



**The Town Of Clayton
Regular Council Agenda
Monday, August 3, 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. Draft Minutes July 20, 2015 - Closed Session
[Cover - Draft Minutes - July 20, 2015 Closed Session - Pdf](#)
- b. Appointment to Library Advisory Board
[Cover - Vacancy Library Board.pdf](#)
[Library Board Applicant.pdf](#)
- c. Warranty & Dedication - Creekside Commons Subdivision - Asphalt FINAL
[Cover - Creekside Commons.pdf](#)
[Creekside Commons Warranty and Dedication.pdf](#)
- d. Special Event 2015-14 - Squealin' on the Square
[Cover - 2015-14- Squealin' on the Square.pdf](#)
[2015-14 Squealin on the Square - Action Item Report.pdf](#)
- e. Amend - Resolutions 2015-27 & 2015-33; Cert. of Sufficiency and Public Notice - 15-08-06-ANX - Raven's Ridge 8C
[Cover - Amendments 15-08-06-ANX.pdf](#)
[Amend Resolution 2015-27.docx](#)
[Amend Resolution 2015-33.pdf](#)
[Amend Cert of Sufficiency Ravens Ridge.pdf](#)

[Revised PublicNotice 15-08-06-ANX RWAC Ravens Ridge 8C2 House Tract.docx](#)

POTENTIAL ACTION: Approval of Consent Agenda as Presented

4. INTRODUCTIONS AND SPECIAL PRESENTATIONS

5. PUBLIC HEARINGS

- a. Public Hearing - 15-18-01-RZ -Young Family Tract Rezoning
[Cover - 15-18-01-RZ - Young Family.pdf](#)
[Public Notice - 15-18-01-RZ.pdf](#)
[Staff Report- 15-18-01-RZ - Young Family Tract .pdf](#)
[Motion Form 15-08-01-RZ.docx](#)
[Ordinance 15-18-01-RZ.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

- b. Public Hearing - 15-19-01-RZ - Wiggins Tract Rezoing
[Cover - 15-19-01-RZ - Wiggins.pdf](#)
[Public Notice -15-19-01-RZ.pdf](#)
[Staff Report- 15-19-01-RZ - Wiggins Tract.pdf](#)
[Motion Form - 15-19-01-RZ.docx](#)
[Ordinance - 15-19-01-RZ.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

- c. Public Hearing - PSD 2014-97 - Magnolia Pointe Subdivision - Preliminary Plat
[Cover - PSD 2014-97.pdf](#)
[Public Notice - PSD 2014-97.pdf](#)
[Staff Report - Magnolia Pointe PSD2014-97.pdf](#)
[Motion Form - PSD 2014-97.docx](#)

POTENTIAL ACTION: Approval/Disapproval

- d. Public Hearing - Voluntary Annexation - 15-08-06-ANX - Riverwood Athletic Club - Raven's Ridge 8C
[Cover - 15-08-06-ANX.pdf](#)

[Revised PublicNotice - 15-08-06-ANX RWAC Ravens Ridge 8C.docx](#)
[Staff Report - 15-08-06-ANX.pdf](#)
[Ordinance - 15-08-06-ANX.pdf](#)

POTENTIAL ACTION: Approval/Disapproval

6. OLD BUSINESS

- a. Amend - Resolution 2015-36 to Set Public Hearing - 14-111-01-ANX - Parkview

[Cover - Amend Resolution 2015-36.pdf](#)
[Amend Resolution 2015-36.docx](#)

POTENTIAL ACTION: Set Public Hearing for August 17, 2015

- b. Sam's Branch Sewer Agreements - Creech and Parkview

[Cover - Sam's Branch Agreements.pdf](#)
[Sam's Branch Sewer Outfall Infrastructure Agreement Creech Ver 3.0.doc](#)
[Sam's Branch Sewer Outfall Infrastructure Agreement Parkview Ver 3.0.doc](#)

POTENTIAL ACTION: Approval/Disapproval

7. NEW BUSINESS

8. STAFF REPORTS

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

9. OTHER BUSINESS

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

10. ADJOURNMENT

11.

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

AGENDA LOCATION:

Consent

Meeting Date:

August 3, 2015

ITEM TITLE:

Draft Minutes - July 20, 2015 CLOSED Session

DESCRIPTION:

Draft minutes from the July 20, 2015 Closed Session are presented for approval. Minutes will be delivered under separate cover.

POTENTIAL ACTION:

DEPARTMENT:

Administration

PRESENTER:

Kimberly Moffett

ITEM HISTORY:

NONE

Date:

Action Taken:

Information Provided:

Date:

Action Taken:

Information Provided:

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

AGENDA LOCATION:

Consent

Meeting Date:

August 3, 2015

ITEM TITLE:

Appointment to Library Advisory Board

DESCRIPTION:

Ms. Starnes recommends appointment of Linda Brogdon to fill a vacancy on the board with an unexpired term of 12/31/2016.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Library

PRESENTER:

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Placed on August 3, 2015 Consent Agenda

Information Provided:

Application

Date:

Action Taken:

Information Provided:



ADVISORY BOARD CANDIDATE APPLICATION

The Town of Clayton welcomes and appreciates your interest in serving the Town. This application is designed to gather information to evaluate your qualifications. Candidates may be interviewed prior to appointment.

If requesting consideration for more than one, please submit a separate application for each board.

CHOOSE ONE:

Planning & Zoning Board

Board of Adjustment

Downtown Development Assoc.

☒ Clayton Library Board

Recreation Advisory Committee

Fire Dept. Advisory Board

Public Arts Advisory Board

PLEASE NOTE: In accordance with North Carolina law, this application is a public record and will be disclosed upon request and without notice. If there is any information you do not want released to the public, please do not include it.

Please type or use dark ink.

Name: Lisa H. Brogdon

Mailing Address: 135 Middlecrest Way Clayton NC 27527

Physical HOME Address: Same

Phone Number (HOME): 919 553 3415 (WORK) 919 630 9040

FAX Number: _____ Mobile Number: 919 630 9040

Email Address: lhbrogdon@gmail.com

*Female ☒ *Male ☐

*Race White

Employer: Carolina Children's Therapy (Self-employed)

Occupation: Speech-Language Pathologist

*This information is voluntary and is requested for the sole purpose of assuring that a cross section of the community is appointed; NC GS 143-157.1.

Residency within the Town limits or ETJ (extra territorial jurisdiction) is required for membership on most Council advisory boards.

Length of residence in Clayton: 17 years

Do you live in the Clayton? Corporate Limits: Yes ☒ No ☐ ETJ: Yes ☐ No ☐

How did you find out about this board or committee? Facebook ☐ Website ☐ TV ☐ Newspaper ☐ Email ☐ Twitter ☐ Mail ☐ Other ☒ current board member

Outline your qualifications and why you wish to serve the board/committee you indicated.

I am a passionate, lifelong reader, and much of my career involves encouraging children to love reading. I have excellent communication skills, and I work well with others from widely varied backgrounds and experiences. I would like to participate in making our library program an even stronger presence in our community.

State why you would be an asset to this board or committee. I am a long-time local business owner who derives great fulfillment from engagement in community volunteer activities. I choose my commitments carefully and dedicate much time,

Do you anticipate a conflict of interest if asked to serve as a member on the requested board or committee? ☒ No ☐ Yes If Yes, explain: thought, and effort into being a productive and engaged volunteer.

PLEASE LIST CURRENT AND PREVIOUS SERVICE TO THE COMMUNITY, CIVIC CLUBS, ETC., ACTIVITY AND ANY SPECIAL TALENTS.

Boards/Committees/Civic	From	To
<u>KS Bank Board of Directors</u>	<u>2011</u>	<u>Present</u>
<u>Partnership for Children of Johnston Co Board</u>	<u>2007</u>	<u>Present (Board Chair 2013 - Present)</u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>



Signature

5/28/2015
Date

- Please do not submit resumes or attachments.
- This application is a **public record**.
- Information in the application will be considered in making appointments.
- Candidates may be interviewed prior to appointment.
- If not initially appointed to serve, this application will remain active until August 1 of the following year.

Applications are to be turned in to the Town Clerk in person (111 East Second Street), by mail (Town of Clayton, PO BOX 879, Clayton, NC 27528) or by email (kmoftett@townofclaytonnc.org)

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

AGENDA LOCATION:

Consent

Meeting Date:

August 3, 2015

ITEM TITLE:

Warranty and Dedication Acceptance

DESCRIPTION:

Creekside Commons Subdivision - Asphalt FINAL

POTENTIAL ACTION:

DEPARTMENT:

Planning + Zoning

PRESENTER:

Chris Rowland

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Placed on August 3, 2015 Consent Agenda

Information Provided:

Inspector Memo

Date:

Action Taken:

Information Provided:

TOWN OF CLAYTON OPERATIONS CENTER

"SERVICE"

ELECTRIC SERVICE
(919) 553-1530

VEHICLE MAINTENANCE
(919) 553-1530



"ENVIRONMENT"

PUBLIC WORKS
(919) 553-1530

WATER RECLAMATION
(919) 553-1535

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Inspector 

Copy: Mike Stewart, Stewart-Proctor Engineering
David DeYoung, Planning Director

Date: June 16, 2015

Re: Creekside Commons Subdivision

Please place a final acceptance request for the referenced asphalt pavement on the next available agenda. A final inspection was performed with no deficient items found. Upon Council acceptance, the Town will assume permanent maintenance duties.

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

AGENDA LOCATION:

Consent

Meeting Date:

August 3, 2015

ITEM TITLE:

Special Event 2015-14 - Squealin' on the Square

DESCRIPTION:

This event will be held October 9 - 10, 2015

POTENTIAL ACTION:

DEPARTMENT:

Planning + Zoning

PRESENTER:

Stephanie Ross - Downtown
Development Coordinator

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Placed on August 3, 2015 Consent Agenda

Information Provided:

Special Event Report

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

SPECIAL EVENT ACTION ITEM REPORT

Planning Staff Contact: Bruce Naegelen: 919-280-1278

EVENT INFORMATION:

Event Name: Squealin' on the Square **File Number:** 2015-14
Event Description: Fifth Annual BBQ cooking contest. In conjunction with The Shindig

Event Date(s): 10/9-10/2015 **Event Time(s):** 8 pm 10-9-2015 to 7 pm on 10-10-2015
Event Location: Town Square
Event Coordinator: Polly Mudd **Contact Number:** 919-553-6352
Contact Email: polly@claytonchamber.com
Attendees (Per Day): 1500

TOWN SERVICES REQUESTED:

Department / Division	Requested Services	Date/Time	Primary Contact	Contact Phone #
Public Works	20 Trash Roll-Out Carts 10 Recycled Roll-Out Carts – Town Square	Deliver: 10/9/15 Pickup: 10/10/15	Steve Blasko	359-1287
Public Works	Barricades/Cones on Fayetteville @ Main & Second & Town Square Parking Lot	Deliver: 10/9/15 Pickup: 10/10/15	Steve Blasko	359-1287
DDC	Road Closure - Fayetteville St. from Main St. to Second St. & Parking Lot	8:00 pm 10/9/15 to 7:00 pm 10/10/15	Stephanie Ross	359-9349
Electric	Use Power Source at Town Square	8:00 PM 10/9/15 to 7:00 PM 10/10/15	Dale Medlin	359-1292

STAFF USE:

SEC Approval	☒ Approved ☐ Denied	Date: 07/01/2015	☐ No Council Action needed
Council	Presentation	Date: 07/20/2015	☐ Approved ☐ Denied

Action	Consent Agenda	Date:	Date:
Pending Actions	☐ DOT Road Closure Approval		☐ Issue Permit Date:
	☐ ABC Permit Submittal		
	☐ Other		

(SEC – Special Event Committee)

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

AGENDA LOCATION:

Consent

Meeting Date:

August 3, 2015

ITEM TITLE:

Amend - Resolutions 2015-27 & 2015-33, Cert. of Sufficiency and Public Notice 15-08-06-ANX - Raven's Ridge 8C

DESCRIPTION:

Due to a clerical error, these items need to be amended to reflect this item is a Contiguous Annexation.

POTENTIAL ACTION:

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

June 15, 2015

Action Taken:

Set Public Hearing for July 20, 2015

Information Provided:

Certificate of Sufficiency / Staff Report / Application / Map

Date:

July 20, 2015

Action Taken:

Tabled Public Hearing for August 3, 2015

Information Provided:

Public Notice / Staff Report / Application / Map / Ordinance

ANNEXATION PETITION 15-08-06-ANX
RWAC-Raven's Ridge 8C-2
Parcel 16I03028G
Owner: FSC IV, LLC
Contiguous; 8.20 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 May 26, 2015 by the Town of Clayton; and

WHEREAS, G.S. 160A-58.2 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 3rd day of August, 2015, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC
Town Clerk

ANNEXATION PETITION 15-08-06-ANX
RWAC-Raven's Ridge 8C-2
Parcel 16I03028G
Owner: FSC IV, LLC
Contiguous; 8.20 acres

TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-31

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, July 20, 2015.

Section 2. The area proposed for annexation is described as the following:
Legal Description for FSC IV, LLC Property: Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 356.46 feet to a point; Thence leaving the Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 405.94 feet to a point; Thence S 34 degrees 02 minutes 08 seconds E 323.95 feet to a point; Thence S 81 degrees 47 minutes 05 seconds W 40.83 feet to a point; Thence S 52 degrees 14 minutes 32 seconds W 80.12 feet to a point; Thence N 06 degrees 00 minutes 41 seconds W 40.88 feet to a point; Thence S 88 degrees 59 minutes 55 seconds W 46.72 feet to a point; Thence S 24 degrees 05 minutes 06 seconds W 51.06 feet to a point; Thence S 62 degrees 50 minutes 25 seconds W 43.51 feet to a point; Thence N 34 degrees 14 minutes 24 seconds W 49.91 feet

to a point; Thence N 72 degrees 04 minutes 07 seconds W 33.13 feet to a point; Thence S 04 degrees 35 minutes 09 seconds E 93.32 feet to a point; Thence S 74 degrees 27 minutes 59 seconds W 64.57 feet to a point; Thence S 02 degrees 05 minutes 39 seconds E 39.07 feet to a point; Thence N 86 degrees 51 minutes 53 seconds W 157.36 feet to a point; Thence N 60 degrees 44 minutes 52 seconds W 114.98 feet to a point; Thence S 84 degrees 20 minutes 40 seconds W 91.31 feet to a point; Thence N 35 degrees 27 minutes 43 seconds W 36.47 feet to a point; Thence N 76 degrees 01 minutes 49 seconds W 42.54 feet to a point; Thence S 78 degrees 44 minutes 39 seconds W 58.58 feet to a point; Thence S 37 degrees 08 minutes 33 seconds W 53.70 feet to a point; Thence S 55 degrees 57 minutes 54 seconds W 45.62 feet to a point; Thence S 71 degrees 06 minutes 09 seconds W 39.42 feet to a point; Thence S 67 degrees 08 minutes 24 seconds W 55.35 feet to a point on the Neuse River; Thence with the Neuse River N 03 degrees 54 minutes 53 seconds E 188.56 feet to a point; Thence N 03 degrees 13 minutes 38 seconds E 95.87 feet to a point; Thence N 02 degrees 08 minutes 13 seconds W 112.48 feet to a point; Thence N 00 degrees 24 minutes 57 seconds W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.

Section 3. Notice of the public hearing shall be published once in the Clayton News-Star, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this 3rd day of August 2015 while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Kimberly A. Moffett, CMC
Town Clerk

**ANNEXATION PETITION 15-08-06 ANX
RIVERWOOD ATHLETIC CLUB – RAVENS RIDGE 8C-2
Contiguous 8.20 +/- Acres**

CERTIFICATE OF SUFFICIENCY

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

I, Kimberly A. Moffett, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Clayton, this 3rd day of August, 2015.

**Kimberly A. Moffett, CMC
Town Clerk**

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, August 3, 2015, at Town Hall, 111 East Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 15-08-06-ANX filed pursuant to G.S. 160A-31

The area proposed for annexation is described as the following: Legal Description for FSC IV, LLC Property: Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 356.46 feet to a point; Thence leaving the Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 405.94 feet to a point; Thence S 34 degrees 02 minutes 08 seconds E 323.95 feet to a point; Thence S 81 degrees 47 minutes 05 seconds W 40.83 feet to a point; Thence S 52 degrees 14 minutes 32 seconds W 80.12 feet to a point; Thence N 06 degrees 00 minutes 41 seconds W 40.88 feet to a point; Thence S 88 degrees 59 minutes 55 seconds W 46.72 feet to a point; Thence S 24 degrees 05 minutes 06 seconds W 51.06 feet to a point; Thence S 62 degrees 50 minutes 25 seconds W 43.51 feet to a point; Thence N 34 degrees 14 minutes 24 seconds W 49.91 feet to a point; Thence N 72 degrees 04 minutes 07 seconds W 33.13 feet to a point; Thence S 04 degrees 35 minutes 09 seconds E 93.32 feet to a point; Thence S 74 degrees 27 minutes 59 seconds W 64.57 feet to a point; Thence S 02 degrees 05 minutes 39 seconds E 39.07 feet to a point; Thence N 86 degrees 51 minutes 53 seconds W 157.36 feet to a point; Thence N 60 degrees 44 minutes 52 seconds W 114.98 feet to a point; Thence S 84 degrees 20 minutes 40 seconds W 91.31 feet to a point; Thence N 35 degrees 27 minutes 43 seconds W 36.47 feet to a point; Thence N 76 degrees 01 minutes 49 seconds W 42.54 feet to a point; Thence S 78 degrees 44 minutes 39 seconds W 58.58 feet to a point; Thence S 37 degrees 08 minutes 33 seconds W 53.70 feet to a point; Thence S 55 degrees 57 minutes 54 seconds W 45.62 feet to a point; Thence S 71 degrees 06 minutes 09 seconds W 39.42 feet to a point; Thence S 67 degrees 08 minutes 24 seconds W 55.35 feet to a point on the Neuse River; Thence with the Neuse River N 03 degrees 54 minutes 53 seconds E 188.56 feet to a point; Thence N 03 degrees 13 minutes 38 seconds E 95.87 feet to a point; Thence N 02 degrees 08 minutes 13 seconds W 112.48 feet to a point; Thence N 00 degrees 24 minutes 57 seconds W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.

This is an open meeting and the public is invited to attend.

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

Clayton News-Star

Please advertise on the following date:

July 22, 2015

Affidavit of publication required.

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

August 3, 2015

ITEM TITLE:

Public Hearing - 15-19-01-RZ - Young Family Tract Rezoning

DESCRIPTION:

Request of rezoning from R-E to I-1 of 69.58 acres located on Gordon Road near US 70 Highway Business.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Set Public Hearing for August 3, 2015

Information Provided:

Staff Report

Date:

Action Taken:

Information Provided:

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on August 3, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider rezoning request for the Young Family Tract, for only that portion of parcel number 167700-47-9545 north of Gordon Road. This land is within the Town of Clayton Extraterritorial Planning Jurisdiction (ETJ). The requested change is from Residential-Estate (R-E) to Light Industrial (I-1).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

Persons wishing to submit a petition of protest intended to invoke the rules in N.C. General Statute 160A-385 must submit said petition on forms provided by the Town Clerk not later than 5:00 PM on Wednesday, July 29, 2015.

This is an open meeting and the public is invited to attend.

Jay McLeod, Planner 919-359-9335

N&O: July 23, 30, 2015



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

*Planning Board
June 22, 2015*

STAFF REPORT

Application Number: 15-18-01-RZ Project Name: Young Family Tract Rezoning

NC PIN / Tag #: 167700-47-9545 / 05I05021A
Town Limits/ETJ: ETJ
Overlay: Small Area Plan (Future Land Use) / Scenic Highway Interchange (Scenic Highway Overlay) / Johnston County Research & Training Zone (Johnston County Economic Training Zone)
Applicant: Norwood Thompson
Owner: Young Family Irrevocable Trust c/o Jenny Kelling (Trustee)
Location: The property is located on Gordon Rd, near US Hwy 70 Business (see map).

Public Noticing:

- Neighborhood meeting May 12, 2015
- Sign posted June 09, 2015
- Letters mailed prior to July 22, 2015
- Newspaper ad posted prior to July 22, 2015

REQUEST: Rezoning from Residential-Estate (R-E) to Light Industrial (I-1).



Page 1 of 5

SITE DATA:**Acreage:** 69.58 acres**Existing Use:** Agriculture

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Light Industrial (I-1)	Industrial, warehousing, businesses
South	Residential-Estate (R-E), County Agricultural Residential (AR)	Rural residential, agricultural
East	Residential-Estate (R-E)	Agricultural
West	Light Industrial (I-1), Residential-Estate (R-E), Highway Business (B-3)	Industrial, businesses, vacant

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone 69± acres from Residential-Estate to Light Industrial. This piece of land is currently agricultural and primarily fronts along Gordon Rd, although some frontage also occurs along Wise Rd, US Hwy 70 Business, and North Tech Drive, just north of the intersection of Hwy 70 Business and Hwy 70 Bypass. The land is on the outside border of the Town's Extraterritorial Planning Jurisdiction (ETJ).

Compatibility with Surrounding Land Uses

The site is located on the outside boundary of the industrial and technology-oriented uses that currently occupy the industrially-zoned land to the north. It is on the developing fringe of Clayton's ETJ.

A small residential subdivision (Edinburgh) lies southeast of the property on the southern side of Gordon Rd. This subdivision's sole access in and out is by Gordon Rd. The neighborhood does have a stub-out street heading east, but the adjacent property is not yet developed, and even when it is the second connection will still be to Gordon Rd.

Other uses surrounding the subject property are primarily agricultural or industrial/business.

Access/Streets:

Access to the bulk of the property is primarily from Gordon Rd and it is also possible to make a second connection from the north off of North Tech Dr. There is no way for a direct connection from the property to US Hwy 70 Business, nor is it likely that it would be permitted by NCDOT. The proximity to the US Hwy 70 Business and Hwy 70 Bypass interchange is supportive of an industrial-type use that might involve utilization of freight shipping corridors.

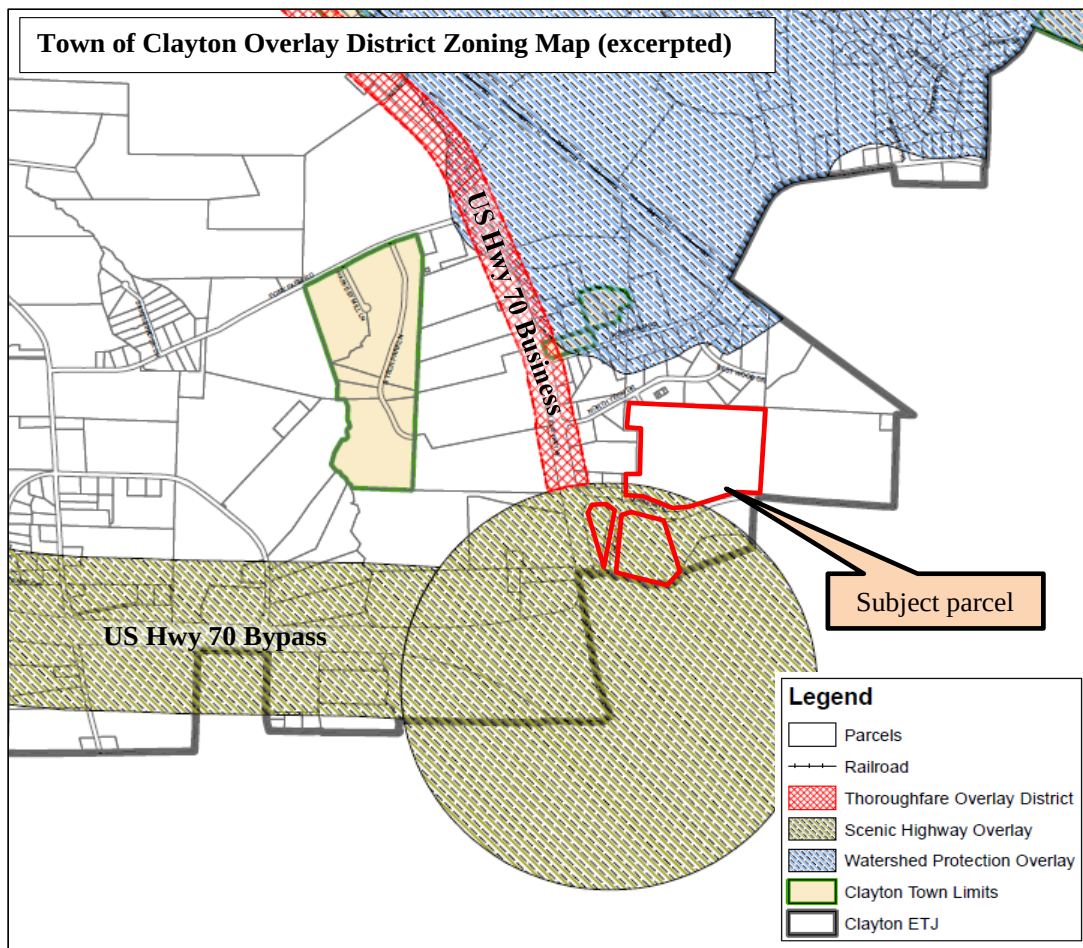
The two smaller sub-tracts of the Young Family property have access to US Hwy 70 Business, Gordon Rd, and Wise Rd.

Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this area as a “Small Area Plan” adjacent to Industrial Future Land Use on the north, and the highway interchange on the southwest. This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands, as controlled by the Scenic Highway Overlay discussed below.

Consistency with Overlays

The Young Family Tract overlaps partially with the Scenic Highway Overlay (SHO). This regulates the uses within a certain distance of intersections and interchanges through the Scenic Highway Overlay interchange development criteria (§155.204(C)(8)). Only one type of industrial use is allowed within the SHO area – Research and Development (§155.306(H)) – and it is allowed at interchanges as a Conditional Use. Research and Development includes research and development of new products, offices and other facilities to support these activities, prototype production facilities, pilot plants, and scientifically-oriented production facilities. Mixed use developments are encouraged within the SHO, and specific design guidelines are taken into account during the site planning process.



This rezoning is likely in anticipation of subsequent inclusion of the subject property into the Johnston County Research and Training Zone (aka Economic Training Zone). The Johnston County Research and Training Zone (RTZ) is a specialized taxing district which houses the biotech, chemical, and pharmaceutical manufacturing companies along the US Hwy 70 Business corridor such as Grifols, Novo Nordisk, etc. If this should occur, Board of County Commissioners and Town Council permission is required prior to any inclusion into the RTZ. Properties included in the RTZ are not allowed to be annexed by the Town and have their property taxes fixed at a rate set when they are accepted into the RTZ.



CONSIDERATIONS:

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

Staff Report
15-18-01-RZ Young Family Tract

- The Town may wish for a subdivision of this oddly shaped parcel prior to a rezoning. Currently, this particular parcel is divided into three different sub-tracts, separated by Gordon Rd and Wise Rd. It would seem more appropriate to rezone the main body of the Young Family Tract parcel to I-1, but for the other two sub-tracts to assume some other type of zoning which might be more suitable to their particular locations.

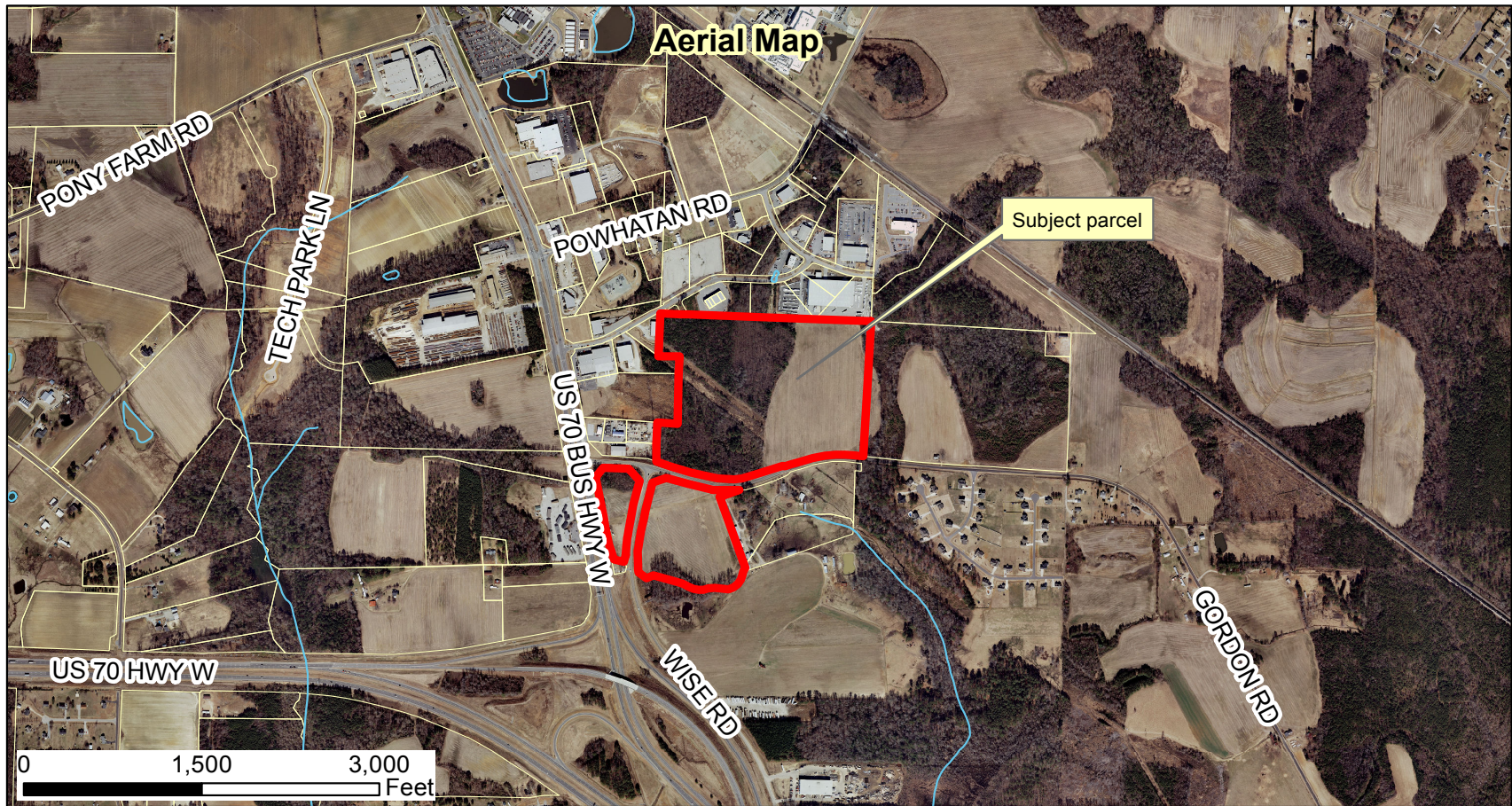
STAFF RECOMMENDATION:

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

PLANNING BOARD RECOMMENDATION:

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials



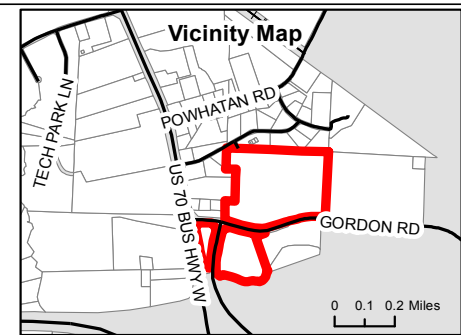
15-18-01-RZ Young Family Tract Rezoning Rezoning from R-E to I-1

