - Power Cost Impact of the NCEMPA Rate Change
NCEMPA Projections – April 2015

	Calendar Year				
	2015	2016	2017	2018	2019
2014 Rates - AR-Rates					
Annual Cost - \$		\$9,865,000	\$10,447,000	\$11,045,000	\$11,472,000
Average Cost	9.00¢	9.39¢	9.80¢	10.20¢	10.44¢
New Rates Implemented 2015 - FR Rates					
Annual Cost - \$		\$8,761,000	\$9,169,000	\$9,567,000	\$9,903,000
Average Cost	8.13¢	8.34¢	8.60¢	8.84¢	9.01¢
Rate Decrease					
Annual Savings - \$		\$1,104,000	\$1,278,000	\$1,478,000	\$1,569,000
Cumulative Savings		\$1,104,000	\$2,382,000	\$3,860,000	\$5,429,000

Figure 1 shows the difference between the projected power cost under the prior rate structure, the “AR rates”, and the rates structure implemented in 2015, the “FR rates.” NCEMPA has provided estimates of the future power cost under the alternative rate structures. These estimates show that the cumulative savings to the Town are \$5,429,000 for the period through 2019. It is important to notice that under both the prior rate and the new rate, the power cost will increase over 10% by 2019. Thus there will continue to be upward pressure under the new rates.

b) Capital Improvements and Debt Service

As the Town's electric system grows, it is necessary to make annual system improvements and periodic major additions to the system. When feasible, the town has included some or all of these cost in the current budget and paid for them out of the current rates. As needed, the Town has sold bonds to finance a portion of the costs of the annual system improvements. With the debt financing, the financial impact is spread out over the following years when the new facilities are serving the customers. The Town has budgeted for \$775,166 Electric Department capital projects and capital outlay in FY 2016. The reduction in the power cost gives the Town the flexibility to finance these capital expenditures through current revenues and the Town does not anticipate selling bonds for ongoing capital improvements in FY 2016.

The known major capital projects have been included in the analysis and their impact is reflected in the rates in the period through FY 2019. The Town has begun the engineering and planning for a new substation and delivery point that goes into service in 2016 or 2017. The cost of this project is budgeted to be \$6,000,000, and the cost will be financed with additional bonds. Other annual capital projects for the FY 2017 - FY 2019 period may impact the sufficiency of the rates. During this period the, Town will have the management flexibility regarding the timing and the financing of these projects. For the purposed of this study, it has been assumed that the projects will be funded currently in FY2016 and FY2017, and that some debt financing may be used in FY2018 and FY2019.

A significant aspect of the debt financing is the coverage provisions of the Town's financial policy. Under this policy, the Town is required to establish electric rates that will produce a net margin, before the debt service payment of 125% of the debt service owed by the Town. This is a major consideration in developing the proposed rates.

Figure 2 shows the projected debt service for the FY 2016 – FY 2019 period. This is reflected in the projections.

Figure 2 - Bond Debt Service

	Fiscal Year			
	2016	2017	2018	2019
2012 Rolling Stock Bonds	\$81,031	\$81,031	\$54,021	\$0
2014 System Bonds	\$137,800	\$135,850	\$133,900	\$131,950
2015 System Bonds	\$139,344	\$137,800	\$135,850	\$133,900
2016 Expansion Bonds	\$0	\$271,000	\$270,000	\$570,000
Future Bonds			\$35,000	\$70,000
Total Debt Service	\$358,175	\$624,681	\$628,771	\$905,850

3) Results of the Revenue Requirements Study

The results of the Clayton Revenue Requirements Study in Figure 3.

The Revenue Requirements Study was done to determine the test year adjusted margin at the current rates and at an adjusted expense level. As discussed above, the expenses have been adjusted to reflect the operating and capital related expenses that should be included in the electric service rates.

Section I of the Figure4 shows the annual electric sales revenues, under the current retail rates will be \$12,712,037. With an annual growth rate of 2.5%, the revenue is expected to grow to \$13,650,029 by FY 2019.

Section II shows the projected system expenses for the test year and the three following years. The power cost is approximately 68% of the total expenses. The power cost was calculated using the detailed wholesale billing units for the tear year, and the new NCEMPA FR-1 rate which went into effect July 1, 2015. NCEMPA has also provided information regarding future power cost increases which go into effect on January 1, of each year. To calculate the fiscal year power cost for FY 2016, the power cost rates for 2015 and 2016 were averaged, and multiplied times the estimated wholesale demand and energy. This was done for each of the succeeding years.

The electrical department operating expenses show a growth of approximately 3.4% annually based on 5% escalation of the salary and benefits and 2.5% escalation of non-employee expenses. The debt service over the four years are based on the debt service schedules for each existing bond, and an estimated debt service for the future bonds .

The capital outlay and projects in FY 2016 is \$775,166. In the future years it is shown at the lower level of \$110,000. For certain future projects the Town will have the option to adjust the schedule capital projects, and decision whether to fund such projects through current rates or by bonds. In the process of developing this rate proposal, the capital projects originally budgeted in the FY 2016 budget were reviewed, and it was determined that the Town had the opportunity to fund these project currently, and to review future capital projects each year. This consideration will allow the management the ability to provide the rate stability over the next four years.

The net margin in FY2016 using the current retail rates, as shown in Section III, is \$491,826. This gives the Town the leeway to reduce the revenues by that amount and still have the balanced electric department budget. The net margin is higher in FY 2017 due to the lower current year capital spending. However, in FY2018 and 2019 the margin declines due to higher operation costs and debt service.

Figure 3 - Revenue Requirements Study

Revenue Requirements Study				
				9.23
		FY 2016	FY 2017	FY 2018
		Test Year	(Future)	(Future)
				FY 2019
				(Future)
I. Revenues				
A Sales of Electricity - 2014 Rates		12,712,037	13,017,013	13,329,613
B Permits & Fees		312,600	318,852	325,229
C Other Revenue		13,470	13,739	14,014
D Total Revenue		13,038,107	13,349,604	13,668,857
II. Expenses				
A Wholesale Power Purchase Expense		8,551,377	9,088,699	9,626,848
B NCEMPA Debt Defeasement		538,418	538,418	538,418
C. Electrical Operations		1,499,254	1,550,213	1,603,489
D Payment -in-lieu-of-taxes		35,250	35,250	35,250
E Debt Service		358,175	624,681	628,771
F Capital Outlay		775,166	110,000	110,000
G Gen Fund - Franchise Tax		0	0	0
H Gen Fund - Support Services		788,642	670,345	600,000
I Total Expenditures		\$12,546,281	\$12,617,606	\$13,142,776
III. Margin & Coverage at Current Retail Rates				
Net Margin - 2014 Rates		\$491,826	\$731,998	\$526,081
				\$23,993
Debt Service Coverage Requirement				
Net Margin Before Debt Service		\$850,001	\$1,356,679	\$1,154,851
Annual Debt Service		\$358,175	\$624,681	\$628,771
Coverage - 2014 Rates		2.37	2.17	1.84
				1.29

4) **Rate Design Strategy and Guidelines**

To implement the rate changes, and pass the savings to the customers we propose the following strategy and rate design guidelines.

- a) Rate strategy. We recommend a 4.5% reduction to the total retail rate revenue with an effective date of November 1, 2015. This is shown in Figure 4 below.

Figure 4 – Recommend Overall Revenue Reduction

	Fiscal Year			
	2016	2017	2018	2019
1. Net Margin – 2014 Rates	\$491,826	\$731,998	\$526,081	\$23,993
2. Percent Rate Reduction	4.5%	4.5%	4.5%	
3. Revenue Reduction – 12 months	\$572,042	\$585,766	\$599,833	
4. Revenue Reduction - 8 months	\$381,361			

The proposed decrease, together with the use of the fund balance from year to year, will allow the Town to maintain the level of this rate level into 2018. While a decrease greater than 4.5% may be feasible for FY 2016, it is not recommended because a further rate adjustment would be required within 12 to 18 months.

- b) The rates should pass the savings to all of the customer classes, with the exception of the lighting rates and the municipal rates. The lighting rates are excluded because the energy cost is a smaller part of the expenses of lighting service, and there are a wide variety of lighting services. The municipal accounts are excluded in order to maximize the savings to the retail customers. This allows a greater reduction for the other rates.
- c) The savings for all customer classes, including those with demand rates, should have the savings in the energy component of the rate. This reflects the reduction in the power cost, which is predominantly in the energy component. Also by leaving the demand rate in place, the demand customers will continue to have the rate incentives for peak load control.
- d) Effort has been made to provide the maximum rate savings for the electric customers as well as rate stability over the next 3 or 4 years. For the Test Year, FY 2016, the proposed rates should allow the Town to fund the current year capital projects as well as carry a fund balance forward for rate stabilization to the following years.
- e) In order to pass the savings to the customers, the proposed rates have been designed to be implemented November 1, 2015. On this schedule they should meet the financial guidelines for FY 2016.

5) Rate Changes for Each Customer Class

1. Residential Rates - The proposed annual savings for the residential customers is approximately \$405,516, or a reduction in the electric cost approximately 4.8%. The proposed customer charge will remain unchanged at the current rate of \$6.95 per month. The total energy charge is reduced by 0.65¢ per kWh, or from 12.83¢ to 12.18¢ per kWh. The fuel adjustment charge will be reduced to \$0.0. The proposed Residential rate is shown in Figure 4.1 below.

Residential Rate Proposal

Figure 4.1

Rate Component	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	\$6.95	\$435,261	\$6.95	\$435,261	
Base Energy Charge	\$0.1172	\$7,311,759	\$0.1218	\$7,598,739	
Fuel Adjustment	\$0.0111	\$692,496	\$0.0000	\$0	
Total		\$8,439,516		\$8,034,000	(\$405,516)
Average		\$0.1353		\$0.1288	(4.80%)

2. Small General Service Rates - The proposed annual savings for the Small General Service customers is approximately \$11,032, or a reduction in the electric cost approximately 4.80%. The customer charge will remain at \$15.00. The fuel

adjustment charge will be reduced to \$0.0 and the total energy charge for each energy block of the Small General Service rate will be reduced by 0.673¢ per kWh. The proposed Small General Service rate is shown in Figure 4.2 below

Small General Service Rate Proposal

Figure 4.2

	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	\$15.00	\$31,642	\$15.00	\$31,642	
Base Energy Charge					
1 st Block: to 750 kWh	\$0.13176	\$117,207	\$0.13613	\$121,095	
2 nd Block: next 2000 kWh	\$0.08606	\$51,028	\$0.09043	\$53,619	
3 rd Block: add. kWh	\$0.07455	\$11,688	\$0.07892	\$12,373	
Fuel Adjustment	\$0.01110	\$18,196	\$0.0	\$0	
Total		\$229,761		\$218,729	(\$11,032)
Average		\$0.1402		\$0.1334	(4.80)%

3. Medium General Service Rates - The proposed annual savings for the Medium General Service customers is approximately \$83,952, or a reduction in the electric cost approximately 4.71%. The customer charge will remain at \$20.00. The fuel adjustment charge will be reduced to \$0.0 and the total energy charge for each energy block of the Medium General Service rate will be reduced by 0.51¢ per kWh. The current and proposed Medium General Service rates are shown in Figure 4.3 below.

Medium General Service Rate Proposal

Figure 4.3

	Current Rates		Proposed Rates		Change
	Rate	Revenue	Rate	Revenue	
Customer Charge	\$20.00	\$23,329	\$20.00	\$23,329	\$0
Demand – all kw	\$7.56	\$359,958	\$7.56	\$359,958	
Base Energy – all kWh	\$0.07225	\$1,213,110	\$0.07826	\$1,314,020	
Fuel Adjustment	\$0.0111	\$186,374	\$0.0000	\$0	
Total		\$1,782,374		\$1,697,307	(\$85,463)
Average		\$0.1062		\$0.1011	(4.79%)

4. Coincident Peak Rate (CP) – Clayton has four customers served on the CP rate. The proposed savings for the Coincident Peak rate customers is \$36,229 or a reduction in the electric cost approximately 4.79%. The customer charge will remain unchanged at \$75.00 per month. The fuel adjustment charge will be reduced to \$0.0 and the total energy charge for the Coincident Peak rate will drop by 0.436¢ per kWh. The CP Demand charge and the Excess Demand charge will not change. In this way, the

incentives provided by the demand rate remain as they are, and the load control savings to the customer go untouched.

Coincident Peak Rate Proposal

Figure 4.4

	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	\$75.00	\$3,600	\$75.00	\$3,600	
Demand Charge					
CP kw Demand	\$18.00	\$227,232	\$18.00	\$227,232	
Excess kw	\$3.50	\$29,281	\$3.50	\$29,281	
Generation Credit					
Base Energy Charge	\$0.0487	\$404,590	\$0.05549	\$460,597	
Fuel Adjustment	\$0.0111	\$92,236	\$0.0000	\$0	
Total		\$756,939		\$720,710	(\$36,229)
Average		\$0.0911		\$0.0867	(4.79%)

5. General Service Time-of-Use Rate (TOU) - The proposed savings for the General Service – TOU customers is \$3,495 or a reduction in the electric cost approximately 4.79%. The customer charge will remain unchanged at \$50.00 per month. The fuel adjustment charge will be reduced to \$0.0 and the total energy charge for each energy block of the General Service - TOU rate will be reduced by 0.553¢ per kWh. The current and proposed General Service – TOU rates are shown in Figure 4.5 below.

General Service, Time-of Use Rate Proposal

Figure 4.5

	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	\$50.00	\$1,800	\$50.00	\$1,800	
Demand Charge	\$17.27	\$28,659	\$17.27	\$28,659	
Base Energy Charge	\$0.05627	\$35,560	\$0.06184	\$39,080	
Fuel Adjustment	\$0.0111	\$7,015	\$0.0000	\$0	
Total		\$73,034		\$69,539	(\$3,495)
Average		\$0.1156		\$0.1100	(4.79%)

6. Institutional Service Rate - The proposed annual savings for the Institutional Service customers is \$9,698 or a reduction in the electric cost approximately 4.8%. The proposed customer charge will remain unchanged at \$10.00. The fuel adjustment charge will be reduced to \$0.0 and the total energy charge for the Institutional Service rate will be reduced by 0.57¢ per kWh. The current and proposed Institutional Service rates are shown in Figure 4.6 below.

Institutional Service Rate Proposal
Figure 4.6

	Current Rates		Proposed Rates		Increase
	Rate	Revenue	Rate	Revenue	
Customer Charge	\$10.00	\$4,244	\$10.00	\$4,244	
Base Energy Charge					
1 st Block: to 600 kWh	\$0.12623	\$27,077	\$0.13163	\$28,235	
2 nd Block: next 1900 kWh	\$0.10871	\$40,466	\$0.11411	\$42,476	
3 rd Block: add. kWh	\$0.10009	\$111,568	\$0.10549	\$117,587	
Fuel Adjustment	\$0.0111	\$18,886	\$0.0000	\$0	
Total		\$202,240		\$192,542	(\$9,698)
Average		\$0.1189		\$0.1132	(4.8%)

Municipal Service and Area Light Rates – In order to maximize the rate savings to the customers of the Town, we propose that the municipal service rate and the various lighting rates remain unchanged.

Town of Clayton

2015 Retail Rate Study

Comparison of the Revenue - Current and Revised Rates

	Test Year	Current Rates			Revised Rates			Rate Impact	
	Units	Rates	Revenue	Avg.	Rates	Revenue	Avg.	\$	%
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. Residential									
Bills	62,628	\$ 6.95	\$435,261		\$6.95	\$435,261			
Energy - Base	62,387,020	\$0.11720	\$7,311,759		\$0.1218	\$7,598,739		\$286,980	
Fuel Adjustment	62,387,020	\$0.0111	\$692,496		\$0.0000	\$0		(\$692,496)	
Subtotal	62,387,020		\$8,439,516	13.53		\$8,034,000	12.88	(\$405,516)	-4.80%
2. Small General Service - EC									
Bills	2,109	\$ 15.00	\$31,642		\$15.00	\$31,642			
Energy									
1st block	889,552	\$ 0.13176	\$117,207		\$0.13613	\$121,095		(\$3,887)	
2nd block	592,934	\$ 0.08606	\$51,028		\$0.09043	\$53,619		(\$2,591)	
3rd Block	156,785	\$ 0.07455	\$11,688		\$0.07892	\$12,373		\$685	
Fuel Adjustment	1,639,271	\$ 0.01110	\$18,196		\$0.00000	\$0		(\$18,196)	
Total Small Gen. Serv	1,639,271		\$229,761	14.02		\$218,729	13.34	(\$11,032)	-4.80%
3. Medium General Service - MGS 1									
Bills	1,166	\$ 20.00	\$23,329		\$20.00	\$23,329			
Demand - all kw	47,613	\$ 7.56	\$359,958		\$7.56	\$359,958			
Energy - all kwh	16,790,447	\$ 0.07225	\$1,213,110		\$0.07826	\$1,314,020		\$100,911	
Fuel Adjustment	16,790,447	\$ 0.01110	\$186,374		\$0.00000	\$0		(\$186,374)	
Total Medium Gen. Serv	16,790,447		\$1,782,771	10.62		\$1,697,307	10.11	(\$85,463)	-4.79%
4. Coincident Peak Rate									
Bills	48	\$ 75.00	\$3,600		\$75.00	\$3,600			
Demand									
CP kw	12,624	\$ 18.00	\$227,232		\$18.00	\$227,232			
Excess kw	8,366	\$ 3.50	\$29,281		\$3.50	\$29,281			
Energy	8,309,518	\$0.0487	\$404,590		\$0.05543	\$460,597		(\$56,006)	
Fuel Adjustment	8,309,518	\$0.0111	\$92,236		\$0.00000	\$0		\$92,236	
Total Coincident Peak F	8,309,518		\$756,939	9.11		\$720,710	8.67	(\$36,229)	-4.79%
5. General Service TOU									
Bills	36	\$ 50.00	\$1,800		\$50.00	\$1,800			
Demand - all kw	1,659	\$ 17.27	\$28,659		\$17.27	\$28,659			
Energy - all kwh	631,960	\$0.05627	\$35,560		\$0.06184	\$39,080		(\$3,520)	
Fuel Adjustment	631,960	\$0.01110	\$7,015		\$0.00000	\$0		\$7,015	
Total Medium Gen. Serv	631,960		\$73,034	11.56		\$69,539	11.00	(\$3,495)	-4.79%
6. Institutional Service									
Bills	424	\$ 10.00	\$4,244		\$10.00	\$4,244			
Energy									
1st 600 kwh	214,503	\$0.12623	\$27,077		\$0.13163	\$28,235		(\$1,158)	
next 1900 kwh	372,236	\$0.10871	\$40,466		\$0.11411	\$42,476		(\$2,010)	
all additional	1,114,676	\$0.10009	\$111,568		\$0.10549	\$117,587		(\$6,019)	
Fuel Adjustment	1,701,415	\$0.01110	\$18,886		\$0.00000	\$0		\$18,886	
Total Institutional	1,701,415		\$202,240	11.89		\$192,542	11.32	(\$9,698)	-4.80%
7. Municipal Use									
Bills	689				\$0.00				
Demand - all kw	20,134				\$0.00				
Energy - all kwh	6,034,591	\$0.08514	\$513,794		\$0.08514	\$513,794			
Total Municipal Use			\$513,794	8.51		\$513,794	8.51	\$0	0.00%
8 Lighting Service									
Bills	20,765								
Energy - all kwh			\$0						
Total Lighting Service			\$200,983			\$200,983		\$0	0.00%
Total Rate Revenue	97,494,222		\$12,199,037	12.51		\$11,647,604	11.95	(\$551,434)	-4.5%

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

AGENDA LOCATION:

Introductions & Special Presentations

Meeting Date:

October 5, 2015

ITEM TITLE:

Johnston County Parks & Recreation Master Plan Resolution

DESCRIPTION:

The JCVB has asked that the attached resolution on the County Recreation Master Plan be approved by local municipalities before they go to the Johnston County Commissioners for their approval. Donna Bailey-Taylor from the Johnston County Visitors Bureau will be present.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Parks + Recreation

PRESENTER:

Larry Bailey

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:



**RESOLUTION ADOPTING THE
JOHNSTON COUNTY PARKS AND RECREATION PLAN**

WHERE AS, the Johnston County Sports Council, a committee of the Johnston County Tourism Authority, recognized the potential for sports and recreation to drive community growth and provide services to residents throughout the county; and

WHERE AS, all local municipalities and civic groups engaged in recreation pursuits may use the Johnston County Parks and Recreation Master Plan for planning purposes and individual grant applications to improve and development recreation facilities in their perspective communities; and

WHERE AS, all local municipalities and civic groups may use the Johnston County Parks and Recreation Master Plan as a tool to promote parks and recreation in the area, to direct priorities for parks and recreation services, to guide planning for expected growth, to provide general plan policy guiding land use and public services, to understand the public's issues and desires, and to identify funding gaps and directly meeting them; and

WHERE AS, the community partners may use the Johnston County Parks and Recreation Master Plan to determine needs for facilities/programs, have a policy framework for partnerships with the Johnston County Planning Department, and compare services to avoid duplication; and

WHERE AS, the Johnston County Parks and Recreation Master Plan may be adopted as part of the Johnston County Land Use Plan as it pertains to public lands, and development of future county recreation facilities, and in particular the completion of the Mountains to the Sea Trail; and

WHERE AS, the Johnston County Parks and Recreation Master Plan has several immediate, short and long term recommendations of value that require a county representative to facilitate; and

NOW, THEREFORE, LET IT BE RESOLVED THAT: *Town of Clayton*, adopts the Johnston County Parks and Recreation Master Plan as the official document of record for county recreation planning and development, and encourages the Johnston County Commissioners to pursue key recommendations in the plan for the betterment of recreation in Johnston County.

On behalf of the
Town of Clayton

Jody McLeod, Mayor of Clayton

Date

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

AGENDA LOCATION:

Administrative Items

Meeting Date:

October 5, 2015

ITEM TITLE:

Live Burn Notification

DESCRIPTION:

On Nov 14th, The Clayton Fire Department will be conducting a live burn at 202 S. Robertson Street. For this event, S. Robertson Street will be closed as well as parts of a few connector streets. All applicable processes through the NC Div of Air Quality, NC Office of State Fire Marshal, and NC Department of Transportation are being followed - S. Robertson St is an NCDOT maintained street. As part of the agenda you will find closure request forwarded to NCDOT last month and their response (approval letter). The request form notates that the alternate routes during the closure and the Clayton Fire Department work directly with Public Works/Street Department to get needed signage and barricades.

POTENTIAL ACTION:

None – Informational Only

DEPARTMENT:

Fire Department

PRESENTER:

Jason Dean, Deputy Chief of Operations

ITEM HISTORY:

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

Town of Clayton Fire Department

Street Closure Request for Live Fire Training

Prepared by Deputy Chief Jason Dean



Date of Request: August 28, 2015

Date of Event: November 14, 2015 Time for street closure request: 0700hrs – 1800hrs

Location(s): S. Robertson St (SR1552), between Willow Dr and W. Main Street

Purpose: We are conducting a live burn drill at 202 S. Robertson Street (SR1552) as part of our on-going fire training program. We conduct this training to maintain skills necessary for combating interior fires in structures as well as other fire ground operational practices. In order to maintain safety of our personnel and to meet specific guidelines set forth by NC Office of State Fire Marshal and National Fire Protection Association, we will need a traffic free area for apparatus, water supply lines, and a staging area.

Specific Request: To maintain this traffic free area, we are requesting to close the following streets.

Note: some of the below streets are Town maintained but wanted to include in the listing for informational purposes and this document will also be used for local requesting process:

- 1 – S. Robertson St, between Willow Dr and Main Street
- 2 – W. Horne St, between Virginia St and Ellington Street
- 3 – W. Second St, between Mulberry St and Ellington Street

(See below map)

Note: For the few residents that will be in the blocked off area, they will be able to travel “away” from the training site and immediately around the site, other means of blocking (cones, apparatus, etc) will be used

Alternate Routes:

- 1 – Willow Drive to Charles Street to W. Second Street, to Moore St or Mulberry Street is the recommended detour route around the training site

Preparation: Area residents will be given information prior to the event advising them of the closures, alternate routes, and potential hazards (smoke drift, hose lines, etc). We will also inform the community about the event via the Town of Clayton Public Information Officer

The Fire Department will provide cones and signage (smoke ahead and apparatus ahead) in the area to inform other citizens. Barricades and detour posts will be obtained from Public Works/Street Department and placed at the aforementioned areas. We also have the option of using local message boards to inform areas streets are closed

Clayton Police, Public Works, and Johnston County EMS have also been informed of the activities.

Any questions pertaining to this training event can be forwarded to Clayton Fire Deputy Chief Jason Dean, 919-359-9367 or jidean@townofclaytonnc.org

[illegible]

Red Arrows: Denoting alternate / detour route

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

September 3, 2015

Mr. Jason Dean
Division Chief Training/Safety
Town of Clayton Fire Department
P.O. Box 879
Clayton, NC 27528

Dear Mr. Dean:

This is to acknowledge and thank you for your recent letter regarding the Town of Clayton Fire Department's request to temporarily close SR 1552 (South Robertson Street) between Willow Drive and W. Main Street on Saturday, November 14, 2015, from 7:00 am until 6:00 pm. This request is made in order that the Town of Clayton Fire Department may hold a Live Fire Training exercise at 202 South Robertson Street.

We are pleased to advise your request has been approved as submitted based on the Town of Clayton Fire Department's intent to take proper safety precautions and provide traffic control during this special event.

If you have any questions, please do not hesitate to contact me.

Cordially yours,



Todd Lewis, PE
Asst. Division Traffic Engineer

CTL/

Cc: Mr. J.P. Harrell, PE
File

Post Office Box 3165, Wilson, North Carolina 27895-3165
Phone (252) 237-6164 Fax (252) 234-6174

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

RZ 2014-21 - Rezoning - Gordon Tract

DESCRIPTION:

Applicant is requesting to rezone 61.29 acres located east of Glen Laurel Rd., from Residential Estate - R-E (Town) and Agricultural Residential -AR (County) to Residential-8 - R-8

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

August 17, 2015

Action Taken:

Presentation & Public Hearing Set for September 8, 2015

Information Provided:

Staff Report

Date:

September 8,
2015

Action Taken:

Tabled - September 21, 2015
Tabled - October 5, 2015

Information Provided:

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

Gordon Tract Subdivision - PSD 2014-95

DESCRIPTION:

Request for approval of major preliminary subdivision for a property located to the east of Glen Laurel Rd., between Vinson and Powhatan Roads.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

August 17, 2015

Action Taken:

Presentation & Set Public Hearing for September 8, 2015

Information Provided:

Staff Report / Planning Board Recommendation

Date:

September 8,
2015

Action Taken:

Tabled - September 21, 2015
Tabled - October 5, 2015

Information Provided:

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

Novo Nordisk Southeast Property Rezoning - 15-37-01-RZ

DESCRIPTION:

Request to rezone parcels from Industrial-Light I-1, County Zoning to Industrial Light I-1, Town Zoning.

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Set Public Hearing for October 5, 2015

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

*Planning Board
August 24, 2015*

STAFF REPORT

Application Number: 15-37-01-RZ Project Name: Novo Nordisk Southeast Property Rezoning

NC PIN / Tag #: 167804-60-8595 / 05I05008A & 167804-50-7128 / 05E99010N
Town Limits/ETJ: ETJ
Overlay: None
Applicant: Town of Clayton
Owner: Novo Nordisk Pharm IND
Location: Located south of Powhatan Road, east and north of the railroad tracks, and southwest of the intersection of Glen Laurel Road and Powhatan Road

Public Noticing:

- Neighborhood meeting August 11, 2015
- Sign Posted August 20, 2015
- Newspaper ad prior to September 23, 2015

REQUEST: Request to rezone the parcels recently included in Clayton's ETJ by House Bill 343 the from Industrial-Light (I-1, County Zoning) to Industrial-Light (I-1, Town Zoning).

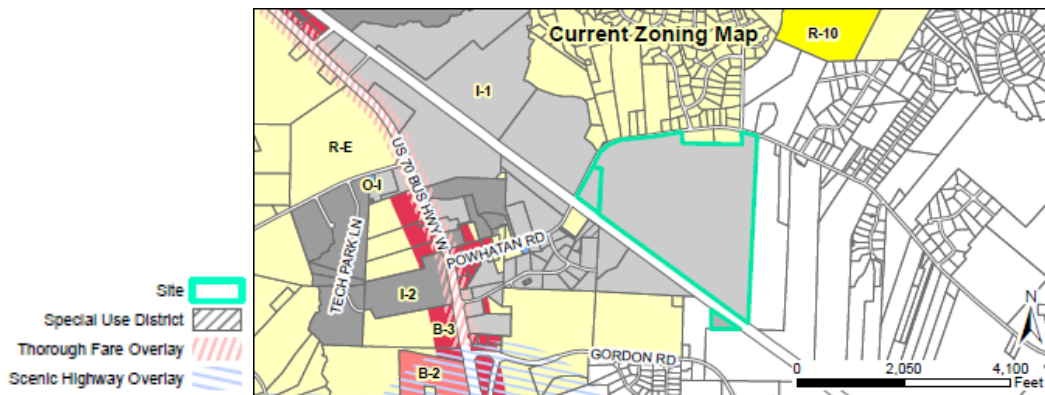
SITE DATA:

Acreage: 180.76 acres
Existing Uses: Vacant



ADJACENT ZONING AND LAND USES:

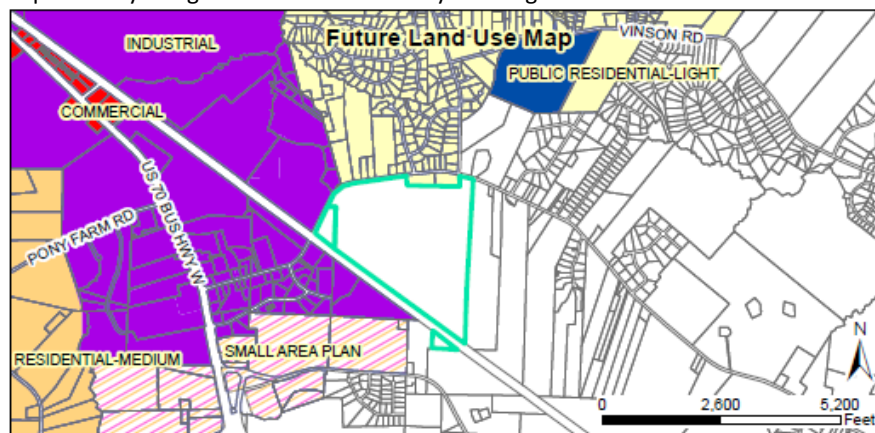
Direction	Zoning	Existing Use
North	Residential-Estate, Agricultural-Residential (County)	Residential, Vacant
South	Industrial-Light, Agricultural-Residential (County)	Vacant, North Tech Park
East	Agricultural-Residential (County)	Vacant
West	Industrial-Light	Novo Nordisk Pharmaceutical



STAFF ANALYSIS AND COMMENTARY:

Overview

The Town is requesting to rezone 180.76 acres following the annexation of the parcels into the Town's ETJ due to the House Bill 343 from the 2015 session. The proposed rezoning maintains the Industrial Light zoning of the parcel, as it was previously designated under the County's zoning.



Compatibility with Surrounding Land Uses

The proposed zoning would be similar and compatible to the surrounding uses. The properties surrounding the subject parcels are designated as Industrial-Light, Residential-Estate, and Agricultural-Residential.

Consistency with the Strategic Growth Plan

These parcels were not a part of Clayton's 2008 Strategic Growth Plan because they were not located within Clayton's jurisdiction at the time. The parcels were designated as "Primary Growth Areas" via Johnston County's Future Land Use Map. However, the properties located directly south and west of the subject parcels are included in Clayton's Strategic Growth Plan and are designated to be "Industrial". Therefore, the Industrial Light (I-1) zoning district would be consistent with the Strategic Growth Plan of Clayton.

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.

