Town of Clayton
Town Council Regular Meeting Agenda
Monday, May 5, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOUTUBE CHANNEL:
https://www.youtube.com/TownofClaytonNC

1. CALL TO ORDER

a. Call to Order
b. Pledge of Allegiance
c. Invocation

2. ADJUSTMENT OF THE AGENDA

a. **POTENTIAL ACTION:** Approve or Adjust the Agenda

3. CONSENT AGENDA

a. Minutes
- April 7, 2025 - Work Session/Retreat
- April 21, 2025 - Regular Session
- April 21, 2025 - Closed Session

Presenter: Heidi Holland, Town Clerk
April 7, 2025 - Work Session/Retreat
April 21, 2025 - Regular Session

b. Interlocal Agreement with Capital Area Metropolitan Planning Organization (CAMPO) for a Bus Rapid Transit (BRT) Study
Presenter: Conrad Olmedo, Planning Director
Resolution #2025-32

c. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2F & Portion 2E
Presenter: Michael Worner, Engineering
Resolution #2025-33

d. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Lawson Glen Phase 1&2, Offsite Waterline
Presenter: Michael Worner, Engineering
Resolution #2025-34

e. Sewer Infrastructure Reimbursement Agreement - Country Lane Development
Presenter: Joshua Baird, PE, Water Resources Director
Resolution #2025-35

f. Resolution Authorizing Representative(s) of the Municipality be Designated as Deputy Finance Officers
Presenter: Rich Cappola, Town Manager
Resolution #2025-39

POTENTIAL ACTION: Approve Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Clayton4U
- Animal Control

Presenter: Nathanael Shelton, Communication Director

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. National Police Week Proclamation
Presenter: Council Member Anderson To Present To the Police Department
National Police Week Proclamation

b. Building Safety Month Proclamation
Presenter: Council Member Casey To Present To the Inspections Department
Building Safety Month Proclamation

c. Economic Development Week Proclamation
Presenter: Council Member Williams To Present To Economic Development
Economic Development Week Proclamation

d. Professional Municipal Clerks Week Proclamation
Presenter: Mayor Pro Tem Sims To Present To Clerk's Office
Professional Municipal Clerks Week Proclamation

6. PUBLIC HEARINGS

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

a. 2024-27-CZM Amelia Church Townhomes
(Continued from the February 17, 2025, March 17, 2025, and April 21, 2025 Meetings - Public Hearing Has Been Closed)
Presenter: Conrad Olmedo, Planning Director
2024-27-CZM Amelia Church Townhomes

POTENTIAL ACTION: Adoption of Ordinance #2025-01-02 with Statement of Consistency and Reasonableness

9. NEW BUSINESS

10. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

- Electric Bill and Usage Update
Presenters: Ann Game, Revenue & Utility Customer Service Director and Craig Brown, 1898 Consultants

- FY26 Budget Survey Results

Presenter: Robert McKie, Jr., Finance Director

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

12. CLOSED SESSION

a.
- To Discuss Legal Matter in Accordance with NC GS 143-318.11 (a)(3)
- To Discuss Economic Development in Accordance with NC GS 143-318.11 (a)(4)
- To Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11 (a)(5)
- To Discuss Personnel Matter in Accordance with NC GS 143-318.11 (a)(6)

POTENTIAL ACTION: Motion To Go Into Closed Session

POTENTIAL ACTION: Motion To Return To Open Session

13. ADJOURNMENT

a. Adjourn

POTENTIAL ACTION: Motion To Adjourn

INFORMATION FOR THE PUBLIC

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.

7. QUASI-JUDICIAL HEARING

A quasi-judicial hearing resembles a court trial where testimony is presented. Citizens may give testimony in a quasi-judicial hearing after they have taken an oath. Town Council acts like a court of law and receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. The Town Council refrains from "ex parte communication" about these cases, as the Town Council must make a decision based solely on the evidence presented at the hearing itself. Staff is available to assist with inquiries from citizens.

11. OTHER BUSINESS – INFORMAL DISCUSSION & PUBLIC COMMENT

RULES FOR PERSONS ADDRESSING TOWN COUNCIL

- During public hearings and public comment periods, each speaker will identify him/herself by giving his or her name and place of residence.
- Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
- Each speaker will be limited to three (3) minutes and each group's representative will be limited to a maximum of five (5) total minutes. Each group is encouraged to designate a single spokesperson for their group.

Town of Clayton
Town Council Work Session Minutes
Monday, April 7, 2025 at 9:00 AM
Rotary Room, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Michael Sims
Council Member Andria Archer
Council Member Porter Casey
Council Member Ruth Anderson
Council Member Gretchen Williams

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Heidi Holland, Town Clerk,
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Robert McKie, Jr., Finance Director
David Ranes, Fire Chief
Nathanael Shelton, Communication Director
Michelle Snyder, Executive Asst. to Town Manager
Sam Johnson-Phillips, Deputy Town Clerk
Joe Stallings, Economic Development & Government Affairs Director
Ann Game, Revenue & Utility Customer Service Director
Todd Melton, Budget Manager
Steven Langston, Clayton Center Director
Joshua Baird, Water Resources Director
Louis Duffie, Asst Program Manager

1 ARRIVAL AND BREAKFAST

a) 8:30 - 9:00 a.m.

2 CALL TO ORDER

a) 9:00 a.m.

Mayor McLeod called the meeting to order at 9:02 a.m.

3 ADJUSTMENT OF THE AGENDA

a)

Approve or Adjust the Agenda

RESULT:	**CARRIED 5-0**
MOVER:	Ruth Anderson
SECONDER:	Porter Casey
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson,

	and Gretchen Williams
NO:	None

4 ITEMS FOR DISCUSSION

a) 9:45 - 10:30 a.m.
Water Resources Updates
Presenters: Joshua Baird, Water Resources Director, Louis Duffie, Project Manager, and Rich Cappola, Town Manager

Mr. Baird shared the Town currently owns 6.1 MGD (million gallons per day) of average daily flow capacity from Johnston County. In 2024, the Town's average daily usage was 4.15 MGD. It is projected that by 2033/2034, an additional 4 MGD will be needed to support growth and development. While the goal remains to stay ahead of future demand, Johnston County has indicated that no additional capacity is currently available for purchase.

The projected 4 MGD increase is based on both known development allocations and anticipated future projects.

To address long-term water needs, Mr. Baird introduced the Lower Neuse Water Supply Program (LNWSP) as a potential regional solution. This would be a costly, multi-year initiative but critical for sustainable water supply. The proposal includes:

- A new 30 MGD raw water intake and pump station on the Neuse River
- 14 miles of raw water transmission infrastructure
- A new 12 MGD greenfield water treatment plant (WTP)
- An 800 MG (million gallons) quarry for raw water storage at the WTP site
- Finished water transmission lines to connect to the existing system

Two potential routes for raw water transmission (approximately 14 miles) to the new plant were shared. Estimated project timelines under a design-build approach an average of five years, with other delivery methods taking longer.

Staff also discussed the planned treatment process. It was noted that water quality expectations are outlined in agreements, and there have been extensive discussions to ensure those standards are met.

The estimated total project cost is $750 million, which includes $60 million specifically for treatment upgrades to address PFAS and other regulatory requirements. The County has proposed that the Town contribute 50% of the project cost due to projected growth; however, negotiations are ongoing. Partner cost estimates were shared, with approximately $165 million of the total expected to be supported by industrial growth. Program funding timelines and an updated project schedule, which includes a 6-month delay, were also

presented. Construction on the main contract is estimated to begin in FY2027. A significant investment will be needed upfront to initiate the project.

Short-Term Alternatives Being Explored:

- Updated Flow Demand Projections:
  Town and County staff are re-evaluating 2019 estimates and meeting with large water users to update usage forecasts (ongoing).
- JD Solomon Solutions, Inc.:
  Hired by Johnston County to assess the business case for LNWSP and explore alternatives. Work includes engagement with program managers, engineering and rate consultants, Town staff, and potential partners. An initial report is scheduled for presentation to the Johnston County Commissioners on May17, 2025.
- Legislative Engagement:
  A presentation to the Senate Regulatory Reform Committee was completed for March 3, 2025, requesting statutory changes to support expanded water supply options.

Potential partners identified include Raleigh, Wilson, Goldsboro, and Harnett County. Meetings have already occurred with Raleigh, Wilson, and Goldsboro, and a meeting has been requested with Harnett County.

The Town continues to evaluate all alternatives including if the Town could create an intake of its own. Further evaluation and coordination with DEQ and regional partners are needed.

Mr. Duffie provided an update on Sam’s Branch project; the estimated completion date is winter 2025/2026.

Current progress includes:

- Headworks: 90% complete, with all mechanical equipment installed and piping underway
- Bioreactor: Filled with water and undergoing testing
- Administrative Building: Temporary power connected; interior finishes in progress
- EQ Tanks: 95% complete

The Preliminary Engineering Report was shared for the future phases on the Sam’s Branch WRF, outlining the project’s phased approach. Staff continues to work with the City of Raleigh on extended water and wastewater agreements, and discussions on short-term solutions are ongoing.

5 BREAK

a) 10:30 - 10:45 a.m.

6 ITEMS FOR DISCUSSION

a) 10:45 - 11:30 a.m.
Economic Development and Legislative Affairs
Presenter: Joe Stallings, Economic Development Director

Mr. Stallings updated Council on the new reporting reconstruction. It was shared that the Economic Development Director would now report to Courtney Tanner, Deputy Town Manager. Mr. Stallings stated Mr. Sam Shumate, Vice-President of Governmental Affairs, is the main contact from Electus Governmental Affairs.

Key points of the Down-Sizing Legislation were discussed. It was stated H.B. 24 was filed on January 29, 2025. The primary sponsors were Representatives Howard Penny (R-Harnett, Johnston), James Adams (R-Catawba), Harry Warren (R-Rowan), and Jeff McNeely (R-Iredell). This would repeal S.B. 382's down-zoning provision from last year.

A question was raised regarding the definition of down-zoning. It was explained down-zoning refers to a reduction in the development density of land or a limitation on the permitted uses of that land. It was also noted that the North Carolina League of Municipalities has been working closely with Representatives, and as of last week, 289 bills have been filed.

Mr. Stallings stated the ETJ legislation was filed on March 17, 2025. S.B. 314, known as the "Eliminate ETJ Overlap Act", would prohibit a city from exercising powers outside its contiguous corporate limits in any county with a zoning or UDO. Efforts were being led by Senate Regulatory Reform Chairs Tim Moffitt (R-Henderson) and Steve Jarvis (R-Davidson).

Highlights of the STIP Grant Legislation were shared. S.B. 172 was filed February 25, 2025. The primary sponsors were: Senators Benton Sawrey (R-Johnston), Michael Lazzara (R-Onslow), and Vickie Sawyer (R-Iredell, Mecklenburg). This would amend G.S. 159-171 to allow a unit of local government to borrow money for paying appropriations made for a State Transportation Improvement Program (STIP). The goal would be to accelerate beneficial municipal projects by empowering local governments to expediate transportation projects labeled as regional impact or division need. As of February 26, 2025, this was referred to Senate Committee on Rules and Operations.

Mr. Stallings presented to Council the FY26 Stability and Growth Survey results.

- 37% - Promotional initiatives for downtown businesses
- 35% - Marketing campaigns to attract new business and industry
- 22% - Identification and purchase of new sites for business and industry

- 78% - Construction of infrastructure improvements to support new and expanding businesses
- 8% - None of these are important to me

Crystal Morphis, Founder and CEO of Creative Economic Development Consulting, provided the Economic Development Strategic Plan Update virtually. Mrs. Morphis discussed the types of services Creative Economic Development Consulting offers. The services mentioned were:

- Strategic Planning
- Product Development
- Economic Impact Analysis
- Organizational Development
- Special Studies & Back Office

The next topic of discussion was the scope of work. Mrs. Morphis outlined the entire process, which included: Project Initiation, Economic Profile & Cluster Analysis, Stakeholder Engagement, Economic Development Assessments, Best Practices Review, Strategy Development, Performance Metrics, Strategic Plan, Final Report & Presentation, and Launch.

In the area of Economic Profile and Cluster Analysis, there was discussion on the trends in the population, labor force, employment industries, wages, occupations, demographics, income, affordability, business startups, and other data points. Mrs. Morphis reported that clusters were analyzed and identified those that were projected to grow.