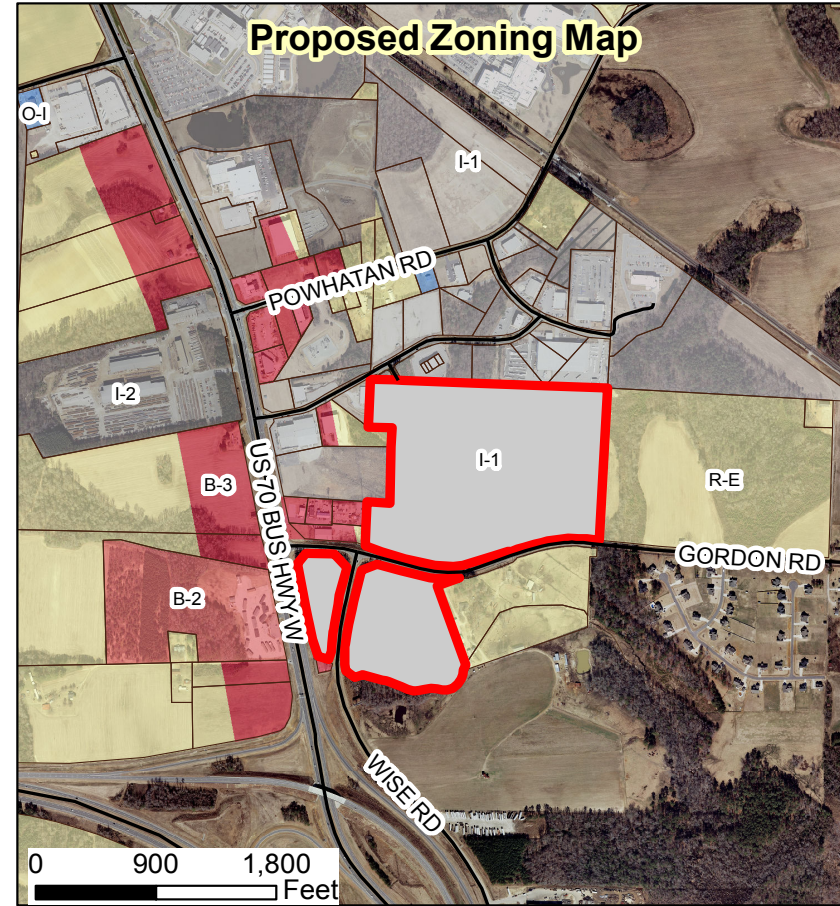
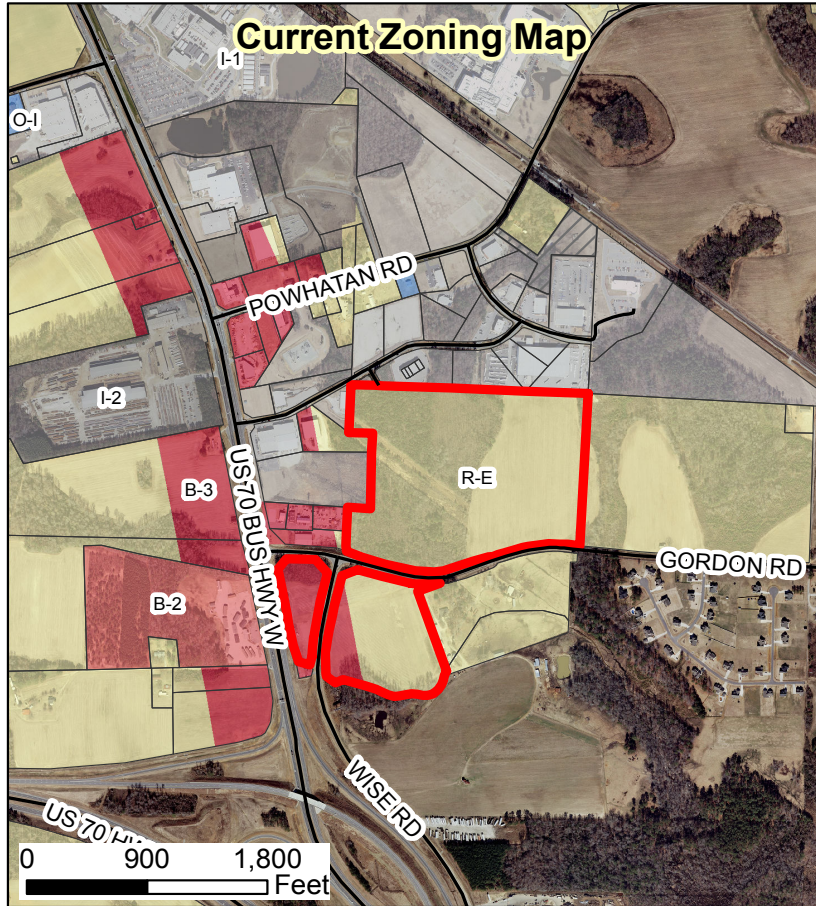
Applicant: Norwood Thompson
 Property Owner: Young Family Irrevocable Trust
 Parcel ID Number: 167700-47-9545
 Tag #: 05I05021A

Produced by: TOC Planning

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

03/14/2015





15-18-01-RZ Young Family Tract Rezoning Rezoning from R-E to I-1

Applicant: Norwood Thompson
Property Owner: Young Family Irrevocable Trust
Parcel ID Number: 167700-47-9545
Tag #: 05105021A

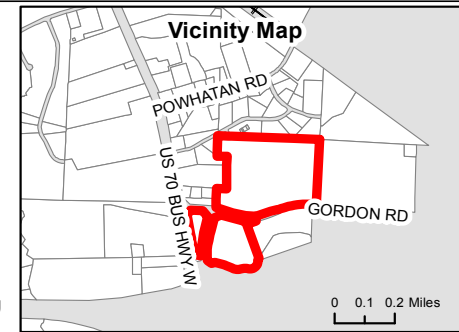
Produced by: TOC Planning
Disclaimer: Town of Clayton assumes no legal
responsibility for the information represented here.
06/15/2015



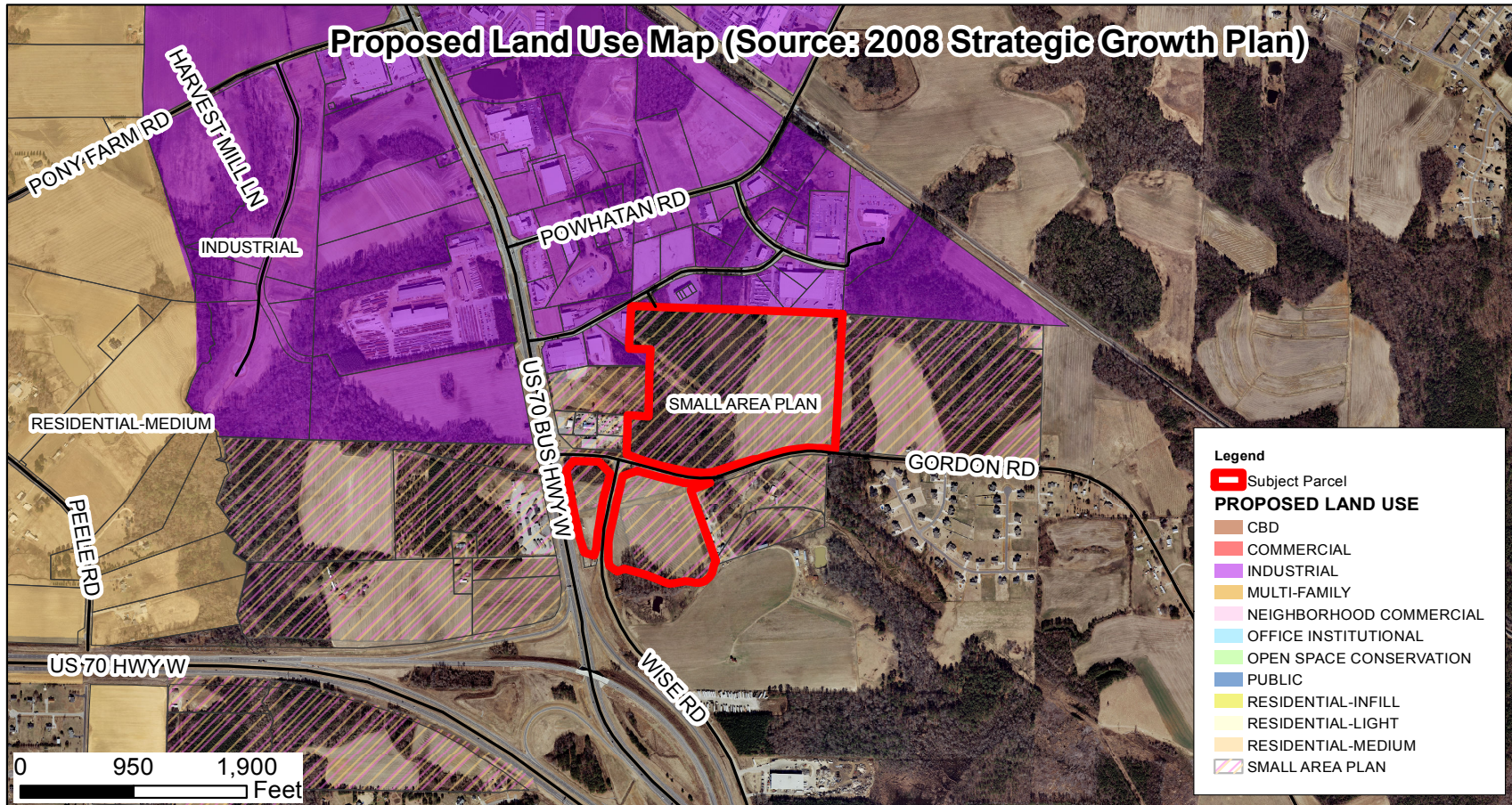
Legend

subject parcel

	R-E		B-2
	R-10		B-3
	R-8		PD-C
	R-6		I-1
	PD-R		I-2
	O-R		O-1
	B-1		PD-MU



Proposed Land Use Map (Source: 2008 Strategic Growth Plan)



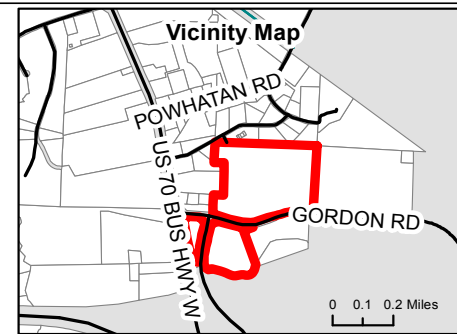
15-18-01-RZ Young Family Tract Rezoning Rezoning from R-E to I-1

Applicant: Norwood Thompson
Property Owner: Young Family Irrevocable Trust
Parcel ID Number: 167700-47-9545
Tag #: 05105021A

Produced by: TOC Planning

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

06/15/2015





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: Young Family Tract Acreage of Property: 69.58
County Tag Number: 05105021A NC PIN: 167700-479545
Address/Location: 2500 Gordon Road - Clayton NC

Existing Zoning District: R-E
Proposed Zoning District: I-1
Is project within an Overlay District? ☐ No
☒ Yes (list): ETJ of the Town of Clayton

APPLICANT INFORMATION

Applicant: Norwood Thompson
Mailing Address: 442 1/2 East Main Street #3, Clayton NC
Phone Number: 919-553-5400 Fax: _____
Contact Person: Norwood Thompson
Email Address: nthompson@walthomgroup.com

FOR OFFICE USE ONLY

Date Received: MAY 01 2015 Amount Paid: _____ File Number: 15-18-01-RZ

Town of Clayton
Planning Department

January 2015

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Young Family Irrevoc Trust, Jenny Kelling Trustee

Mailing Address: 3739 National Dr. Ste 227

Phone Number: _____ **Fax:** _____

Email Address: Raleigh NC, 27612

EXPLANATION OF PROJECT

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

For the purpose of marketing light industrial sites to prospective purchasers, it is the desire of the applicant and owners to ask for rezoning so that they may work with the Johnston County EDC to have this tract certified by the County of Johnston, as a "Johnston County Ready Sites". It is the applicants belief that the rezoning from R-E to Light Industrial will increase marketability of the land through Johnston County EDC and the NC Department of Commerce.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:	To be completed by staff:				
	Yes	N/A	Yes	No	N/A
Submit 9 copies of all materials unless otherwise noted or directed by staff					
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	☐			
2. Review Fee (\$500 for standard rezoning OR \$1,000 + \$5.00/acre for Planned Developments)	☐				
3. Completed application	☒				
4. Owner's Consent Form <i>Required if applicant is not property owner.</i>	☒	☐			
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.

~~With contiguous property zoned I-1 or B3 and with Gordon Road serving as a buffer, it is the applicants belief that the rezoning request would not adversely or negatively effect neighboring landowners.~~

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

~~Currently the property is zoned R-E and has limited residential value with the light industrial property and facilities that is contiguous. It is the applicants belief that rezoning would enhance and increase the marketability. The requested rezoning has the potential to add tremendous value to the Town of Clayton coffers.~~

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

~~It is the applicants belief that the rezoning will improve the Town of Clayton and Johnston County's ability to market the site for an appropriate light manufacturing facility. Opportunities will improve to market the site to companies that will provide jobs to area citizens as well as potentially increase the coffers of the Town of Clayton without adversely effecting Town of Clayton services.~~

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.

~~It is the applicants belief that the proposed rezoning would not negatively effect or impact the public facilities. With increased opportunity to market the site, it is the strong belief that the Town of Clayton would benefit financially from the sale of utilities.~~

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

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that this rezoning would not violate any rules, codes or ordinances set by the Town of Clayton.~~

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.

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that adjoining property owners will not be adversely effected.~~

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

~~It is the desire of the applicant to work with the Johnston County EDC and the NC Department of Commerce and promote the site as a "Johnston County Ready Site." One of the criteria is that land must be zoned Light Industrial. This rezoning will enhance the value of the property and, also, will make it more marketable for suitable light manufacturing companies. Any potential development of the land will not be detrimental to the general public.~~

APPLICANT AFFIDAVIT

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

Nawal O Thompson
Print Name

[Signature]
Signature of Applicant

4/26/15
Date

January 2015

Page 4 of 10

ADJACENT PROPERTY OWNERS LIST

Project Name: Young Family Tract

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
05I05020S	Winstead Building	PO Drawer 1960, Smithfield NC 27577
05I05020O	Raymond House	2020 Casey Rd, Clayton NC 27520
05I05020L, 05I05019H 05I05020R	Waltham Group	442 1/2 East Main Street, Clayton NC 27520
05I05020V 05I05020H	Theodore James Cihols	2017 Fox Den, Clayton NC 27527
05I05020N	Carolina CPL Holinging	1125 W. NC Hwy 54 Ste 504 Durham NC 27707
05I05019K, 05I05023S 05I05023T, 05I05023U	North Tech 120 LLC	120 North Tech Dr. Ste 102, Clayton NC 27520
05I05019L, 05I05019M 05I05019O	Neuse River Leasing Inc	2160 Satellite Blvd, Ste 450, Duluth, GA 30097
05I05023R	MCD Investments	PO Box 877 Clayton, NC 275280-0877
05I05023K	Jose Saucedo / Claudia Santillan	103 Granton Ct. Clayton NC, 27520
05I05008J	Novo Nordisk	3612 Powhatan Rd, Clayton NC 27527
05I05022A	Ida Wiggins	1282 Maple Ave, Peekskill NY, 10566-4853
05I05021, 05I05021B	Betty L Mitchell	2367 Gordon Rd, Clayton NC 27520
05E99011	Norwood Godwin Jones Jr.	804 Chestnut Dr. Smithfield NC, 27577
05I05036	Hellen Tuttle	PO Box 622 Clayton NC 27520
05I05035A	CMH Homes INC	PO Box 9790 Maryville, TN 37802-9790
05I05034A, 05I05034	Worth M Pounds Jr	1899 Strickland Rd. Clayton NC 27520-4817
05I05034B	Donald C Hull	PO Box 2, Micro NC 27555



**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: Young Family Tract **Address or PIN #:** 167700-47-9545

AGENT/APPLICANT INFORMATION:

Norwood Thompson 442 1/2 East Main Street
(Name - type, print clearly) (Address)
Clayton NC, 27520
(City, State, Zip)

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

Norwood Thompson

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.

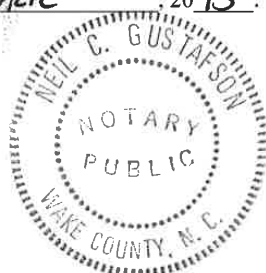
OWNER AUTHORIZATION:

Jenny Y. Kelling Carl G. Young 3739 National Dr. Ste 227
(Name - type, print clearly) (Address)
Carl G. Young Raleigh NC 27612
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me NEIL C. Gustafson a Notary Public for the above State and County, this
the 23rd day of APRIL, 20 15.

SEAL



[Signature]
Notary Public
My Commission
Expires: 1-12-2020

January 2015

Page 10 of 10



442 ½ East Main Street #3
Clayton NC 27520

May 1, 2015

Dear Clayton Area Property Owner:

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

Meeting Date: ____ May 12, 2015 ____

Location: ____ 442 ½ East Main Street #3, Clayton NC 27520 ____
(Horne Building / Behind First Federal Bank)

Time: ____ 6:00PM ____

Type of Application: ____ Rezoning Request ____

General Description:

The property under consideration is located on the North-West side of Gordon Road. Currently the property is zoned R-E and the owners/applicant have found limited residential value with the light industrial property and facilities that is contiguous. It is the applicant's belief that the rezoning will improve our ability to market the site for an appropriate light manufacturing facility. It is the desire of the applicant to work with the NC Department of Commerce and promote the site as a "NC Certified Site." One of the criteria is that land must be zoned Light Industrial. Any potential development will be required to comply to the building and site development requirements set by the Town of Clayton.

If you have any questions prior to or after this meeting, you may contact us at **919-553-5400**.

Sincerely,

Norwood Thompson

cc: Clayton Planning Dept.



*** DISCLAIMER ***

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



Scale: 1:8445 - 1 in. = 703.76 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
April 29, 2015

Meeting Recap

Wiggins/Young

May 12, 2015

1. Several people from Edinburgh complained they did not get letter. Discussed that it was mailed to only adjacent neighbors.
2. Discussed plan for I-1 zoning.
 - That subject property backed up to
 - Phillips complex
 - Excide Battery
 - Machine Shop/US Lumber
 - Rail Road
3. Several people thought and suggested it should become
 - Residential
 - School
 - Park
4. Concerns were
 - Traffic of trucks
 - Access Points
 - Use
5. Made group aware that any use would require traffic study and possible road improvements. The use is to be determined but a possible use is Pharmaceutical. Also addressed that the owners were willing to deed restrict against recycling, junk yards and landfills.

Additionally there is an access point in North Tech Park and Hwy 70 next to Rob's Hydraulics.

Norwood Thompson offered to meet with a spokesman for them and discuss any suggestions they might have.

May 12, 2015

Sharon + Ben Clifton 160 Bilston Dr. 919-243-0812

David Millard 27 Granton Ct. 919-359-1154

Joseph + Ruth Lore 132 Eddlestone 919-550-1897

Charles + Kristen Adkins 148 Eddlestone CT 252-560-6153

Nicole + Mark Guerrero 81 Eddlestone Ct 919-879-8035

Derek + Season Wyatt 127 Bilston Dr. 919-320-5706

PAULA NAARON 415 S. FOWATT ST SMITHFIELD NC 919-934-6909

David and Linda Mohr 138 Bilston Dr. 919-741-0749

LIFFORD AND GILNY PINTO 67 SLATFORD DR. 919-349-3367

Christie Rafferty 118 Bilston Drive 919-339-7300

Toni Lundenand 98 Bilston Dr. 919-585-2255

Bonny Lundenand 56 Granton Ct. 919-359-2838

Rick Loy 139 EDDLESTONE CT 910-638-1839

Benny Langdon 19 Slatford Dr 919-750-7358

MARK TURNER 61 EDDLESTONE CT 919-780-9256

Thomas Maier 64 Bilston DR 910-603-9851

Bruce Allen Signature Management 919-333-3567

Wendy Gatenwood 59 Bilston Dr. 919-395-8897

Lisa Wiley 24 Slatford Dr. 919-550-7500

Keith Pounds 1899 Strickland Rd Clayton NC 919-209-8832

Alysa Gill 4412 East Main 919-550-5664

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING ORDINANCE AMENDMENT
(Rezoning)

15-18-01-RZ Young Family Tract Rezoning

On June 22, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to ☒ approve ☐ deny **Young Family Tract Rezoning** [15-08-01-RZ]

Recommendation(s) made this 22 day of June 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

18
typo.
JM

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

15-18-01-RZ, Young Family Tract 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:

- 2.1 Balance development/investment: old & new.
- 4.3 More people working and living in Clayton.
- 4.5 Partner with local economic development organizations.

The Town of Clayton's Comprehensive Bicycle Plan: not applicable.

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

Insert additional specifics if necessary:

COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning)

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] 15-18-01-RZ – Young Family Tract Rezoning.**

[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 Light Industrial (I-1) zone the property described below, said property formerly being zoned Residential-Estate (R-E); and

WHEREAS said property is owned by Young Family Irrevocable Trust c/o Jenny Kelling (Trustee).; 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 August 3, 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 Light Industrial (L-I) zone the following described property:

General Description:

Approximately 69.58 acres of property located on Gordon Road, near US Highway 70 Business.,

Specific Description:

All of NC Parcel Identification Number: 167700-47-9545

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Light Industrial (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 3rd day of August, 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:

August 3, 2015

ITEM TITLE:

Public Hearing - 15-19-01-RZ - Wiggins Tract Rezoning

DESCRIPTION:

Request of rezoning from R-E to I-1 of 45.73 acres located on Gordon Road near US 70 Highway Business.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Set Public Hearing for August 3, 2015

Information Provided:

Staff Report

Date:

Action Taken:

Information Provided:

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on August 3rd, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider rezoning request 15-19-01-RZ for the Wiggins Tract, parcel number(s) 167700-67-6564, within the town's ETJ. The requested change is from Residential-Estate (R-E) to Light Industrial (I-1).

The Clayton Town Council reserves the right to approve the request as presented or any portion of the request without necessity of withdrawal or modification of the application or additional public hearing on the matter. Likewise, the Town Council may designate approval to the district requested or another district or districts without modification of the request or additional public hearing.

Persons wishing to submit a petition of protest intended to invoke the rules established by N.C. General Statute 160A-385 must submit said petition on forms provided by the Town Clerk not later than 5:00 PM on Wednesday, July 29th, 2015.

This is an open meeting and the public is invited to attend.

Jay McLeod, Planner 919-359-9335

N&O: July 23, 30, 2015



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

*Planning Board
June 22, 2015*

STAFF REPORT

Application Number: 15-19-01-RZ Project Name: Wiggins Tract Rezoning

NC PIN / Tag #: 167700-67-6564 / 05I05022A
Town Limits/ETJ: ETJ
Overlay: Small Area Plan (Future Land Use) / Johnston County Research & Training Zone (Johnston County Economic Training Zone)
Applicant: Norwood Thompson
Owner: Ida S. Wiggins
Location: The property is located on Gordon Rd, near US Hwy 70 Business (see map).

Public Noticing:

- Neighborhood meeting May 12, 2015
- Sign posted June 09, 2015
- Letters mailed prior to July 22, 2015
- Newspaper ad posted prior to July 22, 2015

REQUEST: Rezoning from Residential-Estate (R-E) to Light Industrial (I-1).



SITE DATA:

Acreage: 45.73 acres

Existing Use: Agriculture

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Light Industrial (I-1)	Agricultural
South	County Agricultural Residential (AR)	Residential subdivision (Edinburgh)
East	County Agricultural Residential (AR)	Agricultural
West	Residential-Estate (R-E)	Agricultural

STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting to rezone 45± acres from Residential-Estate to Light Industrial. This piece of land is currently agricultural and primarily fronts along Gordon Rd, just north of the intersection of Hwy 70 Business and Hwy 70 Bypass. The land is on the outside border of the Town's Extraterritorial Planning Jurisdiction (ETJ).

Compatibility with Surrounding Land Uses

The site is located on the outside boundary of the industrial and technology-oriented uses that currently occupy the industrially-zoned land to the north. It is on the developing fringe of Clayton's ETJ.

A small residential subdivision (Edinburgh) is located on the other side of Gordon Rd. This subdivision is served by a connection to Gordon Rd, which is their only ingress/egress to their neighborhood. The neighborhood does have a stub-out street heading east, but the adjacent property is not yet developed, and even when it is the second connection will still be to Gordon Rd.

Other uses surrounding the subject property are primarily agricultural or rural residential.

Access/Streets:

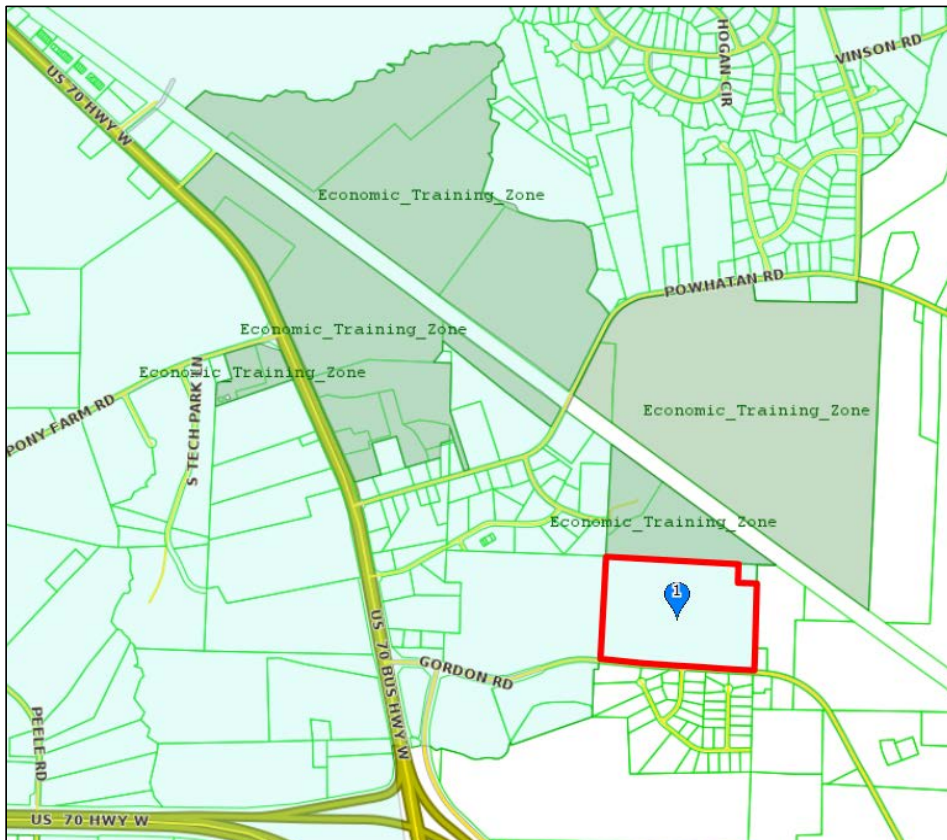
Primary access to the property is from Gordon Rd. As parcels to the north are developed, it may be possible to make a second connection to North Tech Dr. The proximity to the US Hwy 70 Business and Hwy 70 Bypass interchange is supportive of an industrial-type use that might involve utilization of freight shipping corridors.

Consistency with the Strategic Growth Plan

The 2008 Strategic Growth Plan designates this area as a "Small Area Plan" adjacent to Industrial Future Land Use on the north, and the highway interchange on the southwest. This rezoning is consistent with the intent of the Future Land Use for these and surrounding lands, as controlled by the Scenic Highway Overlay discussed below.

Consistency with Overlays

This rezoning is likely in anticipation of subsequent inclusion of the subject property into the Johnston County Research and Training Zone (aka Economic Training Zone). The Johnston County Research and Training Zone (RTZ) is a specialized taxing district which houses the biotech, chemical, and pharmaceutical manufacturing companies along the US Hwy 70 Business corridor such as Grifols, Novo Nordisk, etc. If this should occur, Board of County Commissioner and Town Council permission is required prior to any inclusion into the RTZ. Properties included in the RTZ are not allowed to be annexed by the Town and have their property taxes fixed at a rate set when they are accepted into the RTZ.



CONSIDERATIONS:

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

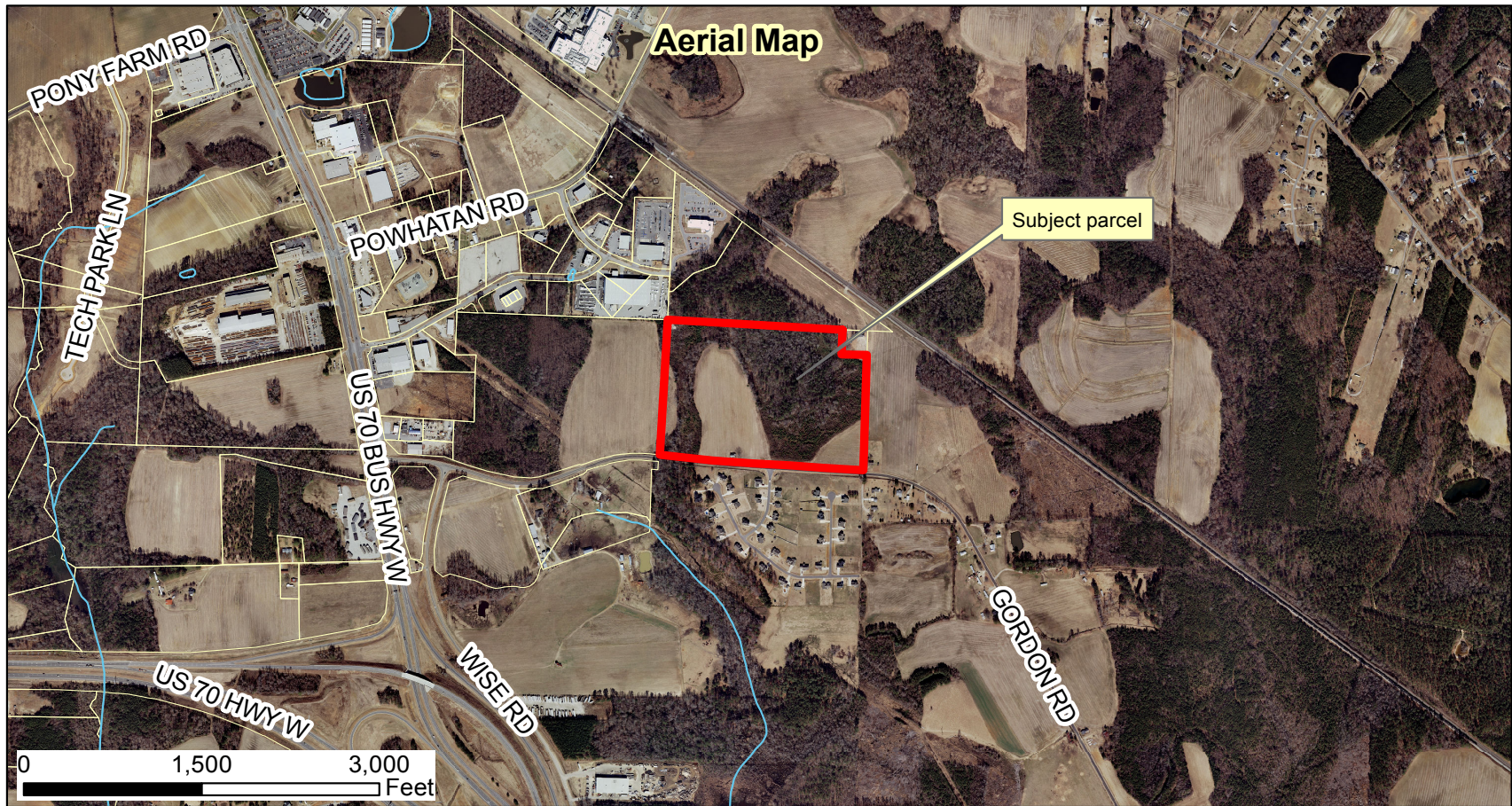
STAFF RECOMMENDATION:

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

PLANNING BOARD RECOMMENDATION:

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Proposed Land Use Map
- 4) Application
- 5) Neighborhood Meeting Materials
- 6) Letter Opposing Rezoning



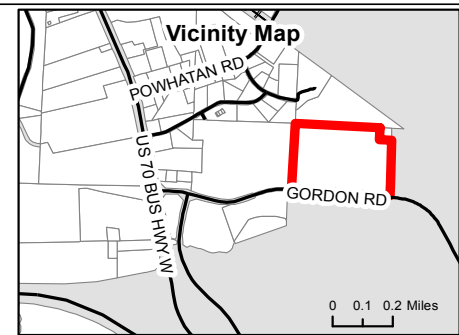
15-19-01-RZ Wiggins Family Tract Rezoning Rezoning from R-E to I-1