FINDINGS:

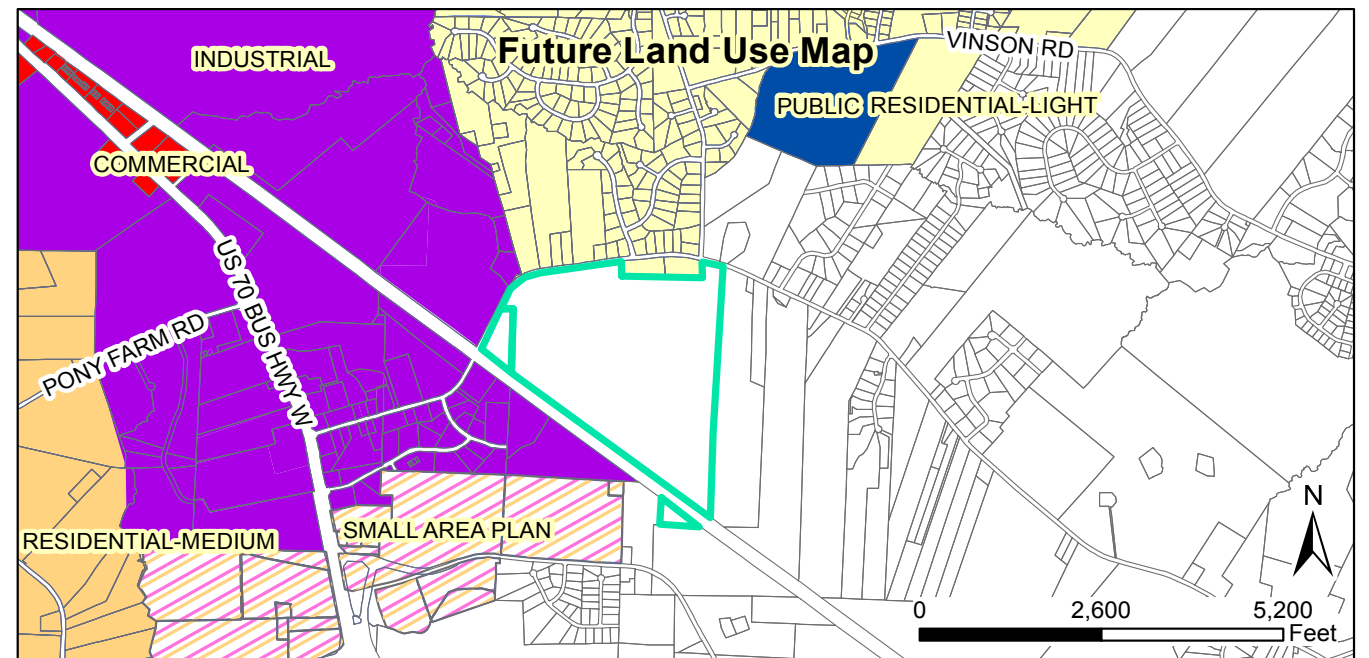
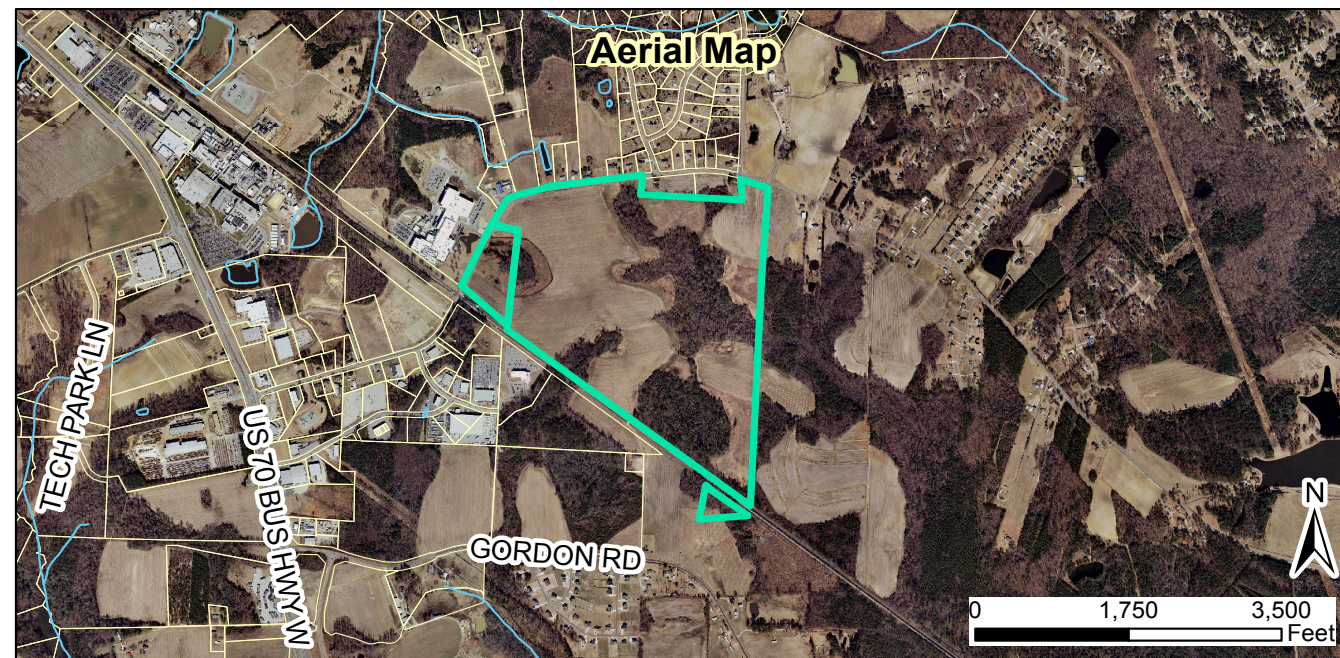
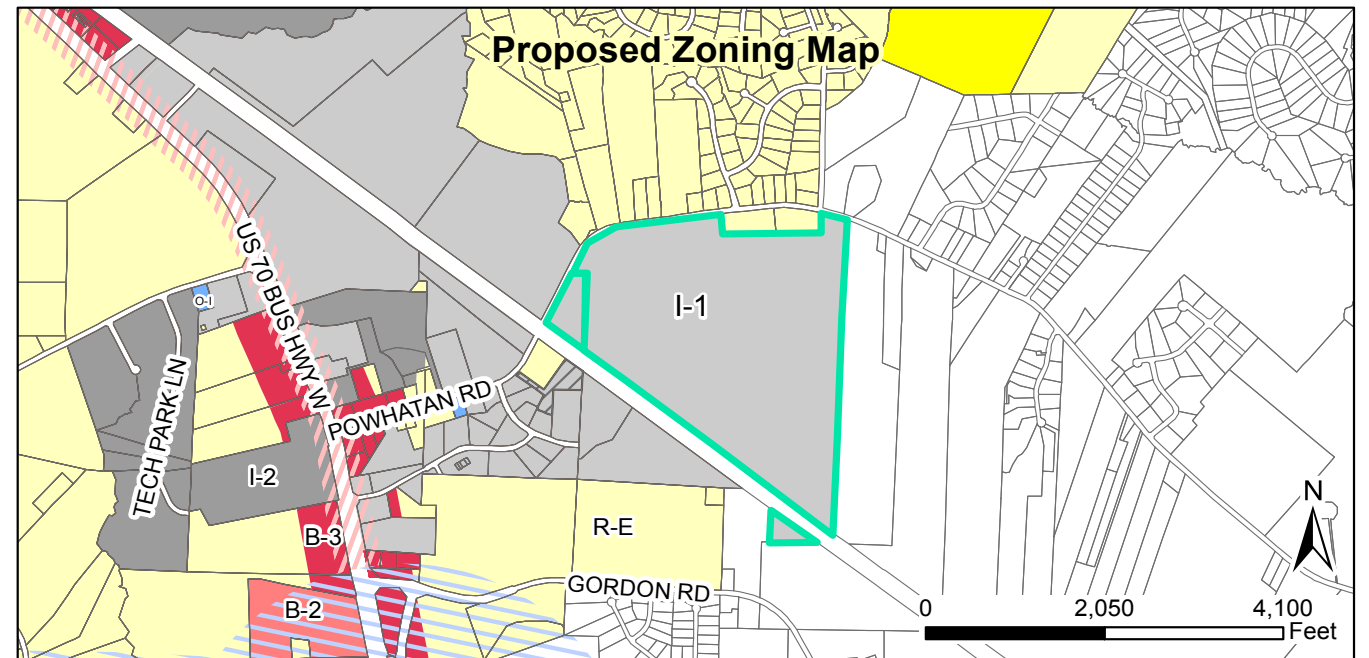
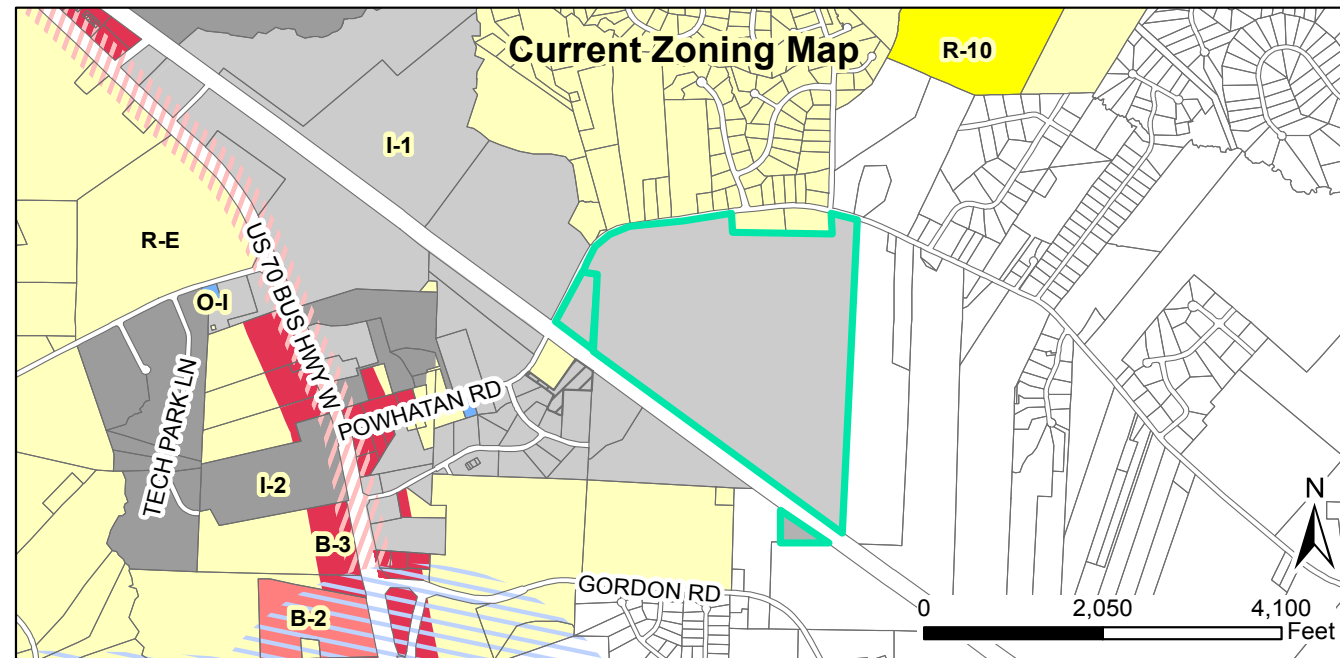
The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel.

ATTACHMENTS:

- 1) Staff Report Maps
- 2) Application
- 3) House Bill 343
- 4) Plat Map – book 46 page 431
- 5) Neighborhood Meeting Materials

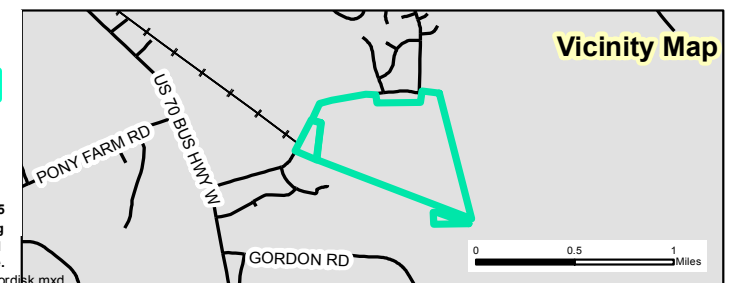


**15-37-01-RZ Novo Nordisk Southeast Property Rezoning
Request: Rezoning from I-1 (County) to I-1 (Town)**

Applicant: Town of Clayton
Property Owner: Novo Nordisk Pharm IND
Parcel ID Number: 167804-60-8595 & 167804-50-7128
Tag #: 05I05008A & 05E99010N



Site 
Special Use District 
Thorough Fare Overlay 
Scenic Highway Overlay 
Produced by: TOC Planning
07/27/2015
Disclaimer: Town of Clayton assumes no legal
responsibility for the information represented here.



Document Path: O:\PLANNING\REZONING\Rezoning\2015\15-37-01-RZ Novo Nordisk Southeast Property Rezoning\Maps\StaffReportMap_NovoNordisk.mxd



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: Novo Nordisk Southeast Property Rezoning Acreage of Property: 174.92
County Tag Number: 05105008 A & 05E99010N NC PIN: 167804-60-8595 & 167804-50-7128
Address/Location: 662 Peachtree Rd, NE, Atlanta, GA 30328
Existing Zoning District: I-1 (County)
Proposed Zoning District: I-1 (Town)
Is project within an Overlay District? ☒ No
☐ Yes (list): _____

APPLICANT INFORMATION

Applicant: Town of Clayton - Planning Dept.
Mailing Address: 111 E. Second St Clayton, NC 27520
Phone Number: 919-553-5002 Fax: 919-553-1720
Contact Person: David DeYoung
Email Address: ddeyoung@townofclaytonnc.org

FOR OFFICE USE ONLY

Date Received: 7-29-15 Amount Paid: Town Initiated File Number: 15-37-01-R2

PROPERTY OWNER INFORMATION

Name: Novo Nordisk Pharm Inc

Mailing Address: 3612 Powhatan Rd Clayton, NC 27527

Phone Number: _____

Fax: _____

Email Address: _____

EXPLANATION OF PROJECT

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

Town initiated rezoning following the addition of
the parcels into the ETJ due to the House Bill 343
from the 2015 session.

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:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☐	☒			
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>	☐	☒			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐	☒			
6. If property to be rezoned is a 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	☐	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒	☒			
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town - thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☐	☒			

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

- The property is zoned I-1 (county) and will be rezoned to ~~I-1~~ I-1 (Town). The surrounding properties are also zoned I-1.

- The rezoning is consistent with the adopted plans of the town.

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

The property will be permitted for the same uses if rezoned.

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

~~The proposed change improves the balance of uses.~~

- The rezoning maintains the existing balance of uses

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.

No change in use currently. These concerns will be addressed if the use changes in the future.

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

The legal purposes for which zoning exists is
not violated.

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

There shall be no adverse effect upon adjoining
property owners.

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

No one property owner or small group of
property owners will benefit materially from the
change to the detriment of the general public.

APPLICANT AFFIDAVIT

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

Town-initiated gm

Print Name

Signature of Applicant

Date

07/29/2015

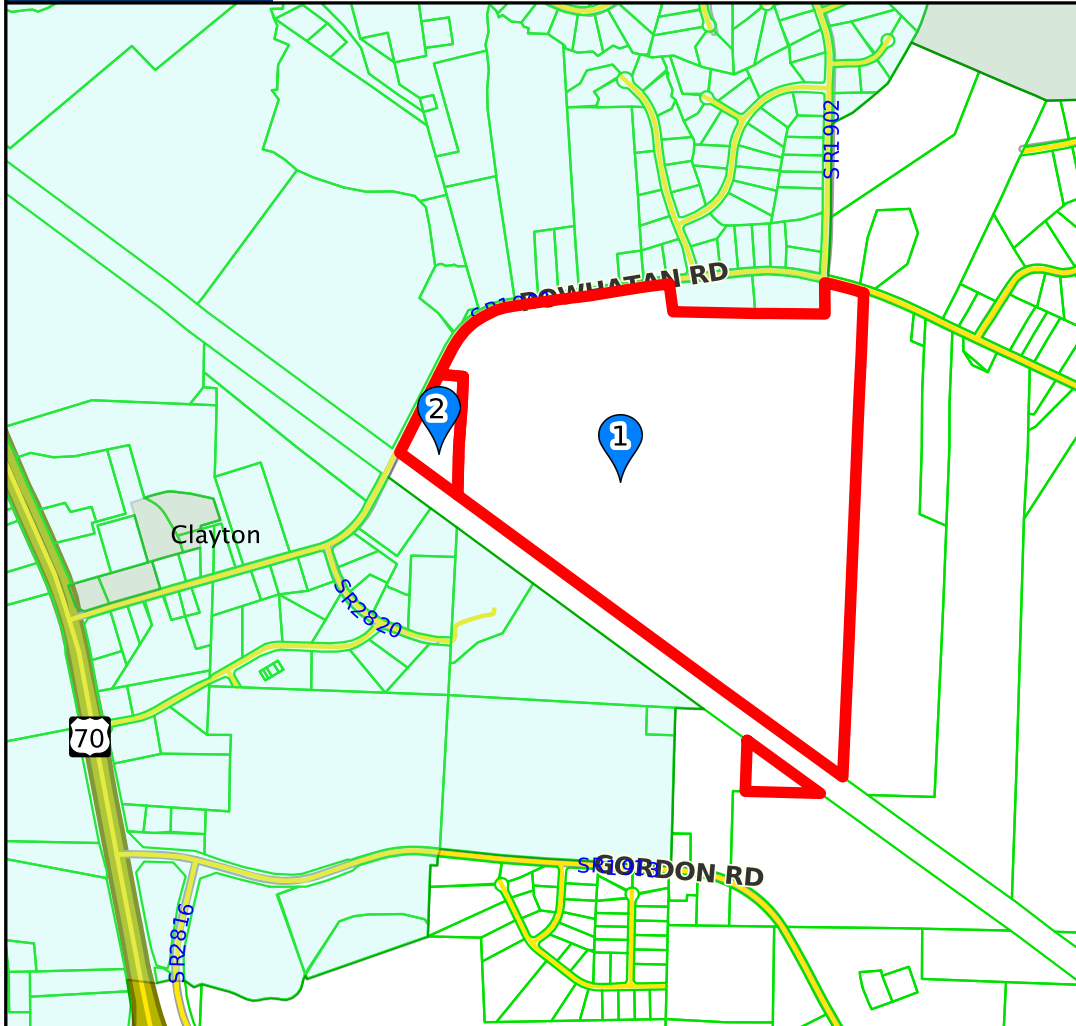
January 2015

Page 4 of 10



*** DISCLAIMER ***

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



Result 1

id: 05I05008A
Tag: 05I05008A
Tax Unique Id: 4212958
NCPin: 167804-60-8595
Mapsheet No: 167804
Owner Name 1: NOVO NORDISK PHARM IND
Owner Name 2:
Mail Address 1: 3612 POWHATAN RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 01486
Page: 0001
Market Value: 1615650
Assessed Acreage: 174.92
Calc. Acreage: 174.92
Sales Price: 1556500
Sale Date: 1995-12-15



Scale: 1:14906 - 1 in. = 1242.2 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
July 29, 2015



*** DISCLAIMER ***

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

Result 2

id: 05E99010N
Tag: 05E99010N
Tax Unique Id: 4212965
NCPin: 167804-50-7128
Mapsheet No: 167804
Owner Name 1: NOVO NORDISK PHARM IND
Owner Name 2:
Mail Address 1: 3612 POWHATAN RD
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 01491
Page: 0096
Market Value: 246770
Assessed Acreage: 5.88
Calc. Acreage: 5.84
Sales Price: 118000
Sale Date: 1996-01-16

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

H

3

**HOUSE BILL 343
Committee Substitute Favorable 4/9/15
Senate Finance Committee Substitute Adopted 7/22/15**

Short Title: Clayton/Wallace ETJ Areas. (Local)

Sponsors:

Referred to:

March 25, 2015

1 A BILL TO BE ENTITLED
2 AN ACT EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF
3 CLAYTON AND DEFINING THE EXTRATERRITORIAL JURISDICTION AREA OF
4 THE TOWN OF WALLACE.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** In addition to the authority provided in G.S. 160A-360, the Town of
7 Clayton may exercise the powers granted in Article 19 of Chapter 160A of the General Statutes
8 in the following areas:
9 First Tract:
10 BEING all of that certain tract or parcel of land designated as Tract 1 containing
11 5.879 acres, according to plat of survey entitled "Boundary survey for Novo Nordisk Biochem,
12 Inc., property of: John A. Wilson, Jr., (Tract 1) and George H. Coats, III, and wife, Duba M.
13 Coats (Tract 2-6), Clayton Township, Johnston County, North Carolina" dated May 17, 1995,
14 and updated November 17, 1995, prepared by Michael D. Goodfred, Registered Land
15 Surveyor, of Kenneth Close, Inc., Land Surveying, and recorded in Plat Book 46, Page 431,
16 Johnston County Registry, and being all of that certain tract or parcel of land conveyed to John
17 A. Wilson, Jr., by deed recorded in Book 1102, Page 840, Johnston County Registry.
18 TOGETHER with all right, title, and interest of Grantor in and to the rights-of-way
19 of Southern Railroad and N.C.S.R. 1901 (Powhatan Road).
20 Second Tract:
21 BEING all of Tract 2 consisting of 0.823 acres as shown on a plat captioned "Novo
22 Nordisk Biochem, Inc." prepared by Kenneth Close, Inc., which is recorded in Plat Book 46,
23 page 431, of the Johnston County Registry, said description therein, being incorporated herein
24 by reference, for a more complete and accurate description.
25 Third Tract:
26 BEING all of Tract 3 consisting of 3.557 acres as shown on a plat captioned "Novo
27 Nordisk Biochem, Inc." prepared by Kenneth Close, Inc., which is recorded in Plat Book 46,
28 page 431, of the Johnston County Registry, said description therein, being incorporated herein
29 by reference, for a more complete and accurate description.
30 Fourth Tract:
31 BEING all of Tract 4 consisting of 118.395 acres, including 6.045 acres of Tract 4
32 which is in the right-of-way of Southern Railroad, as shown on a plat captioned "Novo Nordisk
33 Biochem, Inc." prepared by Kenneth Close, Inc., which is recorded in Plat Book 46, page 431,
34 of the Johnston County Registry, said description therein, being incorporated herein by
35 reference, for a more complete and accurate description.



1 Fifth Tract:

2 BEING all of Tract 5 consisting of 33.884 acres, including 5.547 acres of Tract 5
3 which is in the right-of-way of Southern Railroad, as shown on a plat captioned "Novo Nordisk
4 Biochem, Inc." prepared by Kenneth Close, Inc., which is recorded in Plat Book 46, page 431,
5 of the Johnston County Registry, said description therein, being incorporated herein by
6 reference, for a more complete and accurate description.

7 LESS AND EXCEPT all of Tract 5A located in Johnston County, North Carolina,
8 containing approximately 8.012 acres, as shown on that certain plat entitled "Property of
9 Johnston County Industrial Development Corporation," prepared by W. Stanton Massengill,
10 P.L.S., recorded in Plat Book 63, Page 331, Johnston County Registry, to which plat reference
11 is hereby made for a more particular description of same.

12 Sixth Tract:

13 BEING all of Tract 6 consisting of 55.387 acres, exclusive of railroad, as shown on
14 a plat captioned "Novo Nordisk Biochem, Inc." prepared by Kenneth Close, Inc., which is
15 recorded in Plat Book 46, page 431, of the Johnston County Registry, said description therein,
16 being incorporated herein by reference, for a more complete and accurate description. The
17 southernmost boundary of this tract runs along the northernmost right-of-way of Southern
18 Railroad.

19 **SECTION 2.(a)** Section 1 of Chapter 580 of the Session Laws of 1995 reads as
20 rewritten:

21 "Section 1. The Charter of the Town of Wallace, being Chapter 94 of the 1987 Session
22 Laws, is amended by adding a new section to read:

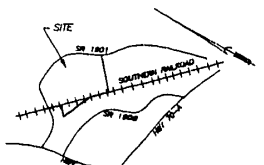
23 "Section 1.4. **Extraterritorial jurisdiction.** In addition to any areas where the Town of
24 Wallace exercises territorial jurisdiction under Article 19 of Chapter 160A of the General
25 Statutes, the town shall have territorial jurisdiction under that Article in the following described
26 area:

27 In Duplin County, beginning at a point on the existing extraterritorial jurisdiction boundary
28 line one-half mile south of the center line of NC Highway 41, and continuing from that point in
29 an easterly direction along a route one-half mile south of the center line of NC Highway 41 to a
30 point one-half mile east of the Interstate 40 eastern right-of-way boundary line; continuing
31 from that point in a northwesterly direction along a route one-half mile east of the Interstate 40
32 eastern right-of-way boundary line to a point one-half mile north of the center line of NC
33 Highway 11; continuing from that point in a southwesterly direction along a route one-half mile
34 north of the center line of NC Highway 11 to a point where it intersects with the existing
35 extraterritorial jurisdiction boundary line; and including all of the area located within the
36 described boundary. Excluded from that described extraterritorial jurisdiction area is
37 the following described territory: where the previously described line is intersected at a
38 point located at North 88°45'53" East a distance of 361.54 feet to a point in the center of
39 the pavement of S.R. No. 1944 (Rivenbark Town Road); and South 31°03'31" West a
40 distance of 116.65 feet from a nail in the center of the intersection of NC Hwy 11 and
41 S.R. No. 1944 (Rivenbark Town Road); Running thence from the point of beginning
42 South 31°03'31" West a distance of 671.27 feet to a point; continuing from that point
43 South 32°42'54" West a distance of 362.97 feet to a point; continuing South 71°46'03"
44 East a distance of 241.26 feet to a point; continuing South 32°16'17" West a distance of
45 221.27 feet to a point; continuing South 38°36'00" East a distance of 525.83 feet to a
46 point; continuing North 29°32'30" East a distance of 107.38 feet to a point; continuing
47 South 68°52'40" East a distance of 327.38 feet to a point; continuing South 29°46'48"
48 West a distance of 500.66 feet to an iron rod with NC Grid coordinates (NAD 1983) of
49 North = 372,432.573 feet and East = 2,312,937.885 feet; continuing South 43°26'06" East
50 a distance of 2162.19 feet to a point; continuing South 42°46'07" East a distance of
51 1755.49 feet to a point; continuing North 73°29'06" East a distance of 343.33 feet to a

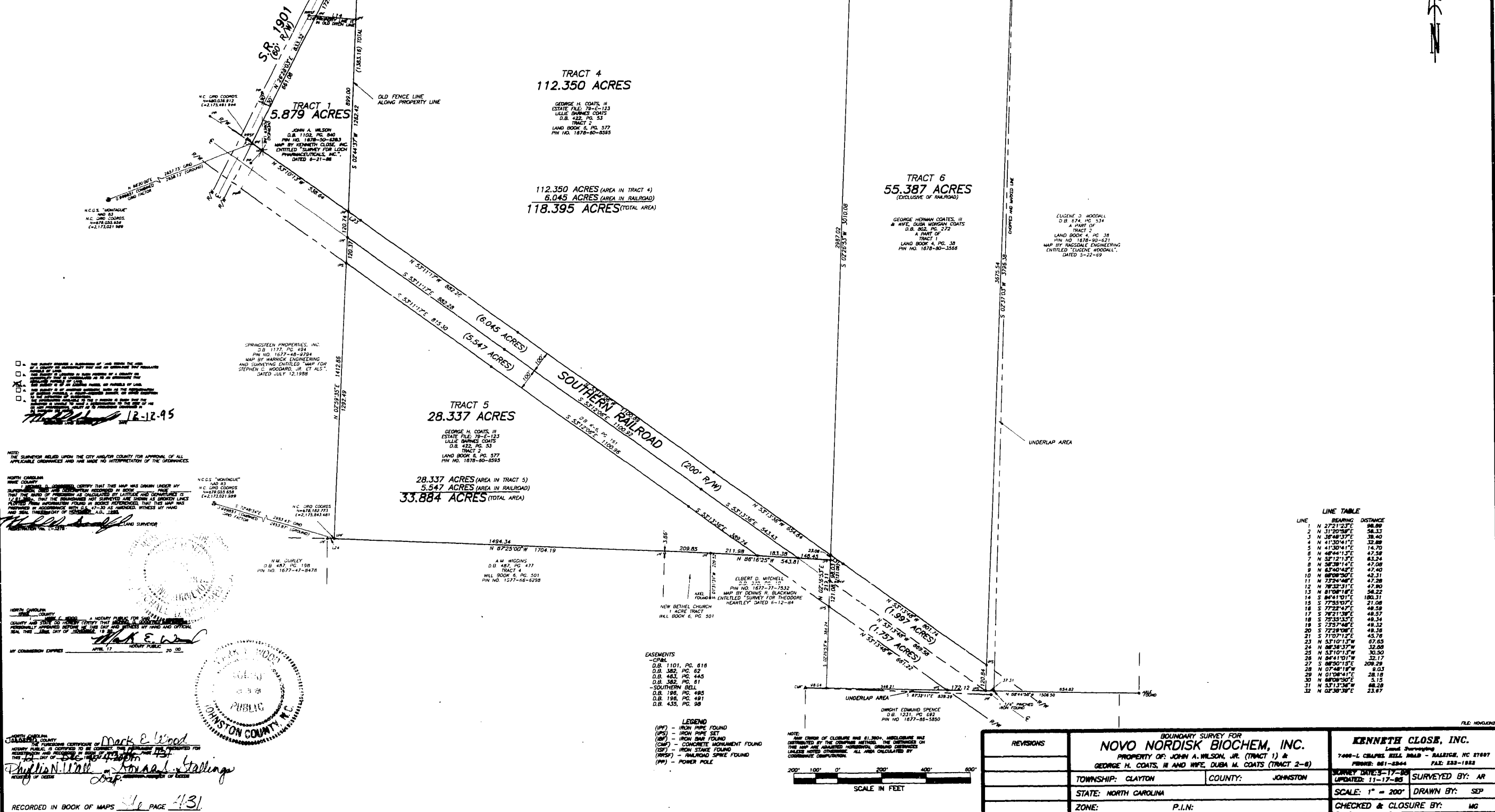
1 point; continuing South 16°30'54" East a distance of 105.64 feet to a point; continuing
2 South 33°02'26" East a distance of 73.67 feet to a point; continuing South 11°45'56"
3 East a distance of 271.34 feet to a point; continuing South 17°30'31" East a distance of
4 118.02 feet to a point; continuing South 56°50'02" East a distance of 64.99 feet to a
5 point; continuing South 42°51'48" East a distance of 89.74 feet to a point in the center
6 line of NC Highway 41; continuing along the center line of NC Highway 41 South
7 33°01'41" West a distance of 623.97 feet to a point; continuing South 60°43'52" East a
8 distance of 785.16 feet to a point; continuing South 19°54'10" West a distance of
9 258.24 feet to a point; continuing South 65°09'27" East a distance of 1816.52 feet to a
10 point."

11 **SECTION 2.(b)** Relinquishment of authority by the Town of Wallace shall be
12 effective when this act becomes law. Upon relinquishment of the jurisdiction over an area that
13 Wallace is regulating under Article 19 of Chapter 160A of the General Statutes, the city
14 regulations and powers of enforcement shall remain in effect until (i) Duplin County has
15 adopted the regulation or (ii) a period of 120 days has elapsed following the effective date of
16 this act, whichever is sooner. During this period, Duplin County may hold hearings and take
17 other measures that may be required in order to adopt county regulations for the area.

18 **SECTION 3.** This act is effective when it becomes law.



VICINITY MAP NO SCALE



REVISIONS		BOUNDARY SURVEY FOR NOVO NORDISK BIOCHEM, INC. PROPERTY OF: JOHN A. WILSON, JR. (TRACT 1) & GEORGE H. COATS, III AND WIFE, DUBA M. COATS (TRACT 2-6)	KENNETH CLOSE, INC. Land Surveyors 7400-L CHARLES BELLA ROAD - RALEIGH, NC 27607 PHONE: 861-8944 FAX: 833-1822
TOWNSHIP: CLAYTON		COUNTY: JOHNSTON	SURVEY DATES: 11-17-85
STATE: NORTH CAROLINA		SCALE: 1" = 200'	DRAWN BY: SEP
ZONE:		P.I.N.:	CHECKED & CLOSURE BY: MC



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

August 3, 2015

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of the intent of the Town of Clayton to rezone properties adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. This rezoning has been triggered following the addition of these properties to the Town of Clayton Extraterritorial Planning Jurisdiction (ETJ). Whenever land is added to a Town's ETJ, a rezoning must be initiated to transition the properties from the previous County zoning to the new Town zoning.

Per Town of Clayton regulations, a neighborhood meeting will be held to provide information to area residents about the nature of the rezoning. A representative of the Town will be present to explain the rezoning, answer questions, and solicit comments.

Meeting Date: August 13, 2015

Location: Town of Clayton Council Chambers, Clayton Town Hall 111 E. Second Street,
Clayton, NC 27520

Time: 6:00pm

Type of Application: Rezoning

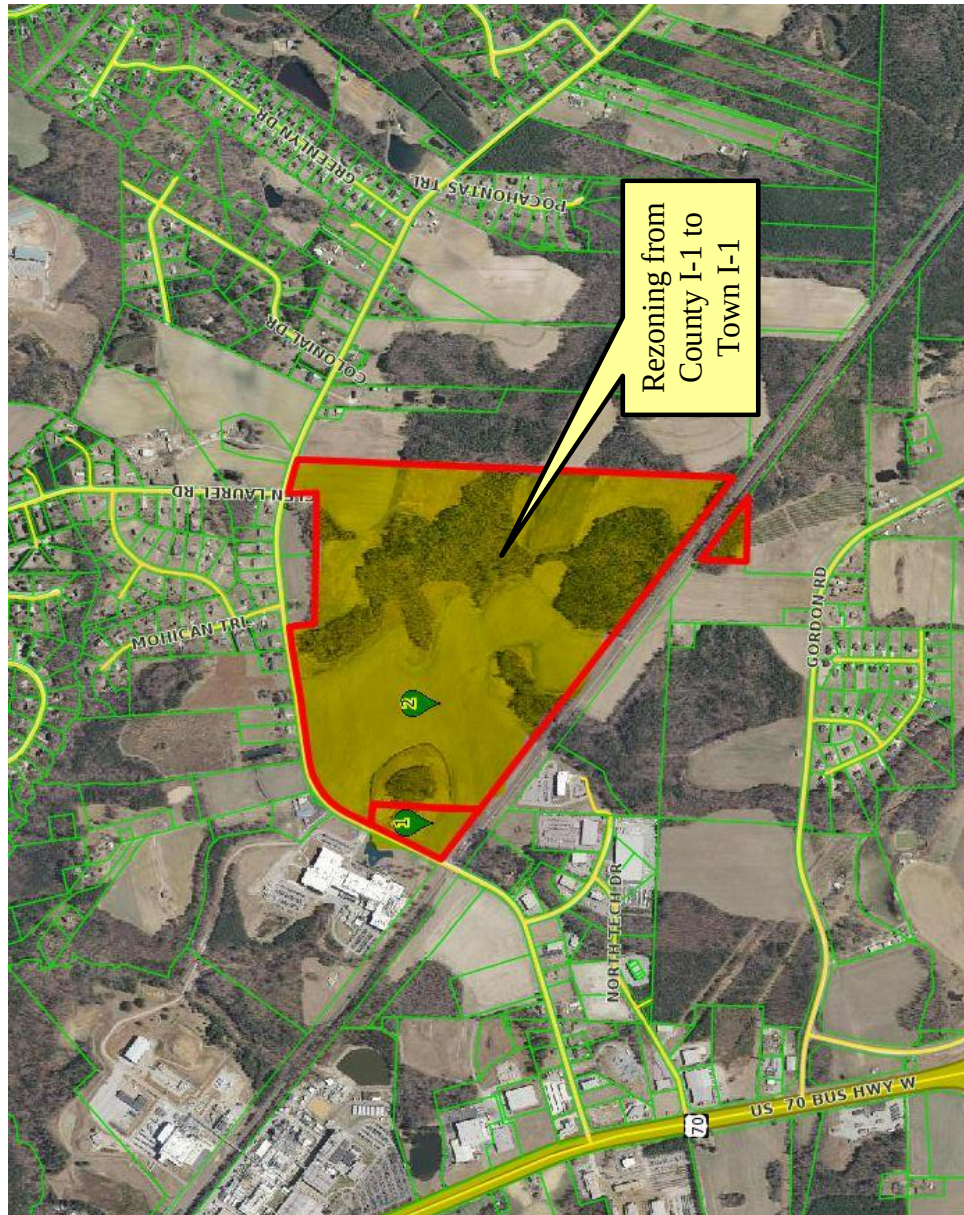
General Description: Rezoning approximately 174.92 acres located at PIN: 167804-60-8595 and approximately 5.88 acres located at PIN: 167804-50-7128. These parcels are both located between Powhatan Road and Gordon Road, east of NC 70 Hwy Business (see map). The properties are currently zoned as Light Industrial (I-1, County Zoning), and are proposed to be rezoned to Light Industrial (I-1, Town Zoning).