There was a discussion about the industry clusters for Johnston County, NC as of 2024Q3. It was stated that manufacturing sectors are important. There was discussion on different ways to engage:

- Steering Committee
- Economic Development Staff interview
- Town Leadership interviews - Council Members, Town Manager, Planning Director
- Business Leasers input session
- Interview key leader (staff and/or chair) of allies:
  - Utility partners
  - Chamber and other business associations
  - Entrepreneur organization(s)
  - EDPNC Representative(s) who has worked on projects in Clayton
  - RTRP
- Business survey

It was stated the Town has actively worked to increase light industrial, retail, restaurant, and other economic development opportunities.

- Develop a plan to identify and seek opportunities for investment in

Clayton.

- Explore opportunities to redevelop underutilized properties throughout the Town.
- Encourage collaborative efforts between the Town and business community.

Mrs. Morphis spoke on the deliverables:

- Economic Profile and Cluster Analysis
- Stakeholder Engagement
- SWOT Analysis
- Economic Development Program Assessments
- Best Practices
- Metrics
- Economic Development Strategic Plan
- Implementation Plan
- Launch Communications

Mrs. Morphis discussed the timeline:

- Month 1
  - Research Initiated
  - Stakeholder Engagement Initiated - Steering Committee Workshop, Interviews
- Month 2
  - Stakeholder Engagement Complete - Business Leaders Input Session, Interviews Research Complete
- Month 3
  - SWOT Analysis
  - ED Program Assessments
- Month 4
  - Steering Committee Strategy Workshop
  - Draft Strategic Plan
- Month 5
  - Final Deliverables
  - Presentation

b) 9:00 - 9:45 a.m.
Cultural Arts Financial Update
Presenters: Todd Melton, Budget Manager and Steven Langston, Cultural Arts Director

Mr. Melton and Mr. Langston presented highlights on the Cultural Arts Financial updates:

- Cultural Arts Department Functions
- Financial health and Town Investment
- Contextualize CA with a service-based lens

- Highlight broader functions of CA beyond revenue

Discussed were the Cultural Arts Functions:

- Ticketed performances at The Clayton Center
- Third party promoter rentals
- Facility rentals (Churches, social gatherings)
- Internal Town support (downtown concerts, council meetings, department meetings, retreats, special events)

Four different types of Clayton Center Events were discussed:

- Town Meetings and Events: It was stated that this includes all Town Council and other public meetings, internal staff meetings and interviews, and Town Square Concert Series. It was stated that these Town Meetings and Events do not generate revenue. These types of meetings and events make up 44% of the Clayton Center event Types.
- Rentals (Public Shows): Includes ticketed shows as well as shows where groups rent the space and share revenues with the Town. These events are revenue-producing events that make up 32% of the events held at The Clayton Center.
- Booking Inquiries (Canceled/Released): These events are reserved (and inquiries are made both locally, through an agent or third party) and it requires staff time to plan and organize and are then canceled. These do not generate revenues and make up 14% of The Clayton Center events.
- Clayton Center Shows and Free Events: It was stated events such as Juneteenth Celebration and the Veterans Day Ceremony do not generate revenue and consist of 10% of The Clayton Center events.

A comprehensive and detailed financial snapshot was provided. It was broken down into two categories.

- Revenue: ticket sales, rentals, occasional grants and donations.
- Expense: staff, performer/show contracts, advertising, minor supplies and subscriptions.

The following was reported for the current FY25 YTD:

- Revenues $214,447
- Expenses $597,477
- Net Town Investment: Revenue - Expenses $383,030
- Net Town Investment - 3 year trend
  - FY22 $543,307
  - FY23 $475,324
  - FY24 $461,390

Mr. Melton explained the amount of the budget that was covered by the expense is called "cost recovery." It was stated Cultural Arts recovered 36%

which has been consistent over the past three years. Parks & Recreation has recovered 18% and the Library has recovered 9%.

It was reported 11,057 tickets were sold in FY23, 16, 260 tickets were sold in FY24, and 15,239 projected to be sold in FY25. During the calendar year 2024, there were 4,000 attendees that attended four Downtown Concerts. It was stated there are 6 concerts scheduled for the calendar year 2025.

Mr. Langston communicated a survey would go out to the entire community in mid April/May. It would take approximately three weeks for the results to be compiled and for feedback to be provided to Council. Council Member Anderson inquired on the number of questions. Mr. Langston responded there would be approximately 27 questions. Mr. Melton stated the survey would be similar to the Parks & Recreation survey that was recently conducted. Council Member Anderson inquired about the return rate. Mr. Cappola stated the survey company was very happy with the return rate.

There was a brief discussion regarding the canceled/released bookings. It was explained that at times, working with agencies has involved a lot of back-and-forth, which has occasionally led to cancellations. When booking agents are made aware of the full scope of costs—such as licensing fees, insurance liabilities, and other related expenses—they may choose to cancel.

In summary, the Cultural Arts Department not only generated external revenue but also provided essential internal support and contributed significant civic value. Its financial focus centers on long-term sustainability, which aligns with the goals outlined in the Town's Strategic Plan.

Mayor McLeod asked about the current status of their work with the schools. Mr. Langston responded they maintain a strong relationship with the schools and have served just under 1,000 students. He noted that Mrs. Vandergriff is responsible for all follow-ups with the schools. Mr. Langston shared the National Society of the Arts has provided funding to both the NC Arts Council and the Johnston County Arts.

Mr. Langston shared an upcoming Live Band Karaoke event that would be held in the Council Chambers. Mr. Cappola expressed thanks to Mr. Langston and stated that he has done a great job at marketing.

7 LUNCH

a) 11:30 a.m. - 12:00 p.m.

There was discussion concerning the higher than average electric bill this past winter. It was reported that January 2025 was the 2nd coldest January in over 3 decades with winter 2018 being the coldest. There were two major cold

events in January and February causing the increased likelihood of experiencing two high back-to-back electricity bills. It was stated the average of 40 days across all billing cycles in January and February which were at or below 32 degrees.

Key points of data were discussed to better understand the issue.

Consumption:

- Average consumption increased 22.96% between January and February 2025
- Average consumption increased .9% comparing January 2024 to January 2025
- Average consumption increased 19.33% comparing February 2024 to February 2025

Average Bill:

- Average bill increase of 20.44% between January and February 2025
- Average bill increase .4% comparing January 2024 to January 2025
- Average bill increase of 21.12% comparing February 2024 to February 2025

Mrs. Game outlined strategies to help customers better understand the cost. She shared that the Utilities and Billing Department is currently working on a bill redesign project with an approved vendor. Key components of the redesign include customer input, involvement of internal and external focus groups, graphic illustrations, and a detailed billing breakdown. The Communication Department and the Utilities and Billing Department are also collaborating on a website redesign aimed at improving usability and making information more accessible. Additionally, the Bill Backer and Insert Program will feature an enhanced newsletter with more space dedicated to customer education and conservation. Ongoing staff training and energy audits will continue to be part of the initiative.

8 ITEMS FOR DISCUSSION

a) 12:00 - 1:00 p.m.
Electric Rate Model Information
Presenter: Craig Brown, 1898 Consultants

Craig Brown stated the rate study process is a 3-step process that begins with financial planning. Then the next step is a cost of service study that includes a deep dive at cost allocations to make sure costs are aligned followed by rate study design. He stated his financial forecast for the Town is we continue to see residential growth and he expects a 3.5% customer growth through the study period.

He discussed the NCEMPA Power Supply. He stated increases in these costs

are driven by true-up payments to Duke Energy Progress and higher natural gas prices. NCEMPA would release debt reserve funds as NCEMPA's defeasance debt service falls off in July of 2025; this would result in monthly credits to the Town's wholesale power bill totaling $191,000. NCEMPA proposed three rate options for consideration.

There was discussion of the impact of the new water treatment plant estimated to come online January 2026. There would be a peak-shaving 3.5 megawatt generator at the plant. The generator is expected to run during coincident peak events each month which would reduce the load and minimize the system coincident peak contribution. The Town should expect to see approximately 1.2 megawatt of export each month, reducing power supply needs and creating savings for the system (this has not been included in the current forecast).

The Town's Electric Utility Capital Improvement Plan is another driver. Shared was an Electric Utility CIP financing table showing how much could be spent and annual revenue. Revenue requirements under our existing rates were shared. It was stated there could be an increase in debt due to the financing of the Electric Utility CIP. He stated we are below our metrics now. Shared were Key financial metrics which are broken down into three categories: operating cash balance, debt service coverage, and operating ratio.

Shared were the proposed FY2026 increase and 5-year forecast. A 2% rate increase in FY2026 is what is being requested; this is driven by the Town's annualized debt repayment while maintaining target metrics. This plan would get the Town back to 120 days cash on hand. Shared was the Rate Adjustment Summary and the recommended rate adjustment. Any additional rate increases would be necessary to meet the Operating Ratio target.

Discussed were the rate design objectives and a detailed class rate design. It was stated customer charges have basically stayed the same this year. The coincident peak charge stays in line with the NCEMPA bill. Regarding the impact on the residential monthly bill, the proposed increase would increase the typical electric customer's bill by about 9 cents per day.

Mayor McLeod stated it is important to let our citizens know that Council wants a minimum increase.

9 BREAK

a) 1:00 - 1:15 p.m.

10 ITEMS FOR DISCUSSION

a) 1:15 - 2:00 p.m.
Financial Analysis
Presenter: Ted Cole, Davenport Financial

Mr. Cole provided an update on the Town's financial analysis and peer comparatives. It was reported that the Town is AA rated and one notch away from the highest rating which is AAA rating. Factors that could lead to an upgrade were:

- Improved income and wealth levels
- Increased fund balance and cash positions to levels in line with AAA peers

It was stated many AAA communities have high levels of growth. They rely on a debt to manage capital needs.

Historically, the Town's operating revenues have exceeded operating expenditures, resulting in a structurally balanced budget and annual operating surpluses. The Town has increased total fund balance each year for the past five fiscal years.

Mr. Cole discussed the general fund balance performance and policy. It was stated that the minimum balance would be 20% with 30% being the target. All five years the Town has been on target for the General Fund Balance. The Town has an adopted financial policy that stated, "General Fund unassigned fund balance at the close of each fiscal year shall not be less than 20% of actual General Fund net expenditures without prior Town Council Authorization." The Town has also formalized in their policy a General Fund Target to maintain unassigned fund balance as a percentage of net expenditures of at least 30%.

There was discussion on the existing tax supported debt. It was reported the total outstanding tax-supported debt is $21 million. This amount decreases each year, which is a positive sign as it indicates that older debt is being paid off.

b) 2:00 - 3:00 p.m.
Initial Budget Overview for FY26
Presenters: Robert McKie, Finance Director; Rich Cappola, Town Manager; and Todd Melton, Budget Manager

Mr. McKie shared budget highlights. He stated the Town has implemented a base budget strategy, implemented new budgeting software ClearGov, and have recommended 10 new positions. Mr. Melton stated he is working towards balancing the budget; all departments have entered in their budget requests for FY26 and those requests are being considered.

Mr. McKie shared the Black & Veatch preliminary financial plan based on 3 scenarios. Key proposed plan cost drivers (FY26-30) include Water Supply Project ($324 million over 7 years), Wastewater Treatment Plant Project ($146

million over 3 years), Substantive increase in O&M costs (annual average cost increase of 6%), and maintaining sufficient reserve to mitigate year-to-year rate volatility and financial resilience.

All scenarios have the same revenue adjustments for sewer. Scenario 1 includes the Water Supply Project starting in FY25. The proposed residential impact would be approximately $20.00 monthly bill increase based on 4,000 gallons per month. Scenario 2 includes the Water Supply Project delayed until FY2030 and interconnection cost with neighboring utilities higher ($30 million). The proposed residential impact would be approximately $14.00 monthly bill increase based on 4,000 gallons per month. Scenario 3 includes the Water Supply Project delayed until FY2030 and interconnection cost with neighboring utilities lower ($15 million). The proposed residential impact would be approximately $13.00 monthly bill increase based on 4,000 gallons per month. It was stated Scenario 3 is the scenario more than likely the budget would be balanced against.

Shared were budget highlights.

Economic considerations include:

- Consumer Price Index (CPI) inflation rate was 2.8% in February compared to 3% in January 2025 and 3.2% for February 2024.
- Personal Consumption Expenditures (PCE) Price Index was 2.5% in February, which reflects no change compared to January 2025 and February 2024.
- Federal Reserve policy – vigilant effort to achieve 2% inflation target.
- GDP Q1 2025 projection is -2.8%. GDP increased 2.8% in 2024, 2.5% in 2023, 1.9% in 2022.
- Federal Reserve expects softer economic activity in 2025 rather than a recession.
- Experts concerned about the tariff impact in conjunction with darkening consumer sentiment.