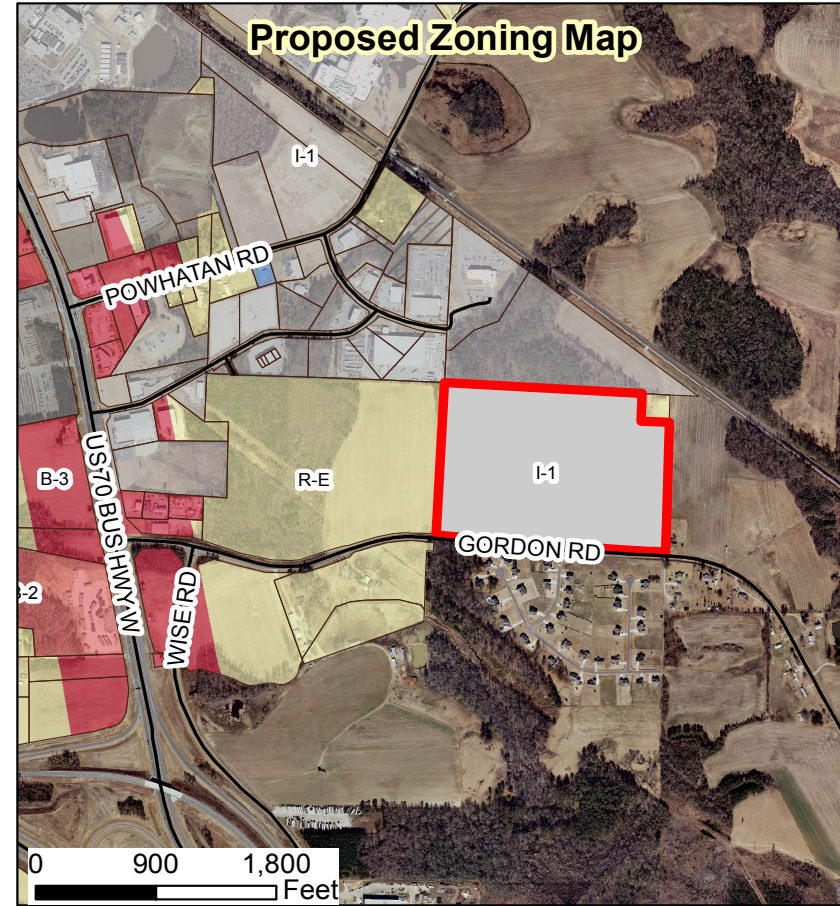
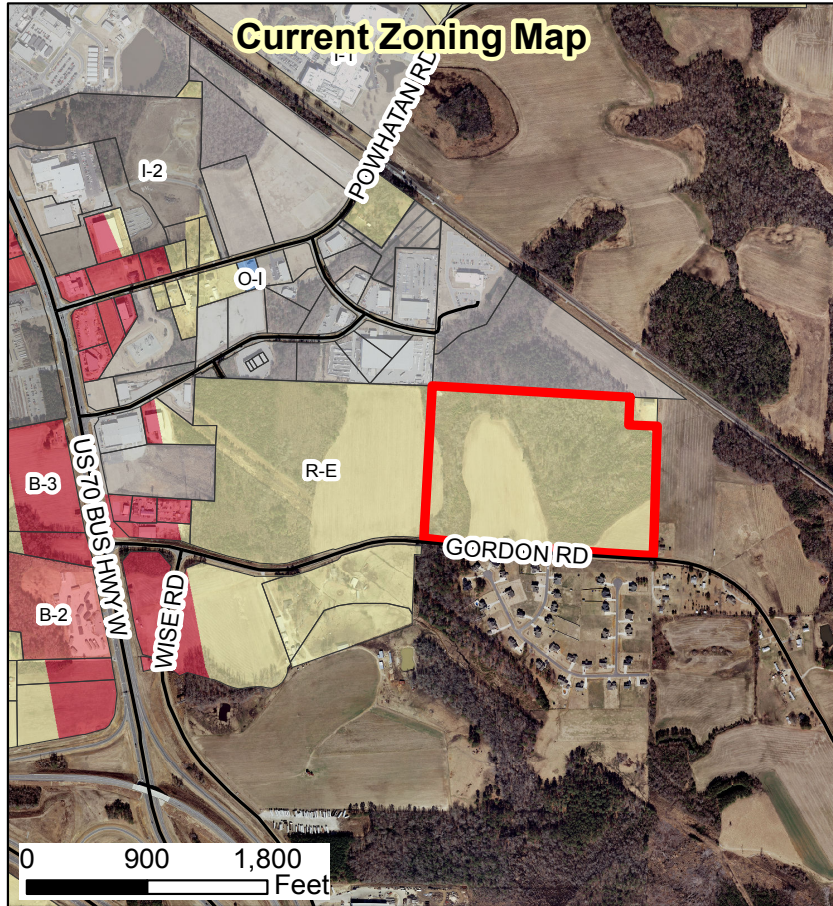
Applicant: Norwood Thompson
 Property Owner: Ida S. Wiggins
 Parcel ID Number: 167700-67-6564
 Tag #: 05I05022A

Produced by: TOC Planning

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

03/14/2015





15-19-01-RZ Wiggins Family Tract Rezoning Rezoning from R-E to I-1

Applicant: Norwood Thompson
 Property Owner: Ida S. Wiggins
 Parcel ID Number: 167700-67-6564
 Tag #: 05105022A

Produced by: TOC Planning

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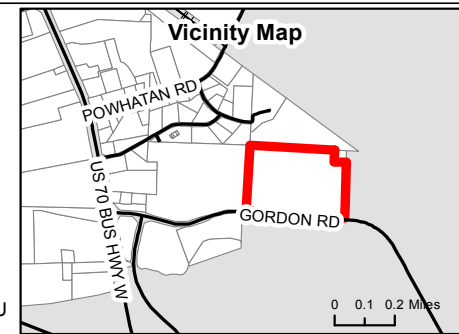
06/15/2015

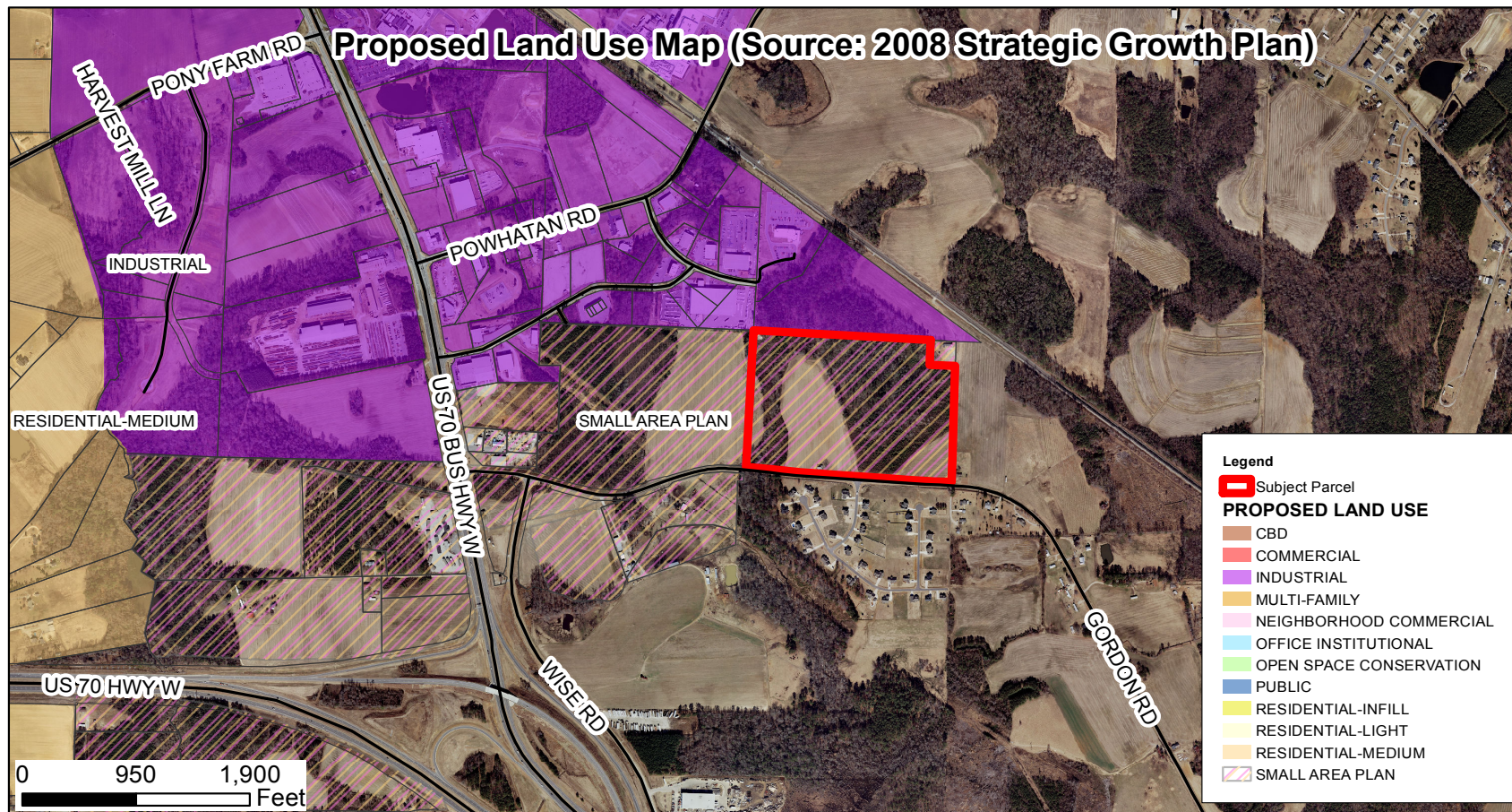


Legend

Subject Parcel

 R-E	 B-2
 R-10	 B-3
 R-8	 PD-C
 R-6	 I-1
 PD-R	 I-2
 O-R	 O-I
 B-1	 PD-MU





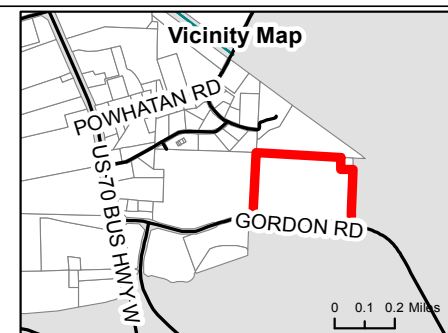
15-19-01-RZ Wiggins Family Tract Rezoning Rezoning from R-E to I-1

Applicant: Norwood Thompson
 Property Owner: Ida S. Wiggins
 Parcel ID Number: 167700-67-6564
 Tag #: 05105022A

Produced by: TOC Planning

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

06/15/2015





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: Wiggins Tract Acreage of Property: ~~69.50~~ 45.73
County Tag Number: 05I05022A NC PIN: 167700-67-6564
Address/Location: 2000 Gordon Road - Clayton NC

Existing Zoning District: R-E

Proposed Zoning District: I-1

Is project within an Overlay District? ☐ No
☒ Yes (list): ETJ of the Town of Clayton

APPLICANT INFORMATION

Applicant: Norwood Thompson
Mailing Address: 442 1/2 East Main Street #3, Clayton NC
Phone Number: 919-553-5400 Fax: _____
Contact Person: Norwood Thompson
Email Address: nthompson@walthomgroup.com

FOR OFFICE USE ONLY		
Date Received: MAY 01 2015	Amount Paid: _____	File Number: <u>15-19-01-RZ</u>
Town of Clayton Planning Department		

January 2015

Page 1 of 10

PROPERTY OWNER INFORMATION

Name: Ida S. Wiggins

Mailing Address: 1282 Maple Ave

Phone Number: _____

Fax: _____

Email Address: Peekskill, NY 10566-4853

EXPLANATION OF PROJECT

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

For the purpose of increased marketing light industrial sites to prospective purchasers, it is the desire of the applicant and owners to ask for rezoning so that they may work with the Johnston County EDC to have this tract certified by the County of Johnston, as "Johnston County Ready Site." It is the applicants belief that the rezoning from R-E to Light Industrial will increase marketability of the land through the Johnston County EDC and the NC Department of Commerce.

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany a Rezoning application.

To be completed by the applicant:	Yes	N/A	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>	☒				

January 2015

Page 2 of 10

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

~~With contiguous property zoned I-1 or B3 and with Gordon Road serving as a buffer, it is our belief that the rezoning request would not adversely or negatively effect neighboring landowners.~~

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

~~Currently the property is zoned R-E and has limited residential value with the light industrial property and facilities that is contiguous. It is the applicants belief that rezoning would enhance and increase the marketability. The requested rezoning has the potential to add tremendous value to the Town of Clayton coffers.~~

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

~~It is the applicants belief that the rezoning will improve the Town of Clayton and Johnston County's ability to market the site for an appropriate light manufacturing facility. Opportunities will improve to market the site to companies that will provide jobs to area citizens as well as potentially increase the coffers of the Town of Clayton without adversely effecting Town of Clayton services.~~

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.

~~It is the applicants belief that the proposed rezoning would not negatively effect or impact the public facilities. With increased opportunity to market the site, it is the strong belief that the Town of Clayton would benefit financially from the sale of utilities.~~

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

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that this rezoning would not violate any rules, codes or ordinances set by the Town of Clayton.~~

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.

~~With contiguous land and facilities already zoned Light Industrial and with Gordon Rd. serving as a natural buffer to residential neighborhood outside the ETJ of the Town of Clayton, it is the belief of the applicant that adjoining property owners will not be adversely effected.~~

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

~~It is the desire of the applicant to work with the Johnston County EDC and the NC Department of Commerce and promote the site as a "Johnston County Ready Site." One of the criteria is that land must be zoned Light Industrial. This rezoning will enhance the value of the property and, also, will make it more marketable for suitable light manufacturing companies. Any potential development of the land will not be detrimental to the general public.~~

APPLICANT AFFIDAVIT

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

Norman O. Thompson
Print Name

[Signature]
Signature of Applicant

4/28/15
Date

January 2015

Page 4 of 10

ADJACENT PROPERTY OWNERS LIST

Project Name: Wiggins Tract

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
05I05008J	Novo Nordisk	3612 Powhatan Clayton NC 27527
05I05021A	Young Family	3739 National Dr. Ste 227, Raleigh NC 27612-4063
05I05021	Betty Mitchell	2367 Gordon Rd. Clayton, NC 27520
05I05023K	Claudia Santillan / Jose Saucedo	103 Granton Court, Clayton NC 27520
05I05023L	David Koehler	102 Granton Ct, Clayton NC 27520
05I05023Q	David Wiley	24 Slateford Dr. Clayton NC 27520
05I05022	Benny H. Langdon	19 Slateford Dr. Clayton NC 27520
05I05022R	Scot Schwichow	147 Eddlestone Dr. Clayton NC 27520
05I05022S	Charles Adkins	148 Eddlestone Ct. Clayton NC 27520
05E99010L	Joesph B. Jones	PO Box 871, Clayton NC 27520
05E99003L	Betty C Woodall	2175 Grabtown Rd. Smithfield NC 27577
05I05023	Betty Mitchell	2367 Gordon Rd. Clayton NC 27520
05I05022C	New Bethel Church	1814 Gordon Rd. Clayton NC 27520
05I05019O	Neuse River Leasing	2160 Satellite Bld Ste 450 Duluth, GA 30097



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: Wiggins Tract Address or PIN #: 167700-67-6584

AGENT/APPLICANT INFORMATION:

Norwood Thompson 442 1/2 East Main Street
 (Name - type, print clearly) (Address)
Clayton, NC 27520
 (City, State, Zip)

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

Norwood Thompson

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.

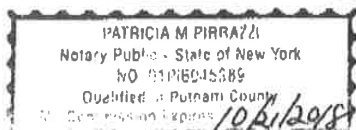
OWNER AUTHORIZATION:

Ida Wiggins 1282 Maple Ave
 (Name - type, print clearly) (Address)
Peekskill, NY 10566-4853
 (Owner's Signature) (City, State, Zip)

STATE OF New York
 COUNTY OF Westchester

Sworn and subscribed before me Patricia M. PirraZZi Notary Public for the above State and County, this the 22nd day of April, 2015.

SEAL



Notary Public

My Commission

Expires: 10/21/2018

January 2015

Page 10 of 10



442 ½ East Main Street #3
Clayton NC 27520

May 1, 2015

Dear Clayton Area Property Owner:

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

Meeting Date: ____ May 12, 2015 ____

Location: ____ 442 ½ East Main Street #3, Clayton NC 27520 ____
(Horne Building / Behind First Federal Bank)

Time: ____ 6:00PM ____

Type of Application: ____ Rezoning Request ____

General Description:

The property under consideration is located on the North-West side of Gordon Road. Currently the property is zoned R-E and the owners/applicant have found limited residential value with the light industrial property and facilities that is contiguous. It is the applicant's belief that the rezoning will improve our ability to market the site for an appropriate light manufacturing facility. It is the desire of the applicant to work with the NC Department of Commerce and promote the site as a "NC Certified Site." One of the criteria is that land must be zoned Light Industrial. Any potential development will be required to comply to the building and site development requirements set by the Town of Clayton.

If you have any questions prior to or after this meeting, you may contact us at **919-553-5400**.

Sincerely,

Norwood Thompson

cc: Clayton Planning Dept.



*** DISCLAIMER ***

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



Scale: 1:8445 - 1 in. = 703.76 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
April 29, 2015

Meeting Recap

Wiggins/Young

May 12, 2015

1. Several people from Edinburgh complained they did not get letter. Discussed that is was mailed to only adjacent neighbors.
2. Discussed plan for I-1 zoning.
 - That subject property backed up to
 - Phillips complex
 - Excide Battery
 - Machine Shop/US Lumber
 - Rail Road
3. Several people thought and suggested it should become
 - Residential
 - School
 - Park
4. Concerns were
 - Traffic of trucks
 - Access Points
 - Use
5. Made group aware that any use would require traffic study and possible road improvements. The use is to be determined but a possible use is Pharmaceutical. Also addressed that the owners were willing to deed restrict against recycling, junk yards and landfills.

Additionally there is an access point in North Tech Park and Hwy 70 next to Rob's Hydraulics.

Norwood Thompson offered to meet with a spokesman for them and discuss any suggestions they might have.

May 12, 2015

Sharon & Ben Clifton 160 Bilston Dr. 919-243-0812

David Millard 27 Granton Ct. 919-359-1154

Joseph & Ruth Lore 132 Eddlestone 919-550-1897

Charles & Kristen Adkins 148 Eddlestone CT 252-560-6153

Nicole & Mark Guerrero 81 Eddlestone Ct 919-879-8035

Derek & Season Wyatt 127 Bilston Dr. 919-320-5706

PAULA NAARON 415 S. FOWATT ST SMITHFIELD NC 919-934-6909

David and Linda Mohr 138 Bilston Dr. 919-741-0749

LIFFORD AND GILNY PINTO 67 SLATFORD DR. 919-349-3367

Christie Rafferty 118 Bilston Drive 919-339-7300

Toni Lundenand 98 Bilston Dr 919-585-2255

Bonny Lundenand 56 Granton Ct. 919-359-2838

Rick Loy 139 EDDLESTONE CT 910-638-1839

Benny Langdon 19 Slatford Dr 919-750-7358

MARK TURNER 61 EDDLESTONE CT 919-780-9256

Thomas Maier 64 Bilston DR 910-603-9851

Bruce Allen Signature Management 919-333-3567

Wendy Gatenwood 59 Bilston Dr. 919-395-8897

Lisa Wiley 24 Slatford Dr. 919-550-7500

Keith Pounds 1899 Strickland Rd Clayton NC 919-209-8832

Aisy G. 4412 East Main 919-550-5664

TO: FRANK PRICE ON PLANNING BOARD

**FROM: SHARON CLIFTON, 160 BILSTON DR, CLAYTON NC
27520**

DEAR SIR:

I live in the EDINBURGH subdivision off Gordon road. I am opposed to the rezoning of land across from our housing development . I do not want tractor trailers coming and going in front of our 41 house development. MR. THOMPSON developed this property and only gave us one entrance to get out of this development and we have no problems with traffic now but if we get employees and tractor trailer trucks coming and going it will be a PROBLEM. WE have a lot of young children running around this neighborhood. I am also concerned about the drop in PROPERTY VALUES after we get no telling what kind of business across from us. There are a lot of people that are unhappy with what Mr. THOMPSON did in this development and do not think he will do what needs to be done when he puts in a business across from us. IF land is rezoned for business then I would like to see roads come in from other side of property where it is already zoned business. No truck entrance off Gordon road just employee entrance if needed. I ask would you want a factory across from your house? There is land available around highway 70 but they do not to pay higher cost. Thank you for your time.

C Mr. Ben Clifton
160 Bilston Dr.
Clayton, NC 27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 4 L



Mr. Frank Price
Planning Board
406 Fayetteville St.
Clayton, NC 27520-2437

27520243706



Mr. Ben Clifton
160 Bilston Dr.
Clayton, NC 27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 1 L



Mr. Marty Byzell
Planning Board
406 Fayetteville Rd.
Clayton, NC 27520-2437

27520243706





RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 1 L



Mr. Jim Lee
Planning Board
406 Fayetteville St.
Clayton, NC 27520-2437

27520243706



RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 1 L



Mr. James Lipscomb
Planning Board
406 Fayetteville St.
Clayton, NC 27520-2437

27520243706



ton
Dr.
27520-7514

RALEIGH NC 275
Research Triangle Region
10 JUN 2015 PM 4 L



Dana Pounds, Planning Board
406 Fayetteville St.
Clayton, NC 28520-2437

TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
ZONING ORDINANCE AMENDMENT
(Rezoning)

15-19-01-RZ Wiggins Family Tract Rezoning

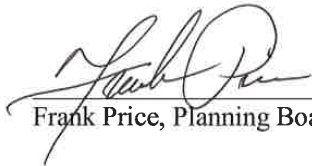
On June 22, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to ☒ approve ☐ deny **Wiggins Family Tract Rezoning** [15-09-01-RZ]

19
typo.
JM

Recommendation(s) made this 22 day of June 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

15-19-01-RZ, Wiggins Tract 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:

- 2.1 Balance development/investment: old & new.
- 4.3 More people working and living in Clayton.
- 4.5 Partner with local economic development organizations.

The Town of Clayton's Comprehensive Bicycle Plan: not applicable.

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

Insert additional specifics if necessary:

**COUNCIL MOTION SHEET
ZONING ORDINANCE AMENDMENT
(Rezoning)**

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] 15-19-01-RZ – Wiggins Tract Rezoning.**

[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 Light Industrial (I-1) zone the property described below, said property formerly being zoned Residential-Estate (R-E); and

WHEREAS said property is owned by Ida S. Wiggins; 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 August 3, 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 Light Industrial (L-I) zone the following described property:

General Description:

Approximately 45.73 acres of property located on Gordon Road, near US Highway 70 Business.

Specific Description:

All of NC Parcel Identification Number: 167700-67-6564

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Light Industrial (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 3rd day of August, 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:

August 3, 2015

ITEM TITLE:

Public Hearing - PSD 2014-97 - Magnolia Pointe Subdivision - Preliminary Plat

DESCRIPTION:

Request for preliminary subdivision plat for major subdivision of between 35 and 40 single family residential units. Property is located on and west off of Shotwell Rd., between US 70 Business Hwy W and Amelia Church Road.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Set Public Hearing for August 3, 2015

Information Provided:

Staff Report

Date:

Action Taken:

Information Provided:

PUBLIC NOTICE

In accordance with NC GS 160A-364 the Clayton Town Council will hold an evidentiary hearing on August 3, 2015, at 6:30 PM at Town Hall, 111 East Second Street, to consider preliminary subdivision request PSD2014-97, Magnolia Pointe preliminary plat (subdivision), requesting to divide 13.89 acres into 38 single family residential lots. The property is bounded by Shotwell Road on the east, and is between US 70 Hwy Business and Amelia Church Road; parcel number 165914-33-6257.

During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath. This is an open meeting and the public is invited to attend.

Jay McLead, Planner 919-359-9335
N&O: July 23, 30, 2015



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
April 20, 2015*

STAFF REPORT

Application Number: PSD 2014-97
Project Name: **Magnolia Pointe Major Subdivision – Preliminary Plat**

NC PIN / Tag #: 165914-33-6257 / 05B02031V
Town Limits/ETJ: Town Limits
Overlay: NA
Applicant: ASCO Builders Inc., c/o Matt Shephens (mattshephens@bellsouth.net)
Owner: ASCO Builders Inc.

Neighborhood Meeting: meeting pending
Public Noticing:

- sign posted April 17, 2015
- letters mailed TBD, 2015
- newspaper ad TBD, 2015

PROJECT LOCATION: The property is located on and west off of Shotwell Road, between US 70 Bus Hwy W and Amelia Church Rd. It is a vacant lot directly across from Lion's Spring development.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of the subject property to allow between 35 and 40 single family detached residential units.

SITE DATA:

Acreage: 13.89 acres
Existing Zoning: Planned Development Mixed Use (PD-MU) and Residential-10 (R-10)
Proposed Zoning: Residential-8 (R-8) (a concurrent rezoning application exists (RZ 2014-99) to rezone to R-8)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: single family detached residential units in an R-8 Open Space Subdivision

Page 1 of 5

Buildings:	37 residential units
Number of Stories:	Maximum height of 35 feet
Impervious Surface:	Maximum 55% impervious for overall development
Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Two access points onto Shotwell Road.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential
South:	Zoning:	Planned Development Mixed Use (PD-MU) and Office-Institutional (O-I)
	Existing Use:	Lion's Gate single-family subdivision and a medical office.
East:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Lion's Gate single-family subdivision and Lion's Spring retirement residential
West:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for a new single family residential subdivision. This would be an Open-Space R-8 subdivision and is running concurrently with a rezoning (RZ2014-97).

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with the Unified Development Code

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

Compatibility with Surrounding Land Uses

This use is compatible with surrounding residential uses.

Landscaping and Buffering

A perimeter landscape buffer (Class C) is required along the entire boundary of the property. An existing sewer easement is along the northern border. A riparian buffer, which includes 100-year floodplain resource conservation area, exists on the western and northern borders of the project and will be used to achieve the landscaping buffer along those sides.

The proposed buffer along Shotwell Rd, in lieu of a traditional Class C buffer, is Leyland Cypress trees, spaced 10' on center. Leyland Cypress trees are fast growing and can eventually become 70' tall and 15' wide. At 10' on center, they should provide an almost immediate evergreen visual screen.

Recreation and Open Space

The development will meet the requirements of an Open-Space Subdivision, through a 0.44 acre active recreation site and a 3.78 passive open space site.

Environmental

Resource conservation areas (stream buffers, 100-year flood zones) shall be preserved by a binding legal instrument recorded with the deed as each phase is platted. Riparian buffers not considered "stream buffers" by the UDC must meet all state preservation requirements.

Signs

Signage will be located at the entrances to the project, and will occur as a separate sign application. They will not be allowed to encroach upon the safe sight triangles at the intersections.

Access/Streets

Access will be from Shotwell Road, and will require driveway permits from NCDOT. The "bump-out" turn in the road within the development, on the west side, has been approved by the Town Engineer.

Multi-Modal Access

Sidewalks are provided along both sides of all streets. A sidewalk will be provided along Shotwell Road along the entirety of the parcel.

Garbage / Recycling

Roll-out garbage cans will be utilized.

Architecture/Design

The request is for a single family detached home subdivision. As it has been designed as an Open Space Subdivision, minimum lot sizes are 6,000 square feet (per standards for R-8 zoning).

Waivers/Deviations/Variances from Code Requirements

The applicant may request an alternate landscape buffer along Shotwell Rd.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval of a R-8 Open Space Residential Subdivision.
- This approval is subject to concurrent approval of RZ2014-99 Magnolia Pointe rezoning to R-8.

- Preliminary Subdivision Plats (major subdivisions) are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - The applicant appears to be proposing an alternative landscape buffer along Shotwell Rd, in the form of Leyland Cypress, planted 10' on center.
-

FINDINGS:

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

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plat. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. A sidewalk shall be constructed along Shotwell Rd along the entirety of the parcel, site, or development, including areas that will remain undeveloped or are reserved for future development.
5. No buildings shall be constructed within 20' of any riparian buffer, per UDC §155.502(D).
6. A Class C buffer (or other Planning Dept. approved buffer) will be installed on the perimeter of the development, per Open-Space Subdivision development regulations. A waiver must be obtained for any alternate landscape buffer areas.
7. Five foot wide sidewalks shall be installed on both sides of all internal roads, including around the entirety of all cul-de-sacs, and shall be constructed or bonded prior to plat recordation for the associated phase.
8. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
9. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in

perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.

10. The perimeter landscaping buffer along Shotwell Rd must be installed prior to the issuance of a Certificate of Occupancy for the first dwelling.
11. All scheduled improvements to Shotwell Rd must be constructed or bonded prior to the issuance of a Certificate of Occupancy for the first dwelling.
12. An updated wastewater allocation request must be approved by the Town Manager.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary subdivision with the conditions listed above.

Planning Board Recommendation:

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Subdivision Findings of Fact
- 4) Preliminary Subdivision Plat
- 5) Application
- 6) Neighborhood Meeting Materials (if available)
- 7) Planning Board Motion Form



PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision Subdivision and Rezoning from R-10 and PD-MU to R-8

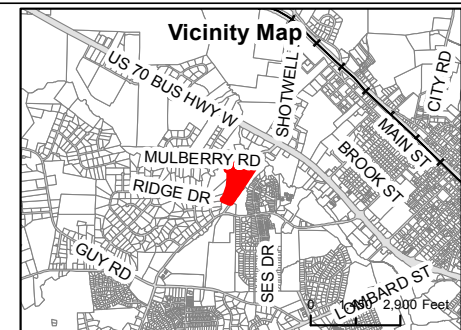
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 Property Owner: ASCO Builders Inc
 Parcel ID Number: 165914-33-6257
 Tag #: 05B02031V

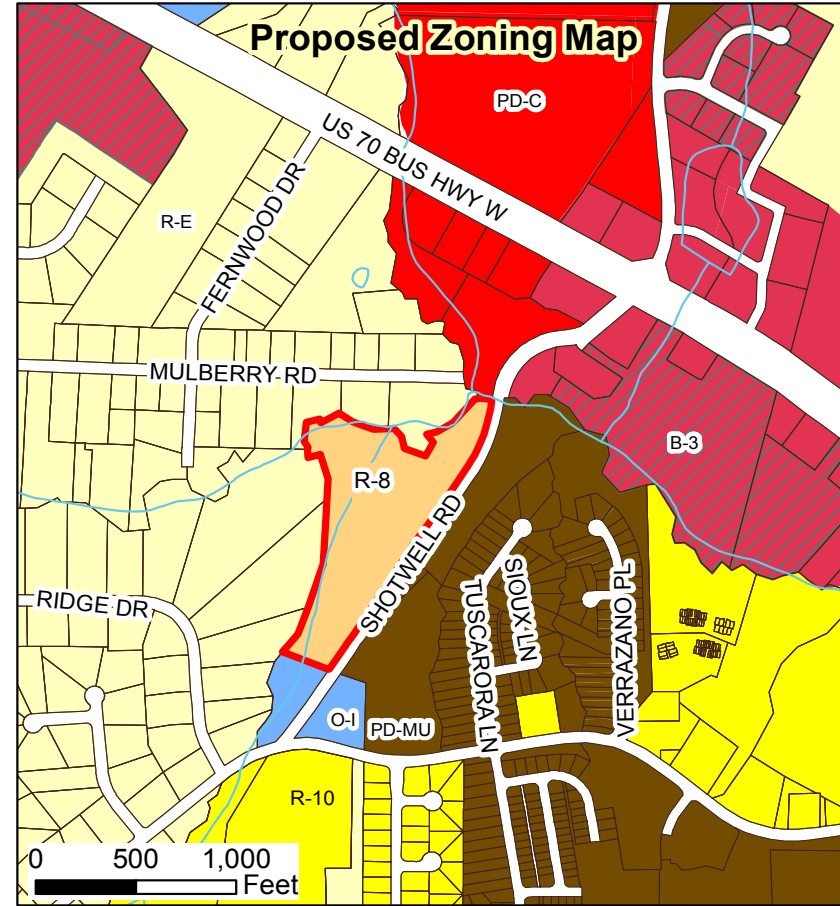
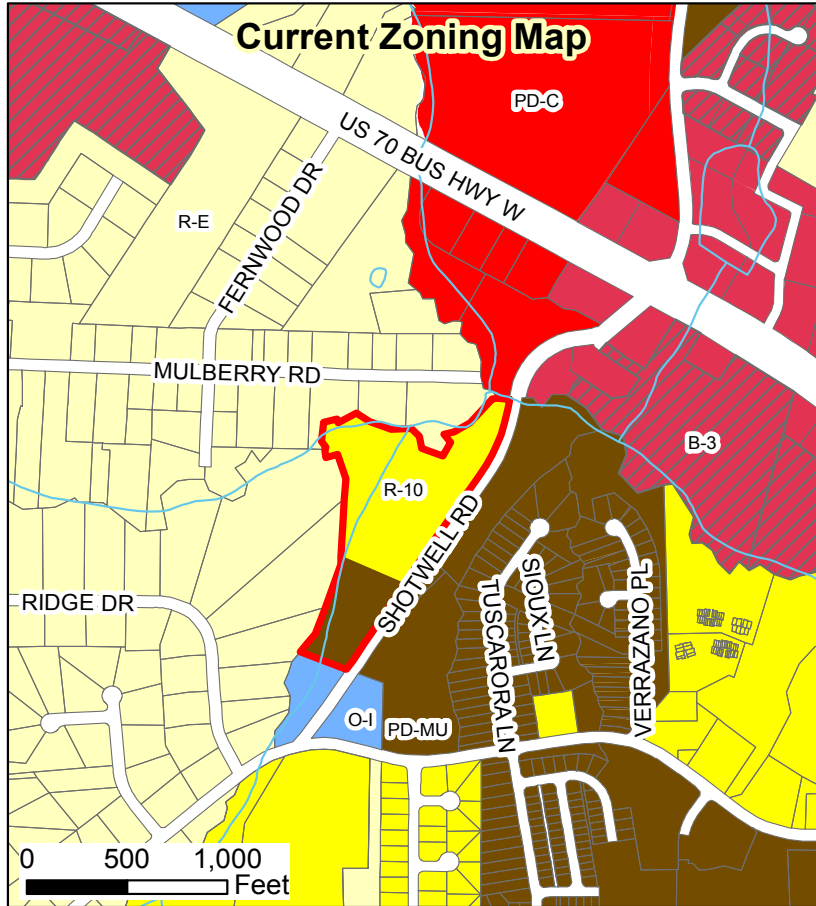
Produced by: TOC Planning

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



03/14/2015 Document Path: O:\PLANNING\REZONING\Rezoning\2014\IRZ 2014-99 Magnolia Pointe Rezoning\maps\Staff Rpt Map RZ2014-99 - Aerial.mxd





PSD2014-97 and RZ2014-99 Magnolia Pointe Subdivision Subdivision and Rezoning from R-10 and PD-MU to R-8

Applicant: ASCO Builders Inc
 Property Owner: ASCO Builders Inc
 Parcel ID Number: 165914-33-6257
 Tag #: 05B02031V

Produced by: TOC Planning

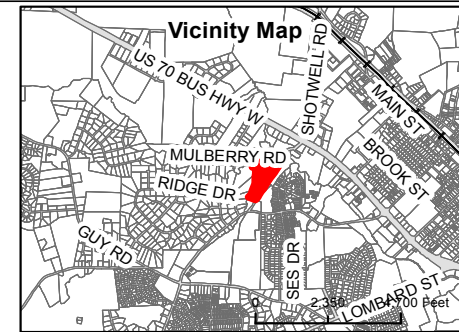
Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.