If you have any questions prior to or after this meeting, you may contact me at 919-359-2120. You may also email me at hhogg@townofclaytonnc.org

Sincerely,

Haley Hogg, CZO
Town Planner
Town of Clayton

cc: File folder: 15-37-01-RZ



NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Novo Nordisk Southeast Property rezoning (15-37-01-RZ)
Date of Mailing: JUN 31st, 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: Haley Hogg Signature: Haley Hogg

Date of Meeting: 08/13/2015 Time of Meeting: 6:00 PM
Location of Meeting: Town Hall lobby

Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any resolution discussed, and any changes made to the application as a result of the meeting.*

no one attended.

-JM.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Novo Nordisk Southeast Property Rezoning (15-37-01-RZ)

Applicant: Town-initiated

Location/Date: Town Hall lobby, 08/13/2015, 6:00 PM

	NAME	ADDRESS
1	JAY McLEOD	Town of Clayton
2	Haley Hogg	" " "
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**TOWN OF CLAYTON
COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT**

15-37-01-RZ Novo Nordisk Southeast Property Rezoning

On August 24, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

Recommendation(s) made this 24 day of August 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

15-37-01-RZ, Novo Nordisk Southeast Property Rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Strategic Growth Plan, specifically:

- Objective 2.1: Balanced Development/Investment: Old & New

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **(insert specifics to case)**

the above referenced zoning amendment is reasonable and in the public interest.

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] 15-37-01-RZ**

[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 Industrial-Light (I-1) Town zone the property described below, said property formerly being zoned Industrial-Light (I-1) County Zoning.

WHEREAS said property is owned by Novo Nordisk Pharm IND; 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 October 5, 2015, 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 Industrial-Light (I-1) Town Zoning the following described property:

General Description:

Parcels located south of Powhatan Road, east and north of the railroad tracks, and southwest of the intersection of Glen Laurel Road and Powhattan Road.

Specific Description:

NC Parcel Identification Numbers: 167804-60-8595 & 167804-50-7128

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Industrial-Light (I-1) 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 5th day of October, 2015, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

The Arbors at East Village Phase 2 Rezoning - 12-05-03-PDD

DESCRIPTION:

Request rezoning 3.76 from Neighborhood Business (B-3) to Planned Development - Residential (PD-R)

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Set Public Hearing for October 5, 2015

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

*Planning Board
August 24, 2015*

STAFF REPORT

Application Number: 12-05-03-PDD Project Name: The Arbors at East Village Phase 2 Rezoning

NC PIN / Tag #: 166806-48-5833 / 05037011A
Town Limits/ETJ: Town Limits
Overlay: None
Applicant: Bass, Nixon, and Kennedy, Inc.
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 August 13, 2015
- Sign posted August 13, 2015
- Adjacent Property Letters mailed, prior to September 25, 2015
- Newspaper Ad published, prior to September 23, 2015

REQUEST: Rezoning 3.76 acres from Neighborhood Business (B-3) to Planned Development-Residential (PD-R), in anticipation of inclusion in the existing Arbors at East Village Planned Development.

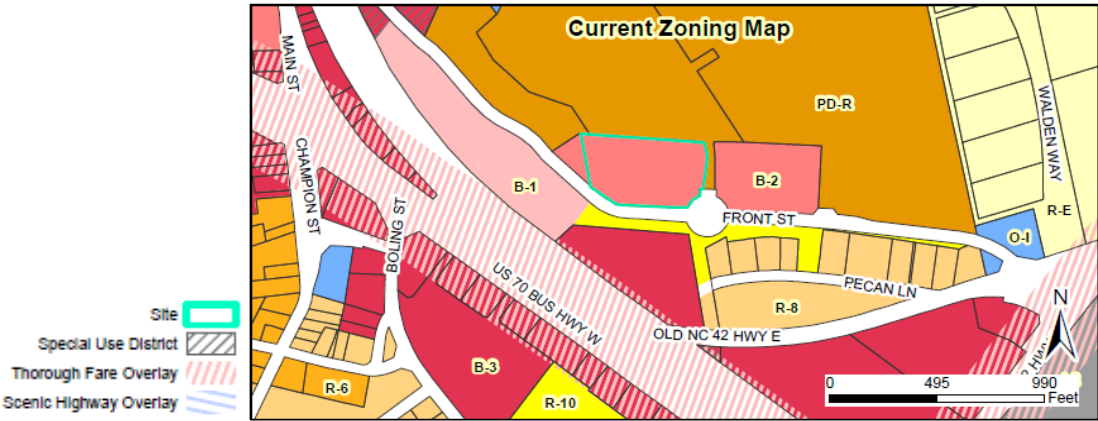
SITE DATA:

Acreage: 3.76 acres
Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

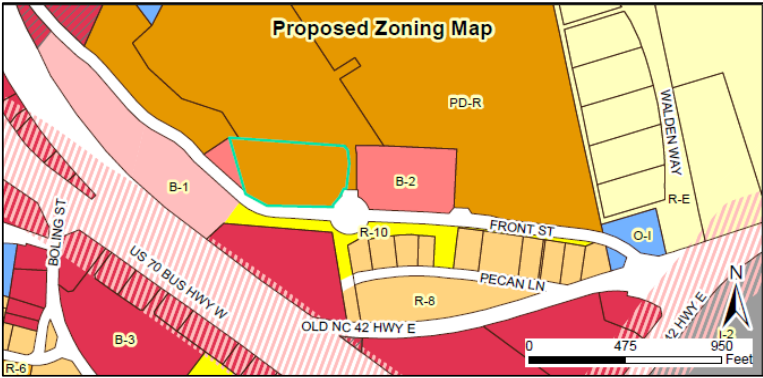
Direction	Zoning	Existing Use
North	Planned Development-Residential (PD-R)	Residential Apartments (Arbors at East Village Phase I)
South	Residential-10 (R-10) and Highway Business (B-3)	Vacant and Commercial
East	Neighborhood Business (B-2) and Planned Development-Residential (PD-R)	Vacant
West	Central Business (B-1) and Planned Development-Residential (PD-R)	Vacant



STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone to rezone 3.76 acres from Neighborhood-Business (B-2) to Planned Development-Residential (PD-R) in anticipation of a development of apartment buildings as an extension of The Arbors at East Village.

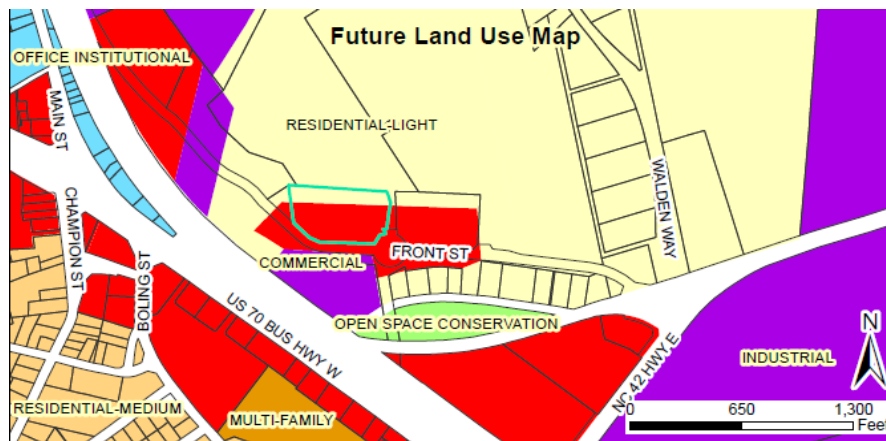


Compatibility with Surrounding Land Uses

The proposed zoning would be similar and compatible to uses that are surrounding the property. The parcel directly to the North of the site was rezoned to PD-R to accommodate The Arbors I at East Village apartments, and the property to the East is proposed to be rezoned to the same and developed into a residential subdivision. The parcels directly to the west and the south are currently vacant.

Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this site as Commercial and Residential-Light, with the surrounding properties to the North, East, and West as the same and the property directly South as Industrial. When this plan was created in 2008, the proposed use was not anticipated for this parcel. However, since the plan was created, the town has begun to incorporate this use into this area. The Arbors at East Village Phase 1 is located directly to the North of the property and was rezoned to PD-R for development. Therefore, it would be compatible to allow this property to be rezoned to PD-R and developed as an extension of The Arbors at East Village I.



CONSIDERATIONS:

- Rezonings are 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 Site Plan for Arbors at East Village II.

FINDINGS:

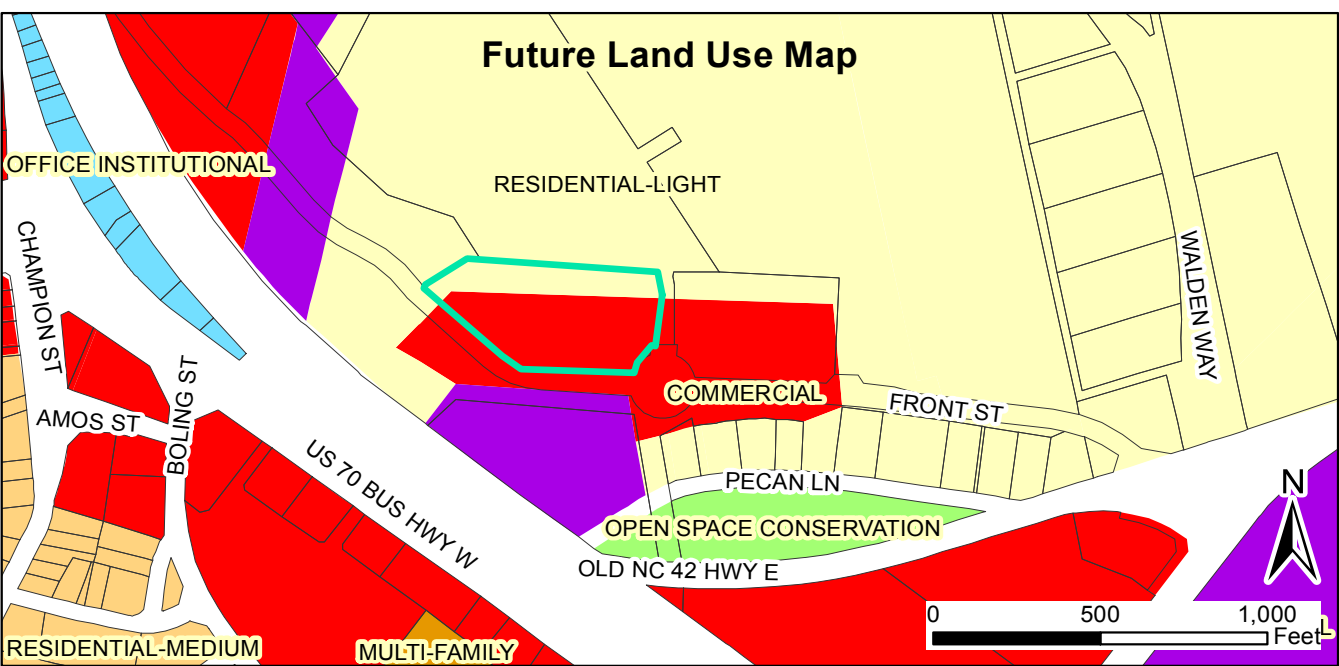
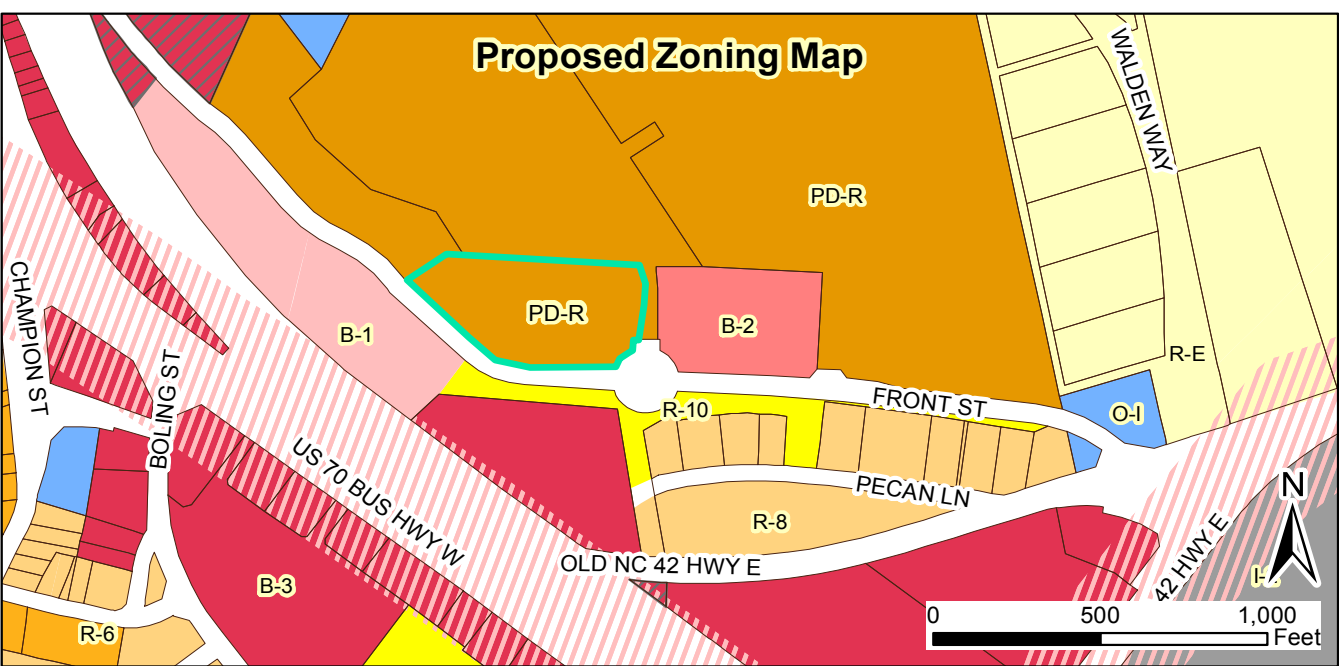
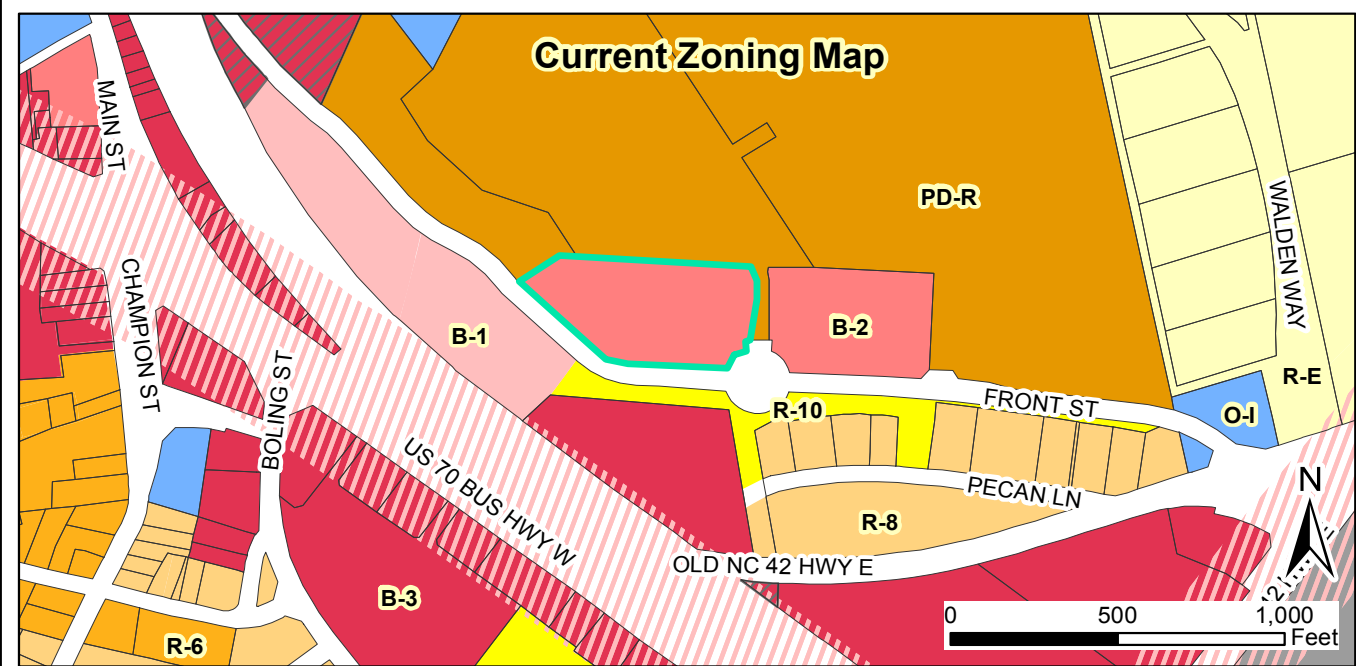
The applicant has addressed the Rezoning Approval Criteria outlined in §155.705. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel.

ATTACHMENTS:

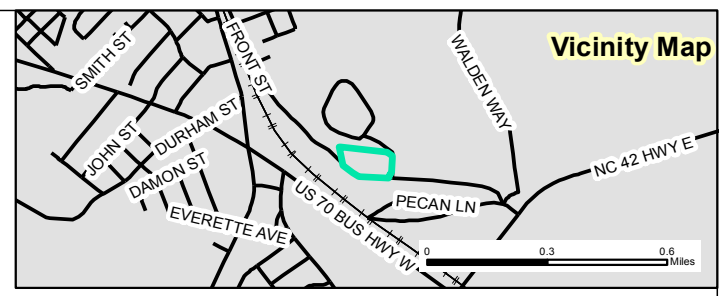
- 1) Staff Report Maps
- 2) Application
- 3) Neighborhood Meeting Materials
- 4) Email modifying rezoning



12-05-03-PDD The Arbors at East Village Phase 2 Rezoning
Request: Rezoning from B-2 to PD-R
12-05-02-SP The Arbors at East Village Phase 2 Master Site Plan
Request: New 3 building, 72 apartment unit addition to Arbors at East Village
 Applicant: Bass, Nixon, and Kennedy, Inc.
 Property Owner: East Village Investments, LLC
 Parcel ID Number: 166806-48-5833
 Tag #: 05037011A



Approx. Site 
 Special Use District 
 Thorough Fare Overlay 
 Scenic Highway Overlay 
 Produced by: TOC Planning
 09/14/2015
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.
 Document Path: \\TOC-FILE-01\Shares\ComDev\Planning\PLANNING\REZONING\Planned Developments\2015\12-05-03-PDD The Arbors at East Village Phase 2\Maps\Staff Rpt Map UPDATED - 12-05-03-PDD Arbors II.mxd





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: The Arbors at East Village Phase 2 Acreage of Property: 4.14
County Tag Number: 05037011A NC PIN: 1688.06-48-5833
Address/Location: Lot 4 East Village; Intersection of E. Front Street and Bent Branch Loop

Existing Zoning District: B-2
Proposed Zoning District: PD-R
Is project within an Overlay District? ☐ No
☒ Yes (list): Water Supply Watershed

APPLICANT INFORMATION

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

FOR OFFICE USE ONLY

Date Received: JUL 02 2015 Amount Paid: _____ File Number: _____

Town of Clayton
Planning Department

January 2015

Page 1 of 10

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

~~The Town's proposed Land Use Plan designates the property as commercial. The property is bordered to the north by residential multi-family use, zoned PD-R and would be an extension of the existing development and PD-R.~~

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

~~The property is well suited for the uses proposed in the PD-R. Public infrastructure is existing that is adequate to support the use.~~

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

~~The property is located near the gateway to the Downtown District. There is a demand for housing near the downtown area. The rezoning to PD-R would help to supply a demand for housing in the area and would help to compliment the existing business district in the downtown area.~~

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

~~Adequate public facilities exist to support the proposed use. E. Front Street Extension has recently been completed to provide access to downtown and to Hwy. 42. A 20" water main has recently been installed within the Front Street Extension right-of-way. A sewer pump station has recently been completed in East Village which has adequate capacity for sewer requirements. Adequate storm drainage facilities have been constructed with E. Front Street Extension and East Village.~~

NEIGHBORHOOD MEETING INFORMATION

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

ADJACENT PROPERTY OWNERS LIST

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: _____

Location/Date: _____

	NAME	ADDRESS
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**Town of Clayton
Planning Department**

111 E. Second Street, Clayton, NC 27520

P.O. Box 879, Clayton, NC 27528

Phone: 919-553-5002

Fax: 919-553-1720

OWNER'S CONSENT FORM

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

Project Name: The Arbors at East Village Phase 2 **Address or PIN #:** 1668.06-48-5833

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell, PE, CPESC

(Name - type, print clearly)

6310 Chapel Hill Rd., Ste. 250

(Address)

Raleigh, 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*):

Rezoning

Preliminary Site Plan Approval

Construction Plan Approval and Permitting

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. Tolson, III, East Village Investments, LLC

(Name - type, print clearly)

(Owner's Signature)

227 East Front Street

(Address)

New Bern, NC 28560

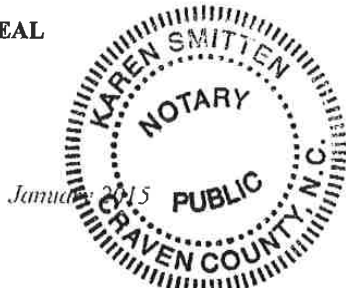
(City, State, Zip)

STATE OF
COUNTY OF

North Carolina
Craven

Sworn and subscribed before me Hubert G. Tolson, III a Notary Public for the above State and County, this the 30th day of June, 2015.

SEAL



Karen Smitten
Notary Public
My Commission
Expires:

9-16-19

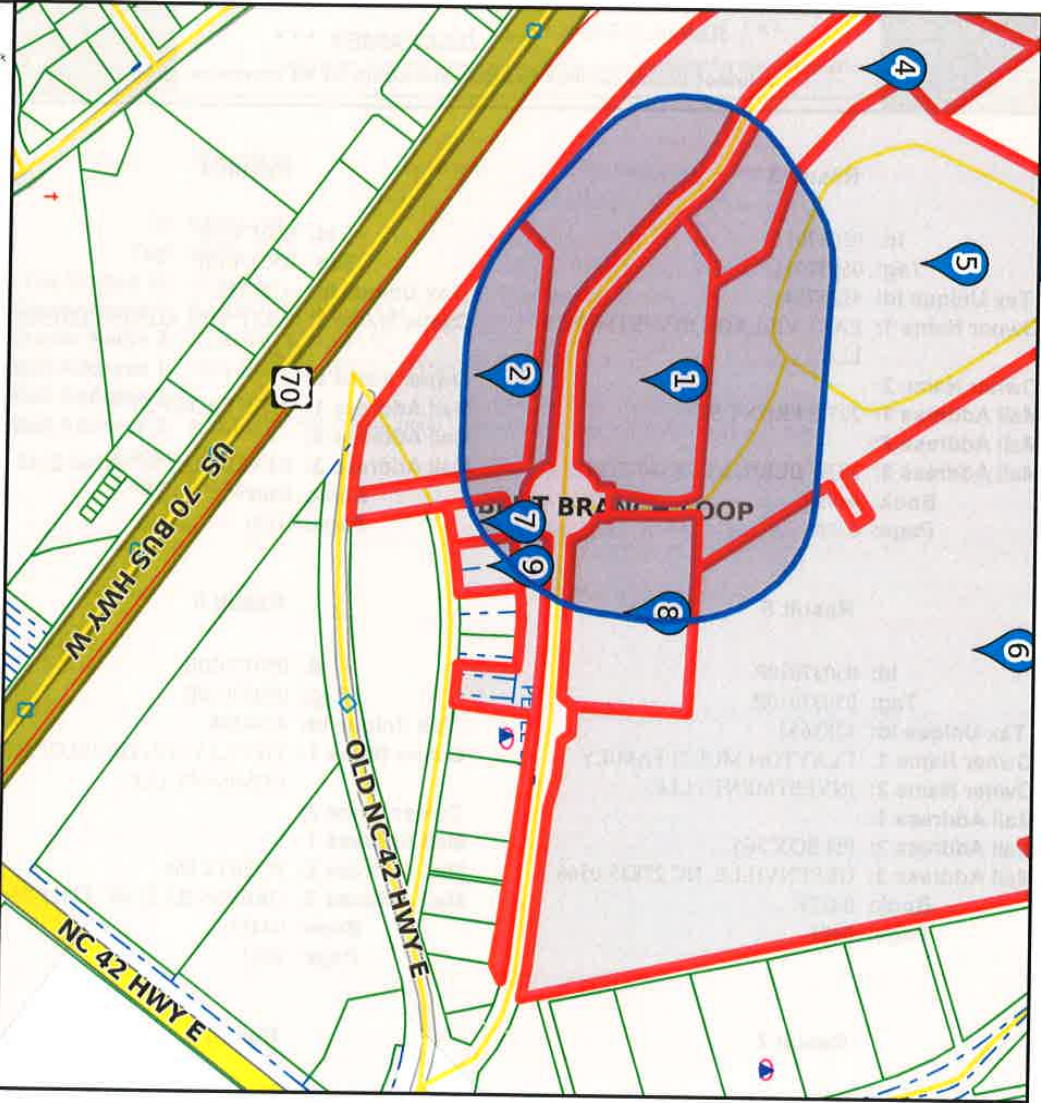
PROPERTY DESCRIPTION

LOT 4 – EAST VILLAGE OF CLAYTON



BEGINNING at a point in the northeastern right-of-way of Front Street, a 60 ft. public right-of-way, said point being the northwest corner of Lot 4 of East Village of Clayton Subdivision as referenced in Plat Book 78, Page 113-114 and recorded in the Johnston County Registry, said point also being the southeast corner of Lot 2 of the said subdivision; thence leaving the said right-of-way of Front Street and with the common line of said Lots 2 and 4, N 55°38'57"E, 149.22 feet to a point; thence S 87°57'12"E, 554.11 feet to a point on a curve having a radius of 91.50 feet; thence with the said curve as it turns to the right an arc length of 34.61 feet and having a chord bearing of S 28°00' 08"E and a chord distance of 34.41 feet to a point; thence S 17°09' 53"E, 3.34 feet to a point on a curve having a radius of 141.50 feet; thence with the said curve as it turns to the right an arc length of 47.45 feet and having a chord bearing of S 07°33'33"E and a chord distance of 47.22 feet to a point; thence S 02°02'48"W, 33.72 feet to a point; thence S 06°46'01"W, 85.07 feet to a point; thence S 02°02'48"W, 28.75 feet to a point; thence N 89°13'55"W, 17.60 feet to a point; thence S 00°59'38"W, 33.35 feet to a point on a curve having a radius of 100.00 feet; thence with the said curve as it turns to the left an arc length of 76.40 feet and having a chord bearing of S 45°31'47"W and a chord distance of 74.55 feet to a point in the northern right-of-way of said Front Street; thence continuing with the said Front Street right-of-way, S 88°02'12"W, 20.40 feet to a point; thence N 89°21'26"W, 180.07 feet to a point; thence N 87°45'51"W, 68.27 feet to a point on a curve having a radius of 220.00 feet; thence with the said curve as it turns to the right an arc length of 152.27 feet and having a chord bearing of N 67°56'05"W and a chord distance of 149.25 feet to a point; thence N 48°06'25"W, 281.67 feet to the Point and Place of BEGINNING and containing 4.1366 acres.

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



Scale: 1:5030 - 1 in. = 419.16 feet

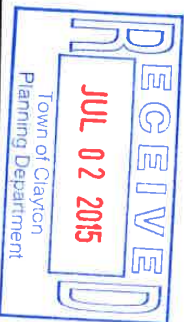
(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Result 1

id: 05037011A
Tag: 05037011A
Tax Unique Id: 4225727
Owner Name 1: EAST VILLAGE INVESTMENTS LLC
Owner Name 2:
Mail Address 1: 227 E FRONT ST
Mail Address 2:
Mail Address 3: NEW BERN, NC 28560-2145
Book: 04099
Page: 0330

Result 2

id: 05037010D
Tag: 05037010D
Tax Unique Id: 4225714
Owner Name 1: WIL-THOM LLC
Owner Name 2:
Mail Address 1: 203 FLAMINGO DRIVE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Book: 01659
Page: 0602



Johnston County GIS
July 1, 2015



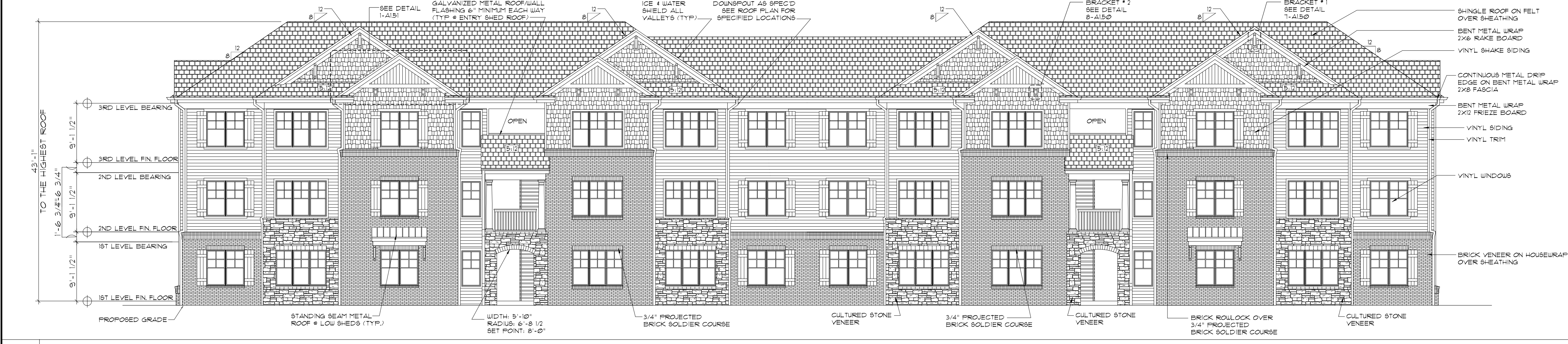
1 BUILDING TYPE 1 (PATIO/BALCONY ELEVATION)
Scale: 1/8" = 1'-0"



2 LEFT SIDE ELEVATION - BUILDING TYPE 1
Scale: 1/8" = 1'-0"



3 RIGHT SIDE ELEVATION - BUILDING TYPE 1
Scale: 1/8" = 1'-0"



4 BUILDING TYPE 1 (SUNROOM ELEVATION)
Scale: 1/8" = 1'-0"

1. All drawings are to be coordinated with all site information by owner and contractor, and applicable codes. 2. Contractor is to notify architect immediately of conditions or items varying from depicted information. 3. Planworx Architecture, P.A. is not responsible for constructed variations from the information depicted. 4. Planworx Architecture, P.A. will not assume any liability for expenses associated with errors and omissions on these drawings unless offset by verified construction savings as a result of planworx architecture, p.a. Design. 5. Planworx Architecture, P.A. retains ownership of all of designs depicted and implied herein. 6. Planworx Architecture, P.A. is not responsible for estimating, maintaining, or regulating construction costs associated with these plans. © Copyright 2007 - PLANWORX ARCHITECTURE, P.A. All rights reserved. Reproduction of this sheet, in whole or in part, is strictly prohibited. Plans may be used once by client. Unauthorized use strictly prohibited. PLANS NOT VALID FOR CONSTRUCTION W/O APPROPRIATE PROFESSIONAL SEALS.

Planworx

ARCHITECTURE, P.A.

5711 six forks road, suite 100, Raleigh, NC 27609

(919) 845-8100

(919) 845-2661

www.planworx.com

office

fax

website

Arbors at East Village

Clayton Multi-Family Investments, LLC

Clayton, N.C.

Review Set - NOT FOR CONSTRUCTION

PROGRESS DATE:	09-21-12	DESCRIPTION
ISSUE DATE:		
REVISIONS	NUMBER	DATE
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PROJECT NO: 026310

DRAWN BY: T. Holt

CHECKED BY: M. Mills

SHEET TITLE: Building Type 1 Elevations

SHEET NUMBER: A1.14



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

August 4, 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: August 13, 2015

Location: The Arbors at East Village Apartments Clubhouse – 56 Bent Branch Loop,
Clayton, NC 27527

Time: 6:00 p.m.

Type of Application: Rezoning and Site Plan for Phase 2 of The Arbors at East Village
Apartments

General Description: Phase 2 of the Arbors at East Village Apartments consisting of 3
buildings containing 72 residential apartment units.

If you have any questions prior to or after this meeting, you may contact us at
919-851-4422.

Sincerely,

A handwritten signature in black ink that reads "Marty D. Bizzell". The signature is fluid and cursive.

Marty D. Bizzell, PE, CPESC

cc: Clayton Planning Dept.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: August 4, 2015

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

Printed Name: **Marty D. Bizzell**

Signature:

Date of Meeting: August 13, 2015

Time of Meeting: 6:00 p.m.

Location of Meeting: The Arbors at East Village Clubhouse - 56 Bent Branch Loop

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.*

The were no attendees at the meeting.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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

ID: 05037011A
EAST VILLAGE INVESTMENTS LLC
227 E. FRONT STREET
NEW BERN, NC 28560-2145

ID: 05037010D
WIL-THOM LLC
203 FLAMINGO DRIVE
CLAYTON, NC 27520

ID: 05037010R
CLAYTON MULTI FAMILY INVESTMENTS LLC
PO BOX 566
GREENVILLE, NC 27835-0566

ID: 05037010E
TH CLAYTON DEVELOPMENT COMPANY LLC
PO BOX 566
GREENVILLE, NC 27835-0566

ID: 05G02191D
GREG C & ANGELA V JONES
118 PECAN LANE
CLAYTON, NC 27527

ID: 05H01199A
WILLIAM W & JEAN W BARBOUR
7501 HOLLY SPRINGS DRIVE
RALEIGH, NC 27606

**TOWN OF CLAYTON
COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT**

12-05-03-PDD The Arbors at East Village Phase II Rezoning

On August 24, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

- ☒ approve the request;
☐ deny the request.