Major Revenue Assumptions:

- Preliminary revenue neutral tax rate is $0.46; 99% collection rate.
- Recommend 5 cent CIP provision based upon adopted tax rate.
- Ad Valorem property taxes will grow 7.67%. Value of $0.01=$534,478.
- Sales tax revenues will increase $0.6 million compared to FY 2025 budget and 2.5% higher than the $9.4 million estimate for FY 2025. NCLM projects 2.8% increase for FY 2026.
- Development revenue will continue to grow.

Employee Benefit Assumptions:

- 5% salary adjustment pool and 2% COLA recommendation.
- State Health Plan employer contribution increase = 10%.

- NC Retirement Fund employer contribution increase = 0.74% for General and 1.04% for LEO.

Shared were final thoughts. Mr. McKie stated the FY26 budget reflects continued use of budgeted funds in an efficient and effective manner. The Town continues to experience strong growth, which impacts all components of operations. The major fund balance appropriations are not a financially prudent strategy, nor sustainable in the General Fund Budget. The Water and Sewer Fund would continue to require rate increases to fund reinvestment in the system. The Electric Fund would require nominal increases to sustain the financial health of the utility. Debt issuance would be required to fund new development, and an ongoing economic uncertainty requires a conservative spending strategy.

Shared were the results of the budget survey. There was a slight increase in participation for FY26. Public safety is still very important among our citizens. The top 10 themes to consider are: traffic congestion and unsafe intersections; rapid residential development outpacing infrastructure; desire to support downtown and small businesses; invest in parks, greenways, and recreation amenities; need for more police and fire staff/resources; frustration over tax and utility rate increases; water/wastewater infrastructure concerns; calls for transparency in budget/spending; concerns about affordability and cost of living; and skepticism about spending on beautification over essentials.

11 BREAK

a) 3:00 - 3:15 p.m.

12 ITEMS FOR DISCUSSION

a) 3:15 - 5:00 p.m.
Organizational Updates
Presenters: Stasey Whichel, Evergreen Consulting and Rich Cappola, Town Manager

Stasey Whichel with Evergreen Solutions was present. She stated in the fall, a financial review was completed resulting in a few proposed changes in the current organizational chart.

Shared were those changes, some of which included retitling a Deputy Town Manager position to Chief of Staff and Strategic Initiatives. It was recommended to have the Executive Assistant position as shared services to be able to assist in other areas and be shifted around. It has been proposed to move the Warehouse Supervisor from Procurement to Operations and to move Human Resources under Chief of Staff and Strategic Initiatives.

The review of the Finance Department resulted in recommendations to include

efficiencies in processes, succession planning, training, and development of policies/procedures.

Shared was the compensation update. She stated given the growth, the Town is doing well at maintaining at mid-point. The peer average range is just over 60, ours is at 80. It is recommended the Town consider adding pay grade levels to the General Pay Plan and the Utilities Pay Plan, adjust the pay grade assignments where appropriate, narrow the salary range, and apply a COLA to maintain competitiveness.

Other recommendations include for Non-exempt employees to maintain a step plan and for exempt employees to transition to an open range plan; add pay grades to electric/water positions and adjust public safety plan by 1.5% to maintain competitiveness.

13 ADJOURNMENT

a) With nothing further, the meeting was adjourned at 4:26 p.m.

Motion To Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Ruth Anderson
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, Ruth Anderson, and Gretchen Williams
NO:	None

Duly adopted by the Town Council this 5th day of May 2025 while in regular session.

_____
Michael Sims
Mayor Pro Tem

ATTEST:

_____
Heidi L. Holland, MMC, NCCMC
Town Clerk

Town of Clayton
Town Council Regular Meeting Minutes
Monday, April 21, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Michael Sims
Council Member Andria Archer
Council Member Porter Casey
Council Member Ruth Anderson

Council Absent:
Council Member Gretchen Williams

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Greg Tart, Police Chief
David Ranes, Fire Chief
Robert McKie, Jr., Finance Director
Nathanael Shelton, Communication Director
Conrad Olmedo, Planning Director
Sam Johnson-Phillips, Deputy Town Clerk
Joshua Baird, Water Resources Director
Joe Stallings, Economic Development & Government Affairs Director
Donald Perry, Engineering Director
Todd Melton, Budget Manager
Conrad Olmedo, Planning Director

1. CALL TO ORDER

a. Call to Order

Mayor McLeod called the meeting to order at 6:01 p.m.

b. Pledge of Allegiance

- Boy Scout Troop 124

Boy Scout Troop 124 led the Pledge of Allegiance.

c. Invocation

Mayor McLeod provided the invocation.

2. ADJUSTMENT OF THE AGENDA

a.

Approve or Adjust the Agenda

RESULT:	**CARRIED 4-0**
MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

3. CONSENT AGENDA

a. Minutes
- April 7, 2025 - Regular Session
- April 7, 2025 - Closed Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk

b. Resolution of Tentative Award - Arbors Lift Station Diversion Project (Amended Resolution)
Presenter: Shannon Poole, Engineering Department

c. Warranty Acceptance of the Public Water and Sewer Utilities for Camel Street Townhomes
Presenter: Chris Rowland, Engineering

d. NCDOT Certification of Municipal Declaration To Enact Speed Limits and Request for Concurrence
Presenter: Tim Robbins, Public Works Director

e. NCDOT Certification of Municipal Declaration To Repeal Speed Limits and Request for Concurrence
Presenter: Tim Robbins, Public Works Director

f. MOU for Clean Water Education Partnership (CWEP) Services
Presenter: Rich Cappola, Town Manager

Approve Consent Agenda as Presented

RESULT:	**CARRIED 4-0**
MOVER:	Andria Archer
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

4. ADMINISTRATIVE ITEMS

a. Clayton4U
- Keeping Clayton Clean

Presenter: Nathanael Shelton, Communication Director

Mr. Shelton introduced and presented Clayton4U, entitled "Keeping Clayton Clean." This was align with the Earth Day cleanup planned for Saturday, April 26, 2025.

Council Member Casey provided the details for the Earth Day cleanup held on Saturday, April 26, 2025. It was reported that the meet up would be at the farmers market in which the gear would be provided, and it would begin at 8:00 a.m. A celebration would be held at 12:00 p.m. at Deep River.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Administrative Professionals Day Proclamation
Presenter: Council Member Archer to Present to Town of Clayton's Administrative Professionals

Council Member Archer read the proclamation into record and presented it to the Town of Clayton's Administrative Professionals.

b. International Firefighters Day Proclamation
Presenter: Mayor Pro Tem Sims to Present to Clayton Fire Department

Mayor Pro Tem read the proclamation into record and presented it to the Town of Clayton's Fire Department.

c. Retirement Recognition for Chris Rowland
Presenter: Mayor McLeod to Present

Joshua Baird, Water Resources Director, provided background on Chris Rowland and expressed his appreciation for him. It was stated that Chris Rowland made a significant impact during his 24 years of service to the Town of Clayton. Mayor McLeod read into record and presented retirement recognition to Chris Rowland.

Chis Rowland thanked the Town of Clayton for the great opportunities and expressed his appreciation to those he worked with.

d. Retirement Recognition for Tammy Ray
Presenter: Mayor McLeod to Present

Mayor McLeod noted that Tammy Ray was not present and that her recognition would be presented at a later date.

e. Hall-Wicker Award Recognition
- Shaun Mizell, Procurement, Contracts and MWBE Manager

Presenter: Robert McKie, Finance Director

Mr. McKie provided the background history of the Hall-Wicker Award. It was stated that Mr. Mizell was recognized last month at the North Carolina

Association of Governmental Purchasing Spring Conference. Mr. Mizell expressed his appreciation to Town Council, Town Manager Cappola and Finance Director Robert McKie.

6. PUBLIC HEARINGS

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

a. 2024-27-CZM Amelia Church Townhomes
(Continued from the February 17, 2025 and March 17, 2025 Meetings - Public Hearing Has Been Closed)
Presenter: Conrad Olmedo, Planning Director

Mr. Olmedo stated following the meeting on March 17, 2025. It was requested of the applicant to provide materials by April 2, 2025. Materials were received on April 14, 2025, those materials are being reviewed by Staff and the Technical Review Committee. It was stated they would meet with the applicant on April 23, 2025. Mr. Olmedo has requested to table this matter until May 5, 2025, Town Council Meeting.

Request to Table to the May 5, 2025 Meeting

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

9. NEW BUSINESS

a. Firehouse Subs Public Safety Foundation Grant
Presenter: David Ranes, Fire Chief

Chief Ranes stated the Clayton Fire Department has received a Firehouse Subs Public Safety Foundation Grant in the amount of $42,138 from the Firehouse Subs Public Safety Foundation. It was stated that grant is fully funded at no cost to the Town.

Chief Ranes stated the department had digitally applied with funding in mind for a specific purpose to acquire a Paritech Hydrofusion. It was reported that this is a specialized rescue equipment that is designed for complex incidents involving rail incidents, large transportation vehicles, industrial accidents and any scenario where heavy loads must be lifted and stabilized.

It was stated they previously received a grant from Firehouse Subs Public Safety Foundation in 2018 to fund a purchase of a rescue boat and motor.

Chief Ranes shared that Clayton was one of 11 agencies in North Carolina selected to receive this grant this quarter. It was requested that Council adopt resolution 2025-28

Chief Ranes extended appreciation for both of the generous contributions to the Firehouse Subs Public Safety Foundation.

Adoption of Resolution #2025-28

RESULT:	**CARRIED 4-0**
MOVER:	Porter Casey
SECONDER:	Michael Sims
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

10. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

Todd Melton, Budget Manager, provided a General Fund Overview. It was stated that a quarterly budget office update would be provided.

Mr. Melton reported this report would be for Quarter 3 for FY25 through March 31, 2025. It was stated that the Town is tracking pretty close to the revenues that was budgeted for the end of the Quarter. The expenses were reported to be a little bit under for the year. It was reported most of that was due to lapsed Salary and vacant positions.

Mr. Melton communicated the following: Ad Valorem, most of those revenues have been collected. The sales taxes were reported to be at 75% through the year at the end of the third quarter. Permits and Fees, approximately 126% of the budgeted revenues have been collected. Sales and Services are on target. All others were reported to be tracked below.

Most of the General Fund Expenses were reported to be tracking at or slightly below 75% for the year. The following was reported: Personnel was reported at

approximately 71%, Programs was reported at coming at below budget. Debt was reported at 100%.

Mr. Melton provided an update on The Water Sewer Fund. It was stated the revenues are tracking slightly lower than budgeted and it would be closely monitored. The expenses are tracking under budget. It was stated the budget savings are mostly due to lapsed salary and vacant positions. Some vacancies are being held open intentionally as organizational changes are implemented.

Mr. Melton reported the Electric Enterprise revenues are tracking slightly higher than budgeted. The expenses are slightly under budget. It was reported the budget savings are mostly due to lapsed salary.

An update was provided by Mr. Melton on the FY26 budget development. It was reported that a base budget process began this year which was different from what has been done in the past. It was reported that the manager's recommendation would be delivered on May 5, 2025. The first public reading would be held on May 19, 2025, followed by the second reading on June 2, 2025.

Mayor McLeod thanked Mr. Melton for the update.

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

Boy Scout Troop 124 was in attendance, and a question-and-answer session was held with the Council.

b. Council Comments

Mayor Pro Tem Sims expressed thanks to Town Clerk Heidi Holland and to the Clayton Fire Department in helping to prepare and cook for the Clayton Police Department and Clayton Fire Department. Mayor Pro Tem Sims also thanked Mayor McLeod, Town Council and Town Manager, for their support.

Council Member Casey stated there would be an Earth Day Celebration/Cleanup on Saturday April 26, 2025, and an Arbor Day event was held on April 25, 2025, at the Municipal Park. He thanked the Boy Scouts for coming out.

Mayor McLeod thanked Chief Tart and Chief Ranes and their staff for an amazing parade that was held to honor Noel Franklin on Saturday April 19, 2025.

12. CLOSED SESSION

a.
- To Discuss Legal Matter in Accordance with NC GS 143-318.11 (a)(3)
- To Discuss Economic Development in Accordance with NC GS 143-318.11 (a)(4)
- To Discuss Purchasing of Real Property in Accordance with NC GS 143-318.11 (a)(5)
- To Discuss Personnel Matter in Accordance with NC GS 143-318.11 (a)(6)

Motion To Go Into Closed Session

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

Motion To Return To Open Session

RESULT:	**CARRIED**
MOVER:	Michael Sims
SECONDER:	Ruth Anderson
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

13. ADJOURNMENT

a. Adjourn

With nothing further, the meeting was adjourned at 7:51 p.m.