3/14/2015 Document Path: O:\PLANNING\REZONING\Rezoning\2014\RZ 2014-99 Magnolia Pointe Rezoning\maps\Staff Rpt Map RZ2014-99 - Existing and Proposed Zoning.mxd

Legend

 	Subject parcel		B-2
	R-E		B-3
	R-10		PD-C
	R-8		I-1
	R-6		I-2
	PD-R		O-I
	O-R		PD-MU
	B-1		



APPLICANT STATEMENT -- MAJOR SUBDIVISIONS ONLY

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

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

THE SUBDIVISION WILL MEET THE STANDARDS
SET FORTH IN THE PROPOSED R-B ZONING
APPLICATION

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

THIS SMALL SUBDIVISION WILL FILL IN AN AREA
DESIGNED FOR A RESIDENTIAL DEVELOPMENT SUCH
AS THIS

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

SUBDIVISION WILL HAVE TWO ENTRANCES AND
SHOW IMPROVEMENTS ALONG SHOTWELL ROAD.

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

THIS PLAN CONFORMS WITH THE TOWN'S
DEVELOPMENT PLANS ALONG THIS ROADWAY.



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

REVISED

SUBDIVISION APPLICATION

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

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

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

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

SUBDIVISION TYPE:

Application Type:

- ☐ Minor Subdivision ☒ Major Subdivision ☐ Final Plat ☐ Exempt Map
☐ Recombination

SITE INFORMATION:

Name of Project: MAGNOLIA BINTÉ Acreage of Property: 13.89
Preliminary Plat Approval Date (if applicable): _____
Parcel ID Number: 165914-33-6257 Tax ID: _____
Location: SHOTWELL ROAD
Section(s): _____ Phase(s): _____
Number of Lots (Existing): _____ (Proposed): 38 Min. Lot Size: 6250 SF
Zoning District: R-2B Planned Development? (Y/N): N Electric Provider: CLAYTON
Specific Use: RESIDENTIAL
Recreation/Open Space Requirement: ☒ Fee in lieu ☒ Land Dedication (acreage) _____

FOR OFFICE USE ONLY

File Number: 2014-97

Date Received:

FEB 11 2015

Amount Paid: 600 = (8/5/14)

July 2013

Town of Clayton
Planning Department

Page 1 of 11

OWNER INFORMATION:

Name: ASCO BUILDERS INC
Mailing Address: 319 CHAPANOKE RD. SUITE 102 RALEIGH NC 27603
Phone Number: 919 779-8649 Fax: 919 779-7952
Email Address: MATT STEPHENS@BELLSOUTH.NET

APPLICANT INFORMATION:

Applicant: SAME
Mailing Address: _____
Phone Number: _____ Fax: _____
Contact Person: MATT STEPHENS
Email Address: _____

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

APPLICANT AFFIDAVIT

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

Matthew Stephens
Print Name

[Signature]
Signature of Applicant

2-11-15
Date

APPLICANT STATEMENT – MAJOR SUBDIVISIONS ONLY

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

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APPLICATION

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DESIGNED FOR 1 RESIDENTIAL DEVELOPMENT SUCH
AS THIS

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

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THIS PLAN CONFORMS WITH THE TOWN'S
DEVELOPMENT PLANS ALONG THIS ROADWAY.



**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: MAGNOLIA POINTE Address or PIN #: 165914-33-6257

AGENT/APPLICANT INFORMATION:

MATT STEPHENS
(Name - type, print clearly)

319 CHAPANOKE RD. SUITE 102
(Address)
RALEIGH, NC. 27603
(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*):

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:

Matthew Stephens
(Name - type, print clearly)

319 Chapanoke Rd, Ste 102
(Address)

[Signature]
(Owner's Signature)

Raleigh, NC 27603
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Wake

Sworn and subscribed before me Brenda E. Jones, a Notary Public for the above State and County, this the 1st day of August, 2014.



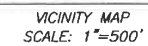
Brenda E. Jones
Notary Public

My Commission Expires: June 17, 2015

(FORMERLY KNOWN AS EDENTON SUBDIVISION)

319 CHAPANOKE ROAD SUITE 106
RALEIGH, NC 27603

SHEET 1	COVER SHEET
SHEET 2	PRELIMINARY SITE PLAN
SHEET 3	PRELIMINARY UTILITY PLAN
SHEET 4	PRELIMINARY GRADING AND DRAINAGE PLAN
SHEET 5	PRELIMINARY LANDSCAPE PLAN
SHEET 6	PRELIMINARY ROAD WIDENING PLAN

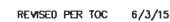


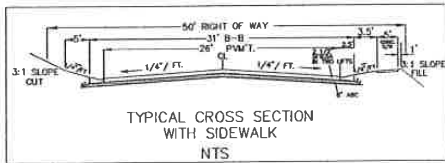
SHEET 1

ALL STREET CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF CLAYTON AND THE NORTH CAROLINA DEPT. OF TRANSPORTATION.

SURVEY INFORMATION FROM
MAP BY MICHAEL D. BARR
PROFESSIONAL LAND SURVEYOR
PO BOX 30217
RALEIGH, NC 27622-0217
(919) 783-6918

PLAN IS SUBJECT TO REVISIONS DURING
THE CONSTRUCTION APPROVAL PROCESS

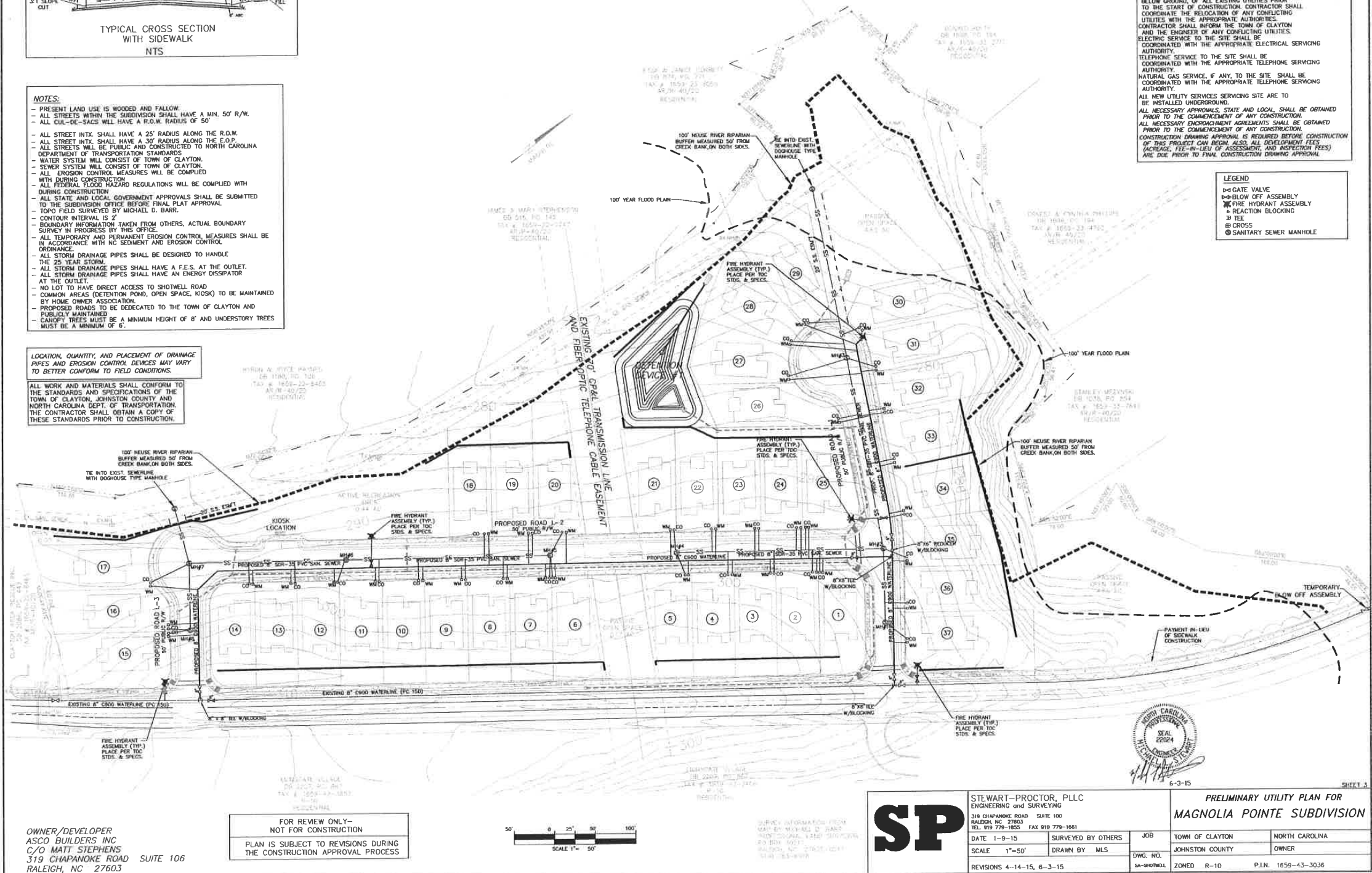




- NOTES:**
- PRESENT LAND USE IS WOODED AND FALLOW.
 - ALL STREETS WITHIN THE SUBDIVISION SHALL HAVE A MIN. 50' R/W.
 - ALL CUL-DE-SACS WILL HAVE A R.O.W. RADIUS OF 50'.
 - ALL STREET INTX. SHALL HAVE A 25' RADIUS ALONG THE E.O.P.
 - ALL STREETS WILL BE PUBLIC AND CONSTRUCTED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARDS.
 - WATER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
 - SEWER SYSTEM WILL CONSIST OF TOWN OF CLAYTON.
 - ALL EROSION CONTROL MEASURES WILL BE COMPLIED WITH DURING CONSTRUCTION.
 - ALL FEDERAL FLOOD HAZARD REGULATIONS WILL BE COMPLIED WITH DURING CONSTRUCTION.
 - ALL STATE AND LOCAL GOVERNMENT APPROVALS SHALL BE SUBMITTED TO THE SUBDIVISION OFFICE BEFORE FINAL PLAT APPROVAL.
 - TOPO FIELD SURVEYED BY MICHAEL D. BARR.
 - CONTOUR INTERVAL IS 2'.
 - BOUNDARY INFORMATION TAKEN FROM OTHERS. ACTUAL BOUNDARY SURVEY IN PROGRESS BY THIS OFFICE.
 - ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH NC SEDIMENT AND EROSION CONTROL ORDINANCE.
 - ALL STORM DRAINAGE PIPES SHALL BE DESIGNED TO HANDLE THE 25 YEAR STORM.
 - ALL STORM DRAINAGE PIPES SHALL HAVE A F.E.S. AT THE OUTLET.
 - ALL STORM DRAINAGE PIPES SHALL HAVE AN ENERGY DISSIPATOR AT THE OUTLET.
 - NO LOT TO HAVE DIRECT ACCESS TO SHOTWELL ROAD.
 - COMMON AREAS (DETENTION POND, OPEN SPACE, KIOSK) TO BE MAINTAINED BY HOME OWNER ASSOCIATION.
 - PROPOSED ROADS TO BE DEDICATED TO THE TOWN OF CLAYTON AND PUBLICLY MAINTAINED.
 - CANOPY TREES MUST BE A MINIMUM HEIGHT OF 8' AND UNDERSTORY TREES MUST BE A MINIMUM OF 6'.

LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE PIPES AND EROSION CONTROL DEVICES MAY VARY TO BETTER CONFORM TO FIELD CONDITIONS.

ALL WORK AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON, JOHNSTON COUNTY AND NORTH CAROLINA DEPT. OF TRANSPORTATION. THE CONTRACTOR SHALL OBTAIN A COPY OF THESE STANDARDS PRIOR TO CONSTRUCTION.



GENERAL UTILITY NOTES:

ALL WORK, PLACEMENT, LOCATION, INSTALLATION, AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON. CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL VERIFY THE LOCATION, ABOVE AND BELOW GROUND, OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL COORDINATE THE RELOCATION OF ANY CONFLICTING UTILITIES WITH THE APPROPRIATE AUTHORITIES. CONTRACTOR SHALL INFORM THE TOWN OF CLAYTON AND THE ENGINEER OF ANY CONFLICTING UTILITIES. ELECTRIC SERVICE TO THE SITE SHALL BE COORDINATED WITH THE APPROPRIATE ELECTRICAL SERVING AUTHORITY. TELEPHONE SERVICE TO THE SITE SHALL BE COORDINATED WITH THE APPROPRIATE TELEPHONE SERVING AUTHORITY. NATURAL GAS SERVICE, IF ANY, TO THE SITE SHALL BE COORDINATED WITH THE APPROPRIATE TELEPHONE SERVING AUTHORITY. ALL NEW UTILITY SERVICES SERVING SITE ARE TO BE INSTALLED UNDERGROUND. ALL NECESSARY APPROVALS, STATE AND LOCAL, SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. ALL NECESSARY ENCROACHMENT AGREEMENTS SHALL BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CONSTRUCTION DRAWING APPROVAL IS REQUIRED BEFORE CONSTRUCTION OF THIS PROJECT CAN BEGIN. ALSO, ALL DEVELOPMENT FEES (ACROSS-FEE-IN-LIEU OF ASSESSMENT, AND INSPECTION FEES) ARE DUE PRIOR TO FINAL CONSTRUCTION DRAWING APPROVAL.

- LEGEND**
- GATE VALVE
 - BLOW OFF ASSEMBLY
 - FIRE HYDRANT ASSEMBLY
 - REACTION BLOCKING
 - TEE
 - CROSS
 - SANITARY SEWER MANHOLE

OWNER/DEVELOPER
ASCO BUILDERS INC
C/O MATT STEPHENS
319 CHAPANOKE ROAD SUITE 106
RALEIGH, NC 27603

FOR REVIEW ONLY—
NOT FOR CONSTRUCTION
PLAN IS SUBJECT TO REVISIONS DURING
THE CONSTRUCTION APPROVAL PROCESS



SURVEY INFORMATION FROM
MATT STEPHENS, PLS
MATT STEPHENS, PLS
MATT STEPHENS, PLS
MATT STEPHENS, PLS
MATT STEPHENS, PLS

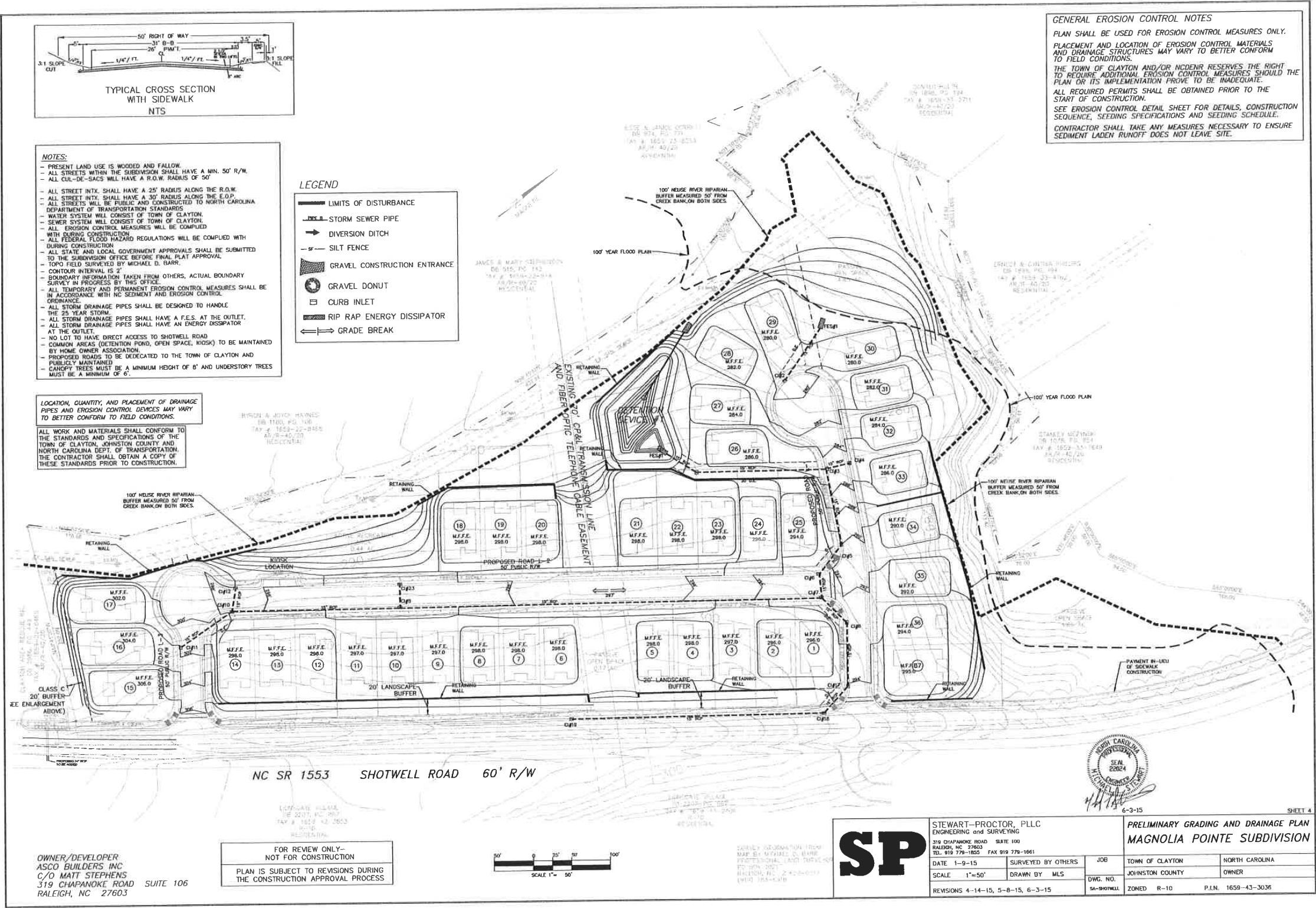
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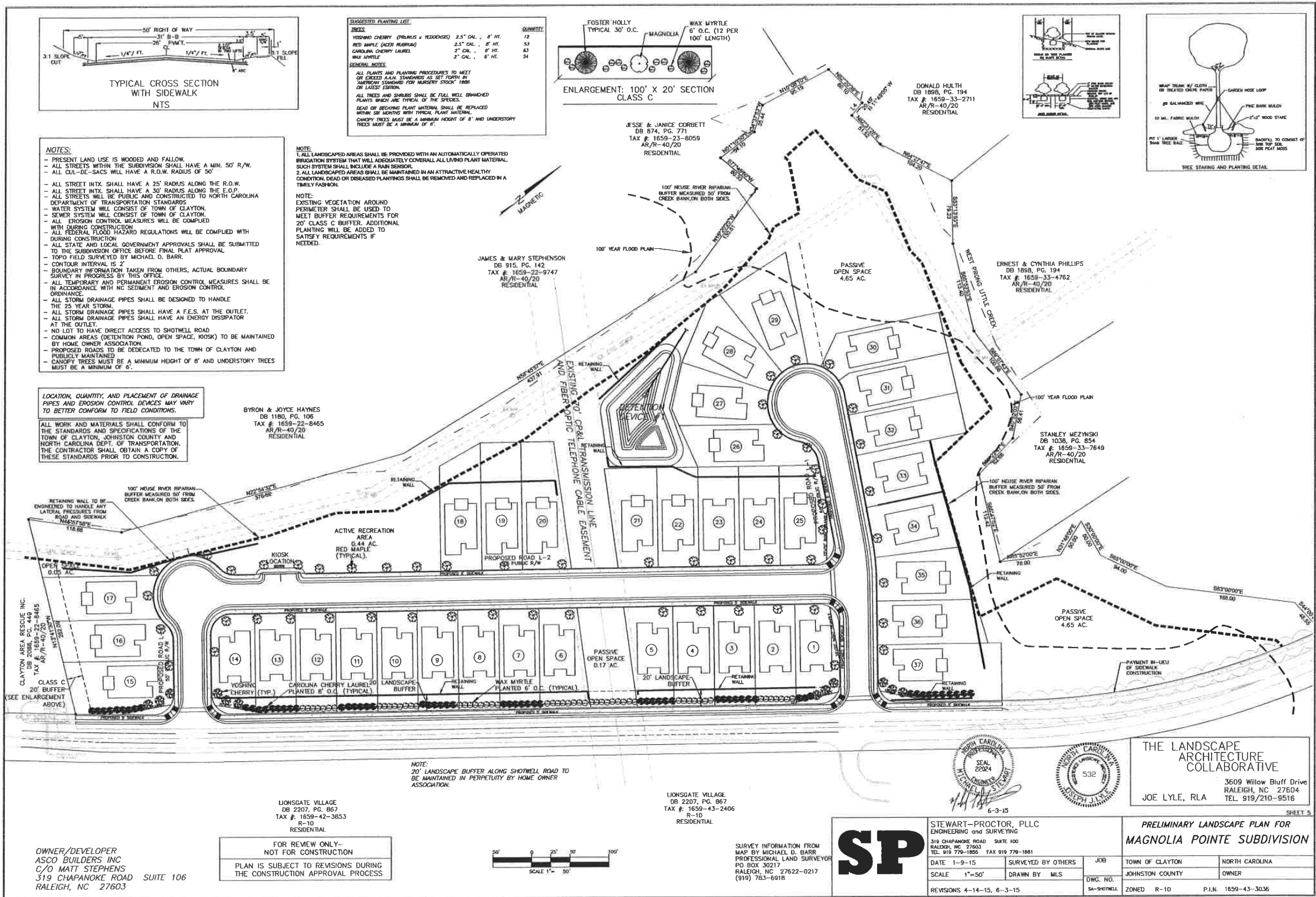
STEWART-PROCTOR, PLLC
ENGINEERING AND SURVEYING
319 CHAPANOKE ROAD SUITE 100
RALEIGH, NC 27603
TEL 919 779-1855 FAX 919 779-1661

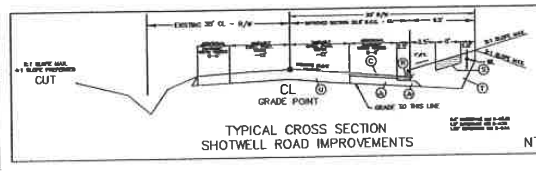
DATE 1-9-15	SURVEYED BY OTHERS	JOB
SCALE 1"=50'	DRAWN BY MLS	TOWN OF CLAYTON
REVISIONS 4-14-15, 6-3-15		NORTH CAROLINA

PRELIMINARY UTILITY PLAN FOR
MAGNOLIA POINTE SUBDIVISION

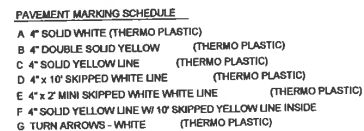
TOWN OF CLAYTON	NORTH CAROLINA
JOHNSTON COUNTY	OWNER
DWG. NO. SA-SH07001	P.L.N. 1659-43-3036







SIZE	POINT SCHEDULE
(1)	1" SPACING AND 2'-0" O.C.
(2)	1.5" SPACING AND 2'-0" O.C.
(3)	2" SPACING AND 2'-0" O.C.
(4)	2.5" SPACING AND 2'-0" O.C.
(5)	3" SPACING AND 2'-0" O.C.
(6)	3.5" SPACING AND 2'-0" O.C.
(7)	4" SPACING AND 2'-0" O.C.
(8)	4.5" SPACING AND 2'-0" O.C.
(9)	5" SPACING AND 2'-0" O.C.
(10)	5.5" SPACING AND 2'-0" O.C.
(11)	6" SPACING AND 2'-0" O.C.
(12)	6.5" SPACING AND 2'-0" O.C.
(13)	7" SPACING AND 2'-0" O.C.
(14)	7.5" SPACING AND 2'-0" O.C.
(15)	8" SPACING AND 2'-0" O.C.
(16)	8.5" SPACING AND 2'-0" O.C.
(17)	9" SPACING AND 2'-0" O.C.
(18)	9.5" SPACING AND 2'-0" O.C.
(19)	10" SPACING AND 2'-0" O.C.
(20)	10.5" SPACING AND 2'-0" O.C.
(21)	11" SPACING AND 2'-0" O.C.
(22)	11.5" SPACING AND 2'-0" O.C.
(23)	12" SPACING AND 2'-0" O.C.
(24)	12.5" SPACING AND 2'-0" O.C.
(25)	13" SPACING AND 2'-0" O.C.
(26)	13.5" SPACING AND 2'-0" O.C.
(27)	14" SPACING AND 2'-0" O.C.
(28)	14.5" SPACING AND 2'-0" O.C.
(29)	15" SPACING AND 2'-0" O.C.
(30)	15.5" SPACING AND 2'-0" O.C.
(31)	16" SPACING AND 2'-0" O.C.
(32)	16.5" SPACING AND 2'-0" O.C.
(33)	17" SPACING AND 2'-0" O.C.
(34)	17.5" SPACING AND 2'-0" O.C.
(35)	18" SPACING AND 2'-0" O.C.
(36)	18.5" SPACING AND 2'-0" O.C.
(37)	19" SPACING AND 2'-0" O.C.
(38)	19.5" SPACING AND 2'-0" O.C.
(39)	20" SPACING AND 2'-0" O.C.
(40)	20.5" SPACING AND 2'-0" O.C.
(41)	21" SPACING AND 2'-0" O.C.
(42)	21.5" SPACING AND 2'-0" O.C.
(43)	22" SPACING AND 2'-0" O.C.
(44)	22.5" SPACING AND 2'-0" O.C.
(45)	23" SPACING AND 2'-0" O.C.
(46)	23.5" SPACING AND 2'-0" O.C.
(47)	24" SPACING AND 2'-0" O.C.
(48)	24.5" SPACING AND 2'-0" O.C.
(49)	25" SPACING AND 2'-0" O.C.
(50)	25.5" SPACING AND 2'-0" O.C.
(51)	26" SPACING AND 2'-0" O.C.
(52)	26.5" SPACING AND 2'-0" O.C.
(53)	27" SPACING AND 2'-0" O.C.
(54)	27.5" SPACING AND 2'-0" O.C.
(55)	28" SPACING AND 2'-0" O.C.
(56)	28.5" SPACING AND 2'-0" O.C.
(57)	29" SPACING AND 2'-0" O.C.
(58)	29.5" SPACING AND 2'-0" O.C.
(59)	30" SPACING AND 2'-0" O.C.
(60)	30.5" SPACING AND 2'-0" O.C.
(61)	31" SPACING AND 2'-0" O.C.
(62)	31.5" SPACING AND 2'-0" O.C.
(63)	32" SPACING AND 2'-0" O.C.
(64)	32.5" SPACING AND 2'-0" O.C.
(65)	33" SPACING AND 2'-0" O.C.
(66)	33.5" SPACING AND 2'-0" O.C.
(67)	34" SPACING AND 2'-0" O.C.
(68)	34.5" SPACING AND 2'-0" O.C.
(69)	35" SPACING AND 2'-0" O.C.
(70)	35.5" SPACING AND 2'-0" O.C.
(71)	36" SPACING AND 2'-0" O.C.
(72)	36.5" SPACING AND 2'-0" O.C.
(73)	37" SPACING AND 2'-0" O.C.
(74)	37.5" SPACING AND 2'-0" O.C.
(75)	38" SPACING AND 2'-0" O.C.
(76)	38.5" SPACING AND 2'-0" O.C.
(77)	39" SPACING AND 2'-0" O.C.
(78)	39.5" SPACING AND 2'-0" O.C.
(79)	40" SPACING AND 2'-0" O.C.
(80)	40.5" SPACING AND 2'-0" O.C.
(81)	41" SPACING AND 2'-0" O.C.
(82)	41.5" SPACING AND 2'-0" O.C.
(83)	42" SPACING AND 2'-0" O.C.
(84)	42.5" SPACING AND 2'-0" O.C.
(85)	43" SPACING AND 2'-0" O.C.
(86)	43.5" SPACING AND 2'-0" O.C.
(87)	44" SPACING AND 2'-0" O.C.
(88)	44.5" SPACING AND 2'-0" O.C.
(89)	45" SPACING AND 2'-0" O.C.
(90)	45.5" SPACING AND 2'-0" O.C.
(91)	46" SPACING AND 2'-0" O.C.
(92)	46.5" SPACING AND 2'-0" O.C.
(93)	47" SPACING AND 2'-0" O.C.
(94)	47.5" SPACING AND 2'-0" O.C.
(95)	48" SPACING AND 2'-0" O.C.
(96)	48.5" SPACING AND 2'-0" O.C.
(97)	49" SPACING AND 2'-0" O.C.
(98)	49.5" SPACING AND 2'-0" O.C.
(99)	50" SPACING AND 2'-0" O.C.
(100)	50.5" SPACING AND 2'-0" O.C.
(101)	51" SPACING AND 2'-0" O.C.
(102)	51.5" SPACING AND 2'-0" O.C.
(103)	52" SPACING AND 2'-0" O.C.
(104)	52.5" SPACING AND 2'-0" O.C.
(105)	53" SPACING AND 2'-0" O.C.
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(109)	55" SPACING AND 2'-0" O.C.
(110)	55.5" SPACING AND 2'-0" O.C.
(111)	56" SPACING AND 2'-0" O.C.
(112)	56.5" SPACING AND 2'-0" O.C.
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(133)	67" SPACING AND 2'-0" O.C.
(134)	67.5" SPACING AND 2'-0" O.C.
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(136)	68.5" SPACING AND 2'-0" O.C.
(137)	69" SPACING AND 2'-0" O.C.
(138)	69.5" SPACING AND 2'-0" O.C.
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(141)	71" SPACING AND 2'-0" O.C.
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(143)	72" SPACING AND 2'-0" O.C.
(144)	72.5" SPACING AND 2'-0" O.C.
(145)	73" SPACING AND 2'-0" O.C.
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(147)	74" SPACING AND 2'-0" O.C.
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(149)	75" SPACING AND 2'-0" O.C.
(150)	75.5" SPACING AND 2'-0" O.C.
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(158)	79.5" SPACING AND 2'-0" O.C.
(159)	80" SPACING AND 2'-0" O.C.
(160)	80.5" SPACING AND 2'-0" O.C.
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(162)	81.5" SPACING AND 2'-0" O.C.
(163)	82" SPACING AND 2'-0" O.C.
(164)	82.5" SPACING AND 2'-0" O.C.
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(168)	84.5" SPACING AND 2'-0" O.C.
(169)	85" SPACING AND 2'-0" O.C.
(170)	85.5" SPACING AND 2'-0" O.C.
(171)	86" SPACING AND 2'-0" O.C.
(172)	86.5" SPACING AND 2'-0" O.C.
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(178)	89.5" SPACING AND 2'-0" O.C.
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(180)	90.5" SPACING AND 2'-0" O.C.
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(182)	91.5" SPACING AND 2'-0" O.C.
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(186)	93.5" SPACING AND 2'-0" O.C.
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(199)	100" SPACING AND 2'-0" O.C.
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(230)	115.5" SPACING AND 2'-0" O.C.
(231)	116" SPACING AND 2'-0" O.C.
(232)	116.5" SPACING AND 2'-0" O.C.
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(234)	117.5" SPACING AND 2'-0" O.C.
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(239)	120" SPACING AND 2'-0" O.C.
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(245)	123" SPACING AND 2'-0" O.C.
(246)	123.5" SPACING AND 2'-0" O.C.
(247)	124" SPACING AND 2'-0" O.C.
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(249)	125" SPACING AND 2'-0" O.C.
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(251)	126" SPACING AND 2'-0" O.C.
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(283)	142" SPACING AND 2'-0" O.C.
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(286)	143.5" SPACING AND 2'-0" O.C.
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(288)	144.5" SPACING AND 2'-0" O.C.
(289)	145" SPACING AND 2'-0" O.C.
(290)	145.5" SPACING AND 2'-0" O.C.
(291)	146" SPACING AND 2'-0" O.C.
(292)	146.5" SPACING AND 2'-0" O.C.
(293)	147" SPACING AND 2'-0" O.C.
(294)	147.5" SPACING AND 2'-0" O.C.
(295)	148" SPACING AND 2'-0" O.C.
(296)	148.5" SPACING AND 2'-0" O.C.
(297)	149" SPACING AND 2'-0" O.C.
(298)	149.5" SPACING AND 2'-0" O.C.
(299)	150" SPACING AND 2'-0" O.C.
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(302)	151.5" SPACING AND 2'-0" O.C.
(303)	152" SPACING AND 2'-0" O.C.
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(305)	153" SPACING AND 2'-0" O.C.
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(330)	165.5" SPACING AND 2'-0" O.C.
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(332)	166.5" SPACING AND 2'-0" O.C.
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(334)	167.5" SPACING AND 2'-0" O.C.
(335)	168" SPACING AND 2'-0" O.C.
(336)	168.5" SPACING AND 2'-0" O.C.
(337)	169" SPACING AND 2'-0" O.C.
(338)	169.5" SPACING AND 2'-0" O.C.
(339)	170" SPACING AND 2'-0" O.C.
(340)	170.5" SPACING AND 2'-0" O.C.
(341)	171" SPACING AND 2'-0" O.C.
(342)	171.5" SPACING AND 2'-0" O.C.
(343)	1



1. CONTRACTOR SHALL FURNISH AND INSTALL ALL PAVEMENT MARKINGS ON FINAL WEARING SURFACE AS SHOWN.
2. CONTRACTOR SHALL REMOVE ALL EXISTING CONFLICTING PAVEMENT MARKINGS.
3. CONTRACTOR SHALL REPLACE ALL EXISTING MARKINGS DISTURBED DURING CONSTRUCTION.
4. CONTRACTOR SHALL CONTACT N.C. DOT TO INSPECT THE PAVEMENT "PRE-MARKINGS" PRIOR TO FINAL PAVEMENT MARKING PLACEMENT.
5. ALL MARKING SHALL COMPLY WITH THE MUTCD STANDARDS AND SPECIFICATIONS.