(insert any modifications to the request here):

Entire Parcel

Recommendation(s) made this 24 day of August 2015 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

August 25, 2015

Marty Bizzell
Bass, Nixon, and Kennedy, Inc.
6310 Chapel Hill Rd Ste. 250
Raleigh, NC 27607

Re: 12-05-02-SP The Arbors at East Village Phase II Major Site Plan

Parcel ID: 166806-48-5833 **Tag:** 05037011A

Location: Lot 4 of East Village; Intersection of E. Front Street and Bent Branch Loop

Dear Mr. Bizzell,

On August 24, 2015, the Planning Board approved the above referenced request for major site plan approval of 3 additional apartment buildings as an extension of The Arbors at East Village Phase I.

You will need to submit three copies of revised plans for final approval. Please note the following considerations and make necessary adjustments to the plans before submitting these revisions for final approval:

1. Since the site plan/rezoning requests include the entire parcel now, please adjust the density table to show the total acreage. Or, alternatively, you may make a note next to the table stating that the original "cut-off" portion will be "reserved by owner". If this is done, please show a distinct line on the site plan where the cut-off was, and label that area of the parcel as "reserved by owner".
2. Please provide the correct amount for the impervious area of total open space under the "Impervious Surface" table.
3. This approval is contingent upon Rezoning approval for project 12-05-03-PDD by Town Council.
4. A Zoning Compliance Permit and Building Permit are required to begin construction.
5. A final site / landscape inspection shall be required when all site elements are installed. Contact the Planning Department.

Please note that this approval is subject to the following conditions in addition to the six Conditions required for the Arbors (SP-2012-06):

1. The conditions of approval shall be recorded on the final approved site plan.
2. Final approval of the Site Plan (12-05-02-SP) is subject to the approval of the rezoning request 12-05-03-PDD by Town Council.
3. The required amenities for the Arbors I shall be constructed or bonded prior to the first certificate of occupancy at the Arbors II. In particular, the missing greenway connections on the western edge (from parking lot to Front Street) and northeastern edge of the parcel (to the common property line with East Village single family section).
4. This approval is contingent upon Rezoning approval for project 12-05-03-PDD by Town Council.

ADDITIONAL INFORMATION: *Please read below for more information on the above Conditions of Approval and additional information that will assist you as you move forward in the development process.*

Zoning Compliance Permit: As noted in the Conditions of Approval, a Zoning Compliance Permit must be secured. The permit application is available on the Town Planning Department website or in the Planning Department. Permit shall be submitted to the Planning Department for review and approval.

- Submit a copy of this approval letter with the Zoning Permit application.
- If Building Permits are required, please submit the Zoning Permit application along with the Building Permit application materials to the Planning Department.

Building Permit: If required, building permits must be secured from the Building/Inspections Department. Please contact the Building / Inspections Department at 919-359-9354 for more information or to determine if a building permit will be required. As noted above, please submit *initial* building permit materials to the Planning Department along with the Zoning Compliance Permit application.

Utility Review: 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 for approval to Public Works Department when they become available.

Final Landscape/Site Inspection: Please contact the Planning Department to schedule a site and landscape inspection when all site improvements, including landscaping, are complete and installed. *Final Certificate of Occupancy may not be received until this inspection is complete.*

Validity of Site Plan: The development of the site may now proceed in accordance with this approval. In order to establish vested rights from the approved site plan, the proper permits must be issued within two years from the date of approval.

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,

A handwritten signature in cursive script, appearing to read "Haley Hogg".

Haley Hogg, CZO
Town Planner

**TOWN OF CLAYTON
COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT**

12-05-02-SP The Arbors at East Village Phase 2 Major Site Plan

On August 24, 2015 the Planning Board heard the above-referenced request and made the following vote:

☐ approve the request;

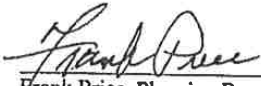
☒ approve the request with the following modified or added conditions:

w/ conditions in staff report

☐ deny the request.

Decision(s) made this 24 day of August 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

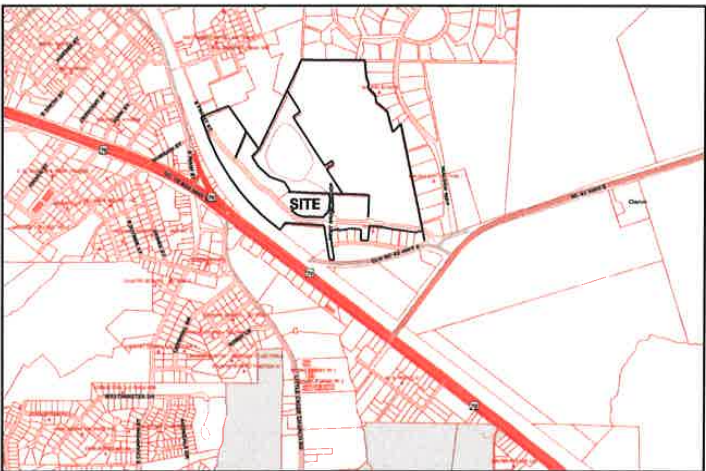
SYMBOLS AND ABBREVIATIONS

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT TOWN OF CLAYTON AND NCDENR STANDARDS AND SPECIFICATIONS

THE ARBORS AT EAST VILLAGE
PHASE II

TOWN OF CLAYTON,
JOHNSTON COUNTY, NORTH CAROLINA
SITE PLAN SUBMITTAL

ABC	AGGREGATE BASE COURSE	□	EXISTING CURB INLET
ALUM	ALUMINUM	□	EXISTING DROP INLET / YARD INLET
ASSY	ASSEMBLY	□	EXISTING FLARED END SECTION
B-B	BACK TO BACK	□	EXISTING FIRE HYDRANT
BOA	BLOW-OFF ASSEMBLY	□	EXISTING BLOW-OFF ASSEMBLY
C&G	CURB AND GUTTER	□	EXISTING GATE VALVE
CFS	CUBIC FEET PER SECOND	□	EXISTING REDUCER
CI	CURB INLET	□	EXISTING WATER METER
C/L	CENTER LINE	□	EXISTING MANHOLE / JUNCTION BOX
CO	CLEAN OUT	□	EXISTING CLEAN OUT
COM	COMMUNICATION	□	EXISTING POWER POLE
CONC	CONCRETE	□	EXISTING GUY WIRE
CT	COURT	□	EXISTING TELEPHONE PEDESTAL
CU	COPPER	□	EXISTING LIGHT POLE / AREA LIGHT
DCV	DOUBLE CHECK VALVE	□	EXISTING SIGN
DDCV	DOUBLE DETECTOR CHECK VALVE	□	NEW CURB INLET
DEFL	DEFLECTION	□	NEW GRATE INLET/YARD INLET
DI	DROP INLET	□	NEW FLARED END SECTION
DP	DUCTILE IRON PIPE	□	NEW FIRE HYDRANT
DRAIN	DRAINAGE	□	NEW BLOW-OFF ASSEMBLY
DR	DRIVE	□	NEW GATE VALVE
EASE	EASEMENT	□	NEW REDUCER
ELEC	ELECTRIC	□	NEW WATER METER
EOP	EDGE OF PAVEMENT	□	NEW TEE
EXIST	EXISTING	□	NEW PLUG
FES	FLARED END SECTION	□	NEW MANHOLE
FI	FIRE HYDRANT	□	NEW CLEAN OUT
FM	FORCE MAIN	□	NEW SIGN
FT	FEET	□	IRON PIPE
FT/SEC	FEET PER SEC	□	BENCHMARK
GALV	GALVANIZED	□	
GV	GATE VALVE	□	
HCR	HANDICAP RAMP	□	
INV	INVERT	□	
L	LENGTH	□	
LF	LINEAR FEET	□	
LP	LIGHT POLE	□	
LT	LEFT	□	
MH	MANHOLE	□	
MH	MANHOLE	□	
OHE	OVERHEAD ELECTRIC	□	
PAVE	PAVEMENT	□	
PERM	PERMANENT	□	
PP	POWER POLE	□	
PVC	POLYVINYL CHLORIDE	□	
R	RADIUS	□	
R/W	RIGHT-OF-WAY	□	
RED	REDUCER	□	
RPZ	REDUCED PRESSURE ZONE	□	
RT	RIGHT	□	
S	SLOPE	□	
SS	SANITARY SEWER	□	
STA	STATION	□	
T	TANGENT	□	
TDO	TEMPORARY DIVERSION DITCH	□	
TELE	TELEPHONE	□	
TSB	TEMPORARY SEDIMENT BASIN	□	
TSD	TEMPORARY SLOPE DRAIN	□	
UG	UNDERGROUND	□	
W	WIDTH	□	
W/L	WATER LINE	□	
WM	WATER METER	□	
YI	YARD INLET	□	



VICINITY MAP

1" = 1000'

PREPARED BY:



BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
TELEPHONE: (919) 851-4422 or (800) 354-1879
FAX: (919) 851-8968
www.BNKinc.com

ENGINEERS:
BASS, NIXON AND KENNEDY, INC.
6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
TELEPHONE: (919) 851-4422
FAX: (919) 851-8968

CONTACT: MARTY D. BIZZELL, PE, CPESC
EMAIL: MARTY.BIZZELL@BNKINC.COM

CONSTRUCTION NOTES

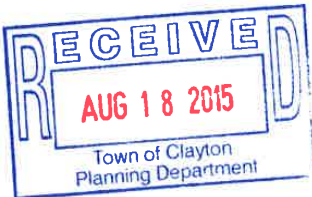
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE MUNICIPALITY STANDARDS, SPECIFICATIONS, AND DETAILS. WORK IN THIS PROJECT SHALL ALSO CONFORM TO THESE PLANS, THE LATEST EDITIONS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) ROAD AND BRIDGE SPECIFICATIONS, THE ROAD AND BRIDGE STANDARDS, THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL HANDBOOK, THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL REGULATIONS, THE FINAL GEOTECHNICAL REPORT, AND GENERAL DESIGN STANDARDS. IN THE EVENT OF CONFLICT BETWEEN ANY OF THESE STANDARDS, SPECIFICATIONS, OR PLANS, THE MOST STRINGENT SHALL GOVERN.
2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR TRENCH SAFETY DURING ALL PHASES OF CONSTRUCTION.
3. THE LOCATION AND SIZE OF EXISTING UTILITIES AS SHOWN IS APPROXIMATE ONLY. THE CONTRACTOR IS RESPONSIBLE FOR HORIZONTALLY AND VERTICALLY LOCATING AND PROTECTING ALL PUBLIC OR PRIVATE UTILITIES WHICH ARE IN OR ADJACENT TO THE CONSTRUCTION SITE. AT LEAST 48 HOURS PRIOR TO ANY DEMOLITION, GRADING, OR CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE NORTH CAROLINA ONE-CALL UTILITIES LOCATION SERVICE (1-800-632-4349) FOR PROPER IDENTIFICATION OF EXISTING UTILITIES WITHIN THE SITE.
4. THE CONTRACTOR SHALL SALVAGE AND PROTECT ALL EXISTING POWER POLES, SIGNS, MANHOLES, TELEPHONE PISRS, WATER VALVES, ETC. DURING ALL CONSTRUCTION PHASES. THE CONTRACTOR SHALL REPAIR, AT HIS OWN EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
5. TRAFFIC CONTROL ON PUBLIC STREETS SHALL BE IN CONFORMANCE WITH THE TRAFFIC CONTROL PLAN, THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, AND AS FURTHER DIRECTED BY CITY AND STATE INSPECTORS.
6. ANY DISCREPANCIES FOUND BETWEEN THE DRAWINGS AND SPECIFICATIONS AND SITE CONDITIONS OR ANY INCONSISTENCIES OR AMBIGUITIES IN DRAWINGS OR SPECIFICATIONS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER, IN WRITING, WHO SHALL PROMPTLY ADDRESS SUCH INCONSISTENCIES OR AMBIGUITIES. WORK DONE BY THE CONTRACTOR AFTER HIS DISCOVERY OF SUCH DISCREPANCIES, INCONSISTENCIES, OR AMBIGUITIES SHALL BE DONE AT THE CONTRACTOR'S RISK.
7. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL ARRANGE THE MEETING WITH THE CITY ENGINEERING DIVISION.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL REQUIRED PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION.

9. ALL AREAS SHALL BE GRADED FOR POSITIVE DRAINAGE, AND AS SHOWN ON THESE PLANS, THE CONTRACTOR SHALL MAINTAIN ADEQUATE SITE DRAINAGE DURING ALL PHASES OF CONSTRUCTION. THE CONTRACTOR SHALL USE SALT FENCES (OR OTHER METHODS APPROVED BY THE ENGINEER AND APPLICABLE MUNICIPALITY) AS REQUIRED TO PREVENT SILT AND CONSTRUCTION DEBRIS FROM FLOWING DOWD ADJACENT PROPERTIES. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL EROSION, CONSERVATION, AND SALTATION ORDINANCES. CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL DEVICES UPON COMPLETION OF PERMANENT DRAINAGE FACILITIES AND THE ESTABLISHMENT OF A STAND OF GRASS OR OTHER GROWTH TO PREVENT EROSION.
10. THE CONTRACTOR SHALL CLEAN AND GRUB THE SITE AND PLACE, COMPACT, AND MOISTURE CONDITION ALL FILL PER THE PROJECT GEOTECHNICAL ENGINEER'S SPECIFICATIONS. THE FILL MATERIAL TO BE USED SHALL BE APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT.
11. MATERIALS USED TO CONSTRUCT EMBANKMENTS FOR ANY PURPOSE, BACKFILL AROUND DRAINAGE STRUCTURES, OR IN UTILITY TRENCHES FOR ANY OTHER DEPRESSION REQUIRING FILL OR BACKFILL SHALL BE COMPACTED TO 90% OF MAXIMUM DRY DENSITY AS SET OUT IN ASTM STANDARD D998. STONE BACKFILL SHALL BE COMPACTED TO 90% MAXIMUM DENSITY AS SET OUT IN ASTM STANDARD D998. THE CONTRACTOR SHALL PRIOR TO ANY OPERATIONS INVOLVING FILLING OR BACKFILLING, SUBMIT THE RESULTS OF THE MOISTURE TEST TOGETHER WITH A CERTIFICATION THAT THE SOIL TESTED IS REPRESENTATIVE OF THE MATERIALS TO BE USED ON THE PROJECT. TESTS SHALL BE CONDUCTED BY A CERTIFIED MATERIALS TESTING LABORATORY AND THE CERTIFICATIONS MADE BY A LICENSED PROFESSIONAL ENGINEER REPRESENTING THE LABORATORY.
12. PROPOSED CONTOURS AND GUTTER GRADIENTS ARE APPROXIMATE. PROPOSED SPOT ELEVATIONS AND ROADWAY PROFILES/SUPERELEVATIONS ARE TO BE USED IN CASE OF DISCREPANCY.
13. THE CONTRACTOR SHALL REVIEW, VERIFY AND COORDINATE ALL DIMENSIONS SHOWN ON PLANS, INCLUDING THE HORIZONTAL AND VERTICAL LOCATION OF CURB INLETS AND GRATE INLETS AND ALL UTILITIES CROSSING THE STORM SEWER PRIOR TO STARTING PROJECT.
14. ALL CURB JOINTS SHALL EXTEND THROUGH THE CURB MINIMUM LENGTH OF OFFSET JOINTS AT RADII POINTS IS 1.5 FEET. ALL JOINTS SHALL BE SEALED WITH JOINT SEALANT.
15. ALL HANDICAP RAMPING, STRIPING, AND PAVEMENT MARKINGS SHALL CONFORM TO ADA REQUIREMENTS AND THE ADA STANDARDS FOR ACCESSIBILITY.
16. OWNER SHALL PROVIDE FENCING AND OTHER SAFETY MEASURES NECESSARY IN AND AROUND ANY PROPOSED STORMWATER MANAGEMENT MEASURES (POND, WETLAND, ETC.) OBTAINING PROPER PERMITS SHALL BE THE RESPONSIBILITY OF THE OWNER.

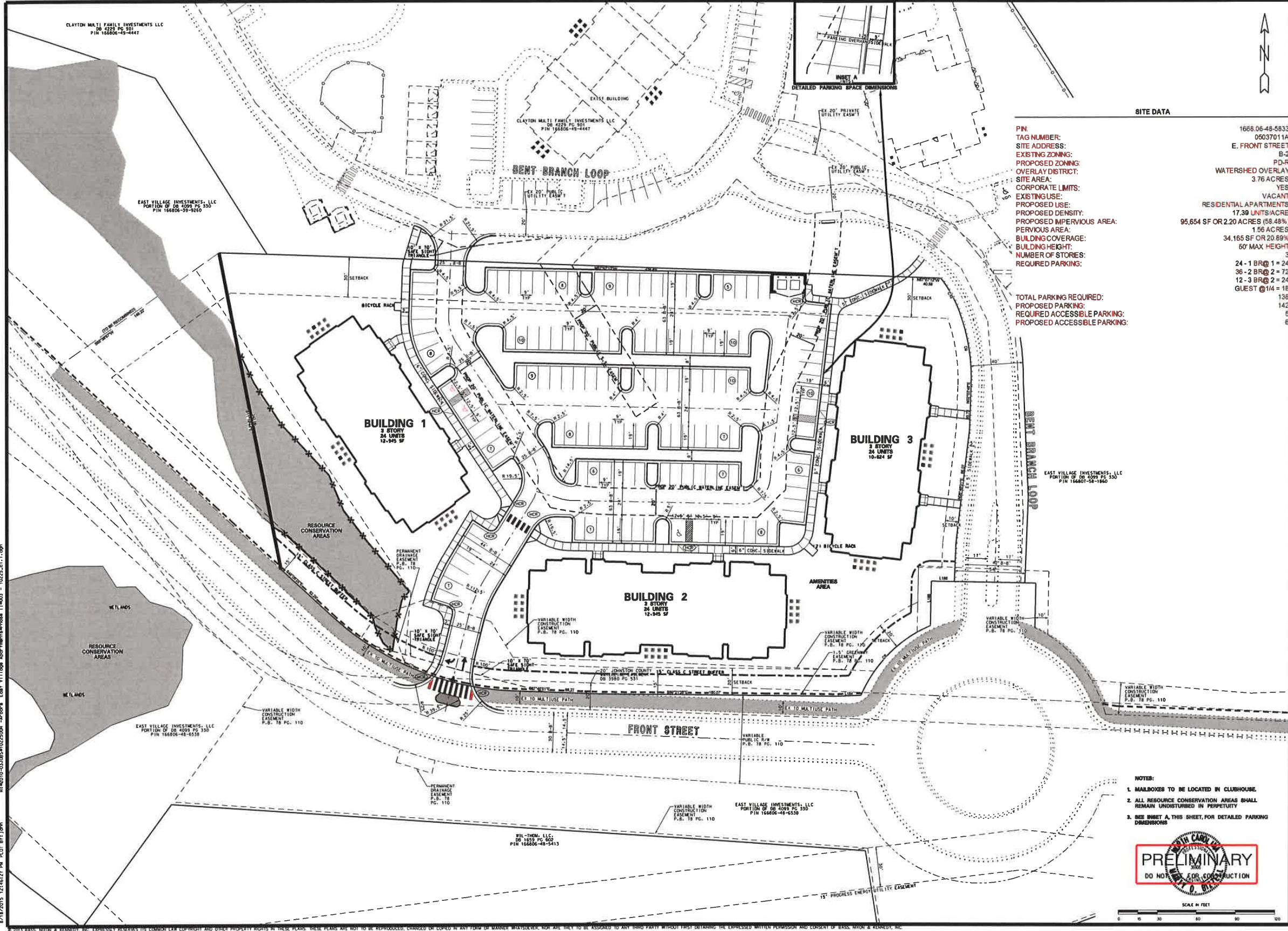
17. RETAINING WALLS EXCEEDING 30 INCHES IN HEIGHT SHALL INCLUDE FALL PROTECTION IN THE FORM OF A HANDRAIL OR FENCING ON THE HIGH SIDE OF THE RETAINING WALL.
18. PROPER COMPACTION OF ALL FILL SOILS PLACED ON SITE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. COMPACTION SHALL BE ADEQUATE TO SUPPORT THE PROPOSED USE OF AREAS IN WHICH FILL SOILS ARE PLACED. THE CONTRACTOR SHALL HIRE A GEOTECHNICAL ENGINEER TO TEST AND VERIFY THAT COMPACTION IS ADEQUATE FOR THE PROPOSED USE OF IN THE AREA OF FILL PLACEMENT.
19. ALL ASPECTS OF THIS PROJECT SHALL BE IN FULL COMPLIANCE WITH CURRENT ADA STANDARDS. IF THE CONTRACTOR NOTES ANY ASPECTS OF THE PROJECT WHICH ARE NOT IN COMPLIANCE, THE ENGINEER SHALL BE NOTIFIED PRIOR TO ANY FURTHER WORK BEING PERFORMED. ANY WORK PERFORMED AFTER THE CONTRACTOR NOTES SUCH A NON COMPLIANCE IS SUBJECT TO REMOVAL AND REPAIR AT THE CONTRACTOR'S EXPENSE.
20. THE CONTRACTOR SHALL EMPLOY A GEOTECHNICAL ENGINEER TO TEST ALL EMBANKMENTS AND FILL PLACEMENT FOR PROPER COMPACTION. PROPER COMPACTION SHALL BE PER THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS OF THESE PLANS, WHICHEVER IS MORE STRINGENT. EMBANKMENTS FOR POND SHALL BE PLACED IN 8 INCH LOOSE LAYERS AND SHALL BE COMPACTED TO A DENSITY OF NO LESS THAN 95% OF THE STANDARD PROCTOR MAXIMUM DENSITY AT A MOISTURE CONTENT OF 4% OR LESS. THE CONTRACTOR SHALL TAKE PHOTOGRAPHS OF THE OUTLET STRUCTURE AT ALL AT ALL PHASES OF INSTALLATION. THE CONTRACTOR SHALL RETAIN WITH GEOTECHNICAL TESTING DATA, THE CONTRACTOR SHALL RETAIN ALL SHIPPING RECORDS AND SPECIFICATIONS FOR THE OUTLET STRUCTURE MATERIALS AND VERIFICATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. SUCH RECORDS SHALL BE RETAINED AND SHALL BE PROVIDED TO THE OWNER AND BASS, NIXON & KENNEDY, INC. ALL MONITORING, TESTING AND VERIFICATION SHALL CONFORM TO THE MOST RECENT VERSION OF THE NC BUILDING CODE CHAPTER 18, SECTION 1808 OR THE WALL DESIGN ENGINEER'S SPECIFICATIONS, WHICHEVER IS MORE STRINGENT.

SHEET INDEX

SHEET No.	SHEET TITLE
—	COVER SHEET
C1.0	EXISTING CONDITIONS
C1.1	SITE PLAN
C1.2	SITE CALCULATIONS
C2.1	UTILITY PLAN
C3.1	GRADING AND DRAINAGE PLAN
C5.1	DETAILS
C5.2	DETAILS
C5.3	DETAILS
C5.4	DETAILS
L1.1	LANDSCAPE PLAN
A1.14	ARCHITECTURAL ELEVATIONS
A1.24	ARCHITECTURAL ELEVATIONS



NOT PERMITTED FOR CONSTRUCTION



SITE DATA

PIN: 1668.06-48-5833
TAG NUMBER: 05037011A
SITE ADDRESS: E. FRONT STREET
EXISTING ZONING: B-2
PROPOSED ZONING: PD-R
OVERLAY DISTRICT: WATERSHED OVERLAY
SITE AREA: 3.76 ACRES
CORPORATE LIMITS: YES
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL APARTMENTS
PROPOSED DENSITY: 17.39 UNITS/ACRE
PROPOSED IMPERVIOUS AREA: 95,654 SF OR 2.20 ACRES (58.48%)
PERVIOUS AREA: 1.56 ACRES
BUILDING COVERAGE: 34,165 SF OR 20.89%
BUILDING HEIGHT: 60' MAX HEIGHT
NUMBER OF STORES: 3
REQUIRED PARKING: 24 - 1 BR @ 1 = 24
36 - 2 BR @ 2 = 72
12 - 3 BR @ 2 = 24
GUEST @ 1/4 = 18
158
142
15
6

TOTAL PARKING REQUIRED:
PROPOSED PARKING:
REQUIRED ACCESSIBLE PARKING:
PROPOSED ACCESSIBLE PARKING:



BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
810 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
TELEPHONE: (919) 851-4422 OR (800) 354-1879 FAX: (919) 851-4888
CERTIFICATION NUMBERS: NCBSLS (C-0110); NCBSLA (C-0287)

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	8-18-75	TOWN COMMENTS	JCT

J. TYLIS	DATE	DRAWN BY
8-28-18	10/25	

NO.	DATE	DESCRIPTION	BY
1	8-28-18	TOWN COMMENTS	JCT

REBORS AT EA	
PHASE II	
I OF CLAYTON, JOHNSTON COUNTY	

NO.	DATE	DESCRIPTION	BY
1	8-28-18	TOWN COMMENTS	JCT

SHEET C1.1

THE ARBORS AT EAST VILLAGE

PHASE II

TOWN OF CLAYTON, JOHNSTON COUNTY NORTH CAROLINA

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION



SCALE: 1" = 10'

TOWN OF CLAYTON LANDSCAPE REQUIREMENTS:

30% OF TOTAL LOT AREA SHALL BE LANDSCAPED AT A RATIO OF (1) CANOPY TREE, (1) UNDERSTORY TREE, AND (2) SHRUBS PER 1,000 SF. 3.75 ACRES = 437460 + 163,786 SF
163,786 SF X .20 = 32,757 SF
32,757/1,000 = 33
33 CANOPY TREES REQUIRED: 36 PROVIDED
33 UNDERSTORY TREES REQUIRED: 36 PROVIDED
66 SHRUBS REQUIRED: 545 PROVIDED (1321 LUCKS STREET BUSHES)

TOWN OF CLAYTON LANDSCAPE NOTES:

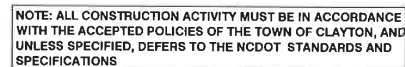
- 1 ALL DISTURBED AREAS TO BE REBUILT GRASS LAWN, UNLESS OTHERWISE INDICATED.
- 2 PLANTING AREAS SHALL EXCEED OR UNEXCEED 40 LBS THAT IS A MINIMUM OF 6 INCHES DEEP. SOIL SHALL BE APPROXIMATELY 75% OF GRAVEL, SLOTTED, RUBBER OR TRUCK. ALL CONTAMINATED SOIL SHALL BE REMOVED.
- 3 MAINTAIN ALL LANDSCAPE BEDS WITH DOUBLE-SIDED HARDWOOD MULCH.
- 4 CANOPY TREES SHALL BE LOCATED NO CLOSER THAN TEN FEET FROM ANY STRUCTURE. LANDSCAPY TREES SHALL BE PLANTED NO CLOSER THAN SEVEN FEET FROM ANY STRUCTURE.
- 5 UNDESIRABLE AREAS SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATED IRRIGATION SYSTEM THAT WILL ADEQUATELY COVER ALL PLANTING MATERIAL. SUCH SYSTEM SHALL INCLUDE A BAYM VALVE.
- 6 ALL LANDSCAPE CULDS SHALL BE MAINTAINED ON AN ATTRACTIVE AND HEALTHY CONDITION. DEAD OR DISEASED PLANTS SHALL BE REMOVED AND REPLACED IN A TIMELY FASHION.



PLANT LIST							
KEY	SCIENTIFIC NAME	COMMON NAME	QUANT.	CULT.	HT.	ROOT	REMARKS
SHADE TREES							
AR	Azadirachta indica	Red maple	8	2.5'	10'	B&B	
OC	Quercus coccinea	Scribble Oak	14	2.5'	10'	B&B	Buffer Tree
ON	Quercus rubra	Hurricane oak	8	2.5'	10'	B&B	
OP	Quercus phellos	Willow oak	8	2.5'	10'	B&B	
QV	Quercus virginiana	Live Oak	10	2.5'	10'	B&B	Buffer Tree
UP	Ulmus parviflorus	Chinese lacquerbark elm	12	2.5'	10'	B&B	
UNDERSTORY TREES							
AP	Asar palmatum Bloodgood	Bloodgood Japanese Maple	2	1.5'	6'	B&B	Matched Sp.
CC	Cercis canadensis	Eastern Redbud	6	2'	8'	B&B	
CJ	Cornus florida	Dogwood	11	2'	8'	B&B	Buffer Tree
CF	Corymbium japonica	Japanese Cryptomeria	6	6'	8'	B&B	
JP	Juniperus virginiana	Eastern Red Cedar	6	6'	8'	B&B	
LS	Lagerstroemia	Crape Myrtle	6	6'	8'	B&B	
MG	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	6	6'	8'	B&B	
NS	Nyssa sylvatica	Tupelo	14	2'	8'	B&B	Buffer Tree
TE	Thuja occidentalis Emerald	Eastern Arborvitae	2	6'	8'	B&B	
TH	Thalictrum 'Green Giant'	Green Giant Anemone	4			Cont.	
SHRUBS							
BM	Buxus microphylla 'Winter Green'	Wintergreen Boxwood	9		12"	Cont.	
CP	Chamaecyparis platensis 'Golden Pines'	Yellow Cypress	71		12"	Cont.	
DC	Dicentra spectabilis 'Pascou's'	Swart Trailing Gardenia	12		12"	Cont.	
IC	Ilex cornuta 'Burfordi'	Burford Holly	152		10"	Cont.	
IM	Ilex X 'Molly Hoel'	Mary Nell Holly	24		12"	Cont.	
IO	Ilex X 'Dallas'	Oakleaf Holly	24		12"	Cont.	
IC	Juniperus communis 'Spartan'	Spartan Juniper	2		6"	Cont.	
LC	Leptocarpus heterophyllus 'Chang's Holly'	Leptocarpus	74		12"	Cont.	
OH	Osmanthus heterophyllus 'Yulan/Holly'	Holly Osmanthus	135		24"	Cont.	Buffer Shrub
PI	Pieris japonica 'Mountain Snow'	Japanese Pieris	6		12"	Cont.	
PL	Prinos laurifolius 'Japanese Laurel'	Japanese Laurel	18		12"	Cont.	
PT	Photinia glabra 'Red Spire'	Red Spire	139		24"	Cont.	Buffer Shrub
RR	Rosa 'Double Red'	Double Knockout Rose	53		12"	Cont.	
VD	Viburnum davidii	David Viburnum	8		12"	Cont.	
GROUND COVER							
LM	Liriodendron micranthum 'Royal Purple'	Royal Purple Liriodendron	120			18" e.e.	
OP	Opiliodon phaeopetalus 'Black Dragon'	Black Dragon Liriodendron	25			12" e.e.	

GENERAL NOTES

1. A/C UTILITIES, TRANSFORMERS AND OTHER MECHANICAL OR UTILITY EQUIPMENT NOT SHOWN ON THE PLAN, SHALL BE SCREENED FROM VIEW EITHER BY ADJUSTING PLANTINGS SHOWN IN CLOSE PROXIMITY TO EQUIPMENT OR BY THE ADDITION OF BARS 6" X 2 1/2" H, 5' OC (SEE GENERAL NOTES FOR EQUIPMENT ACCESSIBILITY AND PLANTING PROVISION, ETC.). DUMPS/PILE IS SCREENED FROM VIEW BY A 6" X 2 1/2" H, 5' OC FENCE.
2. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO PLANTING.
3. MULCH SHALL BE 3" DEEP SHREDDED HARDWOOD UNLESS OTHERWISE NOTED.
4. VERIFICATION OF TOTAL QUANTITIES AS SHOWN IN THE PLANT LIST AND ON THE PLAN SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR. ANY DISCREPANCIES BETWEEN PLANT LIST AND PLANTING PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.
5. ALL TREES, SHRUBS, GRASS/COVER, ETC. SHALL CONFORM TO ACCEPTED STANDARDS ESTABLISHED BY THE AMERICAN ASSOCIATION OF NURSEMEN.
6. ALL POSTHOLE REMOVED FROM CONTAINERS SHALL BE SCAFFIED PRIOR TO PLANTING.
7. BARS AS LISTED UNDER "ROOT" IN THE PLANT LIST INDICATES BALLED & BURLAPPED.
8. ALL PLANTS/PLANTINGS SHALL BE DELIVERED IMMEDIATELY AFTER PLANTING AND WATERED.
9. ALL PLANTS SHALL BEAR THE SAME RESPONSIBILITY TO FINISHED GRADE AS THEY DO TO FINISHED GRADE (SEE GENERAL NOTES).
10. ALL TREES AND SHRUBS SHALL REDUCE MULCH RINGS AT THEIR BASE IF LEFT WITH LAMN AREAS.
11. MULCH DECKS AND PROPOSED PLANTINGS SHALL NOT DISTURB ANY EXISTING GRASSES OR TREES TO REMAIN. AREAS ARE SHOWN FOR APPROXIMATION ONLY, BUT ARE TO BE PROTECTED FROM ANY DISTURBANCE.
12. CULVERTS, RIP-RAP STRUCTURES, AND OTHER STORMWATER DEVICES SHALL BE SCREENED WITH EVERGREENS 8" 2 1/2" H, - 5' OC.
13. TREE PROTECTION FENCING SHALL BE MAINTAINED UNTIL ALL SITE WORK IS COMPLETED. THE FENCING SHALL BE REMOVED PRIOR TO THE FINAL SITE INSPECTION FOR THE CERTIFICATE OF OCCUPANCY (C.O.). THE SITE SHALL BE STABILIZED AND SEEDS PRIOR TO THE ISSUANCE OF A C.O.).
14. RECOVERED PLANTING AREAS SHALL INCORPORATE EXISTING NATURAL VEGETATION TO MAINTAIN NATURAL CHARACTER OF THE SITE.



SCALE IN FEET

TOWN OF CLAYTON PROJECT NO. XX-XX-XX

BNK

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250, RALEIGH, NC 27607
TELEPHONE: (919)851-4422 OR (800)354-1878 FAX: (919)851-8968
CERTIFICATION NUMBERS: NCBELS (C-0110); NCBOLA (C-0287)

**ARBORS AT EAST VILLAGE
PHASE II
XXX FRONT STREET**

SHEET
L1.1

NOT RELEASED FOR CONSTRUCTION OR BID SOLICITATION

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT
12-05-03-PDD, The Arbors at East Village Phase 2 Rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Strategic Growth Plan, specifically:

- Objective 1.2: Increase Residential Presence in Downtown
- Objective 2.5: More Housing Opportunities: Beyond Starter Homes

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **(insert specifics to case)**

the above referenced zoning amendment is reasonable and in the public interest.