Motion To Adjourn

RESULT:	**CARRIED 4-0**
MOVER:	Michael Sims
SECONDER:	Andria Archer
YES:	Andria Archer, Michael Sims, Porter Casey, and Ruth Anderson
NO:	None
ABSENT:	Gretchen Williams

Duly adopted by the Town Council this 5th day of May 2025 while in regular session.

_____
Michael Sims
Mayor Pro Tem

ATTEST:

_____
Heidi L. Holland, MMC, NCCMC
Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
May 5, 2025	CONSENT AGENDA

Item Title

Interlocal Agreement with Capital Area Metropolitan Planning Organization (CAMPO) for a Bus Rapid Transit (BRT) Study

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

Vibrant Downtown	Desirable Amenities and Spaces	Sustainable Infrastructure	Mobility, Transportation, and Transit	Diversified Economic Development	Community Outreach and Engagement	Public Safety
☐	☐	☐	☒	☐	☐	☐

Public Hearing: No - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☒ None Required

Summary

This is a Resolution to enter in an Interlocal Agreement with the Capital Area Metropolitan Planning Organization (CAMPO) to help fund a Bus Rapid Transit (BRT) study. The Town will fund $7,500 out of a total cost of $151,250 that is allocated for this study. The study will provide analysis of extending bus rapid transit services to Clayton from Garner, which will connect to downtown Raleigh.

Recommendation

Staff recommends approval of this Resolution.

Funding Source

N/A

Corresponding Documentation

Resolution Interlocal Agreement TOC and CAMPO (1)

CAMPO-AGENCY-ILA-BRTConOps-FINAL_Clayton - CO Review - 4.22.25 (1)

Exhibit 1 - Wake Transit BRT Ext ConOps Study Contract-NelsonNygaard_DRAFT

Exhibit 2 - ExCAMPO BRT Extension Concept of Operations_final_20250205_clean

Southern Rapid BRT Map

Submitted By: Conrad Olmedo, Planning

Reviewed By:

Rich Cappola, Town Manager	Approved - Apr 30 2025
Heidi Holland, Town Clerk	Approved - Apr 30 2025

Resolution #2025-32

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CLAYTON, NC AND THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO) FOR FUNDING A BUS RAPID TRANSIT (BRT) STUDY

WHEREAS, the Town of Clayton recognizes the need to improve regional transportation options and enhance mobility for residents and businesses; and

WHEREAS, Bus Rapid Transit (BRT) has been identified as a potential transit solution to support the region's growing population and economic development; and

WHEREAS, the Capital Area Metropolitan Planning Organization (CAMPO) and the Town of Clayton desire to collaborate in funding a feasibility study to assess the viability, benefits, and impacts of a BRT system serving Clayton and the surrounding areas; and

WHEREAS, an interlocal agreement is necessary to outline the financial contributions, roles, and responsibilities of each party in conducting the BRT study; and

WHEREAS, the Town of Clayton has identified funding within its transportation planning budget to contribute to this study, and CAMPO has allocated funds to support this effort; and

WHEREAS, the findings of the BRT study will provide critical data and recommendations for future transportation planning and grant applications;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CLAYTON:

1. That the Town Council hereby authorizes the execution of an interlocal agreement with the Capital Area Metropolitan Planning Organization (CAMPO) for the purpose of jointly funding a Bus Rapid Transit (BRT) study.
2. That the Town Manager, or their designee, is authorized to execute all necessary documents related to this agreement and to take further actions as may be required to implement the terms of the agreement.
3. That the Town of Clayton commits to providing its agreed-upon financial contribution to the study as outlined in the interlocal agreement.
4. That this resolution shall be effective immediately upon its adoption.

Duly adopted this 5th day of May 2025, while in regular Session.

_____

Michael Sims
Mayor Pro Tem

ATTEST:

Heidi Holland, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Jim Cauley
Town Attorney

INTERLOCAL AGREEMENT FOR BUS RAPID TRANSIT EXTENSIONS
CONCEPT OF OPERATIONS STUDY BETWEEN

THE TOWN OF CLAYTON, NC

and the

CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO)

THIS INTERLOCAL AGREEMENT, is made and entered into on the last date executed below by and between the Town of Clayton, a body politic and corporate of the State of North Carolina, and the Capital Area Metropolitan Planning Organization, a metropolitan transportation planning organization as defined at N.C. Gen. Stat. §136-200(4) ("CAMPO") (collectively, the "Parties").

BACKGROUND AND RECITALS:

WHEREAS, the U.S. Congress has mandated the establishment of Metropolitan Planning Organizations (MPOs) to encourage and promote the safe and efficient management and operation of surface transportation systems. 23 U.S.C. § 134 (a) (1)-(2), to wit:

> *"(a) Policy.-It is in the national interest-*
>
> > *(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas better connect housing and employment, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and*
> >
> > *(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).*"
> > 23 U.S.C. § 134 (a) (1)-(2)

WHEREAS, CAMPO has been established and exists under the authority and mandate of Article 16 of Chapter 136 of the North Carolina General Statutes; and

WHEREAS, pursuant to the above referenced federal and State laws, CAMPO has the authority and responsibility for development of multi-modal transportation plans (including plans for roadway, transit, pedestrian, and bicycle transportation facilities) in the CAMPO planning area; and

WHEREAS, CAMPO will enter into a contract with an agreed-upon consultant or consultant team, in partnership with the Town of Clayton to conduct a Bus Rapid Transit Extensions Concept of Operations Study to determine an appropriate service model for the extension of the Western and Southern Bus Rapid Transit corridors to Research Triangle Park and Clayton respectively; and

WHEREAS, the Bus Rapid Transit Extensions Concept of Operations Study contract will be entered into for FY25 and FY26 and submitted in final form to CAMPO and the Town of Clayton; and

WHEREAS, The Bus Rapid Transit extensions Concept of Operations Study will respond to the recommendations of the Bus Rapid Transit Extension Major Investment Study and Alternatives Analysis to further investigate preferred solutions identified for rapid bus extensions to the planned Wake BRT Western and Southern Corridors to connect from downtown Cary to Research Triangle Park to the west and to connect from Garner to Clayton to the south; and

WHEREAS, the Town of Clayton is contributing $7,500.00, for the purpose of finalization of a Locally Preferred Alternative with Wake Transit Plan concurrence process, concept of operations for extensions and overlap with core corridors, funding identification and analysis, and finalized assumptions for design phase considerations; and

WHEREAS, CAMPO has been allocated a total of $151,250.00 to the Study through the FY 2025 Wake Transit Work Plan.

NOW, THEREFORE, in consideration of the Background Statement and Recitals, the mutual agreements set forth below, and other good and valuable consideration, the Parties agree as follows:

I. BACKGROUND AND PURPOSE.

The Parties acknowledge their mutual support for continued planning, project management, and related work for the Study. To this end, the parties desire to affirm their respective financial and other commitments to the Study.

II. BUS RAPID TRANSIT EXTENSIONS CONCEPT OF OPERATIONS STUDY

The Parties acknowledge and agree that this study will include elements outlined in the Request for Proposals, and that all parties will engage in contract scope and fee negotiations with a selected consultant or consultant team to ensure these elements are included.

The Consultant's fee for the Study shall be the sum of Three hundred and fifty thousand dollars ($350,000). This cost shall cover 100% of the Study's elements, including the following:

- Project management and partner coordination;
- Confirmation of BRT Program Design Guidelines;
- Scenario Analysis for each BRT corridor extension;
- Development of a detailed operating and capital plan;
- Development of a funding and implementation plan; and
- Development of a Draft and Final BRT Extensions Concept of Operations Report.

The full Study scope is included in Exhibit 2.

III. CAMPO AS LEAD AGENCY FOR STUDY

The Town of Clayton and CAMPO acknowledge and agree that, due to the regional nature of the Study, and considering CAMPO's experience in project administration, CAMPO should be the entity to coordinate and lead the Study. CAMPO acknowledges and agrees that it is willing to serve as the lead agency for the Bus Rapid Transit Extensions Concept of Operations Study.

CAMPO shall engage The Town of Clayton throughout the Study, providing specific opportunities to:

- Provide data to inform the study
- Participate in the Core Technical Team meetings
- Review plans for stakeholder engagement
- Review and approve all deliverables

IV. FINANCIAL COMMITMENTS

In recognition of the Study cost of $350,000.00, The Town of Clayton and CAMPO are willing to make the following funding commitments in support of planning costs identified in the Study as follows:

- As approved by formal action of its Town Council, the Town of Clayton agreed to commit the sum of seven thousand five hundred dollars ($7,500.00), to defray the costs of the Study contract.

- As approved by formal action of its Executive Board, CAMPO agreed to commit the sum of one hundred and fifty-one thousand, two hundred and fifty dollars ($151,250.00) to defray the costs of the Study contract.

V. INCORPORATION OF THE BUS RAPID TRANSIT EXTENSIONS CONCEPT OF OPERATIONS STUDY INTO THE UPWP

In furtherance of the Project, the Parties acknowledge that the Bus Rapid Transit Extensions Concept of Operations Study has been incorporated into adopted FY25 and FY26 Unified Planning Work Programs ("UPWP"). CAMPO shall accordingly take all steps necessary and appropriate to advance, support, and carry forward the Bus Rapid Transit Extensions Concept of Operations Study.

VI. COMMUNICATIONS; CONTACTS

CAMPO will regularly communicate with the Town of Clayton regarding the Bus Rapid Transit Extensions Concept of Operations Study, including contracts entered into, progress made, and work performed on the specific project elements enumerated in Article II hereof. CAMPO will also ensure the Town of Clayton receives a full and complete copy of the Study.

For purposes of such communications, including notices to be given under terms of the Agreement, the parties have designated the following contact persons and/or entities:

FOR CAMPO:

Ben Howell, AICP
Wake Transit Program Manager
1 Main St. Fenton, Suite 201
Cary, NC 27511

With a copy to:

Chris Lukasina

Executive Director
1 Fenton Main St., Suite 201
Cary, NC 27511

FOR The Town of Clayton, NC:

Conrad Olmedo, AICP, CZO
Planning Director
111 E. Second St.
Clayton, NC 27520

With a copy to:

Rich Cappola, PE, MPA, CFM
Town Manager
111 E. Second St.
Clayton, NC 27520

VII. SCOPE OF SERVICES AND RESPONSIBILITY OF PARTIES

Anticipating that a contract for the Study will be entered into between CAMPO and a selected consultant it is acknowledged and agreed as follows:

A. CAMPO has ensured that a qualified firm is obtained through an equitable selection process, so that the prescribed work is properly accomplished, in a timely manner, and at a just and reasonable cost.

B. CAMPO will take appropriate steps to ensure that, with respect to the Study contract and performance of all work associated therewith, Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; and the Department's Policies and Procedures for Major Professional or Specialized Services Contracts, will be adhered to. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

C. CAMPO is responsible for the administration of all agreements, contracts, and work orders entered into or issued for this Project.

D. CAMPO and its agents shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs and financial obligations incurred under this AGREEMENT. Further, CAMPO shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the term of this Agreement, and for three (3) years from the date of payment of the final vouchers for services or other expenses incurred by CAMPO in fulfillment of the Project. All funds received by CAMPO for, and to be applied to costs of, the Project shall be maintained in a designated Project fund balance. All such funds will be held and managed in accordance with the budgeting, fiscal control, and accounting standards applicable to units of local government in the State, including compliance with requirements for annual, or more frequent, audits.

VIII. FUNDING PROCEDURES

A. CAMPO shall bill the Town of Clayton for a lump sum once the consultant has completed and provided invoice(s) for $7,500.00 of eligible project costs by submitting an itemized invoice via email to invoice@townofclaytonnc.org or by USPS to Town of Clayton, PO Box 879,

Clayton, NC 27528. Proper supporting documentation shall accompany the invoice as may be required by the Town of Clayton.

B. The Town of Clayton shall reimburse CAMPO for all invoices within thirty (30) days of receipt of invoice by the Town of Clayton.

IX. TERM OF AGREEMENT; AMENDMENT; APPOINTMENT OF PERSONNEL

A. Term. This Agreement shall be effective as of the date it is duly executed by all the Parties. Unless terminated sooner, it shall expire on December 31, 2025, or at the conclusion of the Study, whichever is earlier. This Agreement may be terminated by any party after such notice is given, upon six months' notice given in writing prior to the start of the fiscal year in which termination is effective. Notwithstanding the termination date heretofore established, the Parties' obligations to contribute to the cost of the Study shall survive the termination of this Agreement unless both Parties mutually agree to terminate the Study and its associated costs.

B. Amendments. This AGREEMENT may be amended from time to time upon mutual consent of the respective governing bodies of the Parties expressed in writing.