GENERAL NOTES:

PLANS REFLECT A CONCEPTUAL VIEW OF PROPOSED ROADWAY IMPROVEMENTS

CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION

CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO GRADING FOR ROADWAY IMPROVEMENTS

CONTRACTOR SHALL VERIFY EXISTING TYPICAL SECTION PRIOR TO CONSTRUCTION

ALL WORK SHALL BE DONE IN ACCORDANCE TO NC DOT STANDARDS AND SPECIFICATIONS

ALL MARKING, SIGNAGE, AND STRIPPING SHALL BE DONE IN ACCORDANCE TO MUTCD

PLAN SHOWN IS NOT BASED ON FIELD SURVEYED INFORMATION

FOR REVIEW ONLY-
NOT FOR CONSTRUCTION

PLAN IS SUBJECT TO REVISIONS DURING
THE CONSTRUCTION APPROVAL PROCESS



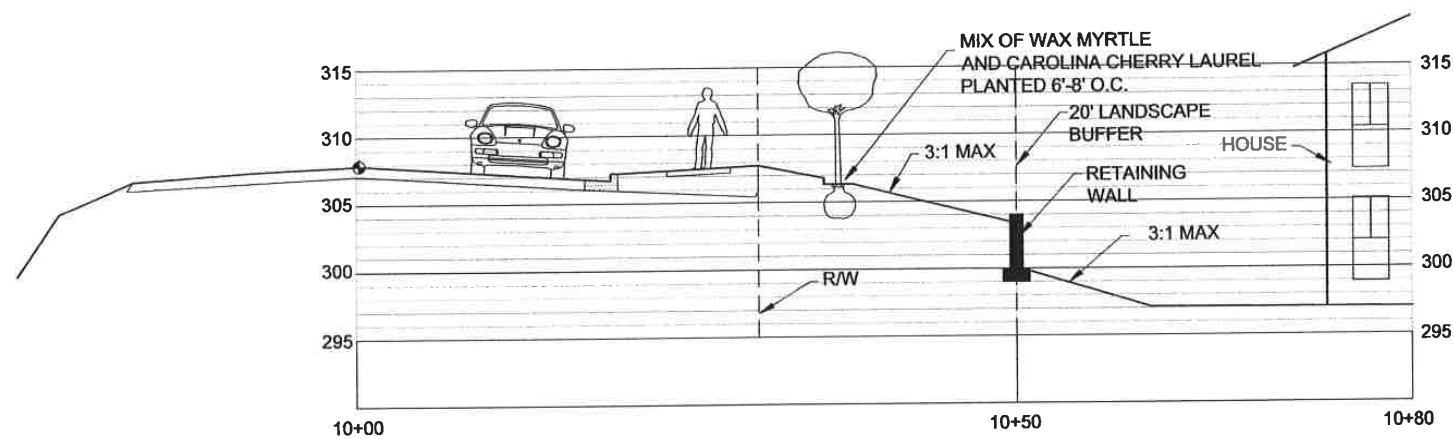
STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING	
319 CHAPMAN ROAD SUITE 100 RALEIGH, NC 27603 TEL. 919 776-1855 FAX 919 776-1661	
DATE 1-9-15	SURVEYED
SCALE 1"=60'	DRAWN BY
REVISIONS 4-14-15, 6-3-15	

LOCATION, QUANTITY, AND PLACEMENT OF DRAINAGE
PIPES AND EROSION CONTROL DEVICES MAY VARY
TO BETTER CONFORM TO FIELD CONDITIONS.

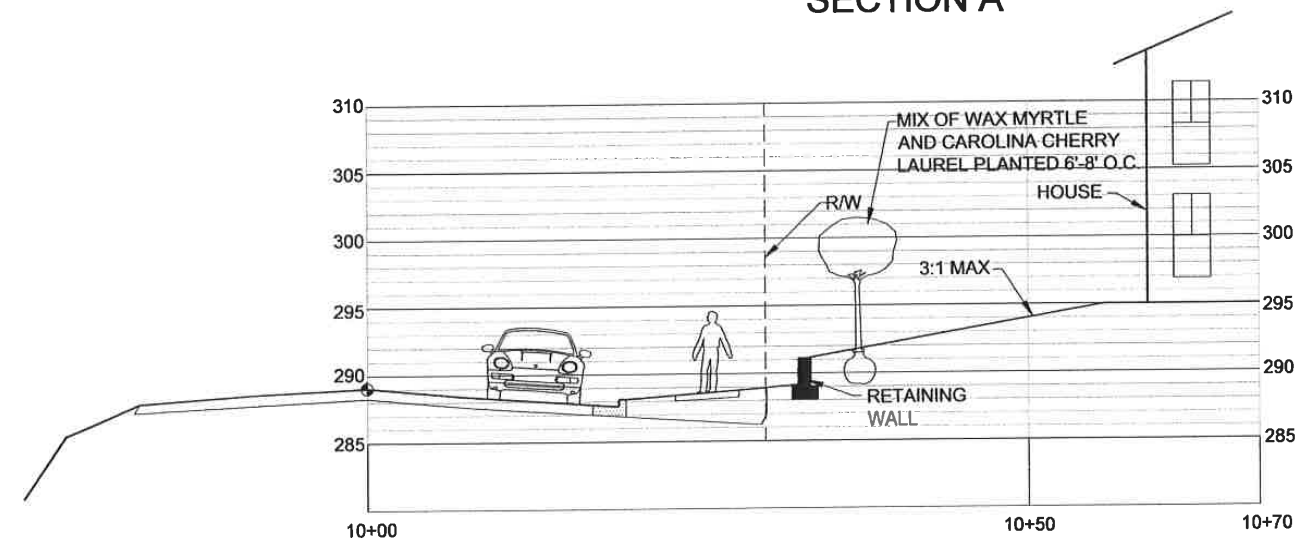
ALL WORK AND MATERIALS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF CLAYTON, JOHNSTON COUNTY AND NORTH CAROLINA DEPT. OF TRANSPORTATION. THE CONTRACTOR SHALL OBTAIN A COPY OF THESE STANDARDS PRIOR TO CONSTRUCTION.

PRELIMINARY ROAD WIDENING PLAN FOR
MAGNOLIA POINTE SUBDIVISION

TOWN OF CLAYTON	NORTH CAROLINA
JOHNSTON COUNTY	OWNER
ZONED R-10	P.I.N. 1659-43-3036



SECTION A'

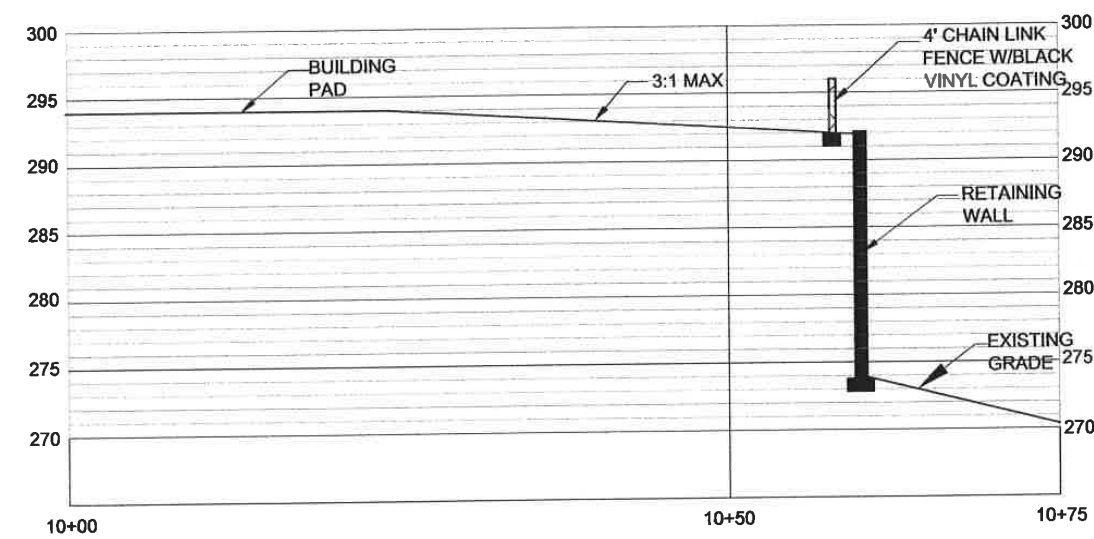


SECTION B'

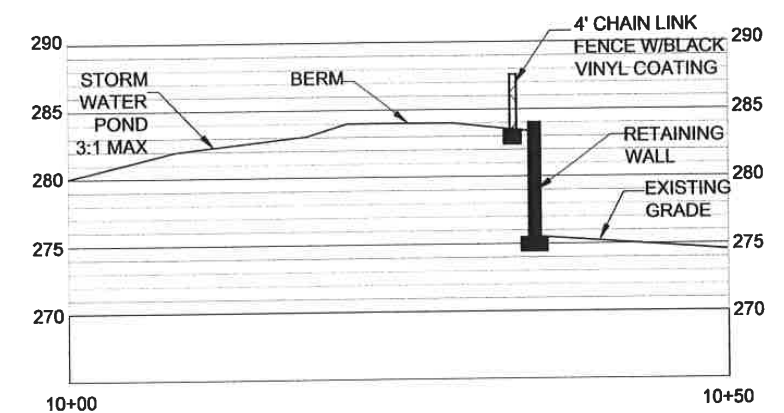
NOTE:
CANOPY TREES MUST BE A MINIMUM
HEIGHT OF 8' AND UNDERSTORY
TREES MUST BE A MINIMUM OF 6'.

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 319 CHAPARRAL ROAD SUITE 100 RALEIGH, NC 27603 TEL. 919 779-1855 FAX 919 779-1861			CROSS SECTION VIEW A AND B MAGNOLIA POINTE SUBDIVISION	
	DATE 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON	NORTH CAROLINA
	SCALE	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY	OWNER
	REVISIONS		SA-SH01W03A	ZONED R-10	P.L.N. 1659-43-3036



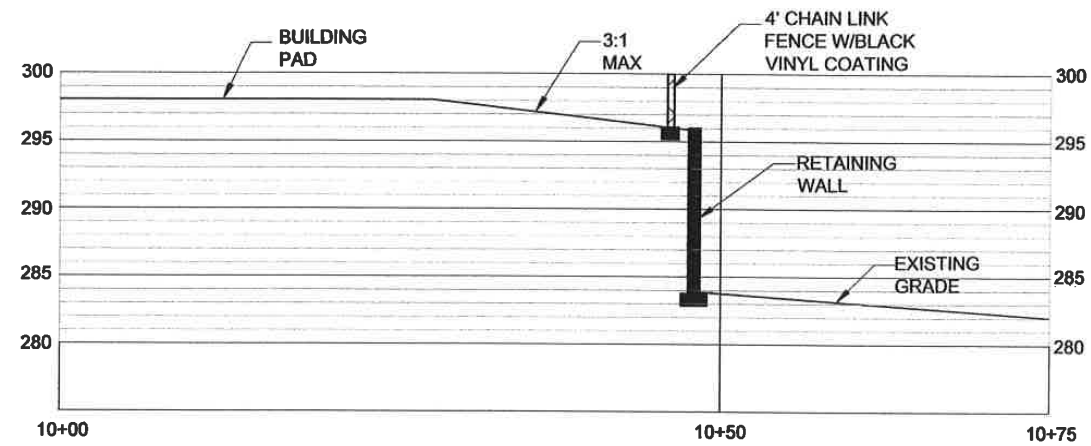
SECTION C'



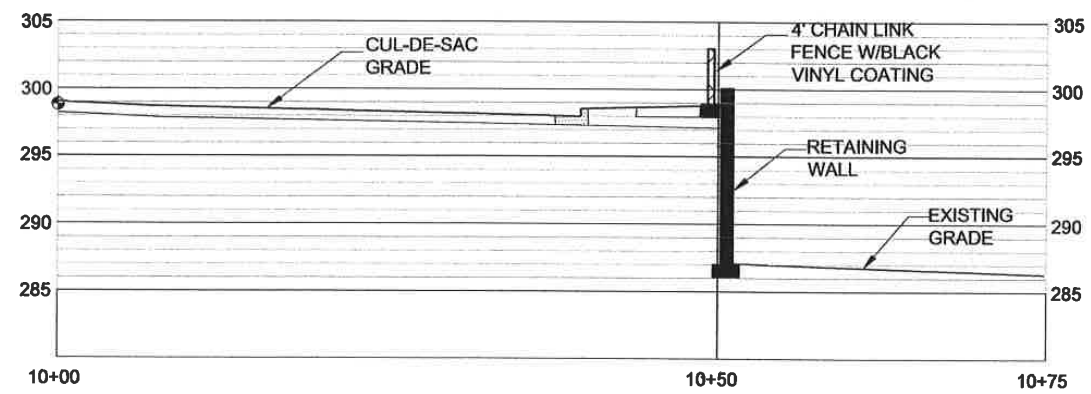
SECTION D'

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 318 CHAPMAN ROAD SUITE 100 RALEIGH, NC 27603 TEL 919 779-1855 FAX 919 779-1861		CROSS SECTION VIEW C AND D MAGNOLIA POINTE SUBDIVISION	
	DATE 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON NORTH CAROLINA
	SCALE	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY OWNER
	REVISIONS	SA-SHOMEL	ZONED R-10	P.I.N. 1659-43-3036



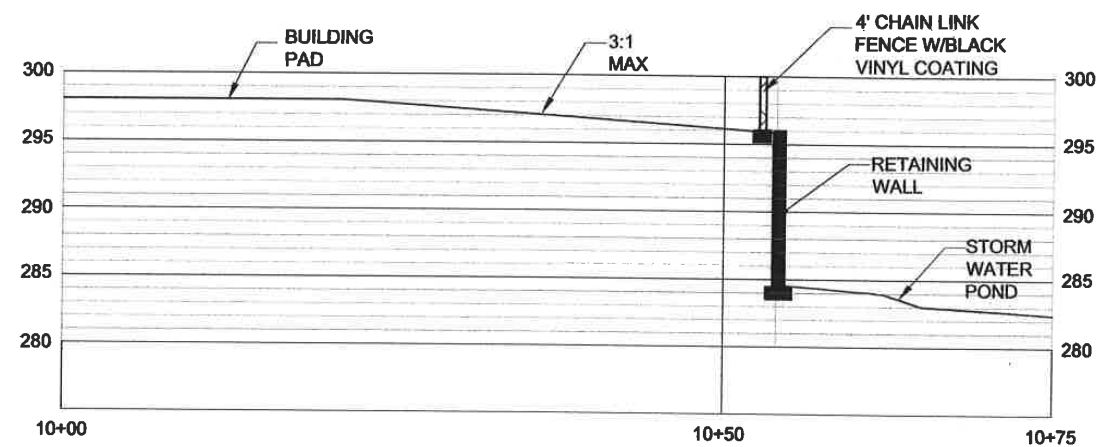
SECTION E'



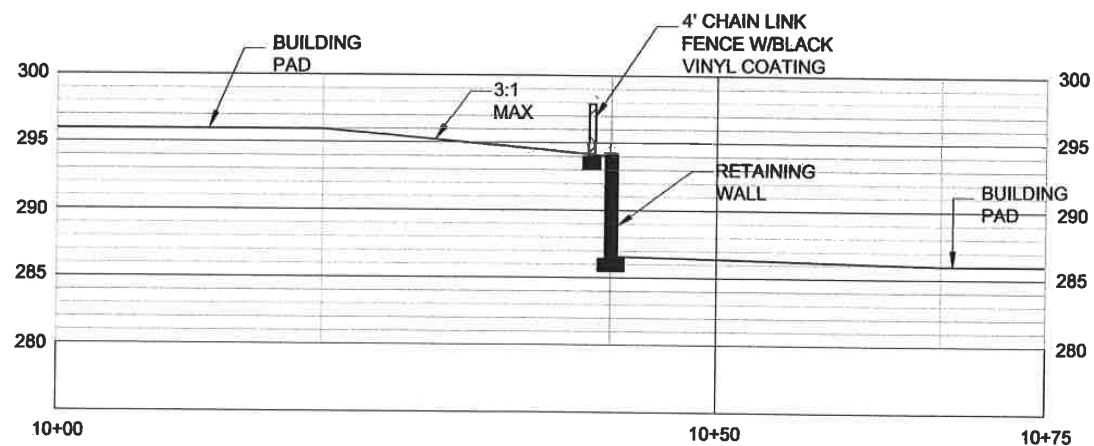
SECTION F'

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 510 CHAMPAGNE ROAD SUITE 100 RALEIGH, NC 27603 TEL: 919 779-1855 FAX 919 779-1861		CROSS SECTION VIEW E AND F MAGNOLIA POINTE SUBDIVISION	
	DATE 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON
	SCALE	DRAWN BY MLS	DWG. NO.	JOHNSTON COUNTY
	REVISIONS		SA-BROTHWELL	OWNER
		ZONED R-10	P.L.N. 1850-43-3036	



SECTION G'



SECTION H'

SCALE: 1" = 5' (HORIZONTAL)
1" = 5' (VERTICAL)

SP	STEWART-PROCTOR, PLLC ENGINEERING and SURVEYING 319 CHAPMAN ROAD SUITE 100 RALEIGH, NC 27603 TEL: 919 778-1255 FAX 919 778-1661			CROSS SECTION VIEW G AND H MAGNOLIA POINTE SUBDIVISION	
	DATE: 4-27-15	SURVEYED BY OTHERS	JOB	TOWN OF CLAYTON	NORTH CAROLINA
SCALE	DRAWN BY: MLS	DATE: 4-27-15	OWNER	JOHNSTON COUNTY	OWNER
REVISIONS		SA-SHOWELL	ZONED	R-10	P.L.N. 1659-43-3036



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: May 21, 2015

To: Planning Board

From: Planning Staff

**SUBJECT: ADDENDUM TO STAFF REPORT FOR MAGNOLIA POINTE SUBDIVISION
PSD2014-97**

At the April 27, 2015 Planning Board meeting, the above referenced application was tabled until further information could be submitted by the applicant to address concerns raised by the Planning Board. Board concerns ranged from landscaping and buffering to public safety. The attached email(s) detail which information was subsequently requested from the applicant.

The applicant did hold another Neighborhood Meeting on May 8, to inform neighbors of the revised rezoning and subdivision application, and subsequently submitted minutes to the Planning Department. These materials are attached.

To date, the applicant has not submitted the remaining information that was requested, which included Board concerns about the following:

- Landscaping buffer and screening along Shotwell Road
- Steep grading of lots and common areas
- Landscape plantings underneath the powerline easement
- Cross-sections detailing the above

Attachments:

1. Email requesting additional information
2. Neighborhood meeting minutes from May 8th meeting

Jay McLeod

From: Jay McLeod
Sent: Friday, May 08, 2015 10:59 AM
To: 'mattstephens@bellsouth.net'
Cc: Michael Stewart (stewartpe@aol.com); David DeYoung
Subject: retaining wall for Magnolia Pointe subdivision plans PSD2014-97

Hi,

As part of the plan revisions before the next Planning Board meeting on May 26, 2015 for the proposed Magnolia Pointe subdivision (PSD2014-97), please include a retaining wall on the site plans for the slope that is proposed adjacent to Shotwell Rd. The Planning Board expressed the opinion at the last meeting that this slope was too steep to be safely executed, particularly with the landscaping buffer as part of the equation. The Planning Department agrees that the most effective solution to this design problem may involve a retaining wall, and that any slopes on the site must be 3:1 or less.

Please also want to consider using a maximum slope of 3:1 for all slopes on the site, particularly since Planning Board members also raised concern about other slopes being too steep, most notably the slopes in the backyard of homes adjacent to the stormwater BMPs. Adding a cross-section showing this area would also help to alleviate Planning Board member concerns.

Along with the previously requested information for this application, please send a cross-section showing Shotwell Rd, the landscaping buffer (including a drawing of the trees proposed), a retaining wall, and the yard of the proposed homes adjacent to Shotwell Rd. I suggest that on this cross-section you use the same scale for both the vertical and horizontal axes.

If you do not consider the above-proposed design solutions feasible or you have alternative solutions to propose, please respond in writing by May 12, so that those responses can be included in the information presented to Planning Board at their next meeting.

Please deliver these cross-sections and plan revisions prior to May 12, along with the previously requested information. To summarize, the previously requested information is:

- Stamped, addressed letters
- Landscaping buffer and screening on Shotwell Rd.
- Steep grading concerns
- Neighborhood meeting minutes
- The above-mentioned cross-sections

If you have any questions, please contact me.

Thanks,

Jay McLeod, AICP

Planner

Town of Clayton

111 East Second Street | PO Box 879 | Clayton, NC 27528

P (919)359-9335 | F (919)553-1720

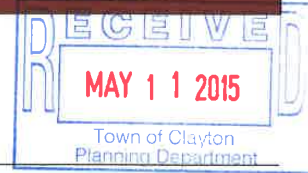
jwmcLeod@townofclaytonnc.org

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Date of Mailing:

4/28/15



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

Printed Name:

MICHAEL STEWART

Signature:

A handwritten signature in black ink, appearing to read "M. Stewart", written over a horizontal line.

Date of Meeting:

5/8/15

Time of Meeting:

6:30 PM

Location of Meeting:

ON SITE

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

MR. JESSE CORBETT WAS THE ONLY NEIGHBOR PRESENT. HE HAD TALKED EARLIER IN THE WEEK AND HE STOPPED BY TO PICK UP A FULL SIZED COPY OF THE PLANS. HE STATED HE HAD NO ISSUES AND WOULD SIGN A LETTER STATING SUCH IF NECESSARY. ADDITIONAL DISCUSSIONS PERTAINED TO THE PROPOSED HOUSING PLANS.

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

November 2014

Page 6 of 18

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Sunny - 78°

Applicant: ASCO BUILDERS

Location/Date: ON SITE 5/8/15 6:30

	NAME	ADDRESS
1	MIKE STEWART	4716 CARLTON DR. RAL.
2	JESSE CORBETT	1020 Ridge DR
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		





ASCO BUILDERS INC
319 CHAPANOKE RD STE 102
RALEIGH, NC 27603-0000

FOSTER PARTNERS LLC
1600 S BRENTWOOD BLVD, STE 770
ST LOUIS, MO 63144-0000

HUTH, DONALD W
HUTH, GERRY H
921 MULBERRY RD
CLAYTON, NC 27520-2129

WALLACE, RUTH
WELCH, CARL
1006 RIDGE DR
CLAYTON, NC 27520-9667

HOWARD, E FRANK JR
262 COOPER BRANCH RD
CLAYTON, NC 27520-0000

ARCHIE, ADISON L
HOJNACKI, KATELYNN E
1012 RIDGE DRIVE
CLAYTON, NC 27520-0000

PHILLIPS, ERNEST LUTRELL &
PHILLIPS, CYNTHIA HOCUTT
917 MULBERRY ROAD
CLAYTON, NC 27520-0000

PLEASANT, JAMES ANDREW
925 MULBERRY RD
CLAYTON, NC 27520-2129

STEPHENSON, JAMES W
STEPHENSON, MARY
1016 RIDGE DR
CLAYTON, NC 27520-9667

MEEHAN MEDICAL LLC
45 SHOTWELL ROAD
CLAYTON, NC 27520-0000

LIONS SPRING HOUSING ASSOC LLC
7706 SIX FORKS RD SUITE 202
RALEIGH, NC 27616-0000

LIONSGATE VILLAGE LLC
A NC LIMITED LIABILITY COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27520-0000

HEDAYATZADEH, MELISSA ANN
MEZYNSKI, MELISSA ANN
124 BURKWOOD LN
RALEIGH, NC 27609-0000

LIONSGATE VILLAGE LLC
A NC LIMITED LIABILITY COMPANY
400 RIVERWOOD DRIVE
CLAYTON, NC 27520-0000

CORBETT, JESSE V JR
CORBETT, JANICE
1020 RIDGE DR
CLAYTON, NC 27520-0000

BALDIES RESTAURANT GROUP LLC
6101 NC HIGHWAY 42 W
GARNER, NC 27529-8443

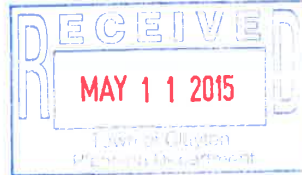
NOTE: Turn off 'Fit to Page' in print dialog before
printing.

Label Type: AV6160
16 label(s) printed

ASCO Builders, Inc.

319 Chapanoke Road
Suite 102
Raleigh, NC 27603

Phone: 919-779-8649
Fax: 919-779-7952



April 28, 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: *Friday, May 8, 2015*

Location: *On site, Shotwell Road*

Time: *6:30 P.M.*

Type of Application: *Residential Rezoning R-8 and Subdivision Plan*

General Description: *37 Lot Subdivision*

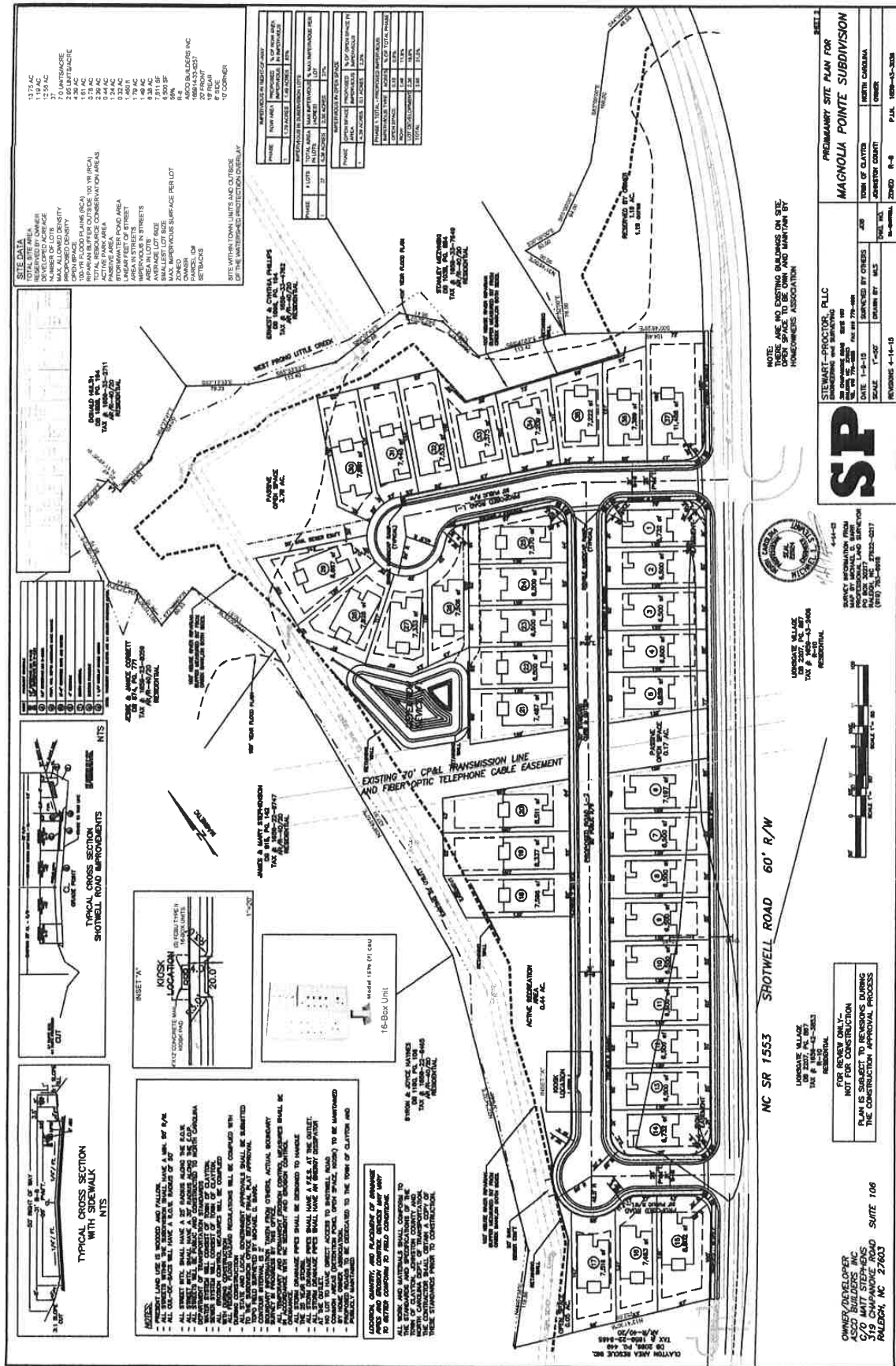
If you have any questions prior to or after this meeting, you may contact us at (919) 779-8649.