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] 12-05-03-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 Residentail (PD-R) zone the property described below, said property formerly being zoned Neighborhood Business (B-3)

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 October 5, 2015, 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 (PD-R) zone the following described property:

General Description:

3.76 acres located at the intersection of East Front Street and Bent Branch Loop.

Specific Description:

Part of NC Parcel Identification Number: 166806-48-5833

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 5th day of October, 2015,
while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

Fisher Street Tw Family Home - SUP

DESCRIPTION:

Applicant is requesting a Special Use Permit to develop a two-family home in an R-8 zoning district.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Set Public Hearing for October 5, 2015

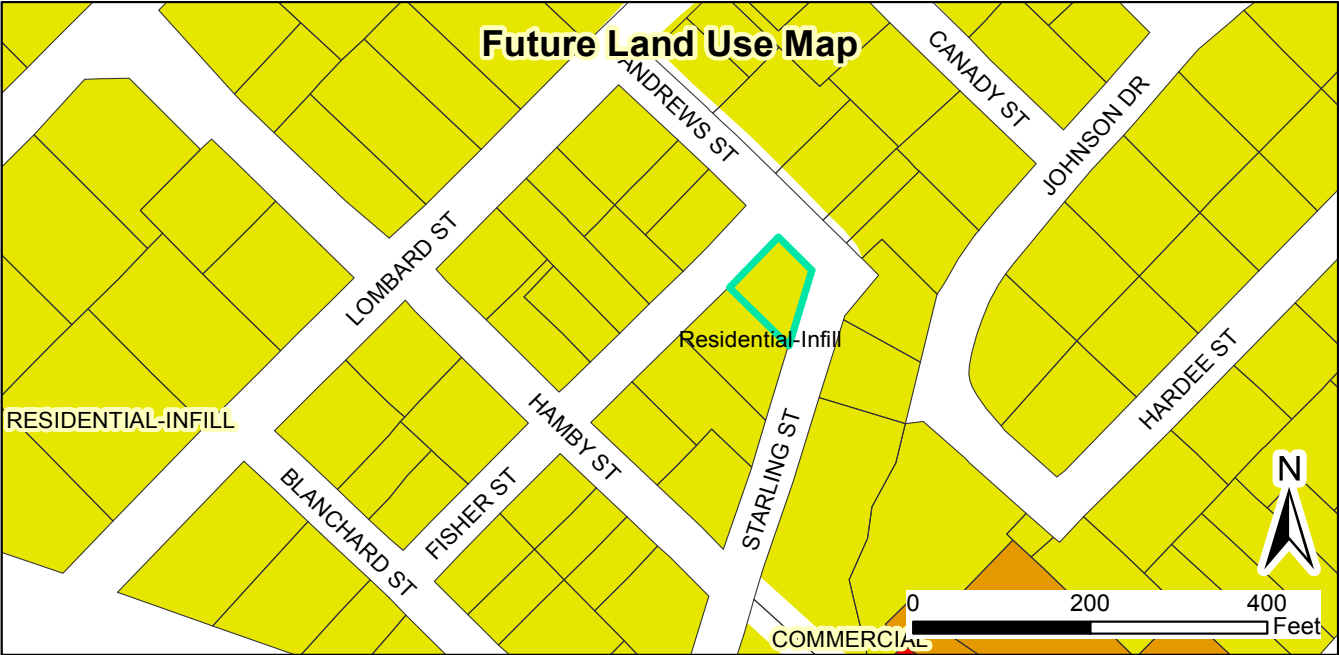
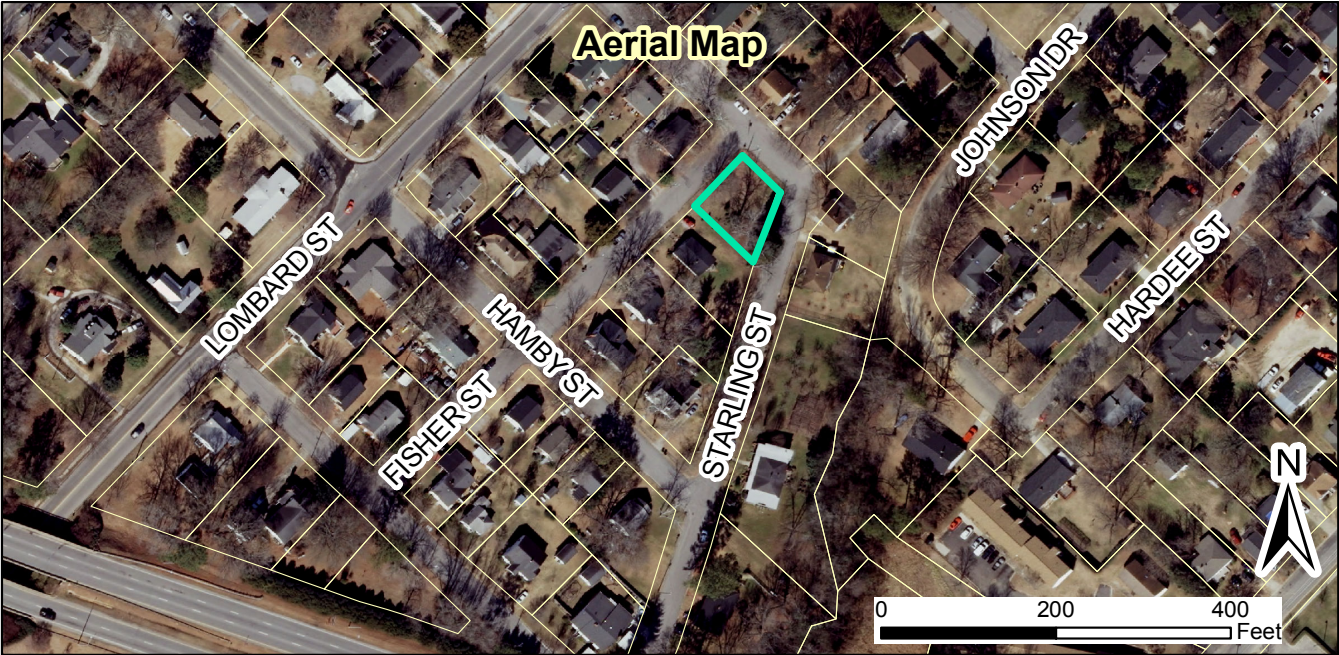
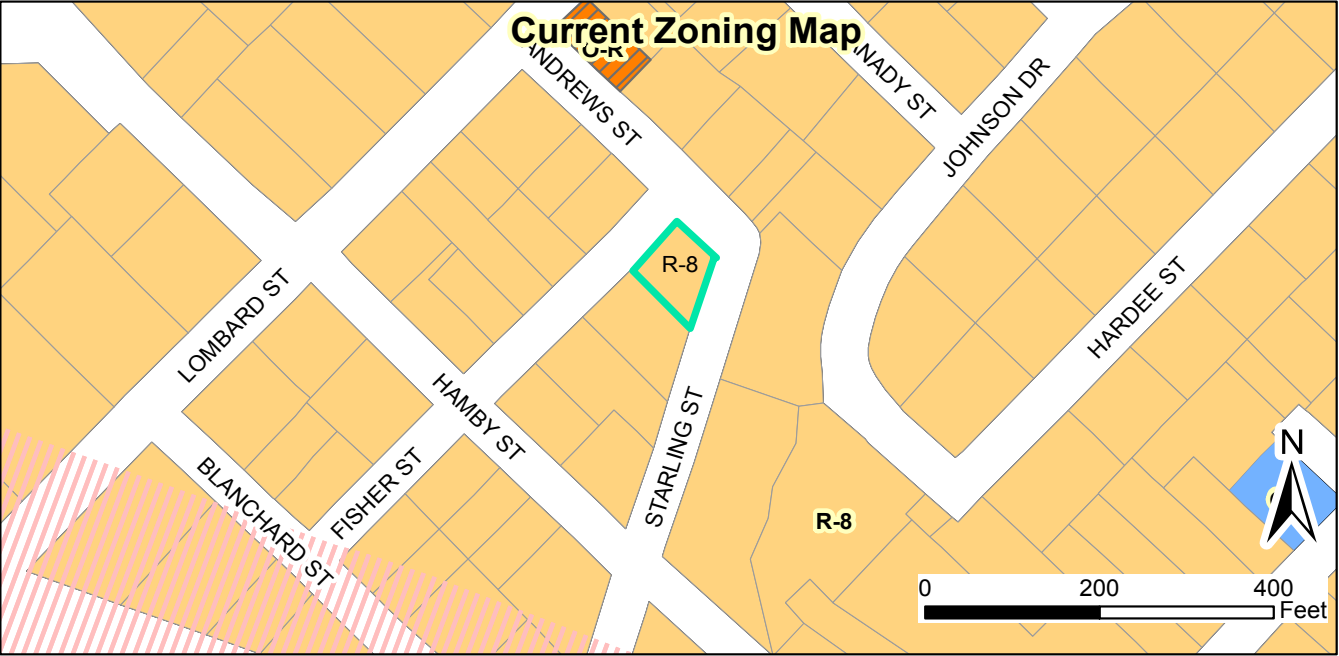
Information Provided:

Staff Report / Application

Date:

Action Taken:

Information Provided:



15-39-01-SUP- Fisher St Two-Family Home Special Use
Request: Special Use Permit
15-39-02 SPM- Fisher Two-Family Home Minor Site Plan
Request: Two-Family Home
Applicant: James Lipscomb
Property Owner: James & Valerie Lipscomb
Parcel ID Number: 166917-00-5716
Tag #: 05013038



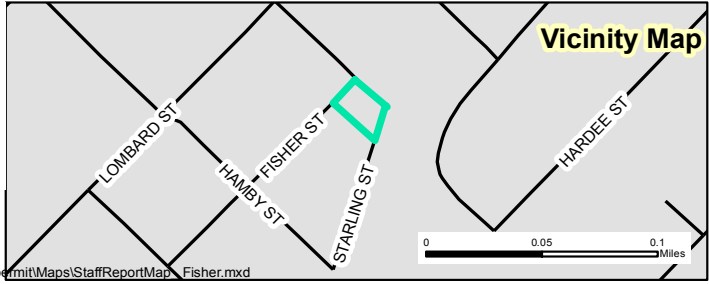
- Site
- Special Use District
- Thorough Fare Overlay
- Scenic Highway Overlay

08/18/2015

Produced by: TOC Planning

Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.

Document Path: \\TOC-FILE-01\Shares\ComDev\Planning\PLANNING\SPECIAL USE\2015\15-39-01-SUP - Fisher St Two-Family Home - special use permit\Maps\StaffReportMap_Fisher.mxd





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.
A Site Plan application (major or minor, as applicable) and fee is required for all new / modified development.

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: ~~James LLC Fisher Street home~~ ⁵⁰¹ ~~Two-family home~~ ^{duplex} ~~home~~ Acreage of Property: 0.14 acres
Parcel ID Number: ~~166917-00-5716~~ ¹⁶⁶⁹¹⁷⁻⁰⁰⁻⁵⁷¹⁶ Tax ID: ~~05013038~~ ⁰⁵⁰¹³⁰³⁸
Deed Book: 4219 Deed Page(s): 590
Address/Location: 501 Fisher Street Clayton NC 27520

Existing Use: vacant lot Proposed Use: 2 family home

Is project within a Planned Development? ☒ No ☐ Yes

Planned Development District (if applicable): _____

Is project within an Overlay District: ☒ No ☐ Yes

Overlay District (if applicable): _____

OFFICE USE ONLY

Date Received: **AUG 03 2015** Amount Paid: **\$400.00** Permit Number: **15-39-01-SUP**
Town of Clayton
Planning Department

PROPERTY OWNER INFORMATION

Name: James and Valerie Lipscomb

Mailing Address: 3407 Barber Mill Road Clayton NC 27520

Phone Number: 919-422-4704

Fax:

Email Address: James@myHTR.com

APPLICANT INFORMATION

Applicant: James Lipscomb

Mailing Address: 3407 Barber Mill Road Clayton NC 27520

Phone Number: 919-422-4704

Fax:

Contact Person: James Lipscomb

Email Address: James@myHTR.com

REQUIRED INFORMATION (to be submitted with the application)*The following items must accompany a Special 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 proposed 2 family dwelling is in keeping with the character of the homes in the
neighborhood and will not materially endanger the public health or safety of the
neighborhood.

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

The proposed 2 family home meets all requirements of the Town of Clayton's Code or
Ordinance and there are other multi-family structures immediately adjacent to the site.

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.

The proposed 2 family home will be the newest and more expensive than most homes in
the immediate neighborhood. There will be no detrimental impact on the surrounding
homes are porperty values.

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 proposed 2 family home 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.

EXPLANATION OF PROJECT

Please provide detailed information concerning all requests. Attach additional sheets if necessary.
See attached floorplan and elevations of proposed 2 family home. This home contains a total of 2,328 square feet. The basement has a 628 square foot one bedroom suite that can be accessed from the primary dwelling or from the rear of the structure. This basement suite could be rented with the primary dwelling as a 4 bedroom 3 full bath home or by locking off the stairway the basement suite can be rented as a stand alone dwelling unit. We plan on having 2 separate onsite parking pads to accomodate atleast 2 cars on each pad (see attached preliminary plat) Owner would like to reserve the right to have the basement accessed from the exterior of the structure only with no internal stair access.

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.

JAMES LIPSCOMB
Print Name

James Lipscomb
Signature of Applicant

8-3-15
Date

Valerie Lipscomb

Valerie Lipscomb

8-3-15

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: August 3rd, 2015

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

Printed Name: James Lipscomb

Signature:

Date of Meeting: August 14th, 2015

Time of Meeting: 6:00pm to 7:30pm

Location of Meeting: 425 Lombard Street Clayton NC 27520

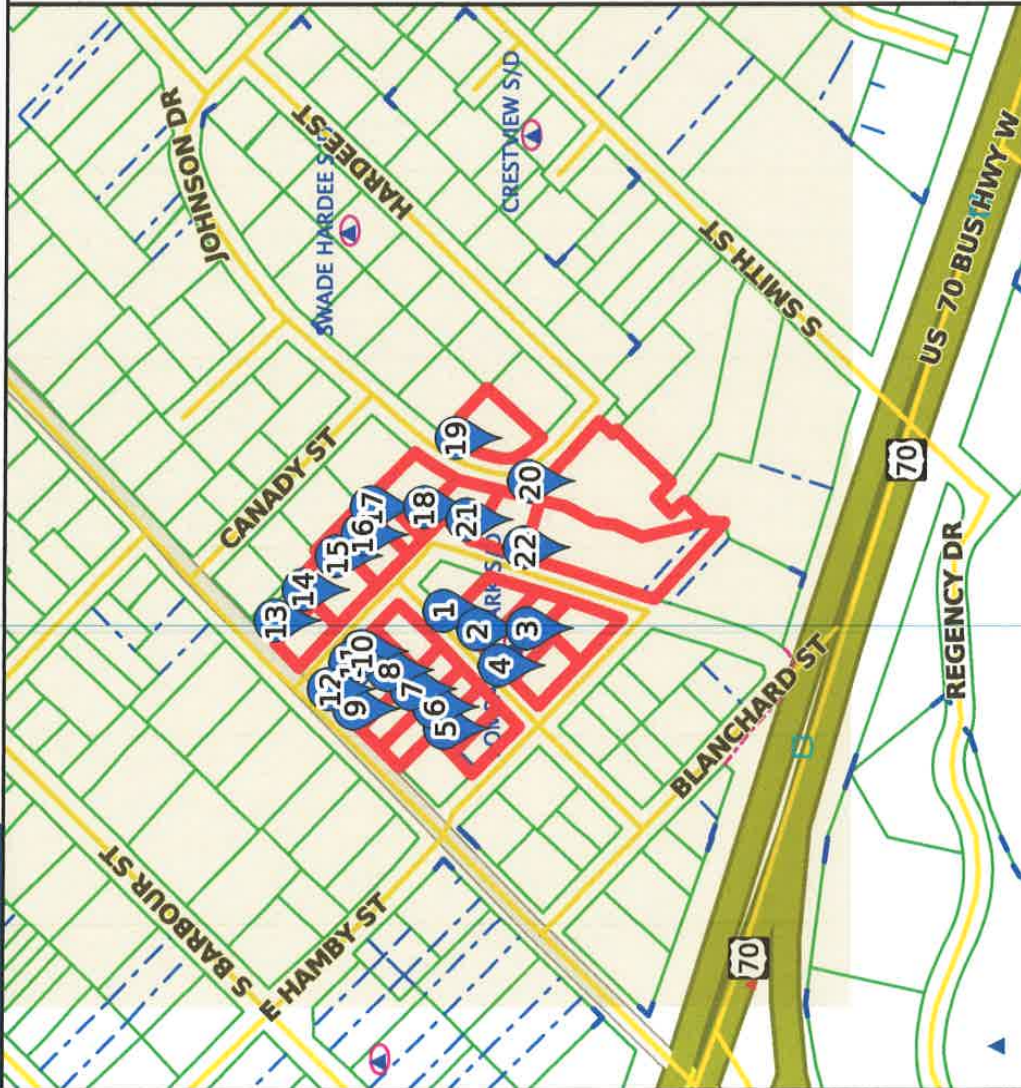
Meeting Summary/Minutes: *provide a summary of the discussion held at the meeting, including issues raised and any changes made by the applicant as a result of the meeting.*

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



*** DISCLAIMER ***

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



Result 1

id: 05013056
Tag: 05013056
Tax Unique Id: 4166295
NCPin: 166917-00-3692
Mapsheet No: 166917
Owner Name 1: SOUTH FAYETTEVILLE STREET LLC
Owner Name 2:
Mail Address 1: 603 SOUTH FAYETTEVILLE STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 513 FISHER ST
Site Address 2: CLAYTON, NC 27527-
Book: 03422
Page: 0887
Market Value: 60460
Assessed Acreage: 1
Calc. Acreage: 0.213
Sales Price: 0
Sale Date: 2007-09-20

Scale: 1:3488 - 1 in. = 290.69 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
July 31, 2015

LIST FOR MAILING TO NEIGHBORS



*** DISCLAIMER ***

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

Result 2

id: 05013029 ✓
Tag: 05013029
Tax Unique Id: 4166292
NCPin: 166917-00-3576
Mapsheet No: 166917
Owner Name 1: JONES, WILLIAM HAROLD
Owner Name 2: JONES, SANDRA B
Mail Address 1: 1791 WORTHINGTON RD
Mail Address 2:
Mail Address 3: GREENVILLE, NC 27858-8374
Site Address 1: 515 FISHER ST
Site Address 2: CLAYTON, NC 27520-
Book: 01438
Page: 0853
Market Value: 68280
Assessed Acreage: 1
Calc. Acreage: 0.239
Sales Price: 0
Sale Date: 1995-04-20

Result 3 ✓

id: 05013031
Tag: 05013031
Tax Unique Id: 4166274
NCPin: 166917-00-3466
Mapsheet No: 166917
Owner Name 1: MONSEES, MARIE STALLINGS
Owner Name 2: CARROLL, DIANNE
STALLINGS
Mail Address 1: 107 TEASEL COURT
Mail Address 2:
Mail Address 3: CLAYTON, NC 27527-0000
Site Address 1:
Site Address 2:
Book: 03394
Page: 0145
Market Value: 81340
Assessed Acreage: 1
Calc. Acreage: 0.174
Sales Price: 0
Sale Date: 2007-08-02

Result 4 ✓

id: 05013030
Tag: 05013030
Tax Unique Id: 4222781
NCPin: 166917-00-2591
Mapsheet No: 166917
Owner Name 1: ELLEN, KATHY C
Owner Name 2:
Mail Address 1: 502 HAMBY ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 502 E HAMBY ST
Site Address 2: CLAYTON, NC 27520-
Book: 01770
Page: 0377
Market Value: 74630
Assessed Acreage: 1
Calc. Acreage: 0.157
Sales Price: 0
Sale Date: 1998-12-01

Result 5 ✓

id: 05013027
Tag: 05013027
Tax Unique Id: 4275172
NCPin: 166917-00-1664
Mapsheet No: 166917
Owner Name 1: VERRINDER, DAVID EDWARD
Owner Name 2: VERRINDER, SUE
Mail Address 1: 412 HAMBY ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2731
Site Address 1: 412 E HAMBY ST
Site Address 2: CLAYTON, NC 27520-
Book: 04404
Page: 0952
Market Value: 80410
Assessed Acreage: 0.15
Calc. Acreage: 0.147
Sales Price: 0
Sale Date: 2014-01-21



*** DISCLAIMER ***

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

Result 6 ✓

id: 05013026
Tag: 05013026
Tax Unique Id: 4226552
NCPin: 166917-00-2615
Mapsheet No: 166917
Owner Name 1: PLANTY, SANDRA FAYE LEE
Owner Name 2:
Mail Address 1: 516 FISHER ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2507
Site Address 1: 516 FISHER ST
Site Address 2: CLAYTON, NC 27527-
Book:
Page:
Market Value: 61960
Assessed Acreage: 1
Calc. Acreage: 0.118
Sales Price: 0
Sale Date:

Result 7 ✓

id: 05013023
Tag: 05013023
Tax Unique Id: 4222770
NCPin: 166917-00-2701
Mapsheet No: 166917
Owner Name 1: JOHNSON, PHILLIP MORRIS
Owner Name 2: JOHNSON, MYRNA
Mail Address 1: 513 S LOMBARD ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2522
Site Address 1: 513 S LOMBARD ST
Site Address 2: CLAYTON, NC 27520-
Book: 00727
Page: 0615
Market Value: 82320
Assessed Acreage: 0.22
Calc. Acreage: 0.224
Sales Price: 0
Sale Date: 1972-01-01

Result 8 ✓

id: 05013025
Tag: 05013025
Tax Unique Id: 4166289
NCPin: 166917-00-2773
Mapsheet No: 166917
Owner Name 1: HOOKER, DEBORAH ANNE
Owner Name 2:
Mail Address 1: 510 FISHER STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 510 FISHER ST
Site Address 2: CLAYTON, NC 27527-
Book: 03205
Page: 0904
Market Value: 56260
Assessed Acreage: 1
Calc. Acreage: 0.13
Sales Price: 91500
Sale Date: 2006-09-27

Result 9 ✓

id: 05013022
Tag: 05013022
Tax Unique Id: 4156637
NCPin: 166917-00-2709
Mapsheet No: 166917
Owner Name 1: WALTERS, LUTHER A
Owner Name 2: WALTERS, KATHERINE C
Mail Address 1: 5715 HIGHWAY 85 N
Mail Address 2:
Mail Address 3: CRESTVIEW, FL 32536-9003
Site Address 1: 509 S LOMBARD ST
Site Address 2: CLAYTON, NC 27520-
Book: 04628
Page: 0707
Market Value: 49750
Assessed Acreage: 1
Calc. Acreage: 0.109
Sales Price: 76000
Sale Date: 2015-07-20



*** DISCLAIMER ***

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

Result 10 ✓

id: 05013025A
Tag: 05013025A
Tax Unique Id: 4166290
NCPin: 166917-00-3747
Mapsheet No: 166917
Owner Name 1: JONES, JOHNNY BATTLE
Owner Name 2:
Mail Address 1: 413 BLANCHARD ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2701
Site Address 1: 504 FISHER ST
Site Address 2: CLAYTON, NC 27527-
Book: 03585
Page: 0774
Market Value: 63630
Assessed Acreage: 1
Calc. Acreage: 0.146
Sales Price: 0
Sale Date: 2008-08-07

Result 12 ✓

id: 05013021
Tag: 05013021
Tax Unique Id: 4234956
NCPin: 166917-00-2865
Mapsheet No: 166917
Owner Name 1: FESTEJOS ENTERPRISES INC
Owner Name 2:
Mail Address 1: 905 E MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2629
Site Address 1:
Site Address 2:
Book: 04388
Page: 0902
Market Value: 111080
Assessed Acreage: 1
Calc. Acreage: 0.221
Sales Price: 0
Sale Date: 2013-12-05

Result 11 ✓

id: 05013025B
Tag: 05013025B
Tax Unique Id: 4166291
NCPin: 166917-00-3821
Mapsheet No: 166917
Owner Name 1: BROWN, DEBORAH JEAN
Owner Name 2:
Mail Address 1: 419 EAST MAIN STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 411 ANDREWS ST
Site Address 2: CLAYTON, NC 27520-
Book: 03672
Page: 0998
Market Value: 51560
Assessed Acreage: 1
Calc. Acreage: 0.117
Sales Price: 0
Sale Date: 2009-03-20

Result 13 ✓

id: 05013002
Tag: 05013002
Tax Unique Id: 4234645
NCPin: 166917-01-4022
Mapsheet No: 166917
Owner Name 1: LIPSCOMB, JAMES H
Owner Name 2: LIPSCOMB JOHN V &
Mail Address 1: 107 STONE LANE
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 401 ANDREWS ST
Site Address 2: CLAYTON, NC 27520-
Book: 02613
Page: 0072
Market Value: 126950
Assessed Acreage: 1
Calc. Acreage: 0.13
Sales Price: 0
Sale Date: 2003-12-31



*** DISCLAIMER ***

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

Result 22 ✓

id: 05013008
Tag: 05013008
Tax Unique Id: 4217675
NCPin: 166917-00-5478
Mapsheet No: 166917
Owner Name 1: ONEAL, WILLIAM R
Owner Name 2:
Mail Address 1: 517 STARLING ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2524
Site Address 1:
Site Address 2:
Book: 04035
Page: 0439
Market Value: 128620
Assessed Acreage: 0.71
Calc. Acreage: 0.7
Sales Price: 0
Sale Date: 2011-10-17

Result 23

Duplicate ✓

id: 05013008
Tag: 05013008
Tax Unique Id: 4217675
NCPin: 166917-00-5478
Mapsheet No: 166917
Owner Name 1: ONEAL, WILLIAM R
Owner Name 2:
Mail Address 1: 517 STARLING ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-2524
Site Address 1:
Site Address 2:
Book: 04035
Page: 0439
Market Value: 128620
Assessed Acreage: 0.71
Calc. Acreage: 0.7
Sales Price: 0
Sale Date: 2011-10-17

August 3, 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.

See attached explanation letter, floor plan and plat map.

Sincerely,

James and Valerie Lipscomb, applicant

James and Valerie Lipscomb
3407 Barber Mill Road
Clayton NC 27520

August 3 2015

To: Neighbors within 100 feet of 501 Fisher Street Clayton NC 27520
(Vacant Lot on corner of Fisher and Andrews Street)

From: James and Valerie Lipscomb

Re: Special Use Permit request required Neighborhood meeting to discuss
proposed 2 family home to be built at 501 Fisher Street (meeting required by
Town of Clayton)

A Neighborhood Meeting will be held on Friday August 14th, 2015 at McCullers
Whitaker and Hamer Law Office located at 425 Lombard Street Clayton NC 27520.
The purpose of the meeting will be to discuss a proposal to build a new 2 Family
Home on the above referenced property. The 2 Family Home that is proposed is
simply a 1500 square foot 1 and ½ story home that has a 650 square basement
apartment that could be rented separately from the primary dwelling. Enclosed is a
copy of the proposed floor plan and elevation for the home and the proposed site
plan.

The Town of Clayton Planning Board will consider the proposed 2 Family Home at
their meeting at 6pm on Monday August 24th 2015.

If you cannot make the meeting on August 14th from 6pm to 7:30 pm please feel free
to call me at 919-422-4704 to discuss the proposal.

Sincerely,



James Lipscomb

cc. Town of Clayton Planning Department



① Opt. 2 Front Elevation
1/8" = 1'-0"



② Opt. 2 Rear Elevation
1/8" = 1'-0"

McCLENTIC DESIGN

PO Box 763
Clayton NC, 27528
phone 339 987-0437
www.mcclecticdesign.com

**James and
Valerie
Lipscomb
Rental House**

Elevations - Opt. 2

Project number	2012R014
Date	07-19-15
Drawn by	Author
Checked by	Checker

ASK-4

Scale 1/8" = 1'-0"

7/19/2015 8:10:46 PM



① Opt. 2 Left Elevation
1/8" = 1'-0"



② Opt. 2 Right Elevation
1/8" = 1'-0"

McCLINTIC DESIGN

PO Box 763
Clayton NC, 27528
phone 339 987-0437
www.mcclenticdesign.com

**James and
Valerie
Lipscomb
Rental House**

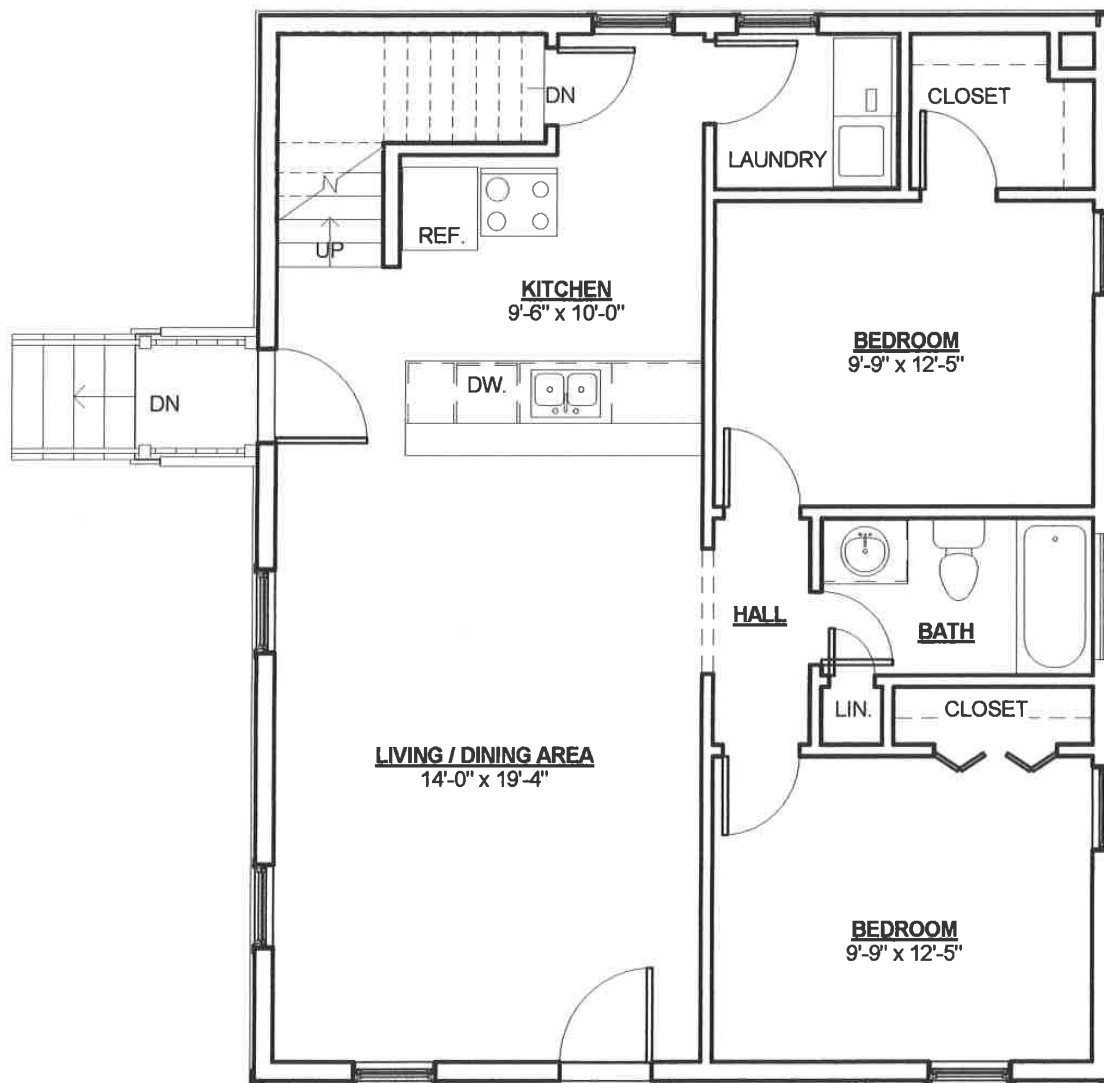
Elevations - Opt. 2

Project number	2012R014
Date	07-19-15
Drawn by	Author
Checked by	Checker

ASK-5

Scale 1/8" = 1'-0"

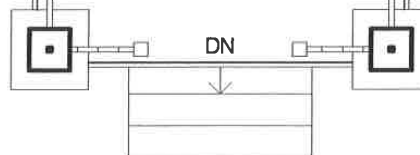
7/19/2015 8:10:46 PM



Building Area - Conditioned Space

Basment - 876 square feet
 1st floor - 879 square feet
 2nd floor - 628 square feet
 Total 2328 square feet