C. Appointment of Personnel. It is agreed that the duly authorized officer executing this Agreement on behalf of his or her respective Party, shall designate persons to carry out the respective Party's obligations under this Agreement.

X. MISCELLANEOUS

A. Available Funds Condition. All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement, and the Agreement shall automatically terminate if funds cease to be available. By executing this Agreement, the Parties acknowledge that at the time of the signing, the funds required by the terms of this Agreement are available and allocated to the Study.

B. Acknowledgment of Authority. All Parties hereby respectively confirm that the individuals executing the Agreement are authorized to execute this Agreement and to bind the respective entities to the terms contained herein. All Parties confirm they have read this Agreement, conferred with counsel, and fully understand its contents.

C. Merger and Severability. This Agreement supersedes any and all prior agreements or understandings, oral or written, among the Parties, and shall comprise the whole agreement regarding any agreements or undertakings with respect to the subject matters addressed hereunder. In the event any provision hereof shall be adjudicated to be

invalid or unenforceable, in whole or in part, the remaining provisions hereof shall remain in full force and effect, and this Agreement is accordingly declared to be Severable.

D. Governing Law. This Agreement shall be interpreted under the laws of the State of North Carolina, with venue in Wake County, resolving any ambiguities and questions regarding the validity of specific provisions, so as to give maximum effect to the values and purposes sought to be set forth herein.

E. E–Verify. The parties herein have complied with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of the parties' knowledge, any subcontractor employed by a contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

F. IRAN DIVESTMENT ACT CERTIFICATION. The parties herein certify that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, the parties shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

G. NON-DISCRIMINATION. To the extent permitted by law, the parties hereto for themselves, their agents, officials, employees, and servants agree, with respect to the subject matter of this contract, not to discriminate in any manner based on race, color, creed, national origin, sex, age, disability, handicap, marital status, pregnancy, or sexual orientation. The parties further agree, to the extent permitted by law, to comply with all State, Federal, and local statutes, ordinances, and regulations prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964 (42 U.C.C. 2000 et seq.); the Fair Housing Act, Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); the Age Discrimination Act of 1975, as amended (42 U.S.C.6101 et seq.); Title II of the Americans with Disabilities Act of 1990; and Wake County Code of Ordinances Section 34.01.

H. Electronic Signature. Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures in accordance with applicable Electronic Signature Policy and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION "CAMPO"

By:

_____ _____

Chris Lukasina, Executive Director Date

Attest:

_____ _____

Brenda Landes, Fiscal Analyst Date

TOWN OF CLAYTON

By:

_____ _____

Richard Cappola, Town Manager Date

Attest:

_____ _____

Heidi Holland, Town Clerk Date

This Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By:

_____ _____

Robert McKie, Finance Director Date

EXHIBIT 1 (Attachment)

BUS RAPID TRANSIT EXTENSIONS CONCEPT OF OPERATIONS STUDY
CONTRACT

EXHIBIT 2 (Attachment)

BUS RAPID TRANSIT EXTENSIONS CONCEPT OF OPERATIONS STUDY
SCOPE

NORTH CAROLINA
WAKE COUNTY

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT (the "Contract") is entered into on _____, by and between Nelson/Nygaard Consulting Associates, Inc., hereinafter referred to as the "Contractor;" and the Capital Area Metropolitan Planning Organization, a N.C. metropolitan transportation planning organization, authorized and existing under Article 16 of Chapter 136 of the N.C. General Statutes ("CAMPO"); (Collectively, the "Parties").

RECITALS:

WHEREAS, in furtherance of its official responsibilities, obligations, and objectives, CAMPO desires to engage a private contractor to perform certain services for CAMPO as further described in this Contract; and

WHEREAS, CAMPO has completed the necessary steps for solicitation and selection of an individual or firm to perform such services, all in accord with CAMPO policies and applicable legal requirements; and

WHEREAS, CAMPO has agreed to engage and contract with the Contractor, and the Contractor has agreed to contract with CAMPO, for performance of the services described herein, and in accordance with the further terms and conditions of this Contract; and

WHEREAS, CAMPO and the Contractor recognize and acknowledge that the Town of Cary (the "Town") serves as the Lead Planning Agency ("LPA") for CAMPO and, in this capacity, performs financial and other services in support of CAMPO's official functions, all in accordance with that Agreement between CAMPO and the Town of Cary, December 16, 2022 as amended, which Agreement is incorporated herein by reference.

NOW THEREFORE, in consideration of the sums to be paid to the Contractor as provided herein, and other good and valuable consideration, the Contractor and CAMPO contract and agree as follows:

1. Scope of Services

The Contractor shall perform for CAMPO the following described services (hereinafter at times referred to as the "work", "project work", or "project services":

Complete a Concept of Operations Study for the two Wake Transit Bus Rapid Transit Extensions, from Cary to RTP and from Garner to Clayton.

as more specifically described in Exhibit 1, attached, entitled "BRT Concept of Operations Scope of Work".

DRAFT

2. Time of Performance

In performing the services described in this Contract, it is mutually agreed that **time is of the essence**. The Contractor shall begin work without delay following execution of this Contract by both parties, and upon CAMPO's giving to the Contractor Notice to Proceed with the work. The work shall be completed by October 31, 2025.

The term of this Agreement shall commence upon execution by all parties and shall continue through the Contractor's satisfactory completion of all work, services, and tasks described in the Contract.

3. Compensation; Time of Payment

For services to be performed hereunder, CAMPO shall pay the Contractor for the actual work satisfactorily performed, in accordance with the Statement of Fees and Charges set forth in Exhibit 2, attached. Total compensation may in no event exceed the sum of $350,000.00, except pursuant to a duly authorized, written amendment to this Contract, properly executed by the Parties.

The Contractor shall submit to CAMPO an invoice, or periodic invoices as work is completed, describing in reasonable detail the completed work. Invoices will be reviewed and approved by the CAMPO Executive Director or his designee, prior to payment.

Payment terms shall be: Net 30 days from the date of CAMPO's receipt of the Contractor's invoice. Invoices may be submitted through USPS mail, by personal delivery, or via email. Emailing of invoices is encouraged, to: *Lisa.Blackburn@campo-nc.us.* All invoices **must include** the following **Purchase Order Number _____.** Invoices submitted without the correct purchase order number will result in delayed payment.

4. Quality of Services and Standard of Care.

All work performed under this Contract (including all phases of project work to which the Contract applies) shall be performed in a high quality and professional manner, to the reasonable satisfaction of CAMPO, and shall conform to all prevailing industry and professional standards. The standard of care for services performed or furnished by Contractor under this Contract will be the care, thoroughness, and skill ordinarily provided by members of Contractor's profession, practicing under generally similar conditions, at the same general time, and in the same general locality.

As deemed appropriate in the performance or furnishing of professional and related services hereunder, the Contractor may engage subcontractor(s), including without limitation consultant(s) or sub-consultant(s). The Contractor is not authorized to engage any such individuals or businesses which shall have been found by CAMPO to be not acceptable in the

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performance of work for CAMPO. It shall be the responsibility of the Contractor to confer with CAMPO in this regard prior to engaging for any such subcontractor services.

5. Notices

All notices, requests for payment, or other communications arising hereunder shall be sent to the following:

CAMPO:
Attn: Ben Howell
Capital Area MPO
1 Fenton Main St., Suite 201
Cary, NC 27511
Telephone: 984-542-3609
Email: ben.howell@campo-nc.us

Contractor: Nelson/Nygaard Consulting Associates, Inc.
Attn: Jonathan Watts
Nelson/Nygaard Consulting Associates, Inc.
621 SW Morrison St., Suite 1450
Portland, OR 97205
Telephone: (202) 624-8366
Email: jwatts@nelsonnygaard.com

All notices regarding a dispute arising under this Agreement shall also be provided to:

Capital Area MPO
Attn: Executive Director
1 Fenton Main St., Suite 201
Cary, NC 27511

6. Actions in Conformance with Lead Planning Agency Agreement.

The Parties agree to take all reasonable steps and otherwise act in conformance with applicable provisions of the Lead Planning Agency Agreement between CAMPO and the Town of Cary as referenced in the Recitals.

7. Insurance

As indicated by the notation of applicability set forth herein, the Contractor agrees to continuously maintain, on a primary basis, at its sole expense and at all times during the term of this Contract, the applicable coverages and limits, set forth below. The requirements contained herein, as well as CAMPO's review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations of the Contractor under this Contract.

Commercial General Liability – Combined single limit of no less than $1,000,000 each occurrence and $2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.
Applicable: Yes X No

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Automobile Liability – Limits of no less than $1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. In the event Contractor does not own automobiles, Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy. Automobile coverage is only necessary if vehicles are used in the provision of services under this Contract.
Applicable: Yes X No

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Worker's Compensation & Employers Liability – The Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 (relating to statutory limits and number of employees liability) of not less than $1,000,000 each accident.
Applicable: Yes X No

Professional Liability (Errors and Omissions Coverage**)** – The Contractor agrees to maintain insurance with limits of not less than $1,000,000 each claim. This coverage is necessary for professional services such as engineering, architecture, or when otherwise required by CAMPO.
Applicable: Yes X No

Umbrella or Excess Liability – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies. The Contractor agrees to endorse CAMPO and the Town of Cary as additional insured parties on the Umbrella or Excess Liability policy unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a "Follow-Form" basis.

Additional Insured – Contractor agrees to endorse CAMPO and the Town of Cary as additional insureds on the Commercial General Liability, Auto Liability, and Professional Liability policies. The endorsement shall read: "Capital Area Metropolitan Planning Organization and the Town of Cary are named additional insured as their interest may appear."

Certificate of Insurance – The Contractor agrees to provide both CAMPO a Certificate of Insurance evidencing that all coverages, limits, and endorsements required herein are continuously maintained in full force and effect. If the Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify CAMPO within five (5) business days with a copy of the non-renewal or cancellation notice or provide to CAMPO a reasonably sufficient statement identifying the coverage(s) which is/are no longer in compliance. The Certificate Holders' addresses should read as follows:

All insurance coverage referenced above shall be provided by an insurance company authorized to do business in the State of North Carolina.

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8. Indemnity

A. PROFESSIONAL SERVICES CONTRACTOR'S INDEMNIFICATION (EXCLUSIVE OF DESIGN SERVICES) TO CAMPO

a. To the fullest extent allowed by law, the Contractor shall defend, indemnify and hold harmless CAMPO, its officers, officials, employees, agents, or indemnities (collectively called "Indemnified Parties") from and against those Losses, liabilities, damages, and costs caused by, arising out of, resulting from, or in connection with the execution of the work provided for in this Agreement, when the Fault of the Contractor or its Derivative Parties is a proximate cause of the Loss, liability, damage, or expense indemnified.

b. Costs and expenses shall include attorneys' fees, litigation or arbitration expenses, and court costs actually incurred by the Indemnified Parties to defend against third-party claims alleged in any court, tribunal, or alternative dispute resolution procedure required of any of the Indemnified Parties by law or by contract, but only if the Fault of the Contractor or its Derivative Parties is a proximate cause of the attorney's fees, litigation or arbitration expenses, or court costs to be indemnified.

c. The Contractor's duty to indemnify, defend, and hold harmless described hereinabove shall survive the termination or expiration of this Contract.

B. Definitions:

1. For the purposes of this Section, the term "Fault" shall mean any breach of contract; negligent, reckless, or intentional act or omission constituting a tort under applicable statutes or common law; or violation of applicable statutes or regulations.

2. For the purposes of this Section, the term "Loss" or "Losses" shall include, but not be limited to, fines, penalties, and/or judgments issued or levied by any local, state, or federal governmental entity.

3. For the purposes of this Section, the term "Derivative Parties" shall mean any of the Contractor's subcontractors, agents, employees, or other persons or entities for which the Contractor may be liable or responsible because of any statutory, tort, or contractual duty.

9. Intellectual Property

Subject expressly to the provisions of paragraph 17 of this Agreement, any information, data, instruments, documents, studies, reports or deliverables given to, exposed to, or prepared or assembled by the Contractor under this Contract shall be kept as confidential proprietary information of CAMPO and not divulged or made available to any individual or organization

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without the prior written approval of CAMPO. Such information, data, instruments, documents, studies, reports or deliverables will be the sole property of CAMPO and not the Contractor.

All intellectual property, including, but not limited to, patentable inventions, patentable plans, copyrightable works, mask works, trademarks, service marks and trade secrets invented, developed, created or discovered in performance of this Contract shall be the property of the CAMPO.

Copyright in and to any copyrightable work, including, but not limited to, copy, art, negatives, photographs, designs, text, software, or documentation created as part of the Contractor's performance of this project shall vest in the CAMPO. Works of authorship and contributions to works of authorship created by the Contractor's performance of this project are hereby agreed to be 'works made for hire' within the meaning of 17 U.S.C. 201.