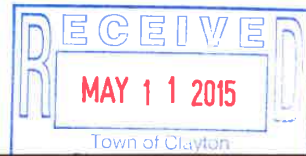
Sincerely,

A handwritten signature in black ink, appearing to read "Matt Stephens".

Matt Stephens,
ASCO Builders, Inc.

cc: Clayton Planning Dept.





NEIGHBORHOOD MEETING INFORMATION

NOTE: *Neighborhood meetings are not required for developments that are part of an approved Planned Development Master Plan.*

Purpose:

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

Meeting Date:

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

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information provided to Planning Department:

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

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

- ☒ Neighborhood Meeting Summary Form
- ☒ Copy of the letter mailed
- ☒ Mailing list
- ☒ Attendance roster
- ☒ Stamped, addressed, empty envelopes with no return address, using the same addresses as used for the neighborhood meeting notification. *This for a public notice of the public hearing mailed by the Town – thus, neighbors will receive both a neighborhood meeting letter from the applicant, and a notice of the hearing from the Town.*

From: stewartpe <stewartpe@aol.com>
To: jwmcleod <jwmcleod@townofclaytonnc.org>; mattstephens <mattstephens@bellsouth.net>
Cc: rpowers <rpowers@townofclaytonnc.org>; DDeYoung <DDeYoung@townofclaytonnc.org>
Subject: Re: Magnolia Pointe - public noticing - need letters
Date: Fri, May 8, 2015 11:11 am

Jay,

We are holding a new neighborhood meeting tonight May 8 at 6:30 on site.
Letters were mailed out 4/28 and we will bring meeting summary/attendance information on Monday.

This was done for several reasons: The amount of concern from the planning board, I was not personally at the first meeting, the weather for that meeting(outdoors) was wet and 35 degrees, we had not changed our zoning request at the time, subdivision outlines for neighborhood meeting require a mon.-fri. after 6pm slot and the first meeting was a Sunday afternoon.

I just felt it was better to hold a new meeting with updated information.
You are welcome to attend should you choose.

I will bring 2 sets of addressed envelopes on Monday as well.

Michael L. Stewart, P.E.
STEWART-PROCTOR, PLLC
Engineering and Surveying
office 919 779-1855
cell 919 417-6671

-----Original Message-----

From: Jay McLeod <jwmcleod@townofclaytonnc.org>
To: 'mattstephens@bellsouth.net' <mattstephens@bellsouth.net>
Cc: Michael Stewart (stewartpe@aol.com) <stewartpe@aol.com>; Rebecca Powers <rpowers@townofclaytonnc.org>; David DeYoung <DDeYoung@townofclaytonnc.org>
Sent: Fri, May 8, 2015 10:21 am
Subject: Magnolia Pointe - public noticing - need letters

Hi,

In order to complete the public noticing requirements for the proposed Magnolia Pointe rezoning and subdivision – RZ2014--- and PSD2014-97, we need you to deliver to us two sets of stamped, addressed envelopes.

The letters need to be addressed to the property owners of the parcels within 100' of the proposed subdivision.
Please be sure to use the property owner's address, and not the parcel's site address.

Please do not include a return address on the envelopes – the Town will use our own return address.

Please deliver these stamped, addressed envelopes to the Planning Department, c/o Jay McLeod on or before May 14, 2015. Failure to do so may result in these applications being postponed.

Thanks,
Jay McLeod, AICP
Planner

Town of Clayton
111 East Second Street | PO Box 879 | Clayton, NC 27528
P (919)359-9335 | F (919)553-1720
jwmcleod@townofclaytonnc.org



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
April 20, 2015*

STAFF REPORT

Application Number: PSD 2014-97
Project Name: **Magnolia Pointe Major Subdivision – Preliminary Plat**

NC PIN / Tag #: 165914-33-6257 / 05B02031V
Town Limits/ETJ: Town Limits
Overlay: NA
Applicant: ASCO Builders Inc., c/o Matt Shephens (mattshephens@bellsouth.net)
Owner: ASCO Builders Inc.

Neighborhood Meeting: meeting pending
Public Noticing:

- sign posted April 17, 2015
- letters mailed TBD, 2015
- newspaper ad TBD, 2015

PROJECT LOCATION: The property is located on and west off of Shotwell Road, between US 70 Bus Hwy W and Amelia Church Rd. It is a vacant lot directly across from Lion's Spring development.

REQUEST: The applicant is requesting preliminary subdivision plat approval for the major subdivision of the subject property to allow between 35 and 40 single family detached residential units.

SITE DATA:

Acreage: 13.89 acres
Existing Zoning: Planned Development Mixed Use (PD-MU) and Residential-10 (R-10)
Proposed Zoning: Residential-8 (R-8) (a concurrent rezoning application exists (RZ 2014-99) to rezone to R-8)
Existing Use: Vacant
Existing Impervious: None - property is vacant.

DEVELOPMENT DATA:

Proposed Uses: single family detached residential units in an R-8 Open Space Subdivision

Page 1 of 5

Buildings:	37 residential units
Number of Stories:	Maximum height of 35 feet
Impervious Surface:	Maximum 55% impervious for overall development
Required Parking:	2 spaces per unit
Proposed Parking:	2 spaces per unit
Fire Protection:	The Town of Clayton Fire Department will provide fire protection.
Access/Streets:	Two access points onto Shotwell Road.
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

ADJACENT ZONING AND LAND USES:

North:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential
South:	Zoning:	Planned Development Mixed Use (PD-MU) and Office-Institutional (O-I)
	Existing Use:	Lion's Gate single-family subdivision and a medical office.
East:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Lion's Gate single-family subdivision and Lion's Spring retirement residential
West:	Zoning:	Residential-Estate (R-E)
	Existing Use:	Single Family Residential

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting preliminary subdivision plat approval for a new single family residential subdivision. This would be an Open-Space R-8 subdivision and is running concurrently with a rezoning (RZ2014-97).

Consistency with the Strategic Growth Plan

The request is consistent with the Strategic Growth Plan.

Consistency with the Unified Development Code

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

Compatibility with Surrounding Land Uses

This use is compatible with surrounding residential uses.

Landscaping and Buffering

A perimeter landscape buffer (Class C) is required along the entire boundary of the property. An existing sewer easement is along the northern border. A riparian buffer, which includes 100-year floodplain resource conservation area, exists on the western and northern borders of the project and will be used to achieve the landscaping buffer along those sides.

The proposed buffer along Shotwell Rd, in lieu of a traditional Class C buffer, is Leyland Cypress trees, spaced 10' on center. Leyland Cypress trees are fast growing and can eventually become 70' tall and 15' wide. At 10' on center, they should provide an almost immediate evergreen visual screen.

Recreation and Open Space

The development will meet the requirements of an Open-Space Subdivision, through a 0.44 acre active recreation site and a 3.78 passive open space site.

Environmental

Resource conservation areas (stream buffers, 100-year flood zones) shall be preserved by a binding legal instrument recorded with the deed as each phase is platted. Riparian buffers not considered "stream buffers" by the UDC must meet all state preservation requirements.

Signs

Signage will be located at the entrances to the project, and will occur as a separate sign application. They will not be allowed to encroach upon the safe sight triangles at the intersections.

Access/Streets

Access will be from Shotwell Road, and will require driveway permits from NCDOT. The "bump-out" turn in the road within the development, on the west side, has been approved by the Town Engineer.

Multi-Modal Access

Sidewalks are provided along both sides of all streets. A sidewalk will be provided along Shotwell Road along the entirety of the parcel.

Garbage / Recycling

Roll-out garbage cans will be utilized.

Architecture/Design

The request is for a single family detached home subdivision. As it has been designed as an Open Space Subdivision, minimum lot sizes are 6,000 square feet (per standards for R-8 zoning).

Waivers/Deviations/Variances from Code Requirements

The applicant may request an alternate landscape buffer along Shotwell Rd.

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval of a R-8 Open Space Residential Subdivision.
- This approval is subject to concurrent approval of RZ2014-99 Magnolia Pointe rezoning to R-8.

- Preliminary Subdivision Plats (major subdivisions) are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - The applicant appears to be proposing an alternative landscape buffer along Shotwell Rd, in the form of Leyland Cypress, planted 10' on center.
-

FINDINGS:

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

CONDITIONS:

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plat. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. A sidewalk shall be constructed along Shotwell Rd along the entirety of the parcel, site, or development, including areas that will remain undeveloped or are reserved for future development.
5. No buildings shall be constructed within 20' of any riparian buffer, per UDC §155.502(D).
6. A Class C buffer (or other Planning Dept. approved buffer) will be installed on the perimeter of the development, per Open-Space Subdivision development regulations. A waiver must be obtained for any alternate landscape buffer areas.
7. Five foot wide sidewalks shall be installed on both sides of all internal roads, including around the entirety of all cul-de-sacs, and shall be constructed or bonded prior to plat recordation for the associated phase.
8. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common facilities and provide adequate means for funding to do so.
9. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in

perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.

10. The perimeter landscaping buffer along Shotwell Rd must be installed prior to the issuance of a Certificate of Occupancy for the first dwelling.
11. All scheduled improvements to Shotwell Rd must be constructed or bonded prior to the issuance of a Certificate of Occupancy for the first dwelling.
12. An updated wastewater allocation request must be approved by the Town Manager.

STAFF RECOMMENDATION:

Staff recommends approval of the preliminary subdivision with the conditions listed above.

Planning Board Recommendation:

ATTACHMENTS:

- 1) Aerial Map
- 2) Existing and Proposed Zoning Map
- 3) Subdivision Findings of Fact
- 4) Preliminary Subdivision Plat
- 5) Application
- 6) Neighborhood Meeting Materials (if available)
- 7) Planning Board Motion Form

June 2, 2015

Planning Staff
Town of Clayton – Planning Department

RE: PSD 2014-97 MAGNOLIA POINT (PRELIMINARY SUBDIVISION PLAT)

Comments from second Planning Board meeting (held on 05/26/2015)

Please see the responses to comments in red.

Planning Department – Jay McLeod, Town Planner (919) 359-9335

General Comments from staff:

1. Please update drawings with the date that the drawing was made and/or revised. Please see revised plans with seal and date.
2. When showing trees or plantings, please note that canopy trees must be a minimum height of 8' and understory trees must be a minimum of 6'. This is especially relevant in site data notes, and in cross-sections that show buffer plantings. For instance, Section A shows a buffer planting that is 4' tall. Please revise this. Please see site data notes for added note as well as on cross section plan view that shows buffer planting along Shotwell Rd.
3. Since an alternative landscaping buffer using non-canopy trees is being proposed along Shotwell Road, please state the width of the landscape buffer on the landscaping plan, and designate it as a buffer. This area will be required to be maintained in perpetuity as a landscape buffer. Please see the revised landscape plan showing a 20' landscape buffer along majority of Shotwell Rd. Also, added note to be maintained by HOA.
 - a. It may also be beneficial to the applicant to show an eye-level elevation of the landscaping buffer from the sidewalk of Shotwell Road, with the homes behind the buffer. This is highly recommended when proposing an alternative landscape buffer. Please see cross section view showing elevation of trees and homes.
4. In the most recently submitted site plan (received 05/26/2015 at about 3:45pm), it appears that the lots and building envelopes include areas above and below the retaining wall that runs along Shotwell Road. It seems to staff that the area on the Shotwell Road side of the retaining wall is not actually buildable area, and so cannot be counted toward the building envelope. Please either revise the drawing (with attention to lot area minimums) or justify the current design. Please see revised plan showing building envelopes stopped at retaining wall.
5. Since the retaining wall along Shotwell Road appears to be 3.5' tall with 3:1 slopes above and below, please consider some sort of safety fencing along the top of the wall. This could be shown in cross-sections. Areas between sidewalk and retaining wall to be considered none pedestrian traffic areas. Also, propose landscape trees to act as deterrent from entering.

6. Please show the height difference at regular intervals along all retaining walls throughout the site, including those walls not along Shotwell Road. Please also include maximum heights for each stretch of wall. Please see plan view and cross section views for areas of the highest elevation difference along all retaining walls.
7. Please extend the sidewalk along the entirety of the cul-de-sac, as requested during the first TRC comments, or explain why this did not occur. Showing see sidewalk around entirety of cul-de-sac.
8. Please consider how the retaining wall at the bump-out in the road (in front of Lot 17) will be able to support the weight of the road and sidewalk, while also not disturbing the adjacent Resource Conservation Area and landscape buffer during construction. Please see note on Site plan for retaining wall to be engineered and be able to handle any lateral pressures from road and sidewalk.
9. The mail kiosk location will require a pull off that can accommodate two cars in a parallel parking arrangement, with tapered curbing up to the spaces, and striping designating that as a pull-off area. Please see added parking for kiosk location.

General Comments from Planning Board:

10. The Planning Board asked that the applicant use an identical scale for horizontal and vertical slopes in their cross-sections. In all cross-sections, please include landscape plantings, retaining walls, and/or fences, roads, sidewalks, and buildings, as appropriate, all to scale. Including human figures or cars for scale, but will assist in conveying relative scale to Planning Board members. Please see plan view and cross section view with identical scale for horizontal and vertical.
11. The applicant stated during the meeting that all slopes have been adjusted to be less steep than 3:1, and that all lots have 20' of flat yard in the rear of the building before sloping again. Please demonstrate this on the plan with appropriate cross-sections at appropriate locations. These include but are not limited to:
 - a. Maximum height change areas along Shotwell Road. It may be beneficial to show several cross-sections. Please see cross sections with the biggest differences in elevation.
 - b. Maximum height change areas in rear of lots, with particular attention to lots where the backyard slopes directly into stormwater BMPs. It may be beneficial to show several cross-sections. Please see added cross section at BMP.
 - c. Also be aware that the grading plan at the corner of Lot 37 shows slopes of 1.5:1 (3' rise in 5' horizontal). Please see adjusted grades on lot.

13. Please show the sidewalk extended along the entirety of the parcel, including the area labeled as "reserved by owner". This was requested during the first Planning Board meeting, and during the second Planning Board meeting, the applicant indicated that this was acceptable. Please see added sidewalk with note of payment in-lieu of construction of sidewalk.
14. The Planning Board accepted the applicant's update/replacement of the May 8th neighborhood meeting minutes for the previous meeting minutes. So noted.
15. Planning Board found the elevation drawings that you presented at the meeting were sufficient to determine the architectural character of the proposed development. So noted.

If you have any questions or need additional information please do not hesitate to contact me @ (919)779-1855. Your cooperation in this matter is appreciated.
Sincerely,

John Teel

IT'S ALL ABOUT U

THE INVERNESS

MASTER SET

ELEMENTS

TrueHomes
IT'S ALL ABOUT U
2649 Brekon Ridge Centre Dr.
Suite 104
Monroe, N.C. 28110
704-226-9486

LOT #

THE INVERNESS

COVER SHEET
MASTER SET

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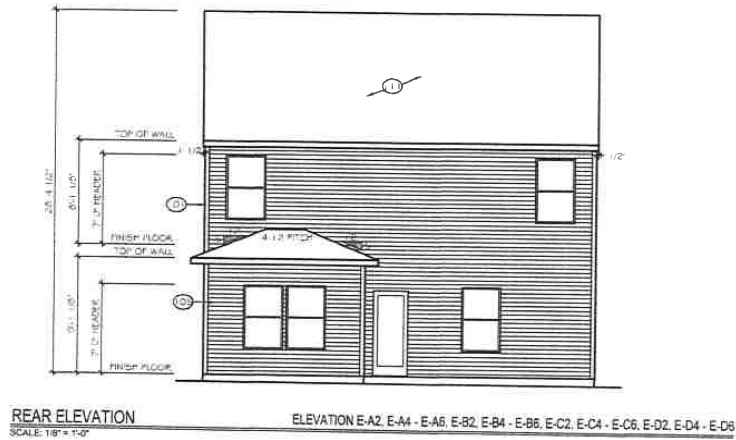
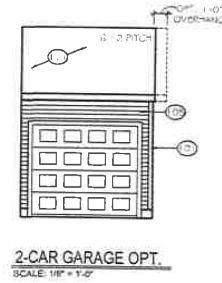
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CS

Page 118 of 178



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2649 Breckon Ridge Centre Dr.
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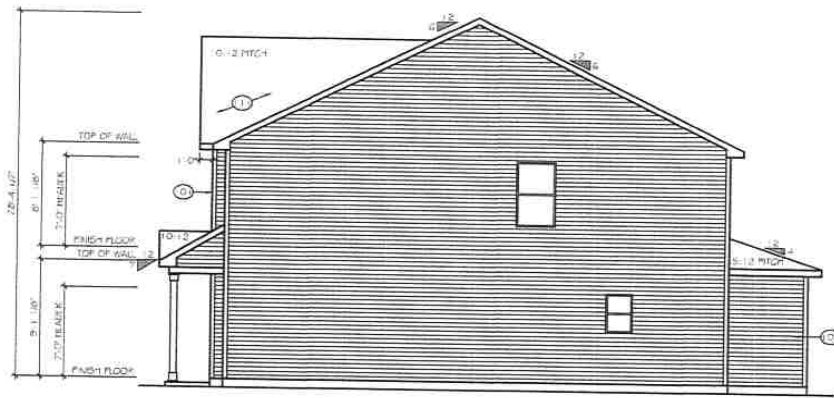
COMMUNITY
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LOT #

FRONT & REAR ELEVATIONS
ELEVATION E-A1
THE INVERNESS

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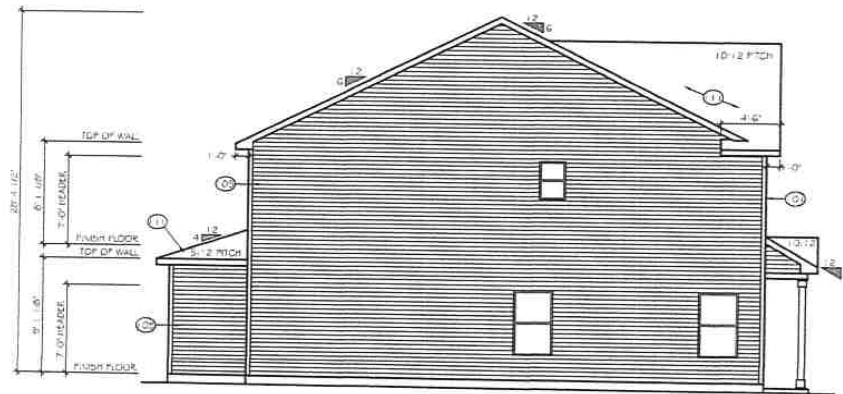
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A4.0



RIGHT ELEVATION

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ELEVATION E-A1, E-A3, E-B1, E-B3, E-C1, E-C3, E-D1, E-D3



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION E-A1, E-A3, E-B1, E-B3, E-C1, E-C3, E-D1, E-D3

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LEFT & RIGHT ELEVATION
OPEN - PARTIAL PORCH (A-D)

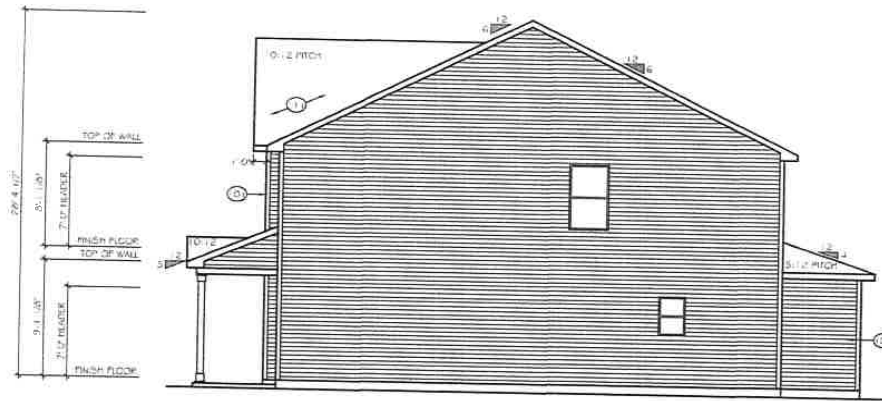
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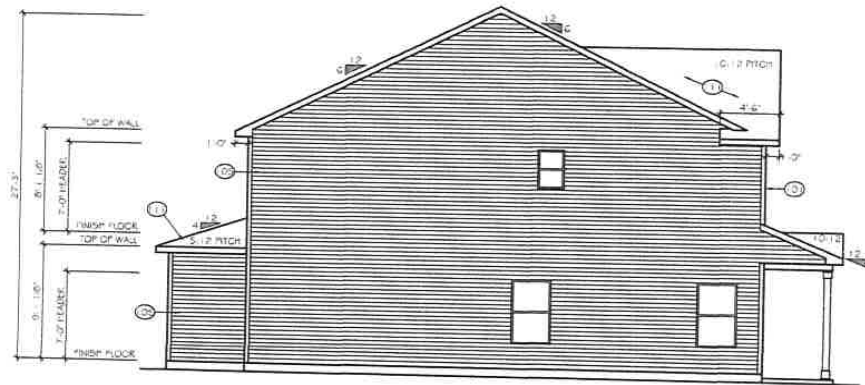
SHEET:

A4.1



RIGHT ELEVATION
SCALE 1/8" = 1'-0"

ELEVATION E-A2, E-A4 - E-A6, E-B2, E-B4 - E-B6, E-C2, E-C4 - E-C6, E-D2, E-D4 - E-D6



LEFT ELEVATION
SCALE 1/8" = 1'-0"

ELEVATION E-A2, E-A4 - E-A6, E-B2, E-B4 - E-B6, E-C2, E-C4 - E-C6, E-D2, E-D4 - E-D6

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LEFT & RIGHT ELEVATIONS
OPEN - FULL PORCH (A-D)

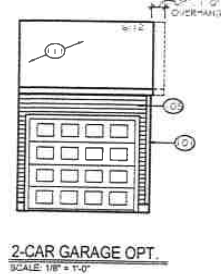
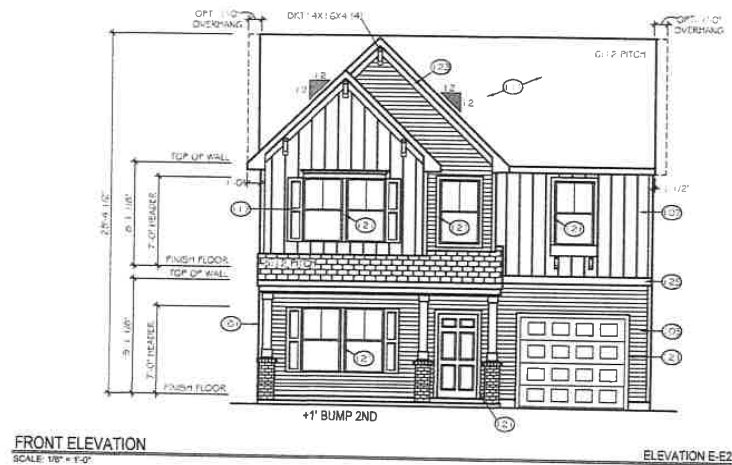
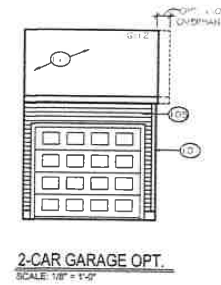
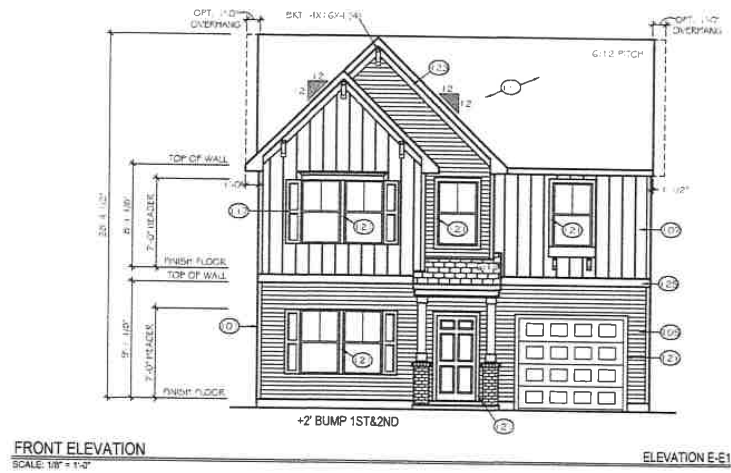
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A4.3

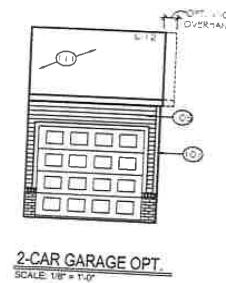
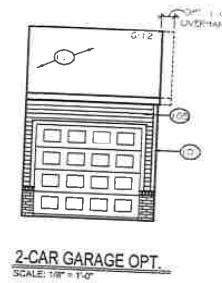
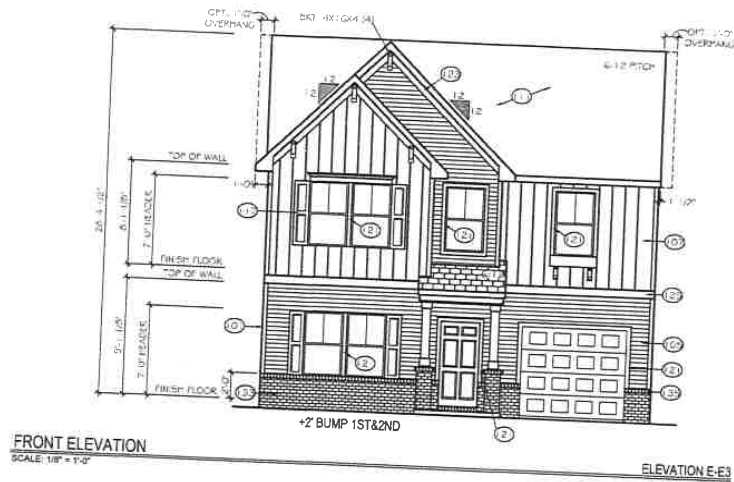


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FRONT ELEVATIONS
ELEVATIONS E-E1, E-E2
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SCALE: 3/8" = 1'-0"
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SHEET: A4.15



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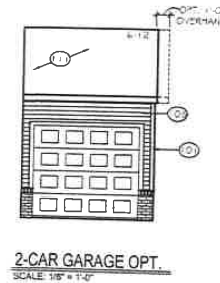
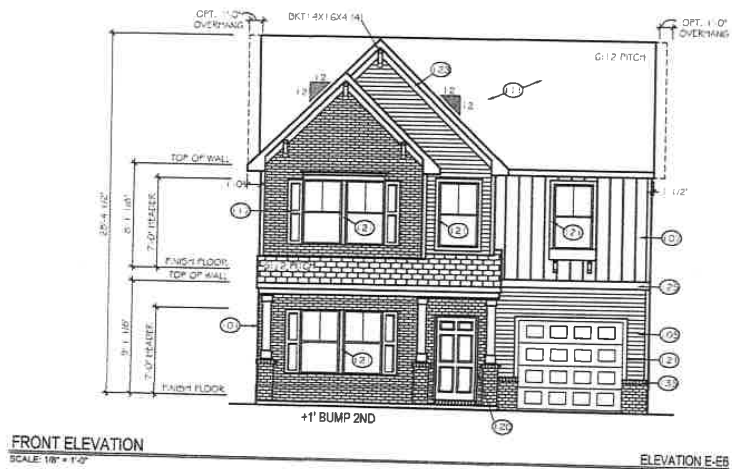
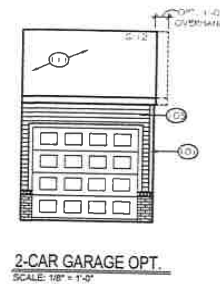
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LOT #

FRONT ELEVATION
ELEVATIONS E-E3, E-E4
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A4.16



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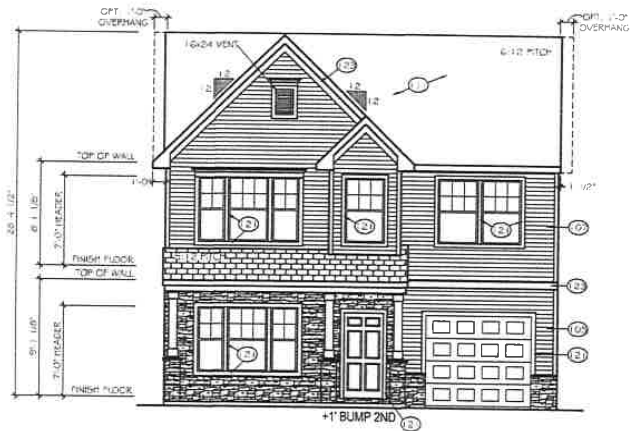
FRONT ELEVATION
ELEVATIONS E-E5, E-E6

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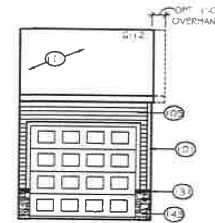
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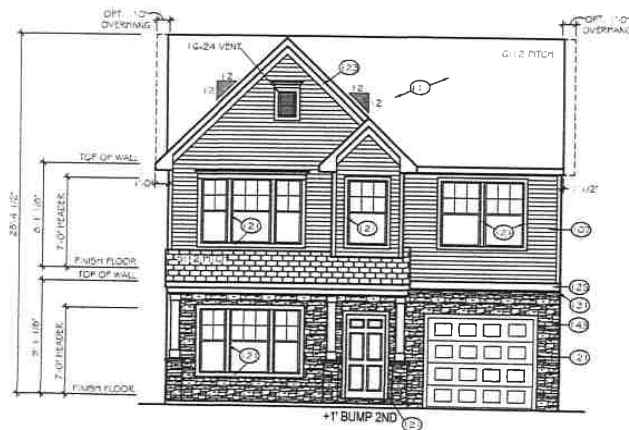


FRONT ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION E-H5

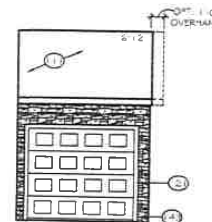


2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION E-H6



2-CAR GARAGE OPT.
SCALE: 1/8" = 1'-0"

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LOT #

FRONT ELEVATIONS
ELEVATIONS E-H5, E-H6

THE INVERNESS

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DATE: 10/2/14
SCALE: 3/16" = 1'-0"
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SHEET:
A4.26

**TOWN OF CLAYTON
PLANNING BOARD WRITTEN RECOMMENDATION
PRELIMINARY SUBDIVISION PLAT**

PSD 2014-97 Magnolia Pointe Subdivision

On June 22, 2015 the Planning Board heard the above-referenced request and made the following vote:

Recommendation to the Town Council to

- ☒ approve the request with the conditions presented by staff;
☐ approve the request with the following modified or added conditions:

☐ deny the request.

Recommendation(s) made this 22 day of June 2015 while in regular session.

Signed:



Frank Price, Planning Board Chair

**CONDITIONS OF APPROVAL FROM STAFF PRESENTATION AT JUNE 22, 2015
PLANNING BOARD MEETING:**

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

1. Following Board approvals, three copies of the final Preliminary Subdivision Plat meeting the requirements of the Conditions of Approval shall be submitted to Planning Department for final approval.
2. The final plat and subsequent development of the site shall be consistent with the specifications of the approved Preliminary Subdivision Plat. Modifications may require additional approvals pursuant to Section 155.706 of the Unified Development Code.
3. All development fees shall be paid prior to final plat recordation, except that Capacity fees shall be paid prior to issuance of building permits.
4. A sidewalk shall be constructed along Shotwell Rd. along the entirety of the parcel, site, or development, including areas that will remain undeveloped or are reserved for future development.
5. No buildings shall be constructed within 20' of any riparian buffer, per UDC §155.502(D). A Class C buffer (or other Planning Dept. approved buffer) will be installed on the perimeter of the development, per Open-Space Subdivision development regulations.
6. Five foot wide sidewalks shall be installed on both sides of all internal roads, including around the entirety of all cul-de-sacs, and shall be constructed or bonded prior to plat recordation for the associated phase.
7. A homeowners' association document shall be reviewed by staff and recorded prior to final plats. Such document shall assure responsibility for maintenance of all common areas/facilities (including perimeter buffer) and provide adequate means for funding to do so.
8. Resource conservation areas as defined by Section 155.500 of the Unified Development Code (UDC) shall be identified on the final plats as being permanently set aside, and shall be protected in perpetuity by a binding legal instrument recorded with the deed which includes clear restriction on the use of the resource conservation area, as described in Section 155.500(F) of the UDC.
9. The perimeter landscaping buffer along Shotwell Road must be installed prior to the issuance of a Certificate of Occupancy for the first dwelling.
10. All scheduled improvements to Shotwell Road must be constructed or bonded prior to the issuance of a Certificate of Occupancy for the first dwelling.
11. An updated wastewater allocation request must be approved by the Town Manager prior to plat issuance.