FRONT PORCH



1 First Floor Plan
 3/16" = 1'-0"

McCLENTIC DESIGN

PO Box 763
 Clayton NC, 27528
 phone 339 987-0437
 www.mcclecticdesign.com

**James and
 Valerie
 Lipscomb
 Rental House**

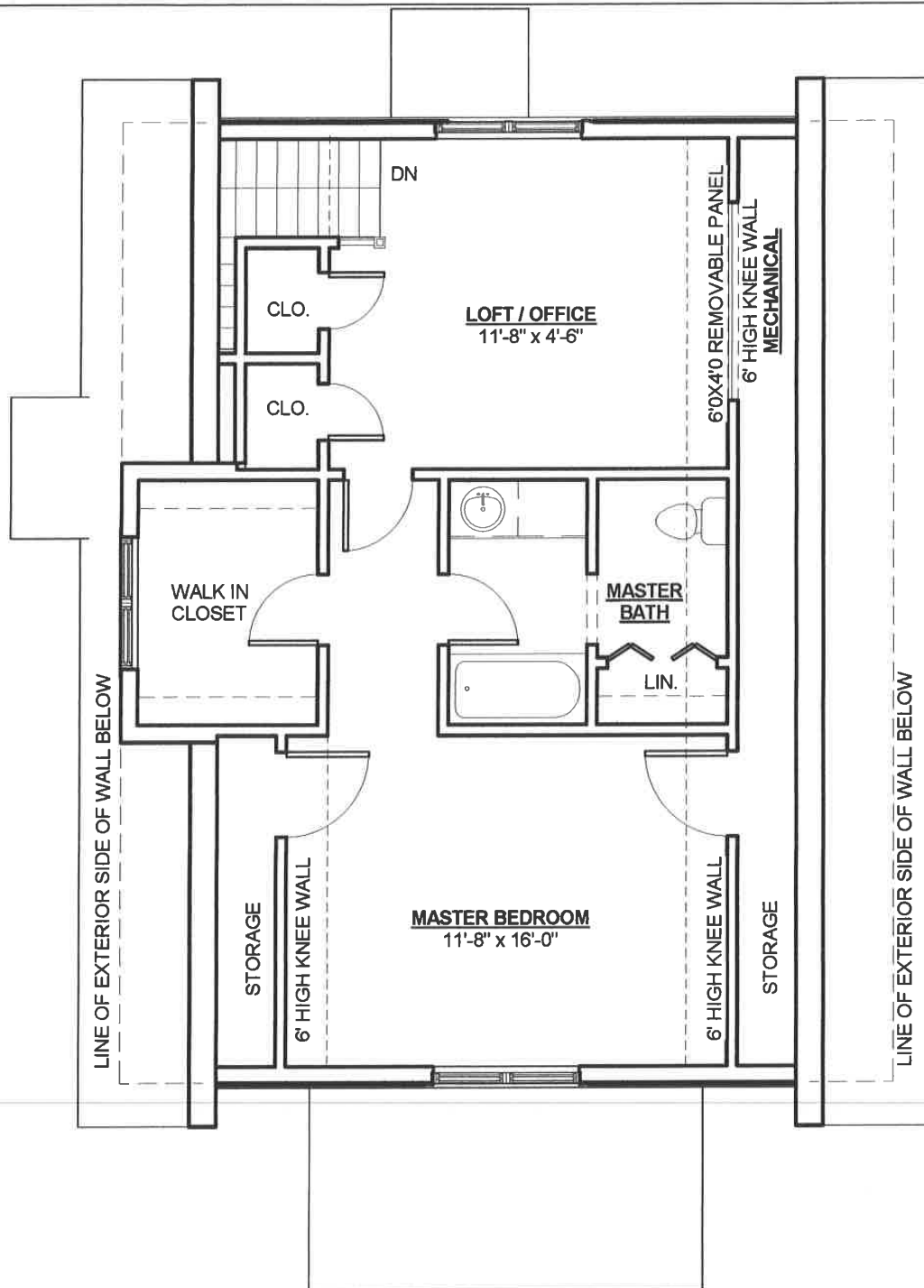
First Floor - Opt. 2

Project number	2012R014
Date	07-19-15
Drawn by	Author
Checked by	Checker

ASK-2

Scale 3/16" = 1'-0"

7/19/2015 8:10:45 PM



1 Second Floor Plan
3/16" = 1'-0"

McCLENTIC DESIGN

PO Box 763
Clayton NC, 27528
phone 339 987-0437
www.mcclecticdesign.com

**James and
Valerie
Lipscomb
Rental House**

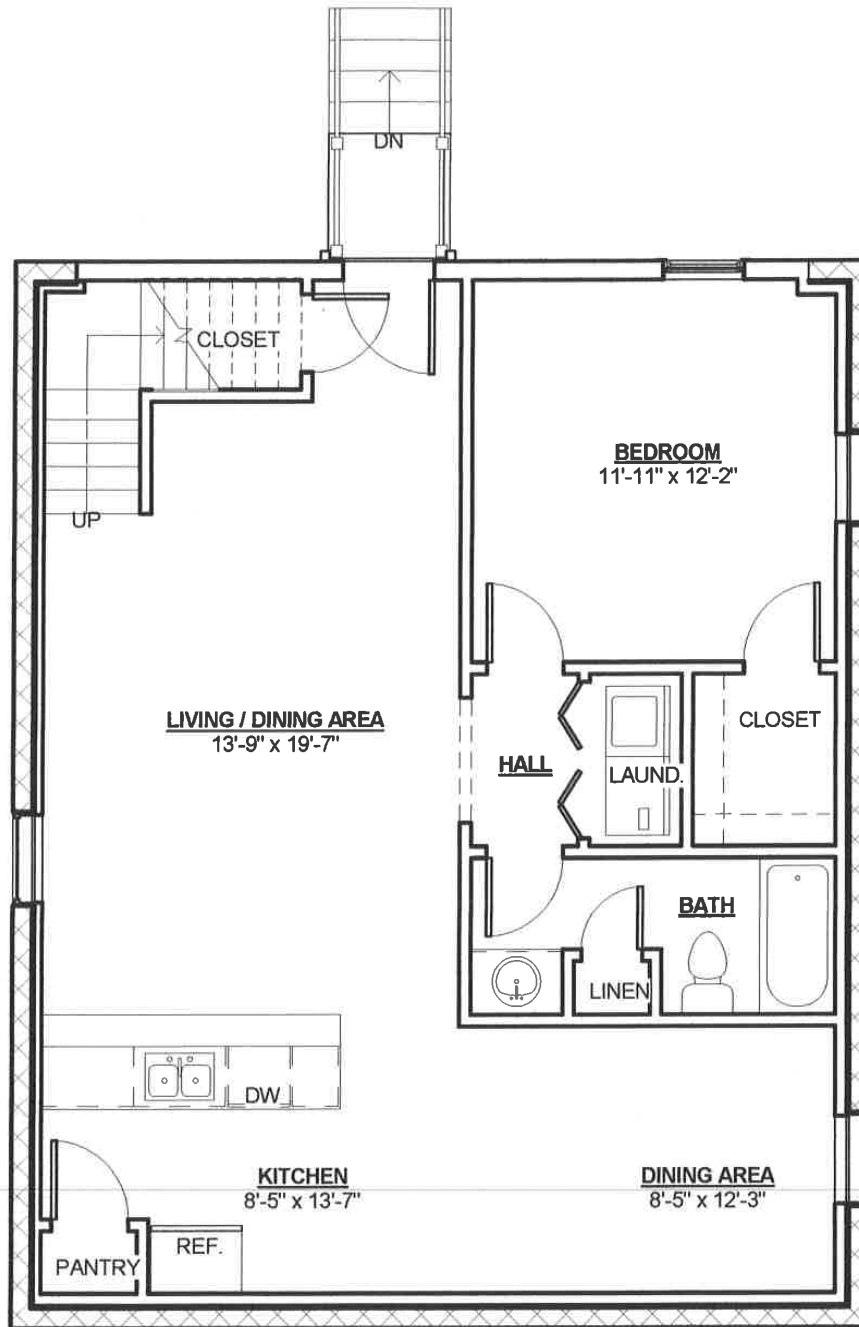
2nd Floor Plan - Opt. 2

Project number	2012R014
Date	07-19-15
Drawn by	Author
Checked by	Checker

ASK-3

Scale 3/16" = 1'-0"

7/19/2015 8:10:45 PM



1 **Basement**
3/16" = 1'-0"

McCLENTIC DESIGN

PO Box 763
Clayton NC, 27528
phone 339 987-0437
www.mcclenticdesign.com

**James and
Valerie
Lipscomb
Rental House**

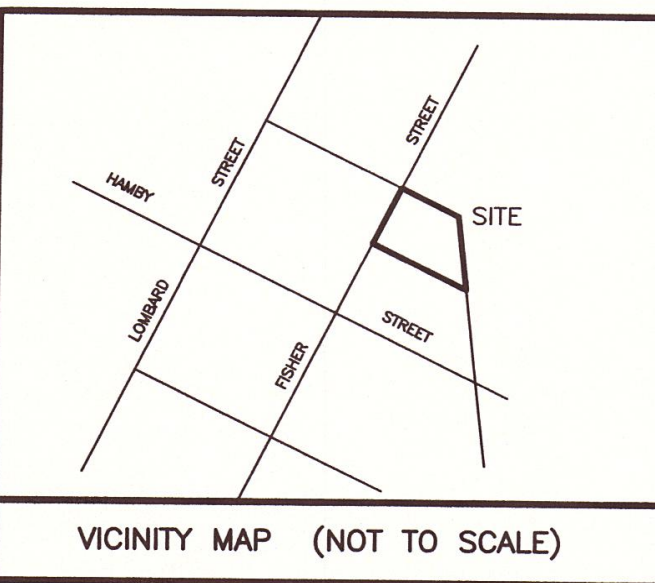
Basement - Opt. 2

Project number	2012R014
Date	07-19-15
Drawn by	Author
Checked by	Checker

ASK-1

Scale 3/16" = 1'-0"

7/19/2015 8:10:45 PM



MINIMUM BUILDING SETBACKS	
ZONING: R-8	
FRONT.....	25 FEET
SIDE.....	10 FEET
REAR.....	25 FEET
CORNER SIDE.....	15 FEET

NOTES:

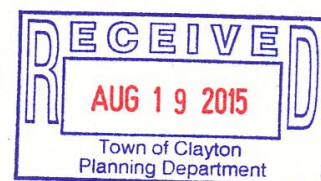
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) ZONING: R-8
- 6) NC PIN NO. 166917-00-5716
- 7) POWER TO BE SUPPLIED BY TOWN OF CLAYTON
- 8) SITE IS LOCATED WITHIN PLANNING JURISDICTION OF THE TOWN OF CLAYTON
- 9) CURRENT OWNER OF TRACT: JAMES & VALERIE LIPSCOMB
3407 BARBER MILL ROAD
CLAYTON, N.C. 27520

SITE DATA

AREA IN SITE	7630 SF	
LOT COVERAGE	0.175 AC	14.4% OF SITE
IMPERVIOUS SURFACE AREA	2148 SF	28.1% OF SITE

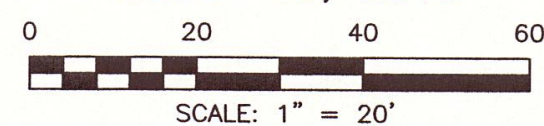
PLANT LEGEND

- CANOPY TREE - RED MAPLES, RED OAK, GREEN ASH, OR NUTTALL OAK
MINIMUM HEIGHT OF 6 FEET
WITH 2.5 IN CALIPER
- UNDERSTORY TREE - DOGWOODS, YOSHINO CHERRY, YAUPOON WEEPING HOLLIES, AND MAGNOLIA WILL BE PLANTED
15' APART WITH A MINIMUM HEIGHT
OF 4 FEET WITH 1.5 IN CALIPER
- SHRUB - HOLLY, BOXWOODS, SWEETSPICE & SPIREA; PLANTED ON 3' CENTER
WITH A MINIMUM HEIGHT OF 12 INCHES
- EXISTING CANOPY TREE
- EXISTING UNDERSTORY TREE
- EXISTING SHRUB



JAMES HOWARD LIPSCOMB
AND
VALERIE LANGDON LIPCOMB

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
AUGUST 18, 2015

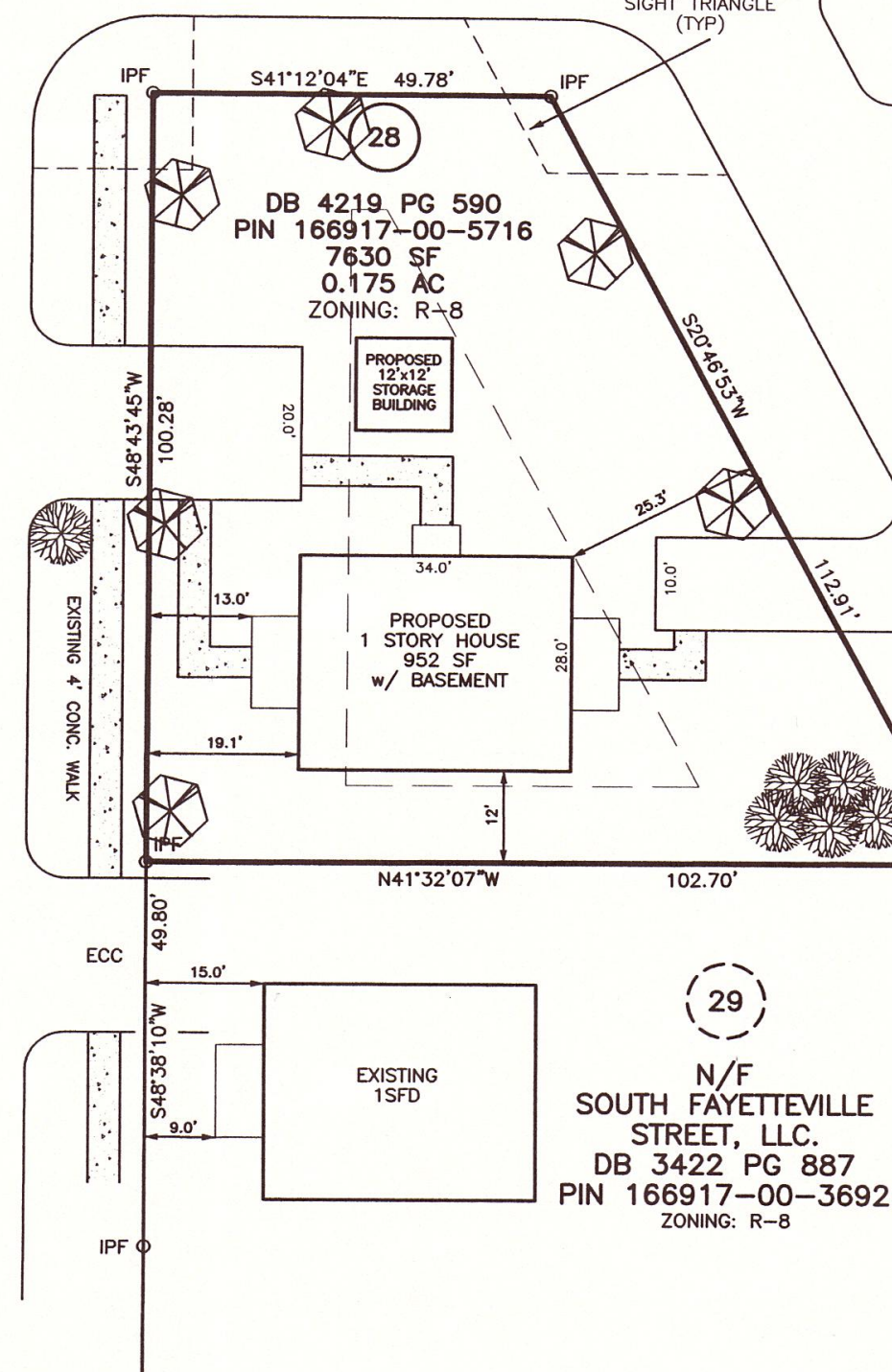


SITE PLAN
FOR

ANDREWS STREET 50' R/W (PUBLIC)

FISHER STREET 50' R/W (PUBLIC)

STARLING STREET 50' R/W (PUBLIC)

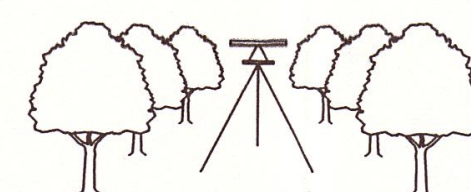


LEGEND

- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- CMF CONCRETE MONUMENT FOUND
- PKNF PARKER-KALON NAIL FOUND
- PKNS PARKER-KALON NAIL SET
- R/S RAILROAD SPIKE
- CSF COTTON SPIKE FOUND
- CCS COTTON SPIKE SET
- CC CONTROL CORNER
- ECC EXISTING CURB CUT
- P/P POWER POLE
- OPW OVERHEAD POWER LINE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET
- AC ACRE
- DB DEED BOOK
- PB PLAT BOOK
- BOM BOOK OF MAPS
- PG PAGE
- LF LINEAR FEET
- 15S LOT HAS OFFSITE SEWER
- 15SL OFFSITE SEWER LOT
- 15R RECOMBINATION LOT
- 100 STREET ADDRESS
- LINES NOT SURVEYED

SURVEYED BY:	
DRAWN BY:	MIKE
CHECKED BY:	
DRAWING NAME:	SITEPLAN.DWG
SURVEY DATE:	
JOB NO.	522.007

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

August 14, 2015

Jame LLC

Fisher Street Two Family Home Neighborhood meeting notes

Meeting started at 6:00 pm

5 neighbors showed up for the meeting see attached sign in sheet.

The following questions were asked at the meeting-

Daniel Smith stated he thought the lot was un-buildable since it had sat for so long undeveloped. *I reviewed the site plan with the neighbors and discussed set backs etc..... and that the proposed home plan was designed specifically for this lot.*

All the residents stated a great concern that the home located at 420 Andrews Street owned by Kevin Lamm was bringing down the entire neighborhood and that the Town needs to enforce minimum housing codes on this property ASAP. A large majority of the meeting revolved around this topic. *I stated that I would include this concern in the minutes.*

Deborah Hooker stated her desire that I keep the maple tree that is in the Right of Way along Fisher Street. *I told Deborah I would do everything possible to keep the tree.*

Several residents expressed concerns about the general conditions of sidewalks in the overall neighborhood. Some side walks have been replaced other need work. Some concern was noted with the town installing replacement sidewalks with out the grass strip between the back of curb and the sidewalk.

Questions were asked about rent rates. *I stated the basement unit would rent for \$695.00 and the upstairs unit would be \$995.00*

Daniel Smith stated he would like me to take down the sweet gum tree across the street from his home. *I stated I would take the tree down but upon further investigation I learned the tree is in the Right of Way and is not in the way of any proposed improvements I will be making on the lot, if my budget allows I will remove this tree.*

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: jame LLC Fisher

Location/Date: _____

	NAME	ADDRESS
1	Daniel Smith	509 Starling Street/clayton, NC ²⁷⁵²⁰
2	Deborah Hooker	510 Fisker St 27520
3	Myna Johnson	513 S. Lombard St 27520
4	Sue & David Verrinder	412 Hamby St.
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

**TOWN OF CLAYTON
COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT**

15-39-01-SPM Fisher St Two-Family Home Special Use Permit

On August 24, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

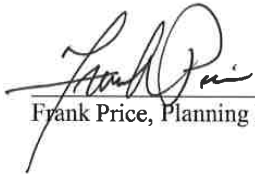
☒ approve the request;

☐ approve the request with the following modified or added conditions:

☐ deny the request.

Recommendation(s) made this 24 day of August 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#15-39-01
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:	James Lipscomb
Property Owner:	James Lipscomb
Property Location:	501 Fisher Street
Brief Property Description:	Two family home adjacent to Andres Street between Fisher and Starling Streets
Tax Parcel Number:	166917-00-5716 / 05013028
Proposed Use of Property:	TWO FAMILY HOME
Hearing Date:	October 5, 2015

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) [No conditions]

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
Town Clerk

**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 **15-39-01**

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.

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
TOWN COUNCIL
AGENDA COVER SHEET**

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

Hocutt Baptist Church Rezoning - 10-18-01-RZ

DESCRIPTION:

After further discussion with the applicant, the Hocutt Baptist Church rezoning request has been modified as shown in the staff report map dated September 28, 2015. The differences occur on the three lots furthest from the sanctuary, across Robertson Street. The most northwestern lot was removed from the request because no agreement could be reached with the land owner. The two westernmost lots are also removed from the request and will remain zoned Residential- 8 (R-8). These two lots contain a house and associated shed (accessory structure). It is the Church's stated goal to use this house as a residential unit. The remaining four lots across Robertson Street from the sanctuary are now proposed to be rezoned to Office-Institutional-Special Use District (O-I-SUD). The applicant is in agreement of this rezoning. The remaining parcels east of Robertson Street are still proposed to be rezoned to a standard Office-Institutional (O-I).

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

September 21,
2015

Action Taken:

Public Hearing Set for October 5, 2015

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

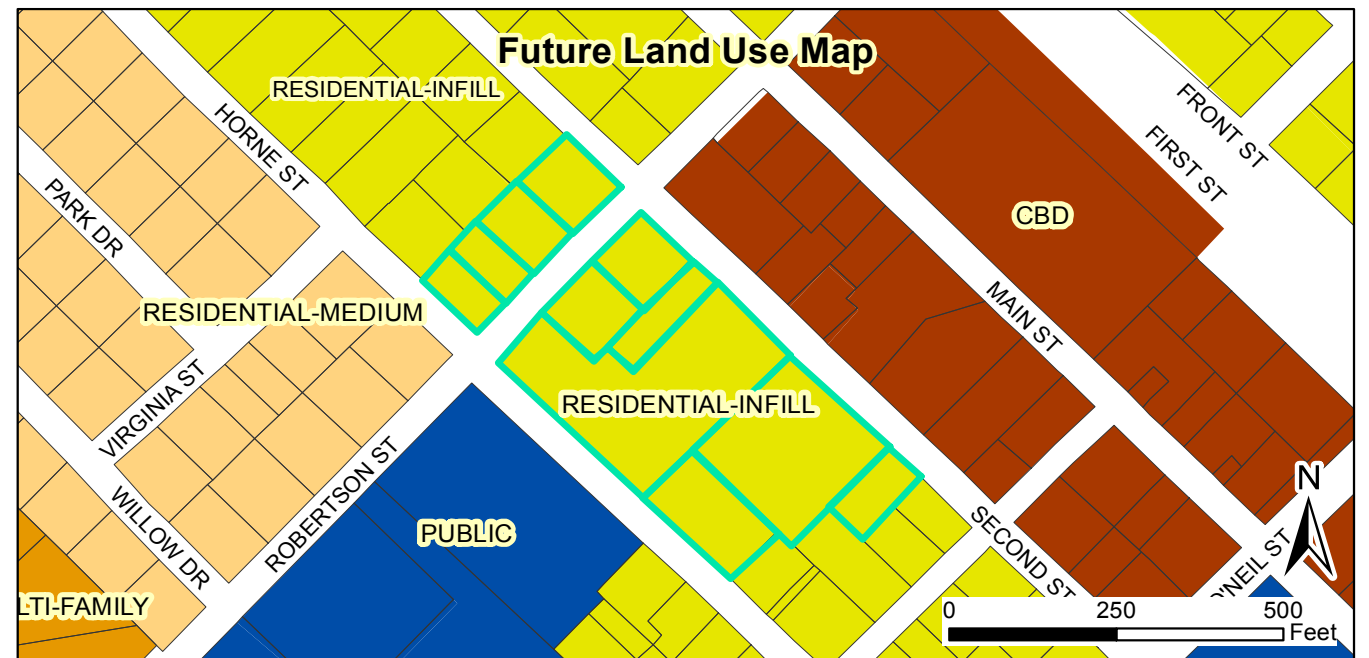
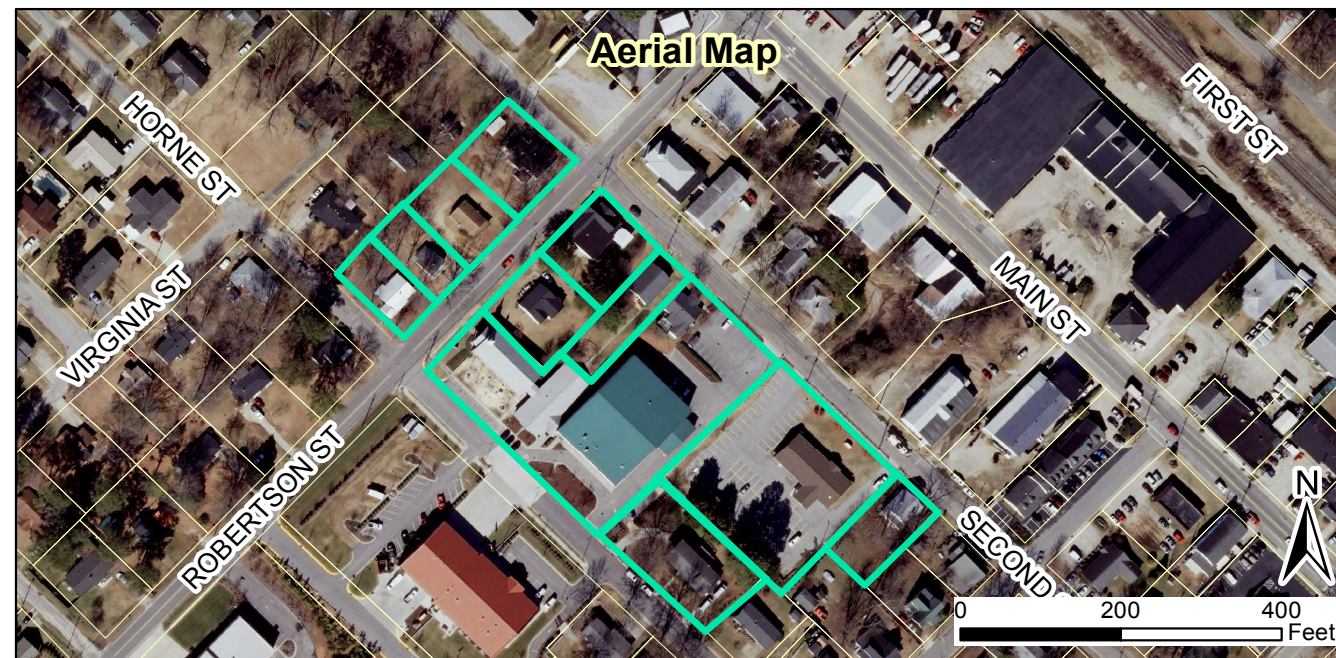
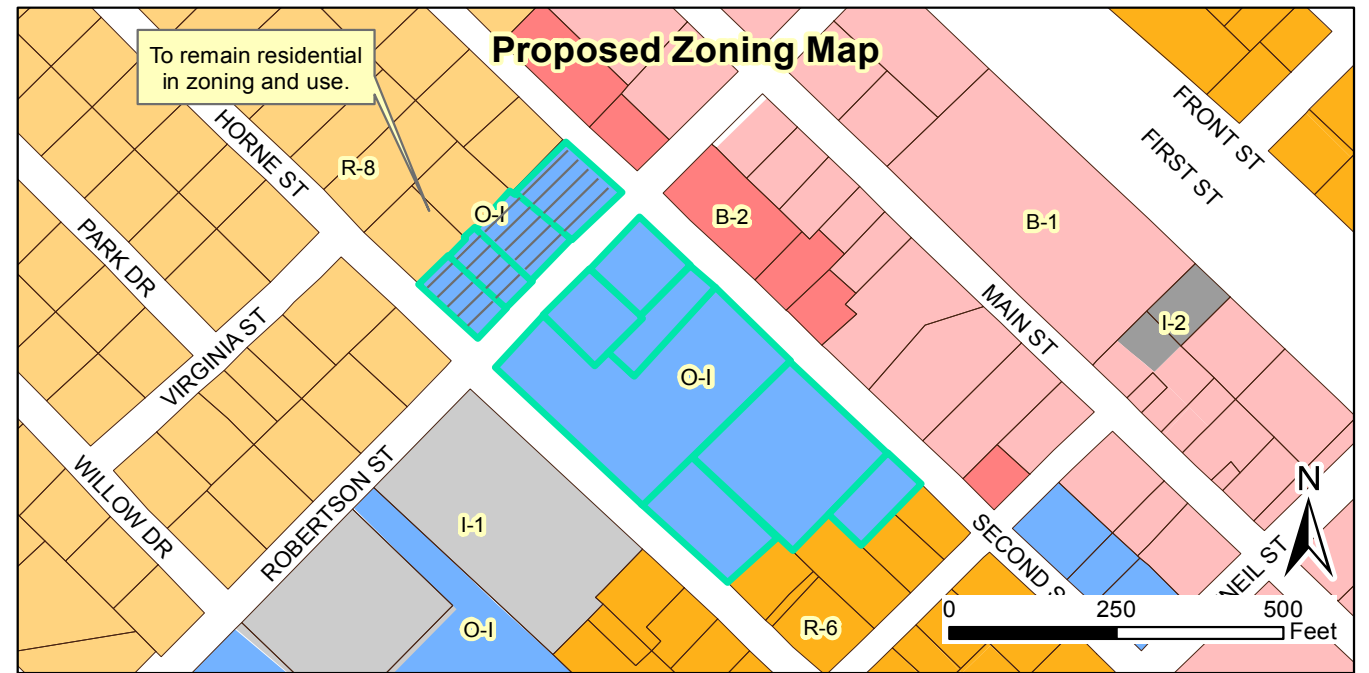
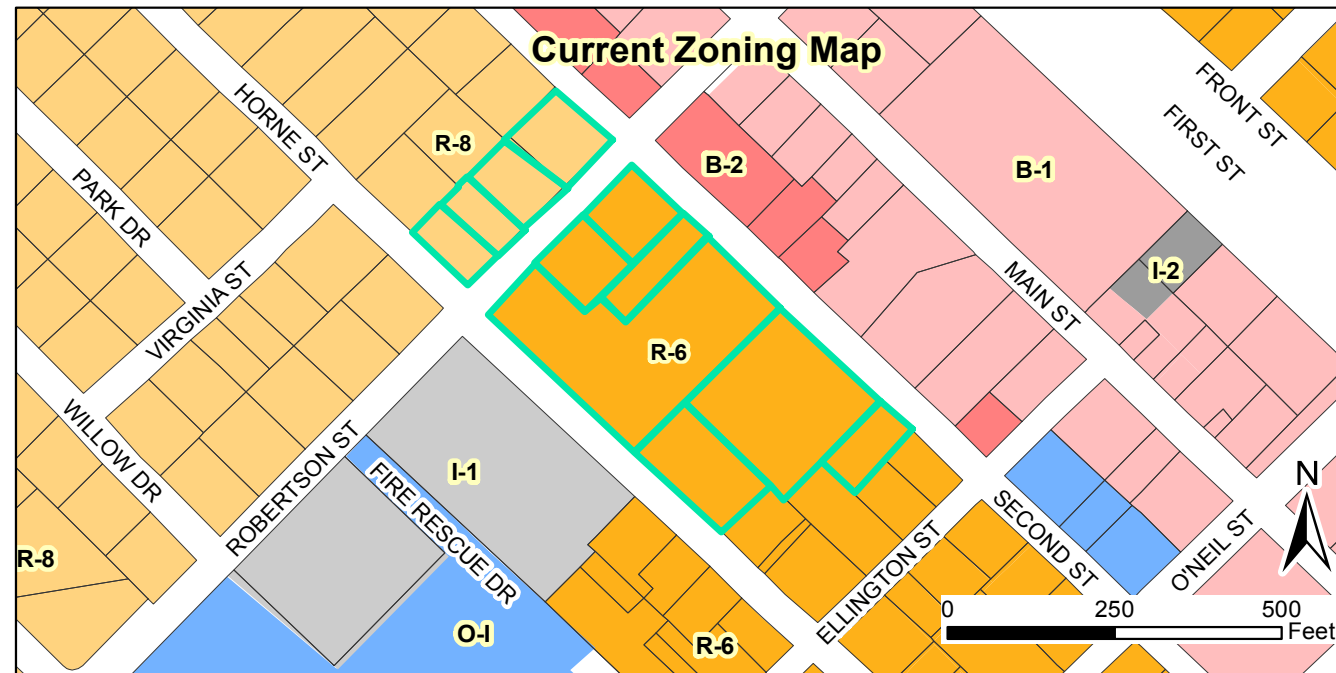
MEMORANDUM

Date: September 28, 2015
To: File folder: Hocutt Baptist Church Rezoning application (10-18-01-RZ)
From: Jay McLeod
Subject: **Revision to rezoning request**

After further discussion with the applicant, the Hocutt Baptist Church rezoning request has been modified as shown in the staff report map dated September 28, 2015. The differences occur on the three lots furthest from the sanctuary, across Robertson Street. The most northwestern lot was removed from the request because no agreement could be reached with the land owner. The two westernmost lots are also removed from the request and will remain zoned Residential-8 (R-8). These two lots contain a house and associated shed (accessory structure). It is the Church's stated goal to use this house as a residential unit.

The remaining four lots across Robertson Street from the sanctuary are now proposed to be rezoned to Office-Institutional-Special Use District (O-I-SUD). The applicant is in agreement of this rezoning. The remaining parcels east of Robertson Street are still proposed to be rezoned to a standard Office-Institutional (O-I).

Jay McLeod



10-18-01-RZ Hocutt Baptist Church Rezoning
Request: Rezoning from R-6 & R-8 to O-I
UPDATED: 09/28/2015

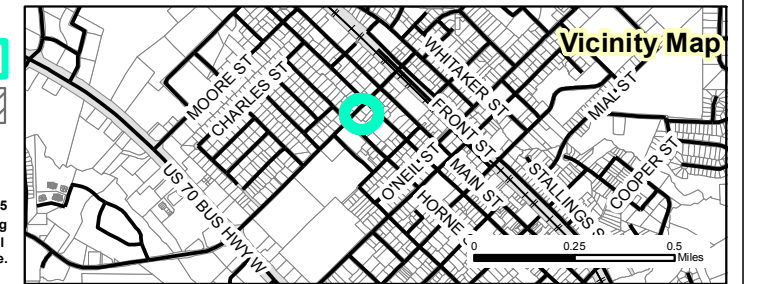
Applicant: Green Engineering, PLLC
 Property Owner or Representative: Hocutt Baptist Church
 Tag #: 05018036, 05019035A, 05019030, 05019040, 05019029,
 05019028, 05023001A, 05023001, 05023002, 05023003,
 05023042, 05023055, 05023004



Site 
 Special Use District 

09/28/2015
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the information represented here.

Document Path: O:\PLANNING\REZONING\Rezoning\2015\10-18-01-RZ Hocutt Baptist Church Rezoning\Maps\Staff Rpt Map_10-18-01-RZ_HocuttBaptist_20150928.mxd





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
August 24, 2015

STAFF REPORT

Application Number: 10-18-01-RZ Project Name: Hocutt Baptist Church Rezoning

NC PIN: 165916-93-2442, 165916-93-4366, 165916-93-3255, 165916-93-5286, 165916-93-2577, 165916-93-1567, 165916-83-9670, 165916-93-0614, 165916-93-0770, 165916-93-1726, 165916-83-9608, 165916-93-0844, 165916-93-1921

Tag #: 05018036, 05019035A, 05019030, 05019040, 05019029, 05019028, 05023001A, 05023001, 05023002, 05023003, 05023042, 05023055, 05023004

Town Limits/ETJ: Town Limits

Overlay: None

Applicant: Green Engineering, PLLC

Owner: Hocutt Baptist Church

Location: Northwest corner of Robertson Street and Second Street and the majority of the block between Robertson Street and Ellington Street (east and west) and Second Street and Horne Street.