10. Force Majeure

Except as otherwise provided in any environmental laws, rules, regulations, or ordinances applicable to the parties and the services performed under this Contract, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Contract must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Contract by this provision.

11. Advertising

The Contractor shall not use the existence of this Contract, or the name of the Town of Cary or CAMPO, as part of any advertising without the prior written approval of CAMPO and the Town of Cary, respectively.

12. Cancellation.

CAMPO may terminate this Contract at any time by providing thirty (30) days written notice to the Contractor. In addition, if Contractor shall fail to fulfill in a timely and proper manner the obligations under this Contract for any reason, including the voluntary or involuntary declaration of bankruptcy, CAMPO shall have the right to terminate this Contract by giving written notice to the Contractor, and in such event, termination will be effective upon receipt. Upon receipt of such notice, the Contractor shall cease performance immediately.

In the event of early termination, Contractor shall be entitled to receive just and equitable compensation for satisfactory work completed and associated costs incurred prior to the Contractor's receipt of notice of termination. Notwithstanding the foregoing, in no event will the total amount due to Contractor under this section exceed the total amount due Contractor under the Contract. The Contractor shall not be relieved of liability to CAMPO for damages sustained by CAMPO by virtue of any breach of this Contract, and CAMPO may withhold any payment

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due to the Contractor for the purpose of setoff until such time as CAMPO can determine the exact amount of damages due CAMPO resulting from the breach.

Payment of compensation specified in this Contract, its continuation, or any renewal thereof, is dependent upon and subject to the allocation or appropriation of funds to CAMPO for the purpose set forth in this Contract.

13. Laws/Safety Standards

The Contractor shall comply with all laws, ordinances, codes, rules, regulations, safety standards and licensing requirements that are applicable to the conduct of its business, including those of Federal, State, and local agencies having jurisdiction and/or authority regarding the Contractor's work under the Contract.

Contractor must comply with *North Carolina Occupational Safety and Health Standards for General Industry, 29CFR 1910.* In addition, Contractor shall comply with all applicable occupational health and safety and environmental rules and regulations.

As applicable to the scope of work under this Contract, the Contractor shall effectively fulfill and manage their safety and health responsibilities including:

A. Accident Prevention
Prevent injuries and illnesses to their employees and others on or near their job site. Contractor managers and supervisors shall ensure personnel safety by strict adherence to established safety rules and procedures.

B. Environmental Protection
Protect the environment on, near, and around their work site by compliance with all applicable environmental regulations.

C. Employee Education and Training
Provide education and training to all subcontractors, consultants, and employees before they are exposed to potential workplace or other hazards, as required by specific OSHA Standards.

14. Applicability of North Carolina Public Records Law

Notwithstanding any other provisions of this Contract, this Contract and all materials submitted to CAMPO by the Contractor are subject to the public records laws of the State of North Carolina. It is the responsibility of the Contractor to properly designate materials at the time of initial disclosure to CAMPO that may be protected from disclosure as "Confidential" and/or "Trade Secrets" under North Carolina law as such and in the form required by law prior to the submission of such materials to CAMPO. The Contractor understands and agrees that CAMPO may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Contract. To the

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extent that any other provisions of this Contract conflict with this paragraph, the provisions of this section shall control.

15. Audit

At their election, CAMPO may conduct, or provide for, an audit or audits of the Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this Contract. CAMPO may conduct such audits or inspections throughout the term of this Contract, and for a period of three years after final payment to the Contractor, or for a longer period if such is required by law.

In the event of such an audit, the Contractor agrees that CAMPO, or its/their designated representative(s), shall have the right to review and to copy any work, materials, payrolls, records, data, supporting documentation, or any other sources of information and matters that may in CAMPO judgment have any bearing on or pertain to any matters, rights, duties or obligations arising under the Contract. The Contractor agrees that CAMPO or its/their designated representative, shall have access to Contractor's personnel records pertaining to the performance of this contract, including but not limited to financial, performance, operations and compliance records. The Contractor agrees to maintain such records for a minimum of three years after final payment, unless a longer period of records retention is required by law. The Contractor agrees to allow CAMPO or its/their designee to access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. CAMPO's authorized representative or designee shall have reasonable access to the Contractor's facilities, shall be allowed to interview all current or former employees to discuss matters pertinent to the performance of this Contract, and shall be provided an adequate and appropriate workspace to conduct audits as provided for herein.

The Contractor agrees to include similar provisions regarding the rights of CAMPO to conduct auditing activities in any contract with employees, consultants, or subcontractors of the Contractor for performance of work under this Contract.

CAMPO agree to provide the Contractor with an opportunity to discuss and respond to any findings before any final audit report is issued.

CAMPO's rights under provisions of this Contract regarding audits shall survive the termination of this contract.

16. E – Verify

Contractor shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of Contractor's knowledge, any subcontractor employed by Contractor as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

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17. Iran Divestment Act Certification.

Contractor certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, *et seq*. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, Contractor shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

18. Non-discrimination.

To the extent permitted by law, the parties hereto for themselves, their agents, officials, employees, and servants agree, with respect to the subject matter of this contract, not to discriminate in any manner based on race, color, creed, national origin, sex, age, disability, handicap, marital status, pregnancy, or sexual orientation. The parties further agree, to the extent permitted by law, to comply with all State, Federal, and local statutes, ordinances, and regulations prohibiting discrimination, including but not limited to Title VI of the Civil Rights Act of 1964 (42 U.C.C. 2000 et seq.); the Fair Housing Act, Title VII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); the Age Discrimination Act of 1975, as amended (42 U.S.C.6101 et seq.); Title II of the Americans with Disabilities Act of 1990; and Wake County Code of Ordinances Section 34.01.

19. Minority or Women Owned Businesse.s

Consistent with, and in furtherance of the above-stated agreements not to discriminate on the basis of race, color, creed, national origin, sex, age, marital status, pregnancy, or sexual orientation, the Contractor will pursue an affirmative policy of fostering, promoting and conducting business with and engagement of women and minority owned business enterprises ("WMBE"). Further, the Contractor shall adhere to any State and Federal MWBE requirements associated with any governmental funding involved in this Contract.

20. Federal Contracting Requirements.

The Contractor shall, with respect to the subject matter of this Contract and all services provided or performed hereunder be bound, and abide by, the requirements of applicable federal laws set forth in Exhibit 3, attached. Further, with respect to the subject matter of this contract and services to be provided or performed hereunder, the Contractor shall take all reasonable steps to insure that all of its employees, officers, agents, (sub)contractors, and (sub)consultants abide by such federal requirements, and shall, without limitation, provide reasonable notice of such requirements to its employees, officers, and agents, and shall reference and include such federal requirements in all its contracts with (sub)contractors and (sub)consultants.

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21. Force Majeure.

Except as otherwise provided in any environmental laws, rules, regulations, or ordinances applicable to the parties and the services performed under this Contract, neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God. Either party to the Contract must take reasonable measures and implement reasonable protections when a weather event otherwise defined as a force majeure event is forecast to be eligible to be excused from the performance otherwise required under this Contract by this provision.

22. Assignment

This Contract may not be assigned without the express written consent of CAMPO.

23. Applicable Law

All matters relating to this Contract shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Wake County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Eastern Division.

24. Companies Boycotting Israel Divestment Act Certification.

The Contractor hereby certifies, pursuant to NCGS 147-86.81, that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel.

25. Miscellaneous.

The Contractor shall be responsible for the proper custody and care of any property furnished or purchased by CAMPO for use in connection with the performance of this Contract and, without limitation as to further claims, will reimburse for, as applicable, repair costs or the replacement value of such property.

The Contractor shall be considered an Independent Contractor, and as such shall be wholly responsible for the work to be performed, including the supervision of its employees, consultants, or subcontractors. Nothing herein is intended or will be construed to establish any agency, partnership, or joint venture relationship between the Parties. The Contractor represents that it has, or will secure at its own expense, all resources and personnel required to satisfactorily perform the required services under this Contract. Any employees, sub-contractors, and/or consultants performing work hereunder shall not be employees of, or have any individual contractual relationship with, CAMPO.

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This Contract may be amended only by written agreement of the parties executed by their authorized representatives.

This Contract, and any documents incorporated below, represent the entire Contract between the parties and suspend all prior oral or written statements, agreements, or contracts between the Parties.

Specifically incorporated into this Contract are the following attachments, or if not physically attached, are incorporated fully herein by reference:

- Exhibit 1: Scope of Services and Statement of Fees and Charges
- Exhibit 2: CAMPO Requirements under Federal Laws
- CAMPO-Town of Cary Lead Planning Agency Agreement of December 16, 2022 not attached-incorporated by reference.

In the case of any conflict between this Contract and any of the above incorporated attachments, the terms of this Contract shall govern.

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IN WITNESS WHEREOF, the Contractor has executed the foregoing with the signature(s) of its duly authorized officer(s), and CAMPO has executed with the signature of its Executive Director, the day and year first above written.

CONTRACTOR:

By:

_____

_____
Jonathan Watts, Director of Operations

(If corporate)
ATTEST:

By:_____

_____
Jennifer Wieland, Managing Director

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NC CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION “CAMPO”

By: _____
Chris Lukasina, Executive Director

ATTEST:

By: _____
Brenda Landes, Fiscal Analyst

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Exhibit 1

SCOPE OF SERVICES AND STATEMENT OF FEES AND CHARGES

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Exhibit 2

CAMPO REQUIREMENTS UNDER FEDERAL LAWS

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Introduction

CAMPO's BRT Extension Major Investment Study (MIS) and Alternatives Analysis (AA) recommended conducting a Concept of Operations study for both the Southern and Western Extensions corridors. The purpose of the Concept of Operations (CONOP) will be to detail the system concept, how it would be operated, refine cost estimates, and prepare the corridor for potential design work. The CONOP will consider the perspectives of both transit riders and the service provider. This includes the perspectives of the Operator and User, as well as others potentially using the right of way.

Scope of Work

Task 1: Project Management and Partner Coordination

Nelson\Nygaard will be the prime consultant for this task, leading the consultant team and collaborating with CAMPO throughout the process. The consultant team will support a series of project management activities and meetings.

Deliverables:

- Biweekly check-ins with the CAMPO project management team that will be led by Nelson\Nygaard with sub-consultants included as needed/relevant.
- Monthly check-ins with a CTT, which will be comprised of funding partners and stakeholders.
- Development of a project schedule and communication strategy
- Attendance at up to three TPAC meetings
- Stakeholder coordination and meetings at key project milestones
- Monthly progress reports that include project spending, schedule, portion of fee earned by DBE and other pertinent information agreed upon with CAMPO.

Task 2: Confirm BRT Program Design Guidelines

Nelson\Nygaard will work with CAMPO, the City of Raleigh and the TPAC to review and propose updates to the BRT design guidelines developed by the City of Raleigh to ensure applicability and scalability to future BRT extensions and new BRT corridors. This effort will consider project development and design considerations to create a uniform service standard for Wake Transit Plan funded BRT projects. This effort will be coordinated through the TPAC to gain consensus among project partners and ultimately approval of the updated design guidelines. Elements will include:

- Definitions and infrastructure requirements associated with BRT and other high-capacity transit modes. While the primary focus of this study is on the Southern and Western BRT extensions, the project team will evaluate strategies that are replicable for future BRT projects.
- Standard and directive drawings related to BRT and rapid bus station platform, canopy and amenity components, including the minimum conditions and/or thresholds for installation of Wake BRT station typologies.
- Wake BRT technology components including but not limited to transit signal priority (TSP), real time passenger information and vehicle arrival information, off-board ticket vending and fare collection equipment.
- Vehicle specifications for operation within transitways, for speed and reliability infrastructure and at station platforms, as well as compatible onboard technology.
- Operating standards for BRT, rapid bus and local fixed route buses within dedicated transitways or other speed and reliability infrastructure.
- BRT, rapid and local bus stop spacing standards and policy related to desired co-locating of rapid local bus stops with Wake BRT stations.
- Connectivity, scheduling and transfer guidelines between BRT, rapid bus and local fixed route buses.
- Branding used to distinguish "core BRT" services (currently branded as "Go+" by GoRaleigh) from other high-capacity transit solutions.