<end conditions>

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

RZ 2014-99, Magnolia Pointe 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 – balance development/investment: old & new.
- Objective 2.5 – more housing opportunities: beyond starter homes.

The Town of Clayton's Comprehensive Bicycle Plan: not applicable.

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

Insert additional specifics if necessary:

**Town of Clayton
Town Council
Preliminary Subdivision Plat Motion Sheet**

After considering the competent, material, and substantial evidence presented, including the application and materials of record, I move to **(PICK ONE)**:

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

Preliminary Subdivision Plat Application Number **PSD 2014-97 – Magnolia Pointe**

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

2. The subdivision **DOES** meet all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT** meet all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

3. The subdivision **WILL NOT** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL NOT** violate the character of existing standards for development of properties in the surrounding area.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards for development of properties in the surrounding area. (State evidence supporting finding).

4. The subdivision design **WILL** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL** provide for the unified and orderly use of or extension of public infrastructure, and **WILL NOT** materially endanger the environment, public health, safety, or the general welfare.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

[If approved with conditions] The applicant meets this finding subject to the following conditions:

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

AGENDA LOCATION:

Public Hearings

Meeting Date:

August 3, 2015

ITEM TITLE:

Public Hearing - Voluntary Annexation - 15-08-06-ANX - Riverwood Athletic Club - Ravens Ridge 8C

DESCRIPTION:

Request for annexation of contiguous 8.2 acres.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

June 15, 2015

Action Taken:

Presentation
Set Public Hearing for July 20, 2015

Information Provided:

Staff Report

Date:

July 20, 2015

Action Taken:

Public Hearing Opened and Tabled until August 3, 2015

Information Provided:

Staff Report

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:30 PM on Monday, August 3, 2015, at Town Hall, 111 East Second Street, on the question of annexing the following described contiguous area, requested by annexation petition 15-08-06-ANX filed pursuant to G.S. 160A-31

The area proposed for annexation is described as the following: Legal Description for FSC IV, LLC Property: Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 356.46 feet to a point; Thence leaving the Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 405.94 feet to a point; Thence S 34 degrees 02 minutes 08 seconds E 323.95 feet to a point; Thence S 81 degrees 47 minutes 05 seconds W 40.83 feet to a point; Thence S 52 degrees 14 minutes 32 seconds W 80.12 feet to a point; Thence N 06 degrees 00 minutes 41 seconds W 40.88 feet to a point; Thence S 88 degrees 59 minutes 55 seconds W 46.72 feet to a point; Thence S 24 degrees 05 minutes 06 seconds W 51.06 feet to a point; Thence S 62 degrees 50 minutes 25 seconds W 43.51 feet to a point; Thence N 34 degrees 14 minutes 24 seconds W 49.91 feet to a point; Thence N 72 degrees 04 minutes 07 seconds W 33.13 feet to a point; Thence S 04 degrees 35 minutes 09 seconds E 93.32 feet to a point; Thence S 74 degrees 27 minutes 59 seconds W 64.57 feet to a point; Thence S 02 degrees 05 minutes 39 seconds E 39.07 feet to a point; Thence N 86 degrees 51 minutes 53 seconds W 157.36 feet to a point; Thence N 60 degrees 44 minutes 52 seconds W 114.98 feet to a point; Thence S 84 degrees 20 minutes 40 seconds W 91.31 feet to a point; Thence N 35 degrees 27 minutes 43 seconds W 36.47 feet to a point; Thence N 76 degrees 01 minutes 49 seconds W 42.54 feet to a point; Thence S 78 degrees 44 minutes 39 seconds W 58.58 feet to a point; Thence S 37 degrees 08 minutes 33 seconds W 53.70 feet to a point; Thence S 55 degrees 57 minutes 54 seconds W 45.62 feet to a point; Thence S 71 degrees 06 minutes 09 seconds W 39.42 feet to a point; Thence S 67 degrees 08 minutes 24 seconds W 55.35 feet to a point on the Neuse River; Thence with the Neuse River N 03 degrees 54 minutes 53 seconds E 188.56 feet to a point; Thence N 03 degrees 13 minutes 38 seconds E 95.87 feet to a point; Thence N 02 degrees 08 minutes 13 seconds W 112.48 feet to a point; Thence N 00 degrees 24 minutes 57 seconds W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.

This is an open meeting and the public is invited to attend.

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

Clayton News-Star

Please advertise on the following date:

July 22, 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
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.

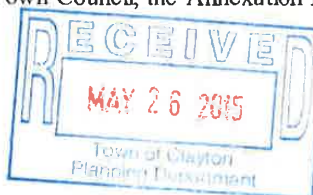
Legal Advertisement: A legal advertisement will be published no more than 25 days and no less than 10 days prior to the date of the public hearing.

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 - August 2014

House 7 tract Raven's Kidney 8C1



Page 1 of 3

Petition for Voluntary Annexation Application – Property Information
COMPLETE IF A LIMITED LIABILITY COMPANY:

Submittal Date: 5-26-15

Petition No.: 15-08-06-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 will 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:

8.2 Acres

Existing housing units:

0

Population of acreage to be annexed:

0

Existing Zoning District*:

R-8

Proposed Town Zoning District*:

R-8

Reason for petitioner to annex:

☐ Receive Town Services

☒

Other (please specify):

Pursuant To Plan Approval

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, FSC IV, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 20th day of MAY, 2015.

Name of Limited Liability Company:

FSC IV, LLC

By:

[Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Susan V. Jones, a Notary Public for the above State and County, this 20th day of May, 2015.

SEAL



[Signature]
Notary Public

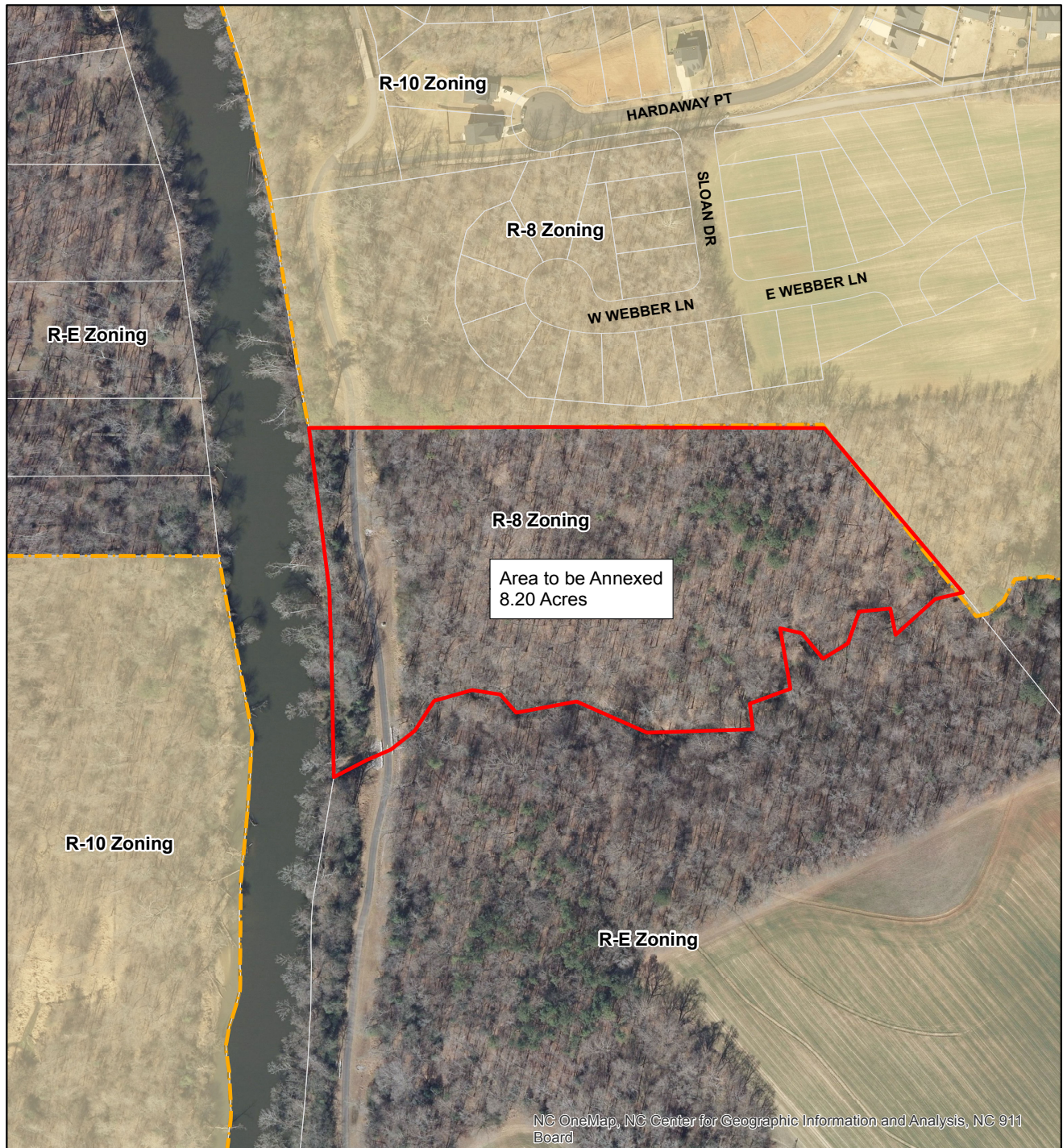
My Commission Expires: 03/14/20

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.

Lying and being in Wilders Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S85-02-08E 356.46 feet to a point;
Thence leaving the Ravens Ridge 8A property line S85-02-08E 405.94 feet to a point;
Thence S34-02-08E 323.95 feet to a point;
Thence S81-47-05W 40.83 feet to a point;
Thence S52-14-32W 80.12 feet to a point;
Thence N06-00-41W 40.88 feet to a point;
Thence S88-59-55W 46.72 feet to a point;
Thence S24-05-06W 51.06 feet to a point;
Thence S62-50-25W 43.51 feet to a point;
Thence N34-14-24W 49.91 feet to a point;
Thence N72-04-07W 33.13 feet to a point;
Thence S04-35-09E 93.32 feet to a point;
Thence S74-27-59W 64.57 feet to a point;
Thence S02-05-39E 39.07 feet to a point;
Thence N86-51-53W 157.36 feet to a point;
Thence N60-44-52W 114.98 feet to a point;
Thence S84-20-40W 91.31 feet to a point;
Thence N35-27-43W 36.47 feet to a point;
Thence N76-01-49W 42.54 feet to a point;
Thence S78-44-39W 58.58 feet to a point;
Thence S37-08-33W 53.70 feet to a point;
Thence S55-57-54W 45.62 feet to a point;
Thence S71-06-09W 39.42 feet to a point;
Thence S67-08-24W 55.35 feet to a point on the Neuse River;
Thence with the Neuse River N03-54-53E 188.56 feet to a point;
Thence N03-13-38E 95.87 feet to a point;
Thence N02-08-13W 112.48 feet to a point;
Thence N00-24-57W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.



Legend

- Clayton Town Limits
- Area to be Annexed
- Parcels

Produced by: TOC Planning
May 27, 2015

Annexation Map

Applicant(s): FSC IV LLC
Property Owner(s): FSC IV LLC
Parcel Number(s): 16I03028G
File Number(s): 15-08-06 ANX RWAC Raven's Ridge
8C-2 House Tract



1 inch = 200 feet

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



Ordinance #2015-08-03

ANNEXATION PETITION 15-08-06-ANX
RWAC Raven's Ridge 8C-2
Parcel 16I03028G
Owner: FSC IV, LLC
Contiguous; 8.20 acres

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF CLAYTON, NORTH CAROLINA**

WHEREAS, the Town of Clayton has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town of Clayton has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 6:30 PM on August 3, 2015, after due notice by publication on July 22, 2015; and

WHEREAS, the Town of Clayton finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Clayton, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following

Page 1 of 4

described territory is hereby annexed and made part of the Town of Clayton as of August 3, 2015:

Beginning at an existing iron pipe on the bank of the Neuse River, said iron pipe being a common property corner between Ravens Ridge Phase 8A, plat book 80 pages 394 and 395, and the now-or-formerly Mavis C. House property, deed book 705 page 629, and being the place and point of beginning;
Thence leaving the Neuse River with the southern Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 356.46 feet to a point; Thence leaving the Ravens Ridge 8A property line S 85 degrees 02 minutes 08 seconds E 405.94 feet to a point; Thence S 34 degrees 02 minutes 08 seconds E 323.95 feet to a point; Thence S 81 degrees 47 minutes 05 seconds W 40.83 feet to a point; Thence S 52 degrees 14 minutes 32 seconds W 80.12 feet to a point; Thence N 06 degrees 00 minutes 41 seconds W 40.88 feet to a point; Thence S 88 degrees 59 minutes 55 seconds W 46.72 feet to a point; Thence S 24 degrees 05 minutes 06 seconds W 51.06 feet to a point; Thence S 62 degrees 50 minutes 25 seconds W 43.51 feet to a point; Thence N 34 degrees 14 minutes 24 seconds W 49.91 feet to a point; Thence N 72 degrees 04 minutes 07 seconds W 33.13 feet to a point; Thence S 04 degrees 35 minutes 09 seconds E 93.32 feet to a point; Thence S 74 degrees 27 minutes 59 seconds W 64.57 feet to a point; Thence S 02 degrees 05 minutes 39 seconds E 39.07 feet to a point; Thence N 86 degrees 51 minutes 53 seconds W 157.36 feet to a point; Thence N 60 degrees 44 minutes 52 seconds W 114.98 feet to a point; Thence S 84 degrees 20 minutes 40 seconds W 91.31 feet to a point; Thence N 35 degrees 27 minutes 43 seconds W 36.47 feet to a point; Thence N 76 degrees 01 minutes 49 seconds W 42.54 feet to a point; Thence S 78 degrees 44 minutes 39 seconds W 58.58 feet to a point; Thence S 37 degrees 08 minutes 33 seconds W 53.70 feet to a point; Thence S 55 degrees 57 minutes 54 seconds W 45.62 feet to a point; Thence S 71 degrees 06 minutes 09 seconds W 39.42 feet to a point; Thence S 67 degrees 08 minutes 24 seconds W 55.35 feet to a point on the Neuse River; Thence with the Neuse River N 03 degrees 54 minutes 53 seconds E 188.56 feet to a point; Thence N 03 degrees 13 minutes 38 seconds E 95.87 feet to a point; Thence N 02 degrees 08 minutes 13 seconds W 112.48 feet to a point; Thence N 00 degrees 24 minutes 57 seconds W 135.91 feet to the place and point of beginning and containing 8.20 acres more or less.

Section 2. Upon and after July 20, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Clayton shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Duly adopted this 3rd day of August 2015, while in regular session.

ATTEST:

**Jody L. McLeod,
Mayor**

**Kimberly A. Moffett, CMC
Town Clerk**

**Katherine Ross,
Town Attorney**

**NORTH CAROLINA
JOHNSTON COUNTY**

This ____ day of _____, 2015, personally appeared before me Kimberly A. Moffett, Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Kimberly A. Moffett, signed her name in attestation of said instrument in the presence of said Mayor.

Witness my hand and notarial seal, this the day and year first above written.

(SEAL)

Notary Public - Signature

Notary Public – Printed Name

Commission Expires: _____

County of Commission: _____

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

AGENDA LOCATION:

Old Business

Meeting Date:

August 3, 2015

ITEM TITLE:

Amend Resolution 2015-36 - Set Public Hearing - Voluntary Annexation - 14-111-01-ANX - Parkview

DESCRIPTION:

Resolution setting Public Hearing needs to be amended to set Public hearing for August 17, 2015. On July 20, 2015 Public Hearing was set for August 3, 2015, however, proper public notice did not take place.

POTENTIAL ACTION:

Set Public Hearing

DEPARTMENT:

Planning + Zoning

PRESENTER:

David DeYoung

ITEM HISTORY:

Date:

June 15, 2015

Action Taken:

Direct Clerk to Investigate Sufficiency of Petition for Voluntary Annexation

Information Provided:

Application / Map

Date:

July 20, 2015

Action Taken:

Presentation & Set Public Hearing for August 3, 2015

Information Provided:

Application /Map / Resolution

**ANNEXATION PETITION 14-111-01-ANX
Parkview (Donald C Adams & City Road LLC)
Portion of Parcel 05030069 & 05030071
Owners: City Road LLC & Donald C Adams
Contiguous; 3.55 acres & 25.33 acres**

**TOWN OF CLAYTON
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G. S.160A-31**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at Town Hall at 6:30 PM on Monday, August 17, 2015.

Section 2. Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a point on the western r-o-w of City Road (N.C.S.R. 1709), said point being a common property corner with the now-or-formerly Janet E. Daniel Property, deed book 1603 page 9, and the now-or-formerly City Road, LLC property, deed book 4557 page 814, and being the place and point of beginning; Thence with the western r-o-w of City Road S 13°21'31"W 427 .62 feet to a point; Thence with leaving the western r-o-w of City Road N50°30'49"W 623.75 feet to a point; Thence N80°14'57"E 57.23 feet to a point; Thence N80°14'57"E 173.33 feet to a point; Thence S86°48'56"E 353.52 feet to the place and point of beginning and containing 2.95 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester

Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning; Thence with the City Road, LLC/Mims property line N80°15'52"E 295.68 feet to a point; Thence S43°05'30"W 294.72 feet to a point in the City Road, LLC/Adams property line; Thence with the common City Road, LLC/Adams property line N28°35'54"W 188.18 feet to the place and point of beginning and containing 0.60 acres more or less.

Lying and being in Clayton Township, Johnston County, North Carolina and being more particularly described as follows:

Beginning at a common property corner between the now-or-formerly City Road, LLC property, deed book 4557 page 814, the now or formerly Allen Lester Mims, Jr. property, deed book 1141 page 108, and the now-or-formerly Donald C. Adams property, plat book 81 page 126, said point being the place and point of beginning; Thence with the City Road, LLC/Adams property line S28°35'54"E 188.18 feet to a point; Thence S43°05'30"W 1640.69 feet to a point; Thence N36°58'23"W 371.90 feet to a point; Thence N48°38'26"E 358.45 feet to a point; Thence N36°35'41"W 350.25 feet to a point; Thence N04°39'32"E 139.39 feet to a point; Thence N13°31'37"W 230.32 feet to a point; Thence N10°28'46"W 128.70 feet to a point; Thence N04°33'25"E 187.32 feet to a point; Thence S84°07'58"E 1251.86 feet to the place and point of beginning and containing 25.33 acres more or less.

Section 3. Notice of the public hearing shall be published once in the Clayton News-Star, a newspaper having general circulation in the Town of Clayton, at least ten days prior to the date of the public hearing.

Duly adopted this 3rd day of August 2015 while in regular session.

ATTEST:

Jody L. McLeod,
Mayor

Kimberly A. Moffett, CMC
Town Clerk

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

AGENDA LOCATION:

Old Business

Meeting Date:

August 3, 2015

ITEM TITLE:

Sam's Branch Sewer Agreements - Creech and Parkview

DESCRIPTION:

At the July 20, 2015 Town Council meeting Mr. Biggs provided information regarding agreements. These agreements are now ready for final presentation and approval.

POTENTIAL ACTION:

Approval/Disapproval

DEPARTMENT:

Administration

PRESENTER:

Steve Biggs

ITEM HISTORY:

Date:

July 20, 2015

Action Taken:

Presentation and information

Information Provided:

Draft Agreements

Date:

Action Taken:

Information Provided:

INFRASTRUCTURE DEVELOPMENT AGREEMENT

THIS INFRASTRUCTURE DEVELOPMENT AGREEMENT (the “Agreement”) is made this day of _____ 2015 (the “Effective Date”), by and between EVERLAND-LEE, LLC, a North Carolina Limited Liability Corporation (“Developer”), and the **TOWN OF CLAYTON**, a municipal corporation existing under the laws of the State of North Carolina (the “Town”).

WITNESSETH:

WHEREAS, Developer currently owns, is under contract or option to purchase, or plans to acquire one or more tracts of land comprising 136.95 acres, more or less, within the jurisdiction of the Town, all as more particularly described on the attached **Exhibit A** (collectively, the “Property”);

WHEREAS, Developer desires to develop the Property for residential and/or commercial purposes; however, the Property currently is not served with municipal sewer lines and facilities;

WHEREAS, the Town is planning to make certain sewer improvements and extensions to the Sam’s Branch Sewer Line in the Town of Clayton, which improvements and extensions would provide the Property the ability to connect to municipal sewer services and permit the development of the Property for Developer’s intended use(s);

WHEREAS, the Town is authorized under Chapter 51 of the Town’s Code of Ordinances to enter into a reimbursement agreement with Developer to allow Developer to contribute to the cost to complete the sewer line extension and to receive reimbursement from the Town for such contribution as other properties connect to the sewer line;

WHEREAS, in accordance with Chapter 51 of the Town’s Code of Ordinances, the Town will use a portion of fees collected for connections to the sewer line to reimburse Developer for the amount of its contribution that is used to construct the sewer line to standards that exceed the requirements to provide sewer service to the Property;

WHEREAS, the extension of the sewer line will offer numerous benefits to the Town, including providing for the expeditious extension of sewer service to areas currently not served, permitting the systematic extension of municipal improvements, expanding the Town’s tax-base, providing public and private amenities to the Town’s citizens and improving the general quality of life in the Town;

WHEREAS, after conducting a public hearing and approving, by duly enacted ordinance, the parties now desire to enter into, and the Town Council has ratified, this Agreement to provide for reimbursing Developer for its contributions to the funding of the sewer line extension;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the benefits that will accrue to both parties from the construction of the sewer line and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

ARTICLE 1

GENERAL

Section 1.1 Definitions. Whenever used in this Agreement, the following terms shall have the definitions indicated as set forth in this Section.

(a) “Developer” shall mean Everland-Lee, LLC, a North Carolina Limited Liability Corporation, and its officers, employees, successors, assigns and successors in title.

(b) “Laws” shall mean all laws, ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by the Town, the State of North Carolina, the United States of America and any other governmental authority or body with jurisdiction over the Property or the construction of the Sewer Line.

(c) “Property” shall mean one or more tracts of land comprising 136.95 acres, more or less, within the jurisdiction of the Town, currently owned by Developer, subject to a contract or option to purchase for the benefit of Developer, or to be acquired by Developer, which land is more particularly described on the attached **Exhibit A**.

(d) “Property Segment” shall mean the Segment of the Sewer Line located on the Property.

(e) “Sewer Line” shall mean the gravity sewer line and appurtenant facilities contemplated by this Agreement, together with all valves, fittings, service connections, service lines, shutoffs, meter boxes, sewage pumping stations, force-mains, gravity sewer mains, manholes and laterals. The Sewer Line is comprised of one or more Segments, all of which are described on the attached **Exhibit B**.

(f) “Segment” shall mean a segment of the Sewer Line.

(g) “Town” shall mean the Town of Clayton, a municipal corporation existing under the laws of the State of North Carolina, and its officers, employees, successors, assigns and successors in title.

Section 1.2 Term. The term of this Agreement shall commence on the Effective Date and shall expire Forty-nine (49) years after the Property is physically connected to the Sewer Line (the “Term”).

ARTICLE 2

INFRASTRUCTURE AND CAPACITY ALLOCATIONS

Section 2.1 Planning, Design and Approvals for Sewer Line. The Town shall be solely responsible for preparing and obtaining all plans, designs and construction drawings for the Sewer Line and for obtaining all required permits and approvals from all governmental agencies with jurisdiction over the Sewer Line.

Section 2.2 Construction of Sewer Line. The Town shall be solely responsible for bidding, award of bid and construction management of the Sewer Line. The cost of the Property Segment (the “Project Cost”) shall be the amount of the lowest, responsible, responsive bid received by the Town for the Segment (the “Bid”). The estimated Project Cost is itemized in the attached **Exhibit C**.

Section 2.3 Developer’s Contribution to Project Cost. In accordance with Chapter 51 of the Town’s Code of Ordinances, subject to the reimbursement provisions of Article 3, Developer agrees to contribute to the Town \$585,728 of the Project Cost. The contribution will be made in the following payments: Twenty Percent (20%) of total amount shall be paid by August 4,

2015, Forty Percent (40%) of total amount shall be paid by September 4, 2015, and the remaining Forty Percent (40%) shall be paid by November 4, 2015

Section 2.4 Contingent Upon Other Segments. Only the Property Segment is located on the Property. Other Segment(s) are located on property not owned by Developer or that do not connect to the Property or other property owned by Developer. Each Segment is subject to a separate Infrastructure Reimbursement Agreement with the developer of such Segment, which contains the same material terms as this Agreement (each a "Segment Agreement"). Notwithstanding anything to the contrary in this Agreement, the continued effectiveness of this Agreement and the obligations of the Town and Developer under this Agreement shall be contingent upon the continued effectiveness of the Segment Agreement(s) for the Segment(s) upstream from the Property Segment. In accordance with the foregoing, if one or both of the other Segment Agreements for the Segments upstream from the Property Segment expires or terminates, for any reason, prior to the "Acceptance Date" under the applicable Segment Agreement or this Agreement, this Agreement shall terminate automatically and shall be deemed null and void.

Section 2.5 Rights of Way. Developer shall convey and dedicate to the Town, at no cost to the Town, temporary construction easements and permanent easements over any property in which Developer owns an interest for the purpose of constructing, operating and maintaining the Sewer Line.

ARTICLE 3

REIMBURSEMENT AND ACCOUNTING OF COSTS

Section 3.1 Developer Reimbursement.

(a) Upon completion of the Sewer Line, Developer shall be eligible for reimbursement by the Town for the portion of the Project Cost incurred by the Town for installing a Property Segment larger than needed to serve the Property (the "Reimbursement Amount"). The Reimbursement Amount is estimated in the attached **Exhibit D**. Only the Project Cost shall be used in the calculations for the Reimbursement Amount, and no interest on the Contribution shall be eligible for reimbursement. Notwithstanding the foregoing, Developer shall not be eligible for reimbursement for sewer acreage fees Developer is required to pay to connect the Property to the Sewer Line; provided, Developer's sewer acreage fees shall be based on the Town's standard sewer acreage fee schedule and shall not include the sewer line surcharge otherwise charged in the Sam's Branch Sewer Basin. Developer acknowledges the Town's sewer acreage fee schedule is subject to change at any time by the Town.

(b) The Reimbursement Amount shall be paid to Developer by the Town only from sewer acreage fees collected by the Town from development on property (other than the Property) that connects to the Property Segment directly or through lines tributary to direct connections to the Property Segment. Such sewer acreage fees shall be paid by the Town to Developer within thirty (30) days after the end of each quarter from the sewer acreage fees collected by the Town during such quarter. Developer shall not be entitled to any sewer line surcharges (applicable in the Sam's Branch Sewer Basin) paid by third parties for other properties connecting to the Property Segment. In no event shall Developer be entitled to reimbursement from the payment of sewer acreage fees collected by the Town for connecting development to sewer lines not directly connected to the Property Segment or through lines tributary to direct connections to the Property Segment. Developer's right to reimbursement under this Agreement shall be based solely on the connection of new development to the Property Segment in accordance with this **Error! Reference source not found.**, and Developer shall have no right to reimbursement or compensation from the Town as a result of increases or decreases in flow through the Property

Segment for any reason, regardless of source. In no event shall the Reimbursement Amount exceed the Contribution.

ARTICLE 4

SEWER CAPACITY ALLOCATION

Section 4.1 Sewer Capacity Allocation.

(a) As of the Acceptance Date, the Town shall be deemed to reserve an average daily flow sewer capacity allocation for all of the Property in the amount of 63,107 gallons per day for residential or commercial purposes (the "Allocation"). Developer may apportion the Allocation among subdivided parcels of the Property, subject to the Town's paramount right to approve, restrict, limit or otherwise regulate the development of such parcels as provided in Section 4.1(d) and elsewhere in this Agreement. If the Property requires any additional sewer capacity allocation beyond the Allocation, the Town shall assign additional sewer allocation, if available, for the then-current phase of development of the Property at the later of the Town Council approval of a site plan for all or a portion of the Property or the payment of all applicable development fees prior to commencement of construction for the then-current phase of development, including capacity fees, acreage fees and nutrient offset fees.

(b) Subject to the timely performance by Developer of its obligations under this Agreement and/or other events beyond the Town's reasonable control and the sewer capacity reservation made in Section 4.1(a), the Town shall make every reasonable effort to provide sewer service to the Property on a schedule appropriate to fulfill the requirements of the Project Schedule. In the event that the Developer's scheduled work is completed in advance of completion and availability of the Sewer Line then the Developer and the Town will cooperate to provide alternative service for necessary time period. If a "Pump and Haul" solution becomes necessary the Town shall pay for installation of a temporary holding tank at a mutually acceptable location. The Town will contribute collected sewer service receipts collected from the Property towards the cost of the Pump and Haul operation and Developer shall pay the additional cost, if any, for the Pump and Haul operation. Town shall manage the Pump and Haul operation and make monthly invoices to Developer for their cost share of the operation, as applicable.

(c) The amount of sewer treatment capacity assigned for the Property shall be the average sewer treatment capacity requirement for the Property as determined by the Town. Upon Developer's build-out of the Property, the sewer treatment capacity assigned to the Property shall be deemed exhausted, regardless of actual flow that originates from the Property.

(d) Notwithstanding anything to the contrary in this Agreement and the Town's allocation of sewer treatment capacity to the Property under this Agreement, nothing in this Agreement shall be construed as an approval of any development or use of all or a portion of the Property, and any development of all or a portion of the Property shall at all times remain subject to all requirements set forth in the Town's Unified Development Ordinance and all other adopted ordinances, policies, or schedules of the Town of Clayton.

ARTICLE 5

MISCELLANEOUS

Section 5.1 Notices. To be effective, any notice or other communication required, permitted, or contemplated by this Agreement must be in writing and must be sent by email (return-receipt requested), certified mail (return-receipt requested), overnight delivery service (with proof of delivery), or commercial courier (with proof of delivery) to the following addresses. A party may change its address(es) by giving five (5) days prior notice to the other party of such change. Notice shall be deemed delivered or received upon the earliest to occur of (a) receipt of the transmission if sent by email; (b) three (3) days after the postmark if sent by certified mail; (c) the next day that is not a Saturday, Sunday, or legal holiday if sent by overnight delivery service, or (d) upon receipt if delivered by commercial courier.

If to Town:

R. Steven Biggs
Town Manager
231 East Second Street
Clayton NC 27520
stevebiggs@townofclaytonnc.org

With a Required Copy to:

Jeff Bandini
Parker Poe
301 Fayetteville St., Suite 1400
Raleigh, NC 27601
jeffbandini@parkerpoe.com

If to Developer:

With a Required Copy to:

Section 5.2 Force Majeure. Notwithstanding anything to the contrary in this Agreement, neither party shall be liable to the other for any failure to perform under this Agreement as a result of a force majeure, including acts of governmental authorities, embargoes, fire, flood, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism, civil riots, or acts of terrorism; provided, such party (i) shall notify the other party promptly if the performance of any duty or obligation required under this Agreement will be delayed or prevented by a force majeure; and (ii) shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting its performance.

Section 5.3 Development Standards. Nothing in this Agreement shall abridge, terminate or modify any adopted ordinances, policies and schedules of the Town of Clayton, all of which are ratified, adopted and incorporated herein by reference as if fully set forth in this Agreement. If a state or federal law is changed after the Effective Date of this Agreement and the change prevents or precludes compliance with one or more provisions of this Agreement, the Town may modify the affected provision(s) of this Agreement upon making a finding, after public notice and conducting a public hearing, that the change in state or federal law has a fundamental effect on this Agreement; provided, the Town shall use its best efforts to comply with the sewer treatment allocations and reimbursement obligations set forth in this Agreement, so long as such compliance does not violate such applicable state or federal law.

Section 5.4 Entire Agreement. Except with respect to prior approvals and Laws applicable to the Sewer Line, this Agreement constitutes the entire agreement between the parties with respect to the matters covered herein and supersedes any prior negotiations, understandings, or agreements in their entirety with respect to the matters contemplated hereby.

Section 5.5 No Waiver of Governmental Authority or Discretion. Nothing in this Agreement shall be construed to bind, estop, direct, limit, or impair the future regulatory, legislative, or governmental discretion of the Clayton Town Council in a manner not permitted by law. The Town shall incur no liability to Developer for any losses or damages it may incur as a result of or in connection with the Town's exercise or performance of its regulatory, legislative, or governmental powers or functions, or any

judicial determination regarding such exercise or performance, provided the Town shall be contractually bound by the terms of this Agreement, including the sewer allocation in Section 4.1.