Public Noticing:

- Neighborhood meeting August 11, 2015
- Sign Posted August 18, 2015
- Newspaper ad, prior to September 23, 2015

REQUEST: Rezoning from Residential-6 and Residential-8 to Office-Institutional.

SITE DATA:

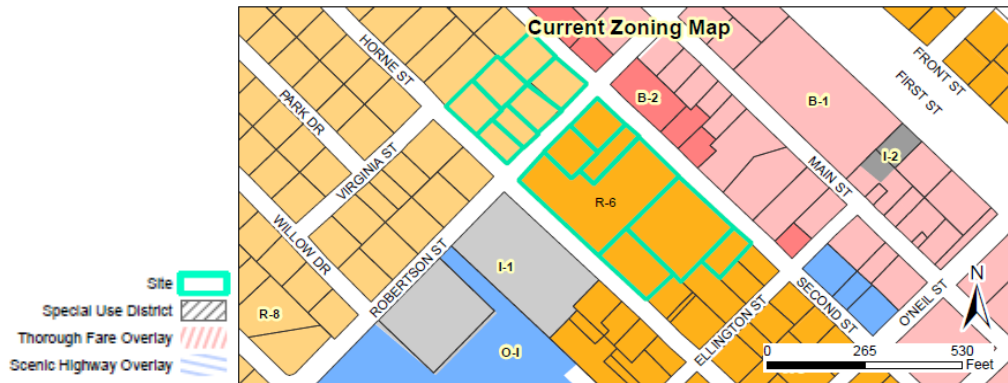
Acreage: 5.45 acres

Existing Uses: Residential, Vacant, Church



ADJACENT ZONING AND LAND USES:

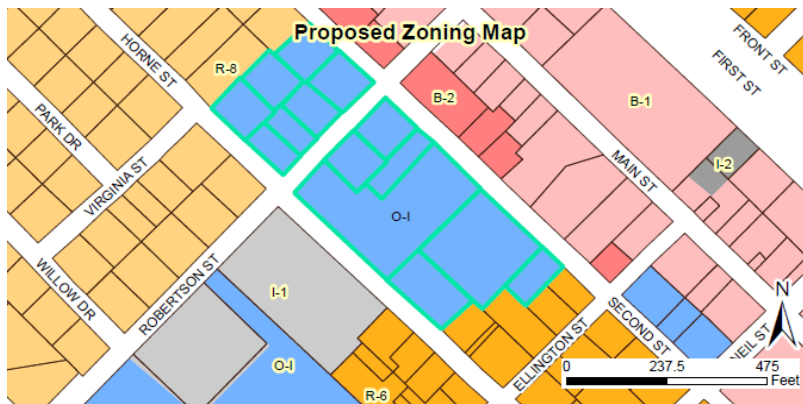
Direction	Zoning	Existing Use
North	Neighborhood Business, Central Business	Single-Family Residential, Church, Commercial
South	Residential-8	Fire Department, School, Single-Family Residential
East	Neighborhood Business, Central Business	Single-Family Residential, Commercial
West	Residential-8, Light Industrial, Residential-6	Single-Family Residential



STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting to rezone 5.187 acres from Residential-6 (R-6) and Residential-8 (R-8) to Office-Institutional (O-I). The site is the current Hocutt Baptist Church campus, accompanied by church-owned properties, as well as some properties to which the Church holds "life rights".

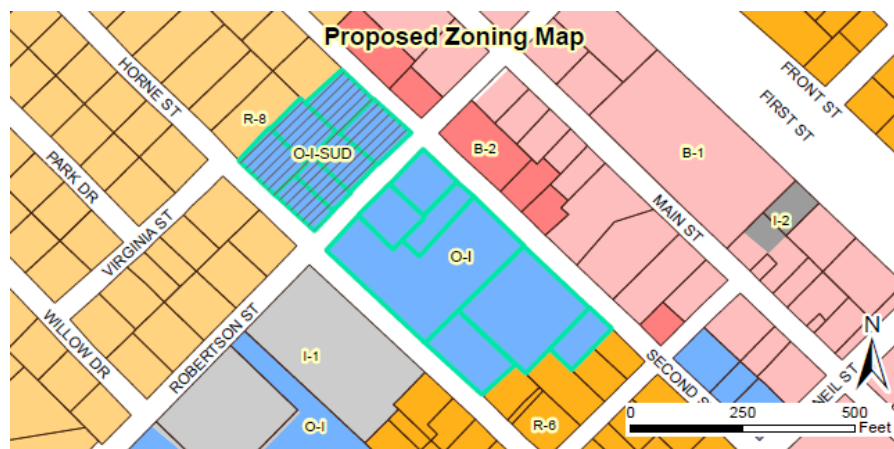


The rezoning is in anticipation of a future church campus master plan for this site. The master plan currently envisions sanctuary expansion, daycare, outdoor gathering space, and parking lot expansion. The parking is

planned to be across Robertson Street from the existing sanctuary. However, if this property is rezoned, any use allowable in O-I is acceptable. Any uses adjacent to residential properties would require appropriate landscape buffering to ensure compatibility.

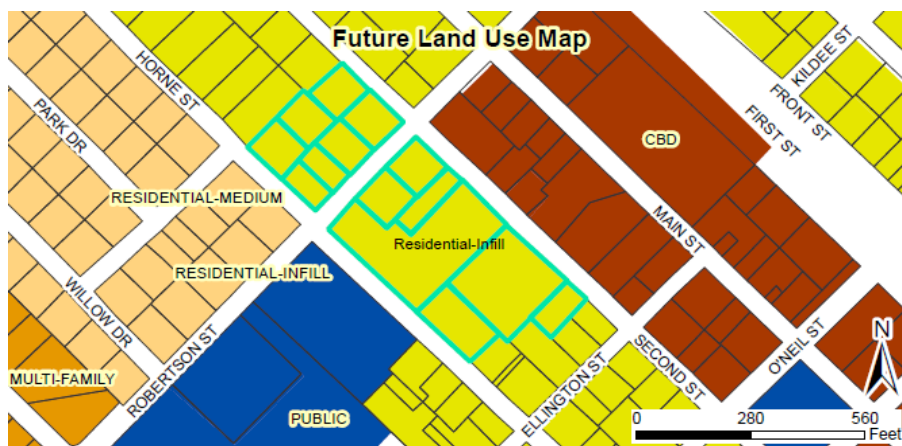
Compatibility with Surrounding Land Uses

The proposed zoning would be similar and compatible to uses that are surrounding the subject parcels. There are currently some commercial properties, a church, and some public facilities located adjacent to the subject parcels. While there are also several residential properties in the area, the O-I use may provide a buffer between the commercial strip to the northeast of the parcels and the residential parcels located to the west and the southwest of the parcels. Staff is recommending that the parcels on the west side of Roberson Street receive a Special Use District designation so that impacts on the existing residential neighborhood can be mitigated.



Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates these parcels as Residential Infill, surrounded by areas designated as Residential-Medium, CBD, and Public. The continuation of the Hocutt Baptist Church campus is consistent with the needs of the community and the land use that has existed for many decades on this property.



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.

FINDINGS:

The applicant has addressed the Rezoning Approval Criteria outlined in §155.704. The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report.

STAFF RECOMMENDATION:

Staff is recommending approval of the rezoning of the subject parcel including the addition of a Special Use District designation over the seven parcels located west of Robertson Street.

ATTACHMENTS:

- 1) Staff Report Maps
 - a. As proposed by applicant
 - b. As proposed by Planning Department
- 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: Hocutt Baptist Church Acreage of Property: 5.187 (From GIS)
County Tag Number: See Attached List NC PIN: See Attached List
Address/Location: 314 W. Horne St, Clayton, NC 27520
(Plus others - see attached list)
Existing Zoning District: R-6 & R-8
Proposed Zoning District: O-I
Is project within an Overlay District? ☒ No
☐ Yes (list): _____

APPLICANT INFORMATION

Applicant: Green Engineering, PLLC
Mailing Address: 303 Goldsboro St E Wilson, NC 27893
Phone Number: 252-237-5365 Fax: 252-243-7489
Contact Person: Sean P. Hein
Email Address: s.hein@greeneng.com

FOR OFFICE USE ONLY		
Date Received:	Amount Paid:	File Number:
	<u>560.00</u>	_____

January 2015

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Hocutt Baptist Church

Mailing Address: 314 W. Horne St. Clayton, NC 27520

Phone Number: 919-553-6650

Fax: 888-503-6822

Email Address: pastorsteve@hocuttbaptist.com

EXPLANATION OF PROJECT

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

Rezoning of all of the Hocutt Baptist Church Property located between Horne St. and Second St. In Clayton.

Parcel 05023042 is to be occupied as a rental until current renter find a new location.

Parcel 05019027 is a life estate and is to be occupied as a dwelling until death

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:		
Submit 9 copies of all materials unless otherwise noted or directed by staff	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: <u>MAY 4th 2015</u>	☒	☐			
2. Review Fee (\$500 for standard rezoning <u>OR</u> \$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>	☒	☐			
5. A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department).	☐				
6. If property to be rezoned is a 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	☒	☐			
8. Neighborhood meeting notice letter (1 copy) <i>See sample letter and meeting requirements included in this packet</i>	☒				
9. Neighborhood meeting summary form (1 copy) <i>Included in this packet</i>	Must be submitted after neighborhood meeting is held and at least 10 days prior to Planning Board meeting.				
10. Stamped, addressed, empty envelopes with no return address, using the adjacent property owner list (1 set) <i>This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.</i>	☒				

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

~~This is an existing Church facility and parcels directly adjacent. This facility is shown on the current Town of Clayton's plans and its present use will continue. This rezoning will make the current use of the property more consistent with the Land Use Ordinance.~~

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

~~The proposed rezoning will more closely match the current use of the property and allow for future expansion.~~

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

~~The proposed change is in zoning only, not in use for the majority of the request. The remaining portions will allow for expansion of the church facility to meet the growing needs.~~

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

~~The zoning change will not impact public schools as it is not a residential use. Roads, water, sewer, and stormwater facilities are already in place for the current and future uses~~

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

~~The current and proposed use is Church or place of worship which is a permittable use under 155.202 of the UDO in the O-I District.~~

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

~~Hocutt Baptist is an existing church. This rezoning will allow for its current use and allow for expansions of its facilities and parking areas.~~

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

~~This property is not intended for resale or investment. It is to be used for church facilities.~~

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.

Sean P. Hein

Print Name


Signature of Applicant

6-30-2015
Date

January 2015

Page 4 of 10

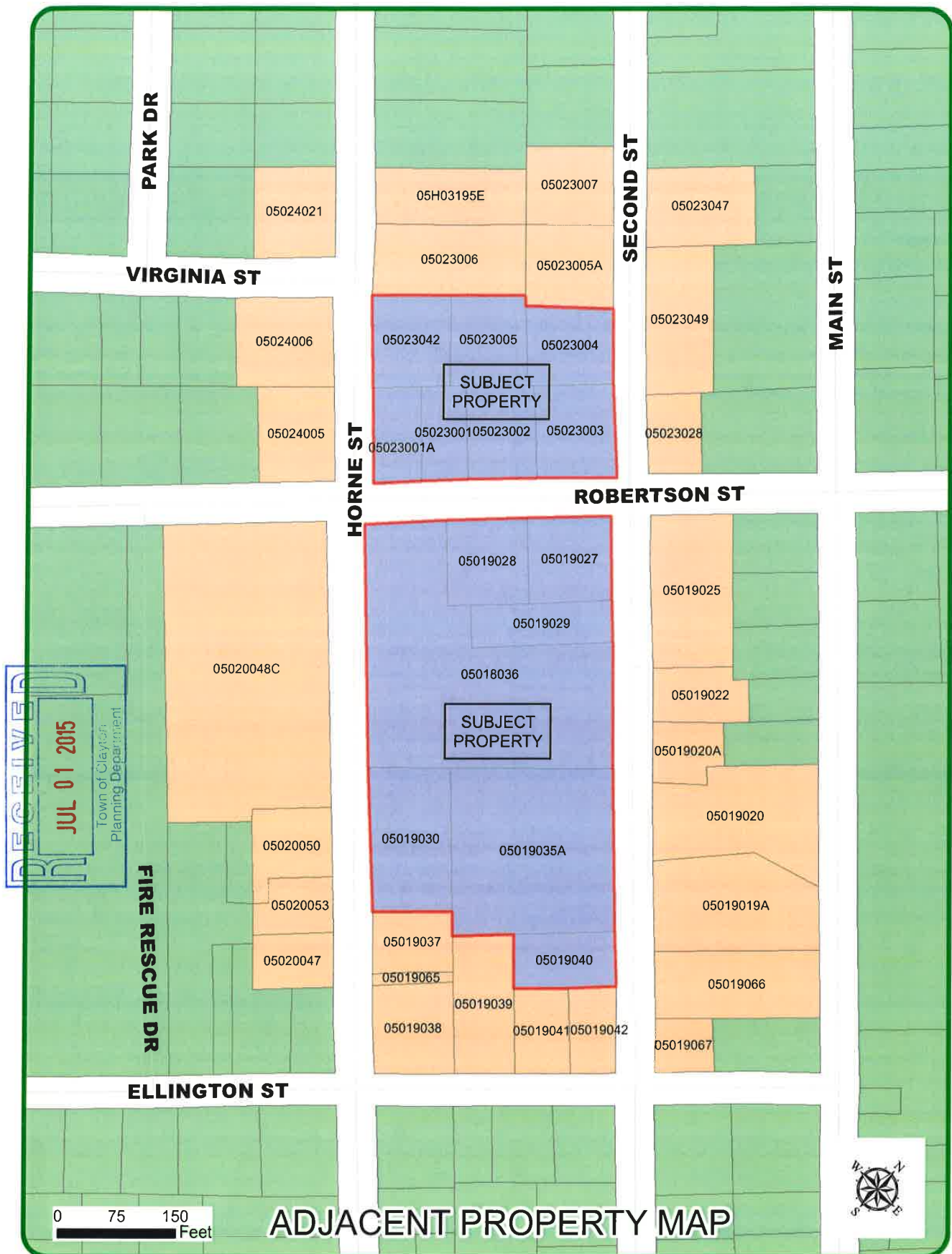
LIST OF PROPERTIES TO BE REZONED:

<u>County Tag</u>	<u>NCPin</u>	<u>Current Owner</u>	<u>Site Address</u>	<u>Current Zoning</u>	<u>Area (AC from GIS)</u>
05018036	165916-93-2442	Hocutt Baptist Church	320 W Horne St	R-6	1.513
05019035A	165916-93-4366	Hocutt Baptist Church	W Second St	R-6	0.981
05019030	165916-93-3255	Hocutt Baptist Church	314 W Horne St	R-6	0.424
05019040	165916-93-5289	Hocutt Baptist Church	311 W Second St	R-6	0.202
05019029	165916-93-2577	Hocutt Baptist Church	345 W Second St	R-6	0.219
05019028	165916-93-1567	Cleo L Barbour / Hocutt	209 S Robertson St	R-6	0.254
05023001A	165916-83-9670	Hocutt Baptist Church	250 S Robertson St	R-8	0.167
05023001	165916-93-0614	Hocutt Baptist Church	214 S Robertson St	R-8	0.157
05023002	165916-93-0770	Hocutt Baptist Church	210 S Robertson St	R-8	0.233
05023003	165916-93-1726	Hocutt Baptist Church	S Robertson and Second	R-8	0.274
05023042	165916-83-9608	Chad Anthony Kerner	416 W Horne St	R-8	0.263
05023055	165916-93-0844	Chad Anthony Kerner	416 W Horne St	R-8	0.25
05023004	165916-93-1921	Rodney Lynch	403 W Second St	R-8	0.25
Total Number of Parcels:		13	Total Area (AC from GIS):		
			5.187		

LIST OF ADJACENT PROPERTIES WITHIN 100' OF PROPERTY TO BE REZONED:

<u>County Tag</u>	<u>NCpin</u>	<u>Current Owner</u>	<u>Mailing Address</u>	<u>Town</u>	<u>State</u>	<u>Zip</u>
05019020A	165916-93-5686	New Trinity Missionary Baptist Church	PO Box 827	Clayton	NC	27528
05023005A	165916-83-9980	Mary Christine Barbour & Sidnie J Barbour	184 Horatio Ct	Clayton	NC	27520
05023049	165916-93-1926	Raymond E. Lee & Jean B. Lee	2117 Shotwell Rd	Clayton	NC	27520
05019039	165916-93-5147	Mary Lu Stott & Harvey Nelson Stott	241 S Ellington St	Clayton	NC	27520
05023047	165916-94-0059	Raymond Earl Lee Jr. & Lisa Williams Lee	11950 Cleveland Rd	Garner	NC	27529
05024021	165916-83-6689	James Keith Green	310 S Virginia St	Clayton	NC	27520
05019037	165916-93-4137	Wilhelmina Blinson Wall	310 W Horne St	Clayton	NC	27520
05020048C	165916-93-0247	Town Of Clayton (Fire Station)	PO Box 879	Clayton	NC	27520
05023028	165916-93-2835	New Trinity Missionary Baptist Church	115 Robertson St	Clayton	NC	27520
05019042	165916-93-6266	Mable M. Howard	303 W 2nd St	Clayton	NC	27520
05019041	165916-93-6221	Tony Bunn & Deborah Bunn	120 Loop Rd	Clayton	NC	27527
05023007	165916-83-8997	Rodney Lynch	411 W 2nd St	Clayton	NC	27520
05019066	165916-93-7473	Graham Rentals LLC	315 W Main St	Clayton	NC	27520
05020047	165916-93-3034	Bettie Alford	309 W Horne St	Clayton	NC	27520
05024005	165916-83-8581	Bryan E. Belvin	PO Box 746	Clayton	NC	27528
05020053	165916-93-2099	Ashley L. Graham	313 W Horne St	Clayton	NC	27520
05019020	165916-93-7608	D Grey Satterfield	223 E Blanche St	Clayton	NC	27520
05019025	165916-93-3763	New Trinity Missionary Baptist Church	115 Robertson St	Clayton	NC	27520
05019022	165916-93-5752	New Trinity Missionary Baptist Church	PO Box 827	Clayton	NC	27528
05023006	165916-83-8759	Thelbert H. Johnson & Susie F. Johnson	504 W Horne St	Clayton	NC	27520
05020050	165916-93-3212	Elton H. Thompson & Betty L. Thompson	317 W Horne St	Clayton	NC	27520
05019019A	165916-93-7577	New Trinity Missionary Baptist Church	115 Robertson St	Clayton	NC	27520
05019038	165916-93-5101	Roger Morris Benson	220 Ellington St	Clayton	NC	27520
05019065	165916-83-4164	Wilhelmina Blinson Wall	310 W. Horne St	Clayton	NC	27520
05019067	165916-93-7353	Ellington Street LLC	2045 Walden Way	Clayton	NC	27527
05024006	165916-83-8508	Jeffrey A. Cantrell	12873 Darnick Ct	Clayton	NC	20136
05H03195E	165916-83-8817	Thelbert H. Johnson & Susie F. Johnson	504 W. Horne St	Clayton	NC	27520

Total Number of Properties: 27
Total Number of Property Owners: 21





GREEN ENGINEERING, PLLC
WATER, WASTEWATER, SURVEYING,
PLANNING, PROJECT MANAGEMENT

303 GOLDSBORO ST. E. PO BOX 609 WILSON N.C. 27893
TEL 252.237.5365 FAX 252.243.7489
WWW.GREENENGINEERING.COM

June 29, 2015

Dear Clayton Area Property Owner:

The purpose of this letter is to notify you of an rezoning application 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: **August 11, 2015 at 7:00 pm**

Meeting Location: **Chapel (Old Sanctuary) at Hocutt Baptist Church
314 W. Horne St. Clayton, NC 27520**

The purpose for this rezoning request is to have the properties that are being used by Hocutt Baptist Church to be more in alignment with the Town of Clayton's desire for this kind of land use. The proposed use will continue to be that same as it currently is: Religious Institution/Church. The new zoning will allow for current and future, buildings and parking to meet current town standards.

Please see the enclosed map that shows the subject property to be rezoned. If you have any questions prior to the meeting, you may contact Sean P. Hein with Green Engineering, PLLC at 252-237-5365.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. P. Hein'.

Sean P. Hein, PLS

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing: JULY 10, 2015

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

Printed Name: SEAN P. HEN

Signature: _____

Date of Meeting: 8-11-2015

Time of Meeting: 7:00pm

Location of Meeting: HOCUTT BAPTIST

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.

Neighbors mostly curious about what the church is doing.
Talked about the overall concept, with new building & parking.
No definite plans for newly acquired properties, mostly parking.
Shovel required town buffers for adjacent to R-zonings. Meeting lasted about 30 min.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Applicant: HOGUTT BAPTIST

Location/Date: HOCUTT BAPTIST 8-11-2015

	NAME	ADDRESS
1	Thelbert Johnson	504 W Horne
2	W. K. Kline	310 W. Horne
3	Mary Lu + Nelson Stott	214 Ellington St
4	Renee Benson	220 Ellington St
5	Steve Roy	Pastor, Hockley Baptist
6	SEAN P. HEIM	Green Engineering
7	Alvin Thompson	115 S. Robertson, St Chrys, Mo
8	Rob Smith	2005 Olive Tree Ln Clayton
9		
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**TOWN OF CLAYTON
COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT**

10-18-01-RZ Hocutt Baptist Church Rezoning

On August 24, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

☒ approve the request;

☐ deny the request.

(insert any modifications to the request here):

- Remove Parcel 165916-93-1921 from rezoning request
- Designate Special Use District West of Robertson Street (6 parcels)

Recommendation(s) made this 24 day of August 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

10-18-01-RZ, Hocutt Baptist Church Rezoning

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Strategic Growth Plan, specifically:

- Objective 1.3: More Attractive Buildings, More Owner Responsibility
- Objective 5.5: Expand Performing Arts: Classes, Programs

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report, and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically **(insert specifics to case)**

the above referenced zoning amendment is reasonable and in the public interest.

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] 10-18-01-RZ**

[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 Office-Institutional (O-I) Town zone the property described below, said property formerly being zoned Residential-6 (R-6) and Residential-8 (R-8)

WHEREAS said property is owned by Hocutt Baptist Church; 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 October 5, 2015, 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 Office-Institutional (O-I) Town Zoning the following described property:

General Description:

Northwest corner of Robertson Street and Second Street and the majority of the block between Robertson Street and Ellington Street (east and west) and Second Street and Horne Street.

Specific Description:

NC Parcel Identification Numbers: 165916-93-2442, 165916-93-4366, 165916-93-3255, 165916-93-5286, 165916-93-2577, 165916-93-1567, 165916-83-9670, 165916-93-0614, 165916-93-0770, 165916-93-1726, 165916-83-9608, 165916-93-0844, 165916-93-1921

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Office-Institutional (O-I) 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 5th day of October, 2015, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

Resolution of Intent to close portion of Cross Street Right off Way

DESCRIPTION:

Information was previously provided regarding the request of intent to abandon a portion of Cross Street Right of Way. Request to authorize Resolution and to set Public Hearing.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

Mr. David DeYoung

ITEM HISTORY:

Date:

September 8,
2015

Action Taken:

Approval of Resolution & Public Hearing set for October 5,
2015

Information Provided:

Resolution

Date:

Action Taken:

Information Provided:

Resolution of Intent
Street Closing Order

A Resolution declaring the intention of the Town Council of Clayton to abandon a portion of Cross Street Right of Way as described on the attached Exhibit "A".

Whereas, G.S. 160A-299 authorizes the Town Council of the Town of Clayton to close/abandon public streets; and

Whereas, G.S. 160A-299 requires that certain procedures be followed including the calling of a Public Hearing, and the Town Council of the Town of Clayton considers it advisable to conduct a Public Hearing for the purpose of giving consideration to the closing/abandoning of a portion of the Street; and

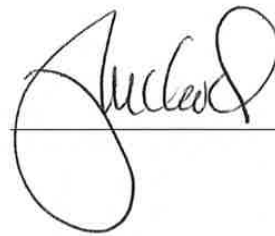
Whereas, G.S. 160A-299 allows a town to reserve its right, title, and interest in any utility improvement or easement within a street closed/abandoned pursuant to this section.

Now therefore, be it resolved by the Town Council of the Town of Clayton while meeting in regular sessions that:

- (1) A Public Hearing will be held at 6:30 p.m. on the 5th of October, 2015 in the Town Council Chambers to consider adopting an order closing portions of the above referenced street.
- (2) The Town Clerk is hereby directed to publish the Resolution of Intent with the attached Exhibit once a week for four successive weeks prior to the date of the Public Hearing.
- (3) The Town Clerk is further directed to transmit by certified mail to all owners of property adjoining that portion of said street as shown in the Johnston County tax records a copy of this Resolution of Intent with Exhibit.
- (4) The Town intends to reserve its right, title and interest in any utility improvement or easement.
- (5) The Planning Department is directed to prominently post a notice of the Closing and Public Hearing in at least two places along said street. If the street is under the authority and control of the Department of Transportation, the Planning Department shall mail a copy of this Resolution of Intent to the Department of Transportation.

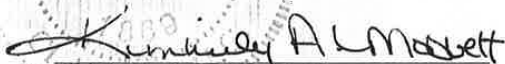
Upon motion made by Council Member Satterfield, and seconded by Council Member Lawler, the above Resolution was adopted by the Clayton Town Council at the regular meeting held on September 8, 2015 in the Council Chambers.

Duly adopted this the 8th day of September, 2015.



Jody McLeod
Mayor

ATTEST:



Kimberly Moffett, CMC
Town Clerk

Page -2-
Resolution 2015-40

Exhibit "A"

Description:

The abandonment of a 50 foot road right-of-way known as Cross Street from Kilgo Street to City Road.

PUBLIC NOTICE

**TOWN OF CLAYTON
RESOLUTION OF INTENT
TO ABANDON STREET/RIGHT OF WAY**

A Resolution declaring the intention of the Town Council to consider the abandonment of 50' road Right of Way known as Cross Street from Kilgo Street to City Street.

WHEREAS, G.S. 160A-299 authorizes the Town Council to close public streets and alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the abandonment of right of way known as Cross Street; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

(1) A meeting will be held at 6:30 p.m. on the 5th day of October 2015, at Town Hall, 111 East Second Street, to consider a resolution abandoning the right of way known as Cross Street;

(2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Clayton News-Star, or other newspaper of general circulation in the area;

(3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street and to the Department of Transportation a copy of this Resolution of Intent; and

(4) The Planning Department is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Council Member Satterfield, and duly seconded by Council Member Lawter, the above resolution was duly adopted by the Town Council at the meeting held on the 8th day of September 2015, at Town Hall.

Upon call for a vote, the following Council Members voted in the affirmative:

Mayor Pro Michael Grannis
Council Member Satterfield
Council Member Holder
Council Member Lawter
Council Member Thompson

and the following Council Members voted in the negative:

N/A

Duly adopted this 8th day of September, 2015.

Jody L. McLeod
Mayor

Kimberly A. Moffett, CMC, Town Clerk
919-553-5002, ext. 5004

Clayton News Star

Please advertise on the following dates:

September 13, 2015

September 20, 2015

September 27, 2015

October 4, 2015

Affidavit of publication required.



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

September 25, 2015

RE: The Abandonment of Cross Street Right-of-Way

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a Council hearing on **Monday, October 5, 2015, at 6:30 PM** at Town Hall, 111 East Second Street, to consider the abandonment of Cross Street Right-Of-Way. Please see the map attached to the back of this letter.

Based upon records in the Johnston County Tax Office, you are the owner of property that is within 100 feet of this request. You are invited to attend this meeting and express your opinions on these requests to Council.

This is an open meeting and the public is invited to attend. If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002. You may also email me at hhogg@townofclaytonnc.org, or email Jay Mcleod at jwmcleod@townofclaytonnc.org.

Sincerely,

Haley Hogg, CZO
Town Planner

cc.

1. Kimberly Moffett, CMC, Town Clerk



**STREET CLOSING ORDER
TOWN OF CLAYTON**

Resolution # 2015-

A Resolution Ordering the Abandonment of Right of Way on Cross Street

WHEREAS, on the 8th day of September, 2015, the Town Council of the Town of Clayton directed the Town Clerk to publish the Resolution of Intent of the Town Council to consider abandoning right of way on Cross Street once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Town Hall on October 5, 2015; and

WHEREAS, the Town Council on the 8th day of September, 2015, ordered the Town Clerk to notify all persons owning property abutting the abandonment of right of way on Cross Street, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Clerk has advised the Town Council that she sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent, and advising the abutting property owners that the question as to consider abandoning right of way on Cross Street would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on October 5, 2015; and

WHEREAS, it now appears to the satisfaction of the Town Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, subject to the reservation of any easements to the Town of Clayton for utility purposes, the abandonment of right of way on Cross Street is hereby authorized for closure; and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of any easements to the Town of Clayton for utility and greenway purposes) in accordance with the provision of G.S. 160A-299(c).

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

Upon motion duly made by _____ and duly seconded by _____, the above resolution was duly adopted by the Town Council at a meeting held on the 5th day of October, 2015, in the Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

and the following Council Members voted in the negative:

Duly adopted this the 5th day of October, 2015.

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, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this _____ day of _____ 2015.

Notary Public _____
(Printed Name)

My Commission Expires: _____

County of Commission: _____

**NORTH CAROLINA
JOHNSTON COUNTY**

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Clayton, North Carolina, at a meeting held October 5, 2015, at 6:30 PM at the Town Hall in the Town of Clayton.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this _____ day of _____ 2015.

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

October 5, 2015

ITEM TITLE:

Comprehensive Plan 2040

DESCRIPTION:

Presentation of Comprehensive Plan 2040.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung, Planning Director

ITEM HISTORY:

Date:

August 17, 2015

Action Taken:

Copy of Plan Distributed to Town Council. Additionally timeline provided as follows: Presentation on September 8 2015 with potential approval taking place at October 5, 2015 meeting.

Information Provided:

2040 Comprehensive Plan

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

MEMORANDUM

Date: September 30, 2015
To: Town Council
From: Planning Department
Subject: **Comprehensive Plan 2040**

Please note the following modifications to the Comprehensive Plan:

- addition of the Transportation Priority Project Sheets to the appendix,
- minor typographical and labeling clarifications.



ThinkCLAYTON. Think B.I.G.
Bold. Innovative. Growth.

Transportation Priority Projects

PROJECT ID NAME	INT-1 US 70 Business West @ Shotwell Road
-------------------	---

- IMPROVEMENT TYPE:

Intersection Improvement
- COST ESTIMATE:

< \$1 Million
- EXISTING AND FUTURE CONDITIONS:

▶ US 70 Business

Existing Conditions: 37,000 Annual Average Daily Traffic in 2013 (AADT)*

Future Conditions: 46,340 AADT in 2040**

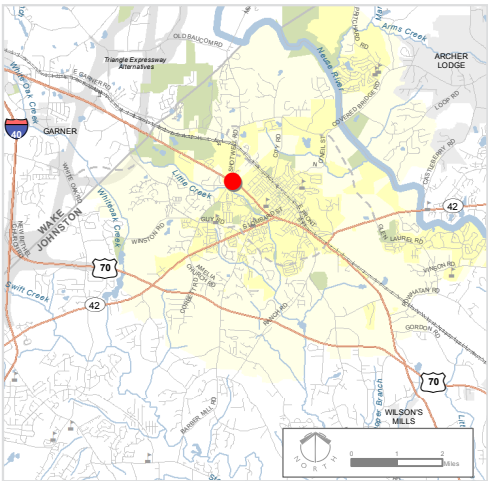
Comprehensive Transportation Plan (CTP) Class: Existing Boulevard

▶ Shotwell Road

Existing Conditions: 8,800 AADT on Shotwell Road (South of US 70) in 2013*

Future Conditions: 14,152 AADT and 1.166 Volume to Capacity Ratio in 2040**

PROJECT LOCATION



PREVIOUS PLANNING:

US 70 Business is scheduled for widening in the CAMPO 2040 Metropolitan Transportation Plan (MTP) for the 2040 horizon year. Shotwell Road, south of US 70 Business, is scheduled for widening in 2040 in the CAMPO 2040 MTP. Shotwell Road, north of US 70 is identified in the CAMPO 2040 MTP as a need, but is unfunded.

CONTEXT AND NEED:

The intersection is located adjacent to a growing Commercial Center identified on the Clayton Future Land Use Plan. Shotwell Road serves a vital linkage from Wake County and Downtown Clayton to dense residential areas south of US 70. There are significant safety concerns with this intersection. There were 8 vehicular accidents 2013-2014. Safety concerns and problems due to lack of pedestrian facilities will be exacerbated in the future.

RECOMMENDATION:

This intersection is being evaluated as part of the CAMPO Southeast Area Study. Recommended improvements will need to address current and future levels-of-service as well as vehicular and pedestrian safety concerns.

PROJECT MAP



*Based on NCDOT 2013 Annual Average Daily Traffic Counts
 **Based on CAMPO Triangle Regional Model results (Max PM V/C Ratio in 2040, No Build Scenario)

PROJECT ID NAME	NL-1 Southern Connector (R-3618)
-------------------	------------------------------------

- IMPROVEMENT TYPE:

New Location Roadway
- LENGTH

2.67 Miles
- COST ESTIMATE:

\$30.5 Million*
- EXISTING AND FUTURE CONDITIONS:

Right-of-way

100 ft of right-of-way existing through the Cobblestone Subdivision

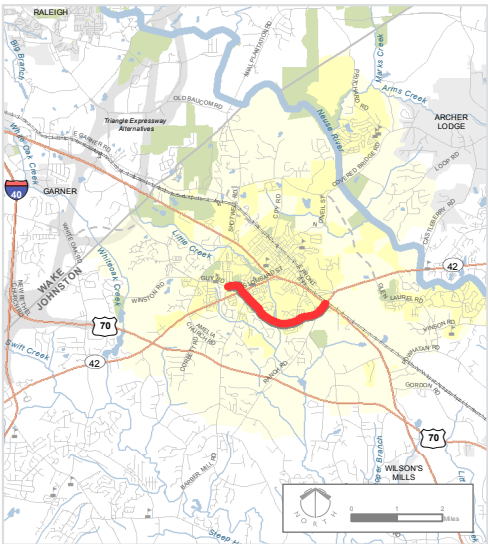
100 ft of right-of-way needed on remainder of corridor

Road Class and Cross Section

Comprehensive Transportation Plan (CTP) Class: Future Boulevard

Cross Section: 2 lane divided, intermittent turn lane, planted median, bike lanes, and sidewalks (both sides) or greenway (one side)**

PROJECT LOCATION



PREVIOUS PLANNING:

Guy Road, west of NC 42 is scheduled for widening in the CAMPO 2040 Metropolitan Transportation Plan (MTP) for the 2040 horizon year. The Southern Connector is included in the Johnston County Comprehensive Transportation Plan (CTP) and in the CAMPO MTP as an unfunded project. The project scored well in the previous NCDOT prioritization process, and is programmed for planning and environmental study in the Statewide Transportation Improvement Program (STIP) but has not receive construction funding.