Deliverables:

- Draft and final BRT program guidelines

Task 3: Scenario Analysis

Nelson\Nygaard will develop a set of up to three unique operating scenarios for each of the two proposed BRT extension corridors. The purpose of these scenarios will be to test the feasibility, costs and benefits of different operational strategies including:

- Different project sponsor and operator, considering differential operating costs and access to a vehicle maintenance and storage facility (MSF).
- Different service designs, i.e., interlining extension service with Wake Transit Plan's core BRT or offer 1-seat ride extension service.
- Different alignment strategies, including end of line/termini locations.
- Stop spacing and the number and location of stops.
- BRT operating technology, including type and deployment of technology (traffic signal priorities, queue jumps lanes) and investment assumptions in passenger information (real-time vehicle arrival system) and fare collection systems.

- Potential use of bus on shoulder systems

The scenario analysis will consider feasibility of different strategies and approaches as well as expected costs and benefits of each system. Cost considerations will include capital and operating costs. Ridership impacts will be determined with Triangle Regional Model (TRM) and the FTA STOPS model, which could provide high level estimates. The Nelson\Nygaard team will adapt the existing regional STOPS model (to be supplied by CAMPO) to develop high-level ridership estimates for up to six scenarios (three per corridor). It is assumed that TRM model estimates will be run by others with service plan inputs provided by Nelson\Nygaard. Other benefits may also be calculated as determined by CAMPO and participating stakeholders.

Deliverables:

- Develop up to three unique operating and capital scenarios
- Evaluate costs and benefits of each scenario
- Technical memo summarizing scenarios, outcomes and recommendations

Task 4: Detailed Operating and Capital Plan

Based on the outcome of the scenario analysis (Task 3), Nelson\Nygaard will develop a draft and final operating plan for the two BRT extension corridors. The operating plan will include:

- Final alignment and turn-by-turns, with the number and location of stops by route and end of line/termini (including access/egress routing).
- Deployment of BRT operating technology, including recommendations of type of technology, locations, cost and benefits (bus on shoulder, traffic signal priorities, queue jumps lanes). The technology analysis will also consider passenger information systems (real-time vehicle arrival system) and fare collection technologies and will coordinate with the Regional Technology Plan that is currently underway and managed by GoTriangle.
- Final operating ridership and cost estimates.
  - Ridership forecasts will be estimated using the STOPS model developed in Task 3. If desired, Nelson\Nygaard will supply the necessary inputs needed to prepare ridership forecasts using the Triangle Region Travel Demand Model (to be done by others).
  - Operating cost estimates will reflect recommended service design, assumed project sponsor, planned schedules and travel time assumptions.
- Final capital cost estimates based on assumed service design, vehicle needs, station assumptions and technology needs.

As part of developing the operating plan, Nelson\Nygaard will facilitate interagency coordination for funding and service opportunities such as:

- Utilization of new funding sources, including Clayton-area FTA formula funds for operations and capital.
- Coordination with Garner, Clayton, Cary, Morrisville, GoTriangle and RTP for potential capital investments/operations within jurisdictions.
- Coordination with North Carolina Department of Transportation (NCDOT) to assess the feasibility and extent of Bus on Shoulder System (BOSS) implementation on US 70 given proposed project widening and reconstruction of the facility.
- Transit connectivity, as well as pedestrian safety and circulation improvements included within planned and programmed capital projects (e.g., US 70 at Vandora Springs Road interchange reconstruction; future park and ride at US 70 and NC 42).
- First/last mile shuttle and local circulator services to connect BRT to major activity centers and employment, and residential concentrations offset from the primary alignment. Nelson\Nygaard will work with CAMPO to determine if these costs should be included in the BRT extension plan.

Deliverables:

- Draft and final detailed operating and capital plan

Task 5: Funding and Implementation Plan

The current financial plan for the Southern and Western BRT extensions assumes funding identified in the long-range Wake Transit Plan financial model and $100M in state funds that are anticipated to be programmed in 2025. It is assumed that federal funding will not be pursued for these corridors.

Nelson\Nygaard will use the estimated capital and operating costs developed in Task 4 to develop an updated financial plan for the Southern and Western BRT extensions and identify potential funding gaps. We will integrate the implementation and funding plan so that steps will work towards both goals, by:

- Using estimated implementation costs and ridership to verify funding capacity
- If necessary, inventorying and creating a detailed strategy for pursuing additional/alternative funding sources
- Preparing a detailed implementation schedule, building on the Wake Transit Plan's experience implementing BRT, recognizing that the two BRT extensions will be more complicated because they cross jurisdictional boundaries and will require additional partner coordination.

- Assisting the project sponsor with the Wake Transit Concurrence Process by providing technical assistance and inputs.

Deliverables:

- Funding and Implementation Plan for each corridor and overall system
- Technical inputs needed to facilitate the Wake Transit Concurrence Process

Task 6: Draft and Final Concept of Operations Report

The Nelson\Nygaard team will document and describe draft recommendations for the BRT extension services for review and consideration by CAMPO and project stakeholders. Based on comment and input, Nelson\Nygaard will prepare a final concept of operations to support funding and implementation.

Deliverables:

- Draft and final Concept of Operations Report

Task 7: Contingency

A contingency budget will be established to cover additional services requested by CAMPO throughout the duration of this contract. The CONSULTANT shall not expend funds under this task unless authorized in writing by CAMPO. Potential services that may be funded under this task include but are not limited to:

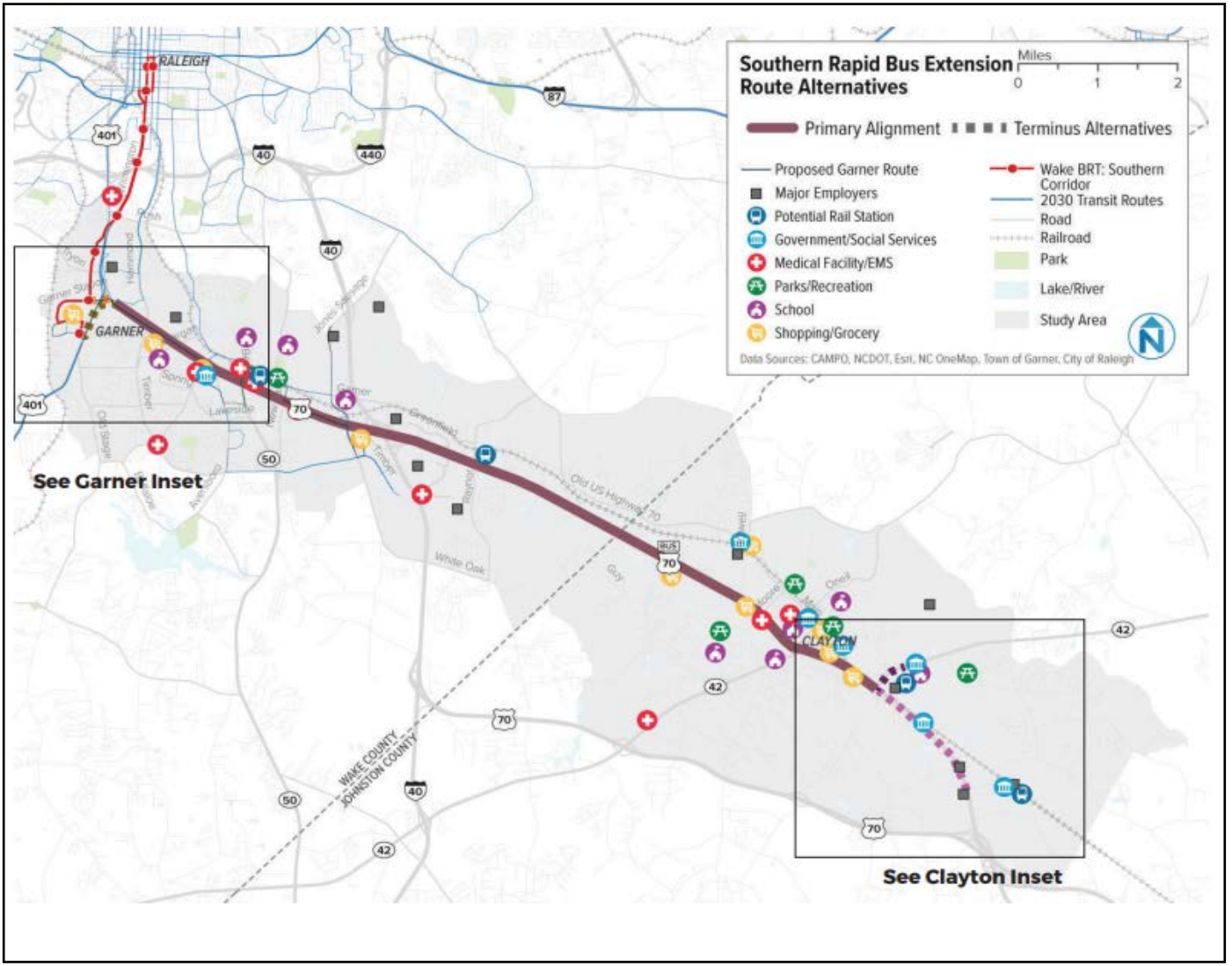
- Additional ridership model runs beyond those scoped in Tasks 3 and 4 and/or additional modeling assistance
- Additional stakeholder and/or committee meetings (e.g. TPAC, CTT)
- Public engagement assistance, including development of engagement materials and/or event participation