Section 5.6 Authority. The Town and Developer each warrants and represents to the other that it has full right and authority to enter into this Agreement, that this Agreement has been presented to and approved by each party's governing board after proper notice and hearing and that the person signing on behalf of each party is authorized to do so.

Section 5.7 No Partnership. Nothing contained in this Agreement shall be construed to make the Town a partner with Developer or render either party liable for the debts or obligations of the other.

Section 5.8 Choice of Law and Forum. This Agreement shall be deemed made in Johnston County, North Carolina. This Agreement shall be governed by and construed in accordance with the laws of North Carolina. Except for any cause of action for which a federal court has exclusive jurisdiction, the exclusive forum and venue for all actions arising out of this Agreement shall be the North Carolina General Court of Justice in Johnston County. Such actions shall neither be commenced in nor removed to federal court. This Section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this Section.

Section 5.9 No Third-Party Rights Created. This Agreement is intended for the benefit of the Town and Developer and their successors and assigns and not for any other person, and no such persons shall enjoy any right, benefit, or entitlement under this Agreement.

Section 5.10 Amendment. Except as otherwise provided in this Agreement, this Agreement may not be amended or terminated except by written instrument signed by both parties.

Section 5.11 Preambles. The preamble and recitals to this Agreement are part of the agreement between the parties and shall be binding upon the parties in accordance with their terms.

Section 5.12 Enforceability. The enforceability and validity of this Agreement, in whole or in part, shall not be affected by the unenforceability or invalidity of any particular provision of this Agreement.

Section 5.13 Principles of Interpretation and Definitions. In this Agreement, unless the context requires otherwise: (1) the singular includes the plural, and the plural includes the singular; the pronouns "it" and "its" include the masculine and feminine; references to statutes or regulations include all statutory and regulatory provisions consolidating, amending, or replacing the statute or regulation; references to contracts and agreements shall be deemed to include all amendments thereto; and the words "include," "includes," and "including" are to be interpreted as if they were followed by either the phrase "without limitation" or "but not limited to;" (2) references to a "Section" or "section" shall mean a section of this Agreement; (3) "Agreement," whether or not capitalized, refers to this instrument; (4) titles of sections, paragraphs and articles are for convenience only and shall not be construed to affect the meaning of this Agreement; (5) "Duties" includes obligations; (6) the word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units and other legal entities; (7) the word "shall" is mandatory; (8) the word "day" means calendar day; (9) attorneys for all parties have participated in the drafting of this document, and no future interpretation shall favor or disfavor one party over another on account of authorship; and (10) all exhibits, attachments, or documents attached to this Agreement or referred to in this Agreement are incorporated by reference into this Agreement as if fully set forth herein.

Section 5.14 Successors and Assigns. All of the provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and

assigns. Developer may not assign its rights or obligations under this Agreement without the express written approval of the Town, which approval may be withheld in the Town's sole discretion.

IN WITNESS WHEREOF, the Town and Developer have caused this Agreement to be duly executed and sealed pursuant to proper authority as of the day and year first above written.

DEVELOPER:

_____, a _____

By: _____

Print Name: _____

Title: _____

TOWN OF CLAYTON, NORTH CAROLINA

By: _____
Jody L. McLeod, Mayor

ATTEST:

By: _____
_____, Town Clerk

[AFFIX MUNICIPAL SEAL]

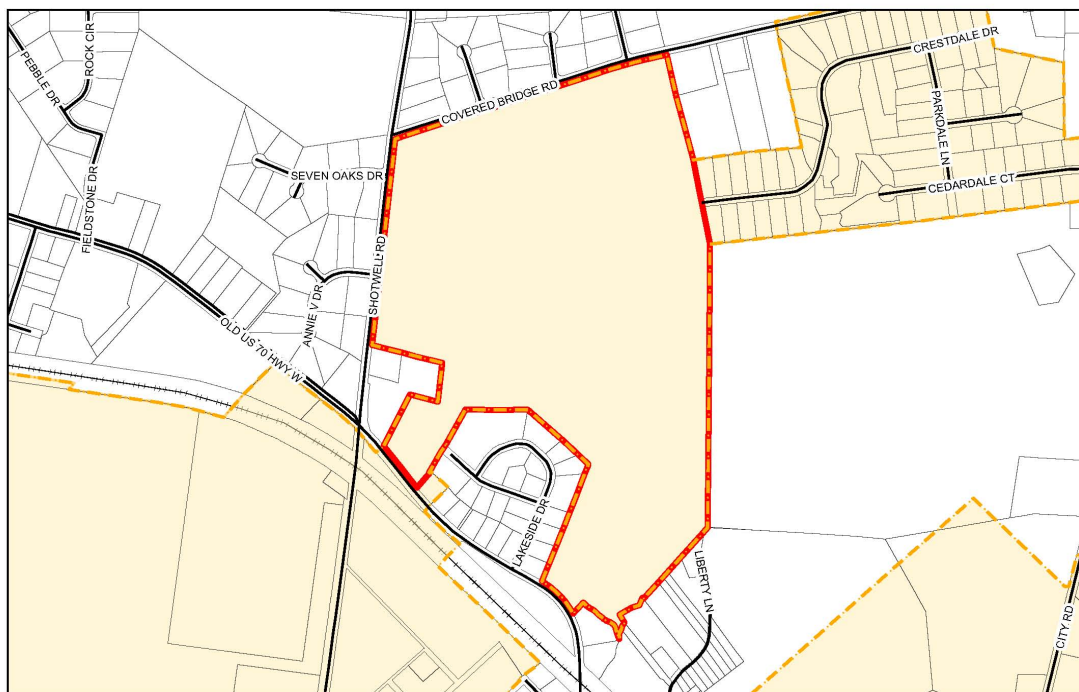
This instrument has been pre-audited in the manner
Required by the Local Government Fiscal Control Act.

Finance Officer

Approved as to Form.

Town Attorney

EXHIBIT A
DESCRIPTION OF PROPERTY



Legend

- Clayton Town Limits
- Parcels
- Creech Tract Site

Prepared by: TOD Planning
July 28, 2016

Creech Tract Site

1 inch = 700 feet

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

EXHIBIT B

DESCRIPTION OF SEWER LINE

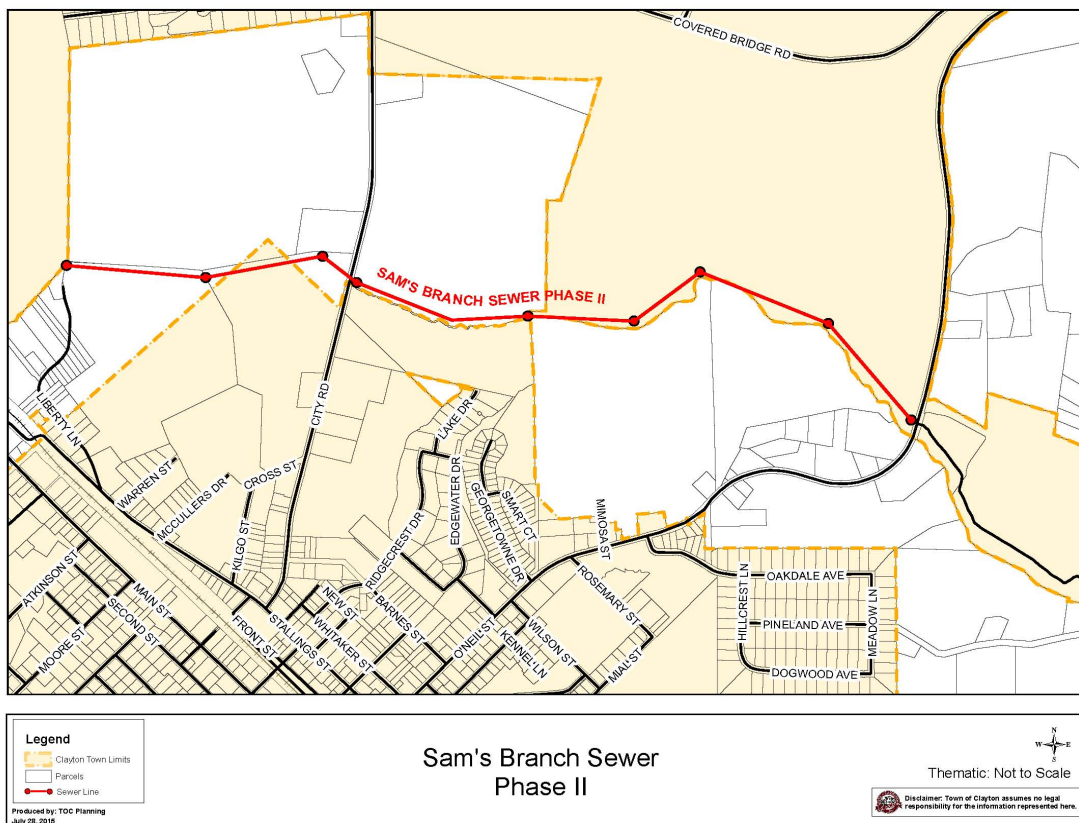


EXHIBIT C

ESTIMATED CONTRIBUTION

Creech Tract Developer Contribution= \$585,728

EXHIBIT D

ESTIMATED REIMBURSEMENT

Creech Tract Developer: Reimbursement

Reimbursement on Project Capital Contribution= \$105,869.99

Reimbursement for facility upsize= \$87,554.00

Total value of reimbursement= \$193,423.99

INFRASTRUCTURE DEVELOPMENT AGREEMENT

THIS INFRASTRUCTURE DEVELOPMENT AGREEMENT (the “Agreement”) is made this _____ day of _____, 2015 (the “Effective Date”), by and between City Road, LLC, a North Carolina Limited Liability Corporation; and Donald C. Adams (collectively “Developer”), and the **TOWN OF CLAYTON**, a municipal corporation existing under the laws of the State of North Carolina (the “Town”).

WITNESSETH:

WHEREAS, Developer currently owns, is under contract or option to purchase, or plans to acquire one or more tracts of land comprising 83.1 acres, more or less, within the jurisdiction of the Town, all as more particularly described on the attached Exhibit A (collectively, the “Property”);

WHEREAS, Developer desires to develop the Property for residential and/or commercial purposes; however, the Property currently is not served with municipal sewer lines and facilities;

WHEREAS, the Town is planning to make certain sewer improvements and extensions to the Sam’s Branch Sewer Line in the Town of Clayton, which improvements and extensions would provide the Property the ability to connect to municipal sewer services and permit the development of the Property for Developer’s intended use(s);

WHEREAS, the Town is authorized under Chapter 51 of the Town’s Code of Ordinances to enter into a reimbursement agreement with Developer to allow Developer to contribute to the cost to complete the sewer line extension and to receive reimbursement from the Town for such contribution as other properties connect to the sewer line;

WHEREAS, in accordance with Chapter 51 of the Town’s Code of Ordinances, the Town will use a portion of fees collected for connections to the sewer line to reimburse Developer for the amount of its contribution that is used to construct the sewer line to standards that exceed the requirements to provide sewer service to the Property;

WHEREAS, the extension of the sewer line will offer numerous benefits to the Town, including providing for the expeditious extension of sewer service to areas currently not served, permitting the systematic extension of municipal improvements, expanding the Town’s tax-base, providing public and private amenities to the Town’s citizens and improving the general quality of life in the Town;

WHEREAS, after conducting a public hearing and approving, by duly enacted ordinance, the parties now desire to enter into, and the Town Council has ratified, this Agreement to provide for reimbursing Developer for its contributions to the funding of the sewer line extension;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement, the benefits that will accrue to both parties from the construction of the sewer line and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

ARTICLE 1

GENERAL

Section 1.1 Definitions. Whenever used in this Agreement, the following terms shall have the definitions indicated as set forth in this Section.

(a) “Developer” shall mean City Road LLC, Donald C. Adams, and its officers, employees, successors, assigns and successors in title.

(b) “Laws” shall mean all laws, ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies and rules adopted by the Town, the State of North Carolina, the United States of America and any other governmental authority or body with jurisdiction over the Property or the construction of the Sewer Line.

(c) “Property” shall mean one or more tracts of land comprising 83.1 acres, more or less, within the jurisdiction of the Town, currently owned by Developer, subject to a contract or option to purchase for the benefit of Developer, or to be acquired by Developer, which land is more particularly described on the attached **Exhibit A**.

(d) “Property Segment” shall mean the Segment of the Sewer Line located on the Property.

(e) “Sewer Line” shall mean the gravity sewer line and appurtenant facilities contemplated by this Agreement, together with all valves, fittings, service connections, service lines, shutoffs, meter boxes, sewage pumping stations, force-mains, gravity sewer mains, manholes and laterals. The Sewer Line is comprised of one or more Segments, all of which are described on the attached **Exhibit B**.

(f) “Segment” shall mean a segment of the Sewer Line.

(g) “Town” shall mean the Town of Clayton, a municipal corporation existing under the laws of the State of North Carolina, and its officers, employees, successors, assigns and successors in title.

Section 1.2 Term. The term of this Agreement shall commence on the Effective Date and shall expire forty-nine (49) years after the Property is physically connected to the Sewer Line (the “Term”).

ARTICLE 2

INFRASTRUCTURE AND CAPACITY ALLOCATIONS

Section 2.1 Planning, Design and Approvals for Sewer Line. The Town shall be solely responsible for preparing and obtaining all plans, designs and construction drawings for the Sewer Line and for obtaining all required permits and approvals from all governmental agencies with jurisdiction over the Sewer Line.

Section 2.2 Construction of Sewer Line. The Town shall be solely responsible for bidding, award of bid and construction management of the Sewer Line. The cost of the Property Segment (the “Project Cost”) shall be the amount of the lowest, responsible, responsive bid received by the Town for the Segment (the “Bid”). The estimated Project Cost is itemized in the attached **Exhibit C**.

Section 2.3 Developer’s Contribution to Project Cost. In accordance with Chapter 51 of the Town’s Code of Ordinances, subject to the reimbursement provisions of Article 3, Developer agrees to contribute to the Town \$355,414 of the Project Cost. The contribution will be made in the following payments: Twenty Percent (20%) of total amount shall be paid by August 4, 2015, Forty Percent (40%) of

total amount shall be paid by September 4, 2015, and the remaining Forty Percent (40%) shall be paid by November 4, 2015.

Section 2.4 Contingent Upon Other Segments. Only the Property Segment is located on the Property. Other Segment(s) are located on property not owned by Developer or that do not connect to the Property or other property owned by Developer. Each Segment is subject to a separate Infrastructure Reimbursement Agreement with the developer of such Segment, which contains the same material terms as this Agreement (each a "Segment Agreement"). Notwithstanding anything to the contrary in this Agreement, the continued effectiveness of this Agreement and the obligations of the Town and Developer under this Agreement shall be contingent upon the continued effectiveness of the Segment Agreement(s) for the Segment(s) upstream from the Property Segment. In accordance with the foregoing, if one or both of the other Segment Agreements for the Segments upstream from the Property Segment expires or terminates, for any reason, prior to the "Acceptance Date" under the applicable Segment Agreement or this Agreement, this Agreement shall terminate automatically and shall be deemed null and void.

Section 2.5 Rights of Way. Developer shall convey and dedicate to the Town, at no cost to the Town, temporary construction easements and permanent easements over any property in which Developer owns an interest for the purpose of constructing, operating and maintaining the Sewer Line.

ARTICLE 3

REIMBURSEMENT AND ACCOUNTING OF COSTS

Section 3.1 Developer Reimbursement.

(a) Upon completion of the Sewer Line, Developer shall be eligible for reimbursement by the Town for the portion of the Project Cost incurred by the Town for installing a Property Segment larger than needed to serve the Property (the "Reimbursement Amount"). The Reimbursement Amount is estimated in the attached **Exhibit D**. Only the Project Cost shall be used in the calculations for the Reimbursement Amount, and no interest on the Contribution shall be eligible for reimbursement. Notwithstanding the foregoing, Developer shall not be eligible for reimbursement for sewer acreage fees Developer is required to pay to connect the Property to the Sewer Line; provided, Developer's sewer acreage fees shall be based on the Town's standard sewer acreage fee schedule and shall not include the sewer line surcharge otherwise charged in the Sam's Branch Sewer Basin. Developer acknowledges the Town's sewer acreage fee schedule is subject to change at any time by the Town.

(b) The Reimbursement Amount shall be paid to Developer by the Town only from sewer acreage fees collected by the Town from development on property (other than the Property) that connects to the Property Segment directly or through lines tributary to direct connections to the Property Segment. Such sewer acreage fees shall be paid by the Town to Developer within thirty (30) days after the end of each quarter from the sewer acreage fees collected by the Town during such quarter. Developer shall not be entitled to any sewer line surcharges (applicable in the Sam's Branch Sewer Basin) paid by third parties for other properties connecting to the Property Segment. In no event shall Developer be entitled to reimbursement from the payment of sewer acreage fees collected by the Town for connecting development to sewer lines not directly connected to the Property Segment or through lines tributary to direct connections to the Property Segment. Developer's right to reimbursement under this Agreement shall be based solely on the connection of new development to the Property Segment in accordance with this **Error! Reference source not found.**, and Developer shall have no right to reimbursement or compensation from the Town as a result of increases or decreases in flow through the Property

Segment for any reason, regardless of source. In no event shall the Reimbursement Amount exceed the Contribution.

ARTICLE 4

SEWER CAPACITY ALLOCATION

Section 4.1 Sewer Capacity Allocation.

(a) As of the Acceptance Date, the Town shall be deemed to reserve an average daily flow sewer capacity allocation for all of the Property in the amount of 82,500 gallons per day for residential or commercial purposes (the "Allocation"). Developer may apportion the Allocation among subdivided parcels of the Property, subject to the Town's paramount right to approve, restrict, limit or otherwise regulate the development of such parcels as provided in Section 4.1(e) and elsewhere in this Agreement. If the Property requires any additional sewer capacity allocation beyond the Allocation, the Town shall assign additional sewer allocation, if available, for the then-current phase of development of the Property at the later of the Town Council approval of a site plan for all or a portion of the Property or the payment of all applicable development fees prior to commencement of construction for the then-current phase of development, including capacity fees, acreage fees and nutrient offset fees.

(b) Subject to the timely performance by Developer of its obligations under this Agreement and/or other events beyond the Town's reasonable control and the sewer capacity reservation made in Section 4.1(a), the Town shall make every reasonable effort to provide sewer service to the Property on a schedule appropriate to fulfill the requirements of the Project Schedule. In the event that the Developer's scheduled work is completed in advance of completion and availability of the Sewer Line then the Developer and the Town will cooperate to provide alternative service for necessary time period. If a "Pump and Haul" solution becomes necessary the Town shall pay for installation of a temporary holding tank at a mutually acceptable location. The Town will contribute collected sewer service receipts from the Parkview project towards the cost of the Pump and Haul operation and Developer shall pay the additional cost, if any, for the Pump and Haul operation. Town shall manage the Pump and Haul operation and make monthly invoices to Developer for their cost share of the operation, as applicable.

(c) Except with respect to the Allocation that has already been assigned to Developer, after completion of the Sewer Line, the Town shall assign its available sewer allocation on a first-come (payment of fees), first-served basis; provided, the Town Council may otherwise reserve some portion of its available capacity for its own use or for a public purpose. The Town Public Works Department shall maintain a public list of the assigned flows and the Town's available allocation of sewer treatment capacity. Notwithstanding the foregoing, the Town agrees not to grant any sewer treatment capacity to other properties that will connect to the Property Segment until after completion of the Sewer Line.

(d) The amount of sewer treatment capacity assigned for the Property shall be the average sewer treatment capacity requirement for the Property as determined by the Town. Upon Developer's build-out of the Property, the sewer treatment capacity assigned to the Property shall be deemed exhausted, regardless of actual flow that originates from the Property.

(e) Notwithstanding anything to the contrary in this Agreement and the Town's allocation of sewer treatment capacity to the Property under this Agreement, nothing in this Agreement shall be construed as an approval of any development or use of all or a portion of the Property, and any development of all or a portion of the Property shall at all times remain subject

to all requirements set forth in the Town's Unified Development Ordinance and all other adopted ordinances, policies, or schedules of the Town of Clayton.

ARTICLE 5

MISCELLANEOUS

Section 5.1 Notices. To be effective, any notice or other communication required, permitted, or contemplated by this Agreement must be in writing and must be sent by email (return-receipt requested), certified mail (return-receipt requested), overnight delivery service (with proof of delivery), or commercial courier (with proof of delivery) to the following addresses. A party may change its address(es) by giving five (5) days prior notice to the other party of such change. Notice shall be deemed delivered or received upon the earliest to occur of (a) receipt of the transmission if sent by email; (b) three (3) days after the postmark if sent by certified mail; (c) the next day that is not a Saturday, Sunday, or legal holiday if sent by overnight delivery service, or (d) upon receipt if delivered by commercial courier.

If to Town:

R. Steven Biggs
Town Manager
231 East Second Street
Clayton NC 27520
stevebiggs@townofclaytonnc.org

With a Required Copy to:

Jeff Bandini
Parker Poe
301 Fayetteville St., Suite 1400
Raleigh, NC 27601
jeffbandini@parkerpoe.com

If to Developer:

With a Required Copy to:

Section 5.2 Force Majeure. Notwithstanding anything to the contrary in this Agreement, neither party shall be liable to the other for any failure to perform under this Agreement as a result of a force majeure, including acts of governmental authorities, embargoes, fire, flood, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism, civil riots, or acts of terrorism; provided, such party (i) shall notify the other party promptly if the performance of any duty or obligation required under this Agreement will be delayed or prevented by a force majeure; and (ii) shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting its performance.

Section 5.3 Development Standards. Nothing in this Agreement shall abridge, terminate or modify any adopted ordinances, policies and schedules of the Town of Clayton, all of which are ratified, adopted and incorporated herein by reference as if fully set forth in this Agreement. If a state or federal law is changed after the Effective Date of this Agreement and the change prevents or precludes compliance with one or more provisions of this Agreement, the Town may modify the affected provision(s) of this Agreement upon making a finding, after public notice and conducting a public hearing, that the change in state or federal law has a fundamental effect on this Agreement; provided, the Town shall use its best efforts to comply with the sewer treatment allocations and reimbursement obligations set forth in this Agreement, so long as such compliance does not violate such applicable state or federal law.

Section 5.4 Entire Agreement. Except with respect to prior approvals and Laws applicable to the Sewer Line, this Agreement constitutes the entire agreement between the parties with

respect to the matters covered herein and supersedes any prior negotiations, understandings, or agreements in their entirety with respect to the matters contemplated hereby.

Section 5.5 No Waiver of Governmental Authority or Discretion. Nothing in this Agreement shall be construed to bind, estop, direct, limit, or impair the future regulatory, legislative, or governmental discretion of the Clayton Town Council in a manner not permitted by law. The Town shall incur no liability to Developer for any losses or damages it may incur as a result of or in connection with the Town's exercise or performance of its regulatory, legislative, or governmental powers or functions, or any judicial determination regarding such exercise or performance, provided the Town shall be contractually bound by the terms of this Agreement, including the sewer allocation in Section 4.1.

Section 5.6 Authority. The Town and Developer each warrants and represents to the other that it has full right and authority to enter into this Agreement, that this Agreement has been presented to and approved by each party's governing board after proper notice and hearing and that the person signing on behalf of each party is authorized to do so.

Section 5.7 No Partnership. Nothing contained in this Agreement shall be construed to make the Town a partner with Developer or render either party liable for the debts or obligations of the other.

Section 5.8 Choice of Law and Forum. This Agreement shall be deemed made in Johnston County, North Carolina. This Agreement shall be governed by and construed in accordance with the laws of North Carolina. Except for any cause of action for which a federal court has exclusive jurisdiction, the exclusive forum and venue for all actions arising out of this Agreement shall be the North Carolina General Court of Justice in Johnston County. Such actions shall neither be commenced in nor removed to federal court. This Section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this Section.

Section 5.9 No Third-Party Rights Created. This Agreement is intended for the benefit of the Town and Developer and their successors and assigns and not for any other person, and no such persons shall enjoy any right, benefit, or entitlement under this Agreement.

Section 5.10 Amendment. Except as otherwise provided in this Agreement, this Agreement may not be amended or terminated except by written instrument signed by both parties.

Section 5.11 Preambles. The preamble and recitals to this Agreement are part of the agreement between the parties and shall be binding upon the parties in accordance with their terms.

Section 5.12 Enforceability. The enforceability and validity of this Agreement, in whole or in part, shall not be affected by the unenforceability or invalidity of any particular provision of this Agreement.

Section 5.13 Principles of Interpretation and Definitions. In this Agreement, unless the context requires otherwise: (1) the singular includes the plural, and the plural includes the singular; the pronouns "it" and "its" include the masculine and feminine; references to statutes or regulations include all statutory and regulatory provisions consolidating, amending, or replacing the statute or regulation; references to contracts and agreements shall be deemed to include all amendments thereto; and the words "include," "includes," and "including" are to be interpreted as if they were followed by either the phrase "without limitation" or "but not limited to;" (2) references to a "Section" or "section" shall mean a section of this Agreement; (3) "Agreement," whether or not capitalized, refers to this instrument; (4) titles of sections, paragraphs and articles are for convenience only and shall not be construed to affect the meaning of this Agreement; (5) "Duties" includes obligations; (6) the word "person" includes natural persons, firms, companies, associations, partnerships, trusts, corporations, governmental agencies and units and other legal

entities; (7) the word “shall” is mandatory; (8) the word “day” means calendar day; (9) attorneys for all parties have participated in the drafting of this document, and no future interpretation shall favor or disfavor one party over another on account of authorship; and (10) all exhibits, attachments, or documents attached to this Agreement or referred to in this Agreement are incorporated by reference into this Agreement as if fully set forth herein.

Section 5.14 Successors and Assigns. All of the provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties and their respective permitted successors and assigns. Developer may not assign its rights or obligations under this Agreement without the express written approval of the Town, which approval may be withheld in the Town’s sole discretion.

IN WITNESS WHEREOF, the Town and Developer have caused this Agreement to be duly executed and sealed pursuant to proper authority as of the day and year first above written.

DEVELOPER:

_____, a _____

By: _____

Print Name: _____

Title: _____

TOWN OF CLAYTON, NORTH CAROLINA

By: _____
Jody L. McLeod, Mayor

ATTEST:

By: _____
_____, Town Clerk

[AFFIX MUNICIPAL SEAL]

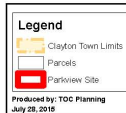
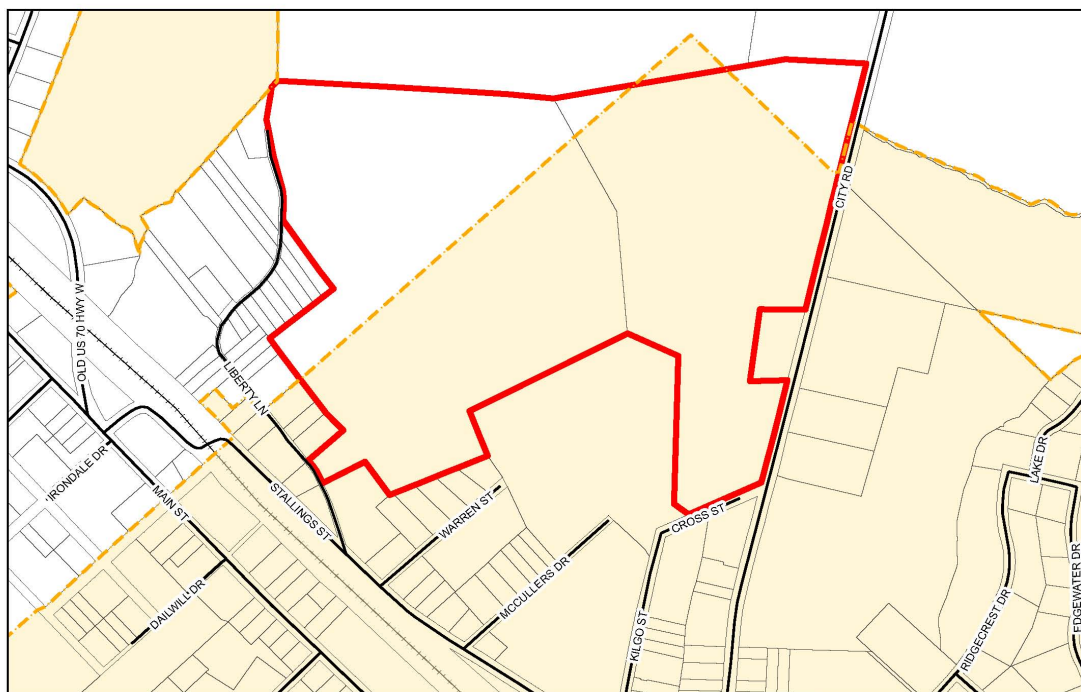
This instrument has been pre-audited in the manner
Required by the Local Government Fiscal Control Act.

Finance Officer

Approved as to Form.

Town Attorney

EXHIBIT A
DESCRIPTION OF PROPERTY



Parkview Site

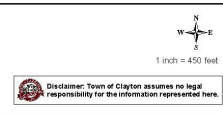


EXHIBIT B

DESCRIPTION OF SEWER LINE

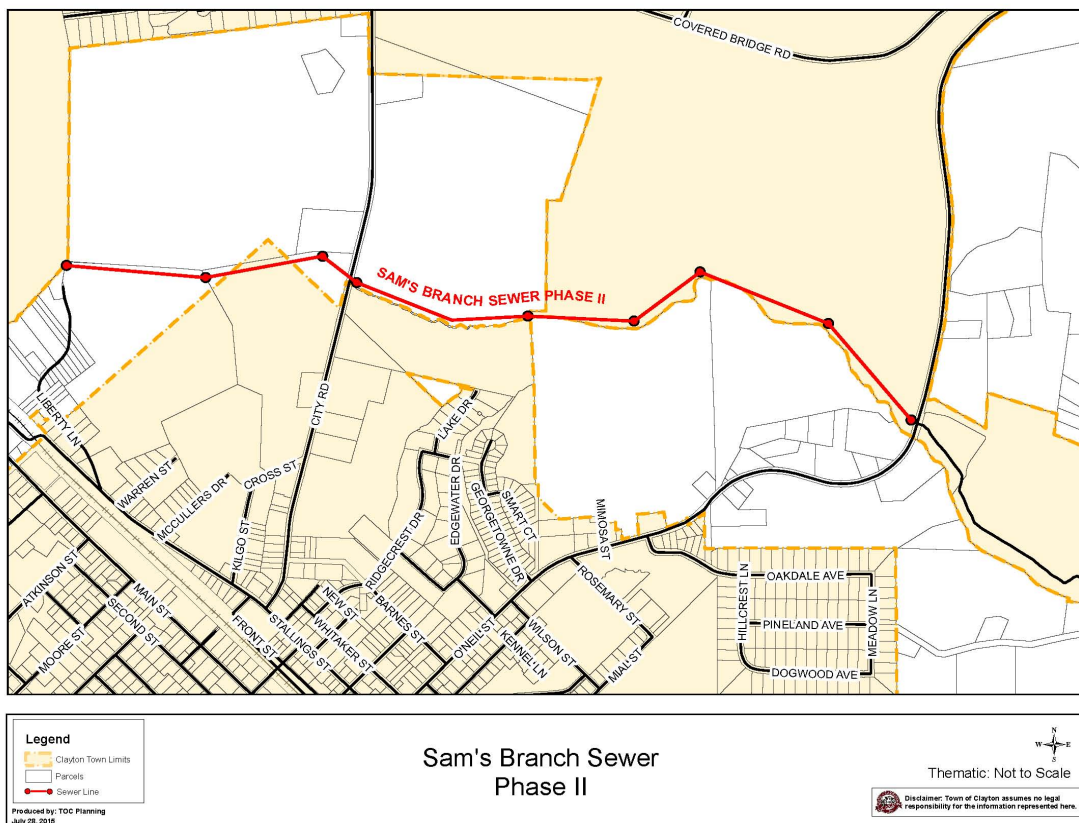


EXHIBIT C

ESTIMATED CONTRIBUTION

Parkview Tract Developer Contribution= \$355,414

EXHIBIT D

ESTIMATED REIMBURSEMENT

Parkview Tract Developer Reimbursement

Reimbursement on Project Capital Contribution= \$64,240.94

Reimbursement for facility upsize= \$53,662.00

Total value of reimbursement= \$117,902.94

EXHIBIT E

PROJECT SCHEDULE