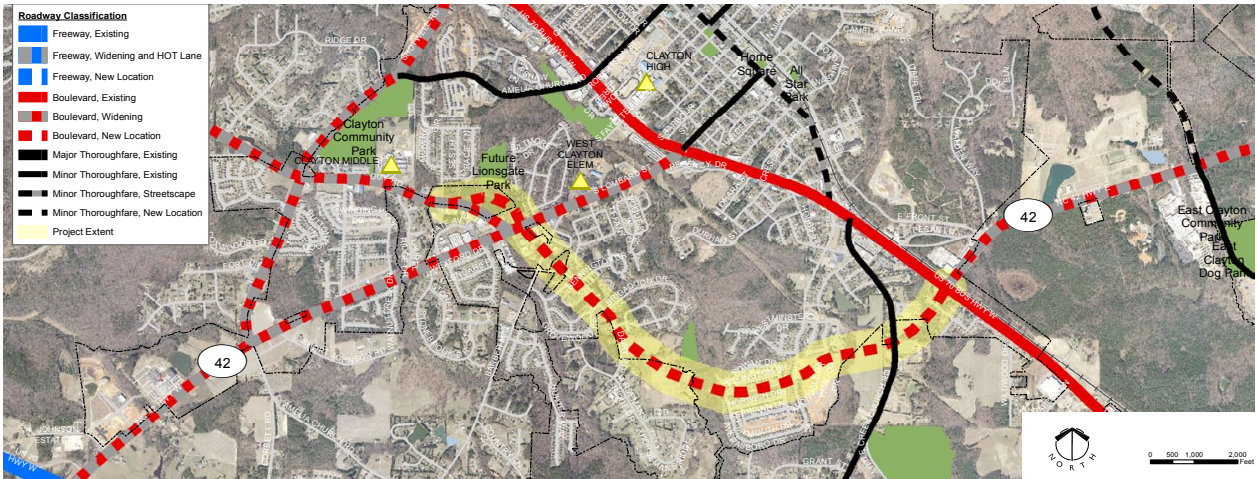
CONTEXT AND NEED:

A new location roadway would provide additional connectivity on the southside of US 70 Business, potentially relieving congestion on NC 42 and US 70 Business. Additionally a connection from the Cobblestone Subdivision to Little Creek Church Road would improve fire response and relieve congestion on US 70 Business.

RECOMMENDATION:

Coordinate with transportation planning agencies to determine appropriate segmentation and improve project scoring in NCDOT prioritization process. Coordinate with NCDOT to prioritize project and include design and construction funding in STIP.

PROJECT MAP



*Cost estimate provided is from NCDOT for R-3618 in the 2016-2025 STIP
 **Exact Cross Section to be determined with further study

PROJECT ID NAME	NL-2 Northern Connector
-------------------	---------------------------

- IMPROVEMENT TYPE:

New Location Roadway
- LENGTH

2.36 Miles
- COST ESTIMATE:

\$14 Million*
- EXISTING AND FUTURE CONDITIONS:

▶ Right-of-way

■ Up to 110' ft of right-of-way needed

▶ Road Class and Cross Section

■ Comprehensive Transportation Plan (CTP) Class: Future Boulevard

■ Cross Section: 2 lane undivided, intermittent turn lane, bike lanes, planting strip, and sidewalks (both sides) or greenway (one side)**
- PROJECT LOCATION
- This map shows the project location within Clayton, North Carolina. The proposed Northern Connector route is highlighted in red, running north-south through the town. The map includes major roads such as US 70, NC 42, and US 421, as well as local streets like Clayton Road and North Clayton Road. A scale bar indicates distances up to 2 miles, and a north arrow is provided for orientation.
- PREVIOUS PLANNING:

The Clayton Northern Connector is included as a new location boulevard in the adopted Johnson County Comprehensive Transportation Plan (CTP). It is not included as a funded or unfunded project in the CAMPO 2040 Metropolitan Transportation Plan (MTP).
- CONTEXT AND NEED:

The northside of the Town of Clayton is growing. Additional connectivity is needed to reduce travel times between Covered Bridge Road and NC 42 East. This new location facility would reduce traffic on Covered Bridge Road, NC 42, and US 70 Business, as well as decrease fire response time to new residential areas north of Downtown Clayton.
- RECOMMENDATION:

Submit project for inclusion in the next update of the CAMPO MTP.
- PROJECT MAP**
- This detailed project map shows the proposed Northern Connector route in red, overlaid on an aerial view of Clayton, North Carolina. The map includes a legend for roadway classification, with categories such as Freeway, Existing; Freeway, Widening and HOT Lane; Freeway, New Location; Boulevard, Existing; Boulevard, Widening; Boulevard, New Location; Major Thoroughfare, Existing; Minor Thoroughfare, Existing; Minor Thoroughfare, Streetscape; Minor Thoroughfare, New Location; and Project Extent. The map also shows major roads, parks, and schools in the area. A scale bar indicates distances up to 2,000 feet, and a north arrow is provided for orientation.
- *Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)
 **Exact route and cross section to be determined with further study
- Town of Clayton
- Comprehensive Plan 2040 | PROJECT SHEETS
- Page 197 of 204

PROJECT ID NAME	SS-1 Main Street Streetscape Improvements
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IMPROVEMENT TYPE: Streetscape Improvements

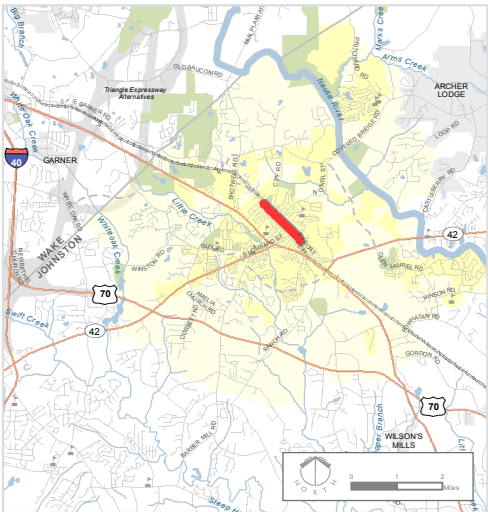
LENGTH 1.17 Miles

COST ESTIMATE: \$60,000-80,000 for Streetscape Master Plan, cost of improvements will vary based on recommendations.

EXISTING AND FUTURE CONDITIONS:

- ▶ **Right-of-way**
 - Existing right-of-way varies from 40-60 ft
- ▶ **Road Class and Cross Section**
 - Comprehensive Transportation Plan (CTP) Class: Minor Thoroughfare Needs Improvement
 - Future cross section, aesthetic and operational improvements needs to be determined with a detailed streetscape master plan.

PROJECT LOCATION

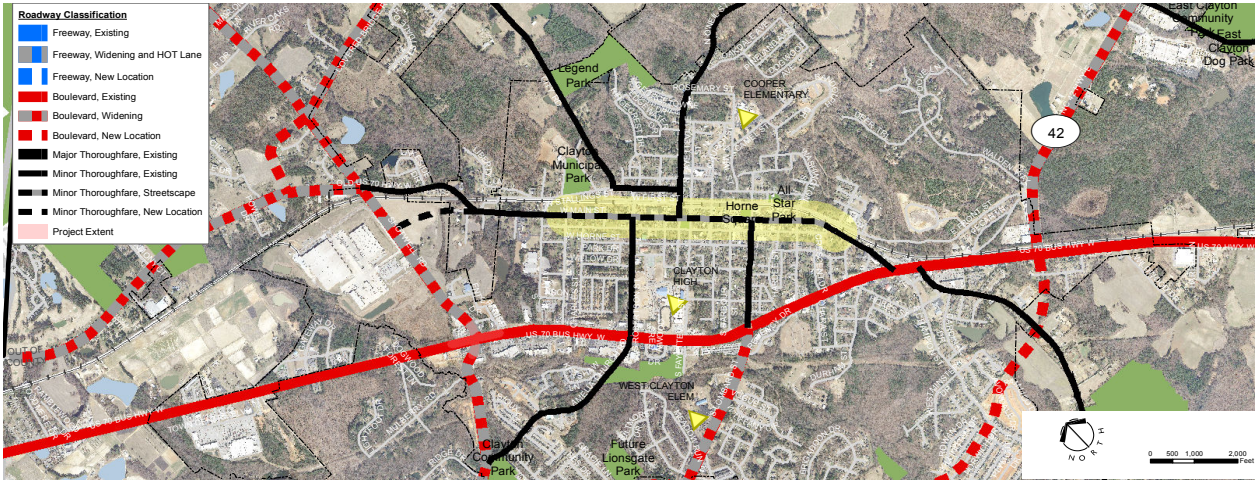


PREVIOUS PLANNING: Main Street is designated as a minor thoroughfare that needs improvement in the adopted Johnson County Comprehensive Transportation Plan (CTP). It is not included as a funded or unfunded project in the CAMPO 2040 Metropolitan Transportation Plan (MTP). Minor aesthetic improvements have been made in the Downtown area in previous years.

CONTEXT AND NEED: Aesthetic and operational improvements are needed between Shotwell Road and US 70 Business through Downtown Clayton. Additional street, pedestrian and bicycle accommodations, and intersection improvements should be studied and included as components of a streetscape master plan.

RECOMMENDATION: Coordinate with transportation planning agencies and request NCDOT Division funds, Local Area Administered Projects Program (LAPP) funds and/or identify local funds for a detailed streetscape master plan. This master plan could be conducted as a stand along project or in conjunction with an update of the Downtown Master Plan. The streetscape master plan would identify key operational, safety and aesthetic improvements between South Moore Street and Central Street.

PROJECT MAP



PROJECT ID | NAME **BP-1 | Downtown - Sam's Branch Greenway Connection**

IMPROVEMENT TYPE: Greenway

LENGTH 1.2-1.5 Miles (Depending on Alignment)

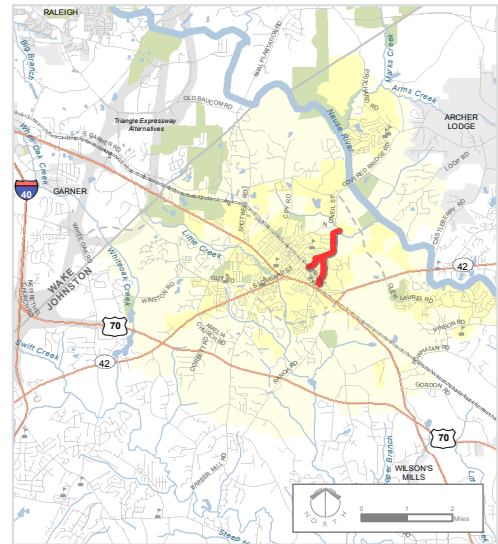
COST ESTIMATE: \$900,000-\$1,125,000 (Depending on Alignment)*

FACILITY DESCRIPTION

- ▶ **Cross Section**
 - Paved 10-12 ft greenway**



PROJECT LOCATION



PREVIOUS PLANNING: The Downtown to Sam's Branch Greenway Connection is shown on the adopted Johnston County Comprehensive Transportation Plan (CTP). The planned alignment has since been refined. Two connection options exist toward the southern end of the alignment.

CONTEXT AND NEED: A safe pedestrian and bicycle connection is needed between Downtown Clayton and Sam's Branch Greenway. This connection would provide a direct route for users of the Neuse River Greenway section of the Mountains to Sea Trail and East Coast Greenway to access downtown and would offer downtown residents improved access to the greenway and river.

RECOMMENDATION: Coordinate with transportation planning agencies and request NCDOT Statewide funds, NCDOT Division funds, CAMPO Local Area Administered Projects Program (LAPP) funds and/or identify local funds for design and construction.

PROJECT MAP



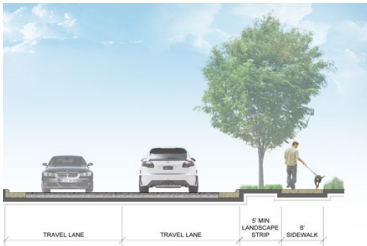
*Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)
 **Exact alignment and cross section to be determined with further study

Town of Clayton

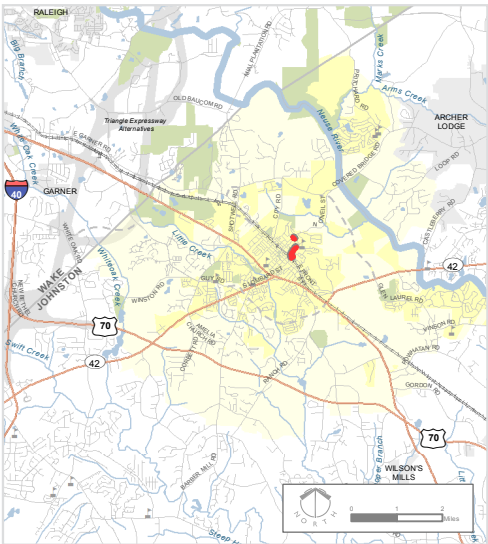
Comprehensive Plan 2040 | PROJECT SHEETS

PROJECT ID NAME	BP-2 Cooper Elementary Pedestrian Connections
-------------------	---

IMPROVEMENT TYPE:	Sidewalks
LENGTH	0.4 Miles
COST ESTIMATE:	\$185,000*
FACILITY DESCRIPTION	▶ Cross Section ■ 5-6ft sidewalk on one side of roadway

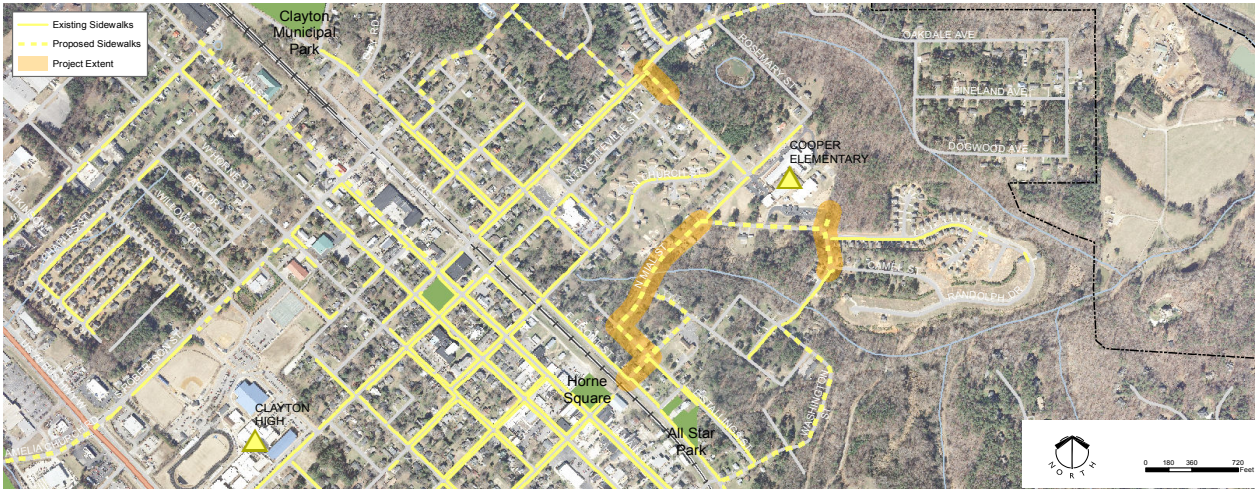


PROJECT LOCATION



PREVIOUS PLANNING:	This missing link in the sidewalk network was identified as part of the development of the Comprehensive Plan Update (2014-2015).
CONTEXT AND NEED:	A safe pedestrian connection is needed between residential areas along O'Neil Street and near Downtown Clayton and Cooper Elementary School. Currently there are missing sections of sidewalk along Wilson Street, North Mial Street, East Stallings Street, Camel Street, and Lombard Street.
RECOMMENDATION:	Coordinate with transportation planning agencies and request Local Area Administered Projects Program (LAPP) funds and/or identify local funds for design and construction.

PROJECT MAP



*Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)

PROJECT ID NAME	BP-3 NC 42 West Pedestrian Connector
-------------------	--

IMPROVEMENT TYPE: Sidewalks or Multi-use path

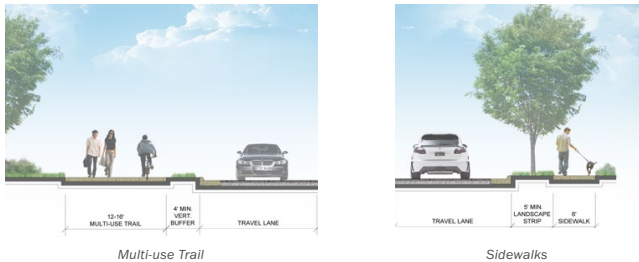
LENGTH 3.02 Miles

COST ESTIMATE: \$55,939,000 (R-3410A), \$35,019,000 (R-3410B), \$2,400,000 (Estimated Cost of Pedestrian Facilities)*

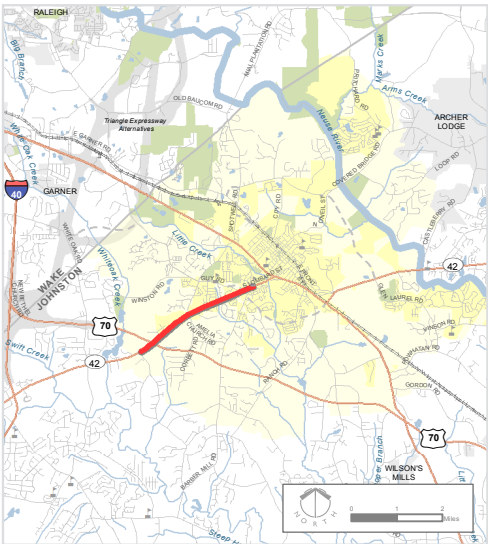
FACILITY DESCRIPTION

► **Cross Section**

■ 5-6ft sidewalks or Multi-use path**



PROJECT LOCATION

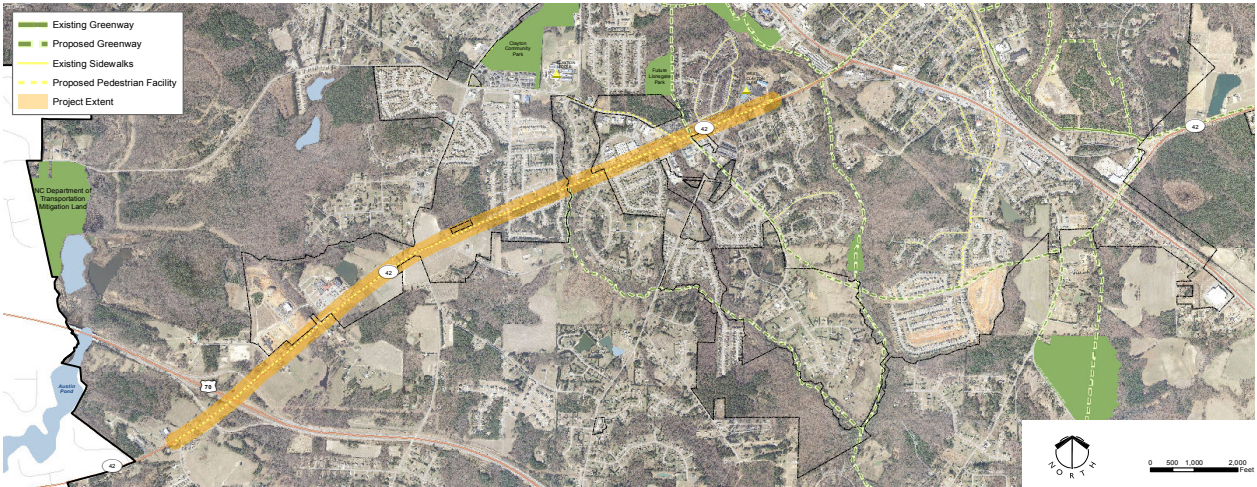


PREVIOUS PLANNING: This missing link in the sidewalk network was identified as part of the development of the Comprehensive Plan Update (2014-2015).

CONTEXT AND NEED: A safe pedestrian connection along NC 42 West would serve as a critical link in the pedestrian system by connecting current and future residential and commercial/mixed-use areas. Downtown Clayton, Guy Road/NC 42, and NC 42/US 70 Bypass are designated as mixed use centers on the Future Land Use Map. In addition, NC 42 West is planned for medium and high density residential. A pedestrian facility along NC 42 West. Connecting these uses with a pedestrian facility has the potential to reduce the number of short trips that require driving on NC 42 West.

RECOMMENDATION: Coordinate with transportation planning agencies to ensure that NC 42 is constructed as a “Complete Street” with adequate pedestrian facilities due to the fact that the segment will serve as a primary connection for non-motorized travel between higher density residential areas and mixed use centers. Request inclusion of pedestrian facilities in the widening project designated as R-3410A and B in the Statewide Transportation Improvement Program (STIP).

PROJECT MAP



*Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)
 **Exact Cross Section to be determined with further study

PROJECT ID NAME	BP-4 Mountains to Sea Trail (Middle Segment)
-------------------	--

IMPROVEMENT TYPE: Greenway

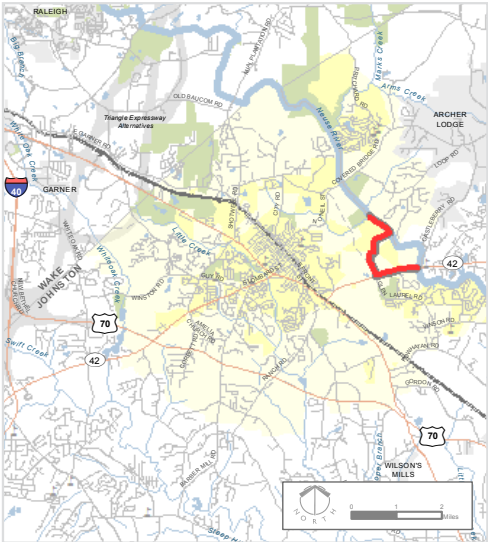
LENGTH 2.8 Miles

COST ESTIMATE: \$2,500,000*

- FACILITY DESCRIPTION**
- ▶ **Cross Section**
 - Paved 10 ft greenway



PROJECT LOCATION

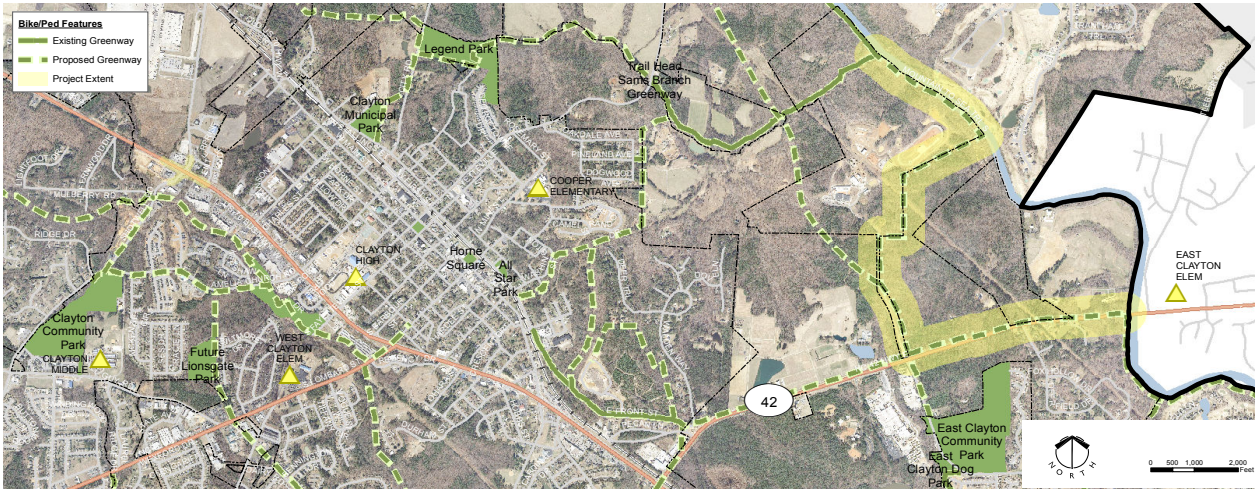


PREVIOUS PLANNING: This section of the Mountains to Sea Trail (MST) and the East Coast Greenway (ECG), from Sam's Branch Greenway to NC 42 East and along NC 42 to the Neuse River, is shown on the adopted Johnston County Comprehensive Transportation Plan (CTP). The planned alignment has since been refined and is shown in the map below. .

CONTEXT AND NEED: The Neuse River Greenway is a local amenity and statewide tourist destination which currently terminates at the Sam's Branch Greenway spur. This section would add to the overall MST and eventually continue all the way to the North Carolina Coast as well as provide a key link in the ECG that will eventually stretch from Florida to Maine. In addition to providing a key connection in the statewide trail network this segment will also connect residential areas to a planned commercial area located at Glen Laurel Rd and NC 42, and to Downtown.

RECOMMENDATION: Coordinate with transportation planning agencies, and/or parks and tourism agencies, and request NCDOT Statewide, NCDOT Division funds, CAMPO Local Area Administered Projects Program (LAPP) funds and/or Parks and Recreation Trust Fund (PARTF) grants for design and construction. These funding sources may require a local match.

PROJECT MAP



*Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)

PROJECT ID NAME	BP-5 Mountains to Sea Trail (East Segment)
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IMPROVEMENT TYPE: Greenway

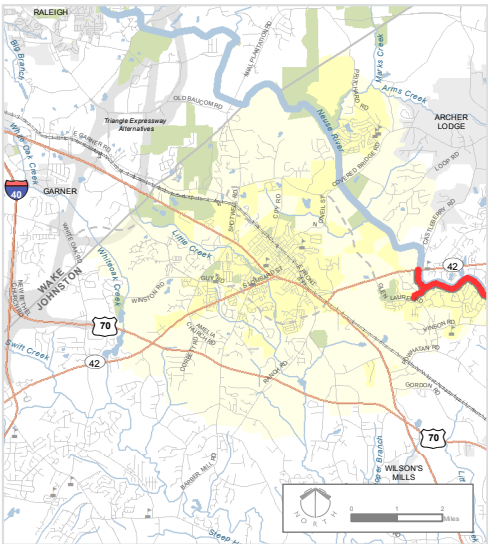
LENGTH 1.9 Miles

COST ESTIMATE: \$2,025,000*

- FACILITY DESCRIPTION**
- ▶ **Cross Section**
 - Paved 10-12 ft greenway



PROJECT LOCATION

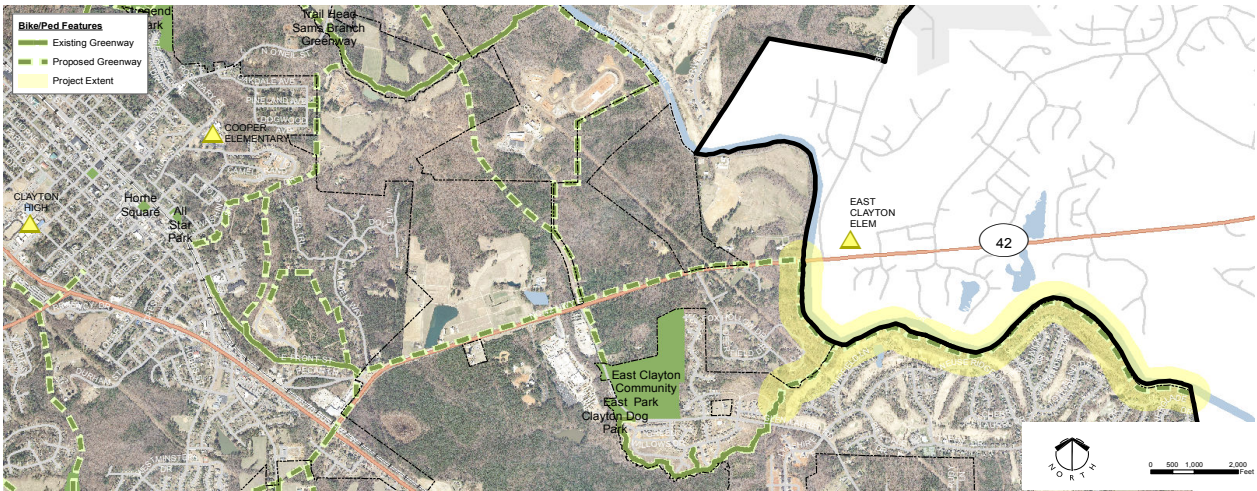


PREVIOUS PLANNING: The Mountains to Sea Trail (MST) and the East Coast Greenway (ECG) from NC 42 East to the Clayton Town limits is shown on the adopted Johnston County Comprehensive Transportation Plan (CTP).

CONTEXT AND NEED: The Neuse River Greenway is a local amenity and statewide tourist destination which currently terminates at the Sam's Branch Greenway spur. This section would add to the overall MST and eventually continue all the way to the North Carolina Coast as well as provide a key link in the ECG that will eventually stretch from Florida to Maine.

RECOMMENDATION: Coordinate with transportation planning agencies, and/or parks and tourism agencies, and request NCDOT Statewide, NCDOT Division funds, CAMPO Local Area Administered Projects Program (LAPP) funds and/or Parks and Recreation Trust Fund (PARTF) grants for design and construction. These funding sources may require a local match.

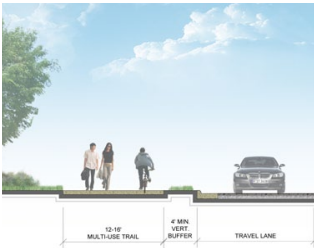
PROJECT MAP



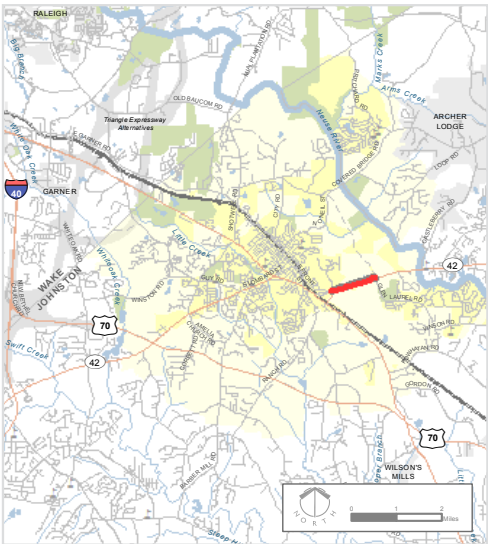
*Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)

PROJECT ID NAME	BP-6 Front Street to Northside Connector Multi-use Trail
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IMPROVEMENT TYPE:	Multi-Use Path
LENGTH	1.02 Miles
COST ESTIMATE:	\$1,000,000*
FACILITY DESCRIPTION	▶ Cross Section ■ Paved 10 ft multi-use trail in road right-of-way



PROJECT LOCATION

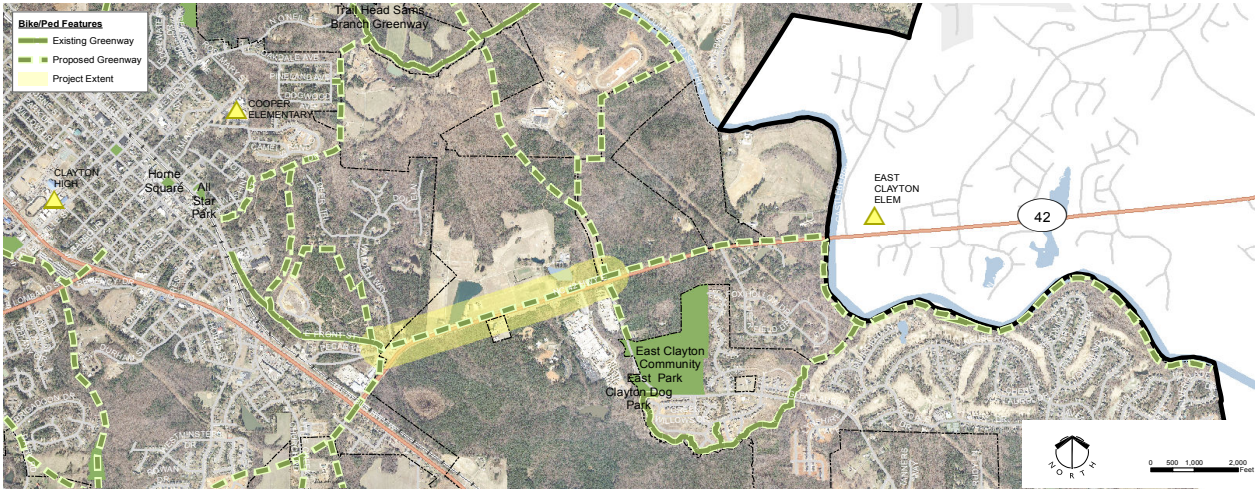


PREVIOUS PLANNING: The Front Street to Northside Connector Multi-use Trail is shown on the adopted Johnston County Comprehensive Transportation Plan (CTP). The Front Street portion of the multi-use trail has been completed.

CONTEXT AND NEED: The Mountains to Sea Trail (MST) is a local amenity and regional tourist destination which will eventually continue to NC 42 East and all the way to the North Carolina Coast. This connection between Downtown Clayton and the MST via NC 42 would allow for multiple running and biking excursions from the north side of Clayton. This facility will also connect a planned commercial/mixed-use center with Downtown and the MST.

RECOMMENDATION: Coordinate with transportation planning agencies and request inclusion of pedestrian facilities in the widening project (designated as R-3410 in the Statewide Transportation Improvement Program (STIP)), or request CAMPO Local Area Administered Projects Program (LAPP) funds and/or Parks and Recreation Trust Fund (PARTF) grants for design and construction..

PROJECT MAP



*Cost estimates provided are for planning purposes only and include construction cost only (does not include right-of-way or utilities)