Fee Proposal

		Nelson\Nygaard Labor Costs											Three Oaks Engineering					Subconsultant Costs									
		Wittmann, Thomas	Nelson, Daniel	Griffin, Gwendolyn	Kweon, Yonghyeon	Boone, Jenny	Waters, Glen	Johnson, Christopher	Dey, Bibhas Kumar	Project Accountant			Project Manager	Public Involvement Specialist	Deputy Project Manager/Transit Group			KHA									
		Senior Principal 2	Principal 3	Associate 3	Associate 2	Senior Associate 2	Principal 3	Principal 3	Associate 3	Project Accountant								Betty White	Mary Kate Moorkian								
																		Job Class	Job Class								
Base Rate		94.71	81.73	40.63	41.11	52.88	84.86	93.27	48.56	50.00																	
185.73% includes FCCM 0.07% FY23 Overhead	185.73%	175.91	151.80	75.45	76.35	98.22	157.60	173.23	90.19	92.87																	
Profit	10%	27.06	23.35	11.61	11.75	15.11	24.25	26.65	13.87	14.29																	
Total Billing Rate		$297.68	$256.88	$127.69	$129.20	$166.22	$266.70	$293.15	$152.62	$157.15	NN Labor Hours	NN Labor Cost	$244.63	$137.45	$213.54	Three Oaks Engineering Labor Hours	Three Oaks Engineering Labor Cost	$283.00	$193.00	KHA Labor Hours	KHA Labor Cost	Total Subconsultants Labor Hours	Total Subconsultants Labor Costs	Total Labor Hours	Total Labor Costs	Total Direct Expenses	Total Costs
Task	**Description**																										
1.0	**Project Management and Partner Coordination**																										
1.1	Kickoff Meeting	4	4	4							12	2,729.00	2.00			2.00	489.26	2.00		2.00	566.00	4.00	1,055.26	16.00	3,784.26		$ 3,784.26
1.2	Biweekly check in	4	12	12							28	5,805.54	6.00			6.00	1,467.78	6.00		6.00	1,698.00	12.00	3,165.78	40.00	8,971.32		$ 8,971.32
1.3	CTT Meetings	8	16	16							40	8,534.54	6.00			6.00	1,467.78	6.00		6.00	1,698.00	12.00	3,165.78	52.00	11,700.32		$ 11,700.32
1.4	TPAC meetings	8	16	16							40	8,534.54	8.00			8.00	1,957.04	8.00		8.00	2,264.00	16.00	4,221.04	56.00	12,755.58		$ 12,755.58
1.5	Stakeholder engagement	8	24	24							56	11,611.08	12.00	12.00	12.00	36.00	7,147.44	10.00	10.00	20.00	4,760.00	56.00	11,907.44	112.00	23,518.52		$ 23,518.52
1.6	Progress reports and invoices		6							12	18	3,427.11	6.00			6.00	1,467.78			-	-	6.00	1,467.78	24.00	4,894.89		$ 4,894.89
	Task Total 1	32	78	72	-	-	-	-	-	12	194	40,641.80	40.00	12.00	12.00	64.00	13,997.08	32.00	10.00	42.00	10,986.00	106.00	24,983.08	300.00	65,624.88	$6,900	$ 72,524.88
2.0	**BRT Program Design Guidelines**																										
2.1	Discuss/determine guidelines	4	8								12	3,245.78				-	-			-	-	-	-	12.00	3,245.78		$ 3,245.78
2.2	Document Guidelines		16	20		8					44	7,993.57				-	-	40.00	40.00	80.00	19,040.00	80.00	19,040.00	124.00	27,033.57		$ 27,033.57
	Task Total 2	4	24	20	-	8	-	-	-	-	56	11,239.35	-	-	-	-	-	40.00	40.00	80.00	19,040.00	80.00	19,040.00	136.00	30,279.35	$0	$ 30,279.35
3.0	**Scenario Testing**																										
3.1	Service designs	8	40	40	24		26				138	27,799.19				-	-			-	-	-	-	138.00	27,799.19		$ 27,799.19
3.2	Alignments	4	16	40	24						84	13,508.98				-	-			-	-	-	-	84.00	13,508.98		$ 13,508.98
3.3	Stop Spacing		16	12	24						52	8,743.06	8.00		12.00	20.00	4,519.52			-	-	20.00	4,519.52	72.00	13,262.58		$ 13,262.58
3.4	Technology Inventory and Benefits		40	24							64	13,339.74	8.00		12.00	20.00	4,519.52	20.00	80.00	100.00	21,100.00	120.00	25,619.52	184.00	38,959.26		$ 38,959.26
3.5	Ridership Analysis		8	8	60			40	100		216	37,816.09				-	-			-	-	-	-	216.00	37,816.09		$ 37,816.09
3.6	Operating and Capital Costs		24	24							48	9,229.63				-	-			-	-	-	-	48.00	9,229.63		$ 9,229.63
3.7	Draft and Final Plan	2	8	12		6					28	5,179.95				-	-			-	-	-	-	28.00	5,179.95		$ 5,179.95
	Task Total 3	14	152	160	132	6	26	40	100	-	630	115,616.66	16.00	-	24.00	40.00	9,039.04	20.00	80.00	100.00	21,100.00	140.00	30,139.04	770.00	145,755.70	$0	$ 145,755.70
4.0	**Capital and Operating Plan**																										
4.1	Capital and Operating Plan	2	80	80	80						242	41,696.52				-	-			-	-	-	-	242.00	41,696.52		$ 41,696.52
	Task Total 4	2	80	80	80	-	-	-	-	-	242	41,696.52	-	-	-	-	-	-	-	-	-	-	-	242.00	41,696.52	$0	$ 41,696.52
5.0	**Funding and Implementation Plan**																										
5.1	Funding and Implementation Plan	2	40	40	40						122	21,145.94				-	-			-	-	-	-	122.00	21,145.94		$ 21,145.94
5.2	Assist with Wake Transit Concurrence Process	4	8	8							20	4,267.27				-	-	8.00	8.00	16.00	3,808.00	16.00	3,808.00	36.00	8,075.27		$ 8,075.27
	Task Total 5	6	48	48	40	-	-	-	-	-	142	25,413.21	-	-	-	-	-	8.00	8.00	16.00	3,808.00	16.00	3,808.00	158.00	29,221.21	$0	$ 29,221.21
6.0	**Final and Draft Report**																										
6.1	Draft Report	4	8	16	16						44	7,355.90				-	-			-	-	-	-	44.00	7,355.90		$ 7,355.90
6.2	Final Report	4	4	8	16	8					40	6,636.63				-	-			-	-	-	-	40.00	6,636.63		$ 6,636.63
	Task Total 6	8	12	24	32	8	-	-	-	-	84	13,992.53	-	-	-	-	-	-	-	-	-	-	-	84.00	13,992.53	$0	$ 13,992.53
7.00	**Contingency**																										
7.10	Contingency										-	12,631.00				-	-			-	-	-	-	-	12,631.00		$ 12,631.00
	Task Total 7	-	-	-	-	-	-	-	-	-	-	12,631.00	-	-	-	-	-	-	-	-	-	-	-	-	12,631.00	$0	$ 12,631.00
	TOTAL HOURS	**66**	**394**	**404**	**284**	**22**	**26**	**40**	**100**	**12**	**1,348**	**261,231.07**	**56.00**	**12.00**	**36.00**	**104.00**		**100.00**	**138.00**	**238.00**		**342.00**		**1,690.00**			**$ 1,690.00**
	SUBTOTAL BILLABLE COSTS	**19,646.96**	**101,211.61**	**51,584.98**	**36,691.85**	**3,656.79**	**6,934.31**	**11,725.92**	**15,261.83**	**1,885.82**		**261,231.07**	**13,699.28**	**1,649.40**	**7,687.44**		**23,036.12**	**28,300.00**	**26,634.00**		**54,934.00**		**77,970.12**		**339,201.19**	**$6,900**	**$ 346,101.19**
	SUBCONSULTANT MARKUP																**1,151.81**				**2,746.70**		**3,898.51**				**$ 3,898.51**
	TOTAL COSTS																**24,187.93**				**57,680.70**		**81,868.63**				**$ 349,999.70**

Schedule

| | | 2025 | | |


Southern Rapid Bus Extension
Route Alternatives
Miles
0
1
2
Primary Alignment
Terminus Alternatives
Proposed Garner Route
Major Employers
Potential Rail Station
Government/Social Services
Medical Facility/EMS
Parks/Recreation
School
Shopping/Grocery
Wake BRT: Southern Corridor
2030 Transit Routes
Road
Railroad
Park
Lake/River
Study Area
Data Sources: CAMPO, NCDOT, Esri, NC OneMap, Town of Garner, City of Raleigh
RALEIGH
GARNER
CLAYTON
See Garner Inset
See Clayton Inset
WAKE COUNTY
JOHNSTON COUNTY
Old US Highway 70
White Oak
Guy
401
40
440
87
70
50
42

Clayton Inset



Clayton Alternative 1: service would terminate at the site of a proposed park and ride lot at the US 70 Business / NC 42 intersection.

Clayton Alternative 2: **buses would continue** south along US 70 Business and circulate through the ECIA via Powhatan Rd.

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
May 5, 2025	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2F & Portion 2E

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment


☐ Vibrant Downtown


☐ Desirable Amenities and Spaces


☐ Sustainable Infrastructure


☐ Mobility, Transportation, and Transit


☐ Diversified Economic Development


☐ Community Outreach and Engagement


☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

☐ Public Hearing (Required by GS)
☐ Public Hearing (Not Required by GS)
☐ Newspaper Notice (Required by GS)
☐ Newspaper Notice (Not Required by GS)
☐ Public Forum/Input Session
☐ Press Release
☐ E-News Distribution
☐ Website
☐ Social Media
☐ Survey
☐ Special Mailing
☐ None Required

Summary

Public Utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and pump station and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Carolina Overlook Ph.2F & Portion Ph. E-UtilityAcceptanceResolution-warranty

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Submitted By: Michael Worner, Engineering

Reviewed By:

Donald Perry, Engineering Director	Approved - Apr 30 2025
Courtney Tanner, Deputy Town Manager	Approved - May 01 2025
Heidi Holland, Town Clerk	Approved - May 02 2025

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phase 2F & Portion 2E

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on April 24, 2025, and recommends acceptance by Town Council for maintenance by the Town; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below will be placed under a warranty period for one-year to monitor construction deficiencies, such warranty period expiring on April 24, 2026; and

WHEREAS, prior to expiration of the one-year warranty period, Town of Clayton Engineering staff will perform a final inspection and notify the developer to correct all deficient items (if any); and

WHEREAS, upon correction of all deficient items (if any), the Town of Clayton Engineering staff will issue a final acceptance notice to the developer; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

SUBDIVISION	LOCATION DESCRIPTION	UTILITIY TYPE & SIZE	LENGTH
Carolina Overlook Phase 2F	Churchill Drive	8” Watermain	1285 LF
Carolina Overlook Phase 2F	Papillion Way	8” Watermain	382 LF
Carolina Overlook Phase 2F	Rockingham Way	8” Watermain	294 LF
Carolina Overlook Phase2E(Portion)	Steeplechase Blvd	8” Watermain	266 LF
		Total:	2227 LF

SUBDIVISION	LOCATION DESCRIPTION	UTILITIY TYPE & SIZE	LENGTH
Carolina Overlook Phase 2F	Churchill Drive	8” Sewer main	1320 LF
Carolina Overlook Phase 2F	Papillion Way	8” Sewer main	356 LF
Carolina Overlook Phase 2F	Rockingham Way	8” Sewer main	216 LF
Carolina Overlook Phase2E(Portion)	Steeplechase Blvd	8” Sewer main	256 LF
		Total:	2148 LF

Duly adopted this on the 5th day of May 2025.

_____
Jody McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
May 5, 2025	CONSENT AGENDA

Item Title

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Lawson Glen Phase 1&2, offsite waterline

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

						
☐	☐	☐	☐	☐	☐	☐
Vibrant Downtown	**Desirable Amenities and Spaces**	**Sustainable Infrastructure**	**Mobility, Transportation, and Transit**	**Diversified Economic Development**	**Community Outreach and Engagement**	**Public Safety**

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Public Forum/Input Session
- ☐ Press Release
- ☐ E-News Distribution
- ☐ Website
- ☐ Social Media
- ☐ Survey
- ☐ Special Mailing
- ☐ None Required

Summary

Public Utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications, and Design. The subject public utilities have been verified through testing and inspections to be installed per the Town's Manual of Standards, Specifications, and Design and have been certified and approved by the appropriate regulatory agencies. Engineering staff recommends acceptance of the subject public utility infrastructure and pump station and entering the one-year warranty period.

Funding Source

N/A

Corresponding Documentation

Lawson Glen Ph. 1&2 UtilityAcceptanceResolution-warranty

Submitted By: Michael Worner, Engineering

Reviewed By:

Donald Perry, Engineering Director	Approved - Apr 30 2025
Courtney Tanner, Deputy Town Manager	Approved - May 01 2025
Heidi Holland, Town Clerk	Approved - May 01 2025

RESOLUTION 2025-34

Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Lawson Glen Phase 1&2, offsite waterline

WHEREAS, public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design; and

WHEREAS, Town of Clayton Engineering staff has inspected the public utility segments listed below on April 24, 2025, and recommends acceptance by Town Council for maintenance by the Town; and

WHEREAS, the public utility segments listed below have been certified and approved by the appropriate regulatory agencies; and

WHEREAS, the public utility segments listed below will be placed under a warranty period for one-year to monitor construction deficiencies, such warranty period expiring on April 24, 2026; and

WHEREAS, prior to expiration of the one-year warranty period, Town of Clayton Engineering staff will perform a final inspection and notify the developer to correct all deficient items (if any); and

WHEREAS, upon correction of all deficient items (if any), the Town of Clayton Engineering staff will issue a final acceptance notice to the developer; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Clayton, North Carolina accept this list of public utilities and their apparatuses into the Town of Clayton Public Utility System.

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Lawson Glen Ph. 1 &2	Eagle View Way	8” Waterline	1378 LF
Lawson Glen Ph. 1 &2	Lawson Glen Drive	8” Waterline	1532 LF
Lawson Glen Ph. 1 &2	Rock Springs Way	8” Waterline	526 LF
Lawson Glen Ph. 1 &2	Cheyenne Drive	8” Waterline	625 LF
Lawson Glen Ph. 1 &2	Ranch Rd. offsite waterline	12” Waterline	3289 LF
Lawson Glen Ph. 1 &2	Water Outfall	8” Waterline	522 LF
			7872 LF

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Lawson Glen Ph. 1 &2	Eagle View Way	8” Sanitary Sewer	1080 LF
Lawson Glen Ph. 1 &2	Lawson Glen Drive	8” Sanitary Sewer	1534 LF
Lawson Glen Ph. 1 &2	Rock Springs Way	8” Sanitary Sewer	608 LF
Lawson Glen Ph. 1 &2	Cheyenne Drive	8” Sanitary Sewer	560 LF
Lawson Glen Ph. 1 &2	Sewer Outfall	8” Sanitary Sewer	176 LF
			3958 LF

Duly adopted this on the 5th day of May, 2025.

_____
Jody McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
May 5, 2025	CONSENT AGENDA

Item Title

Sewer Infrastructure Reimbursement Agreement - Country Lane Development

Presenter(s)

Joshua Baird, PE, Water Resources Director

Suggested Action

Adoption of Resolution

Strategic Priorities Alignment

☐ Vibrant Downtown	☐ Desirable Amenities and Spaces	☒ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☐ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: No

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

- ☐ Public Hearing (Required by GS)
- ☐ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☐ Special Mailing
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Summary

Staff propose to enter into an Infrastructure Reimbursement Agreement with Meritage Homes related to the construction of upgraded sanitary sewer infrastructure as part of the Country Lane residential development. As part of the project, the Developer will construct a new pump station and associated sewer infrastructure.

The Town has identified the need for infrastructure upgrades beyond what is required to serve the development, including a larger wet well, increased pump and force main capacity, and provisions for future expansions. These enhancements are consistent with the Town's adopted basin studies and master collection system plans, and are required to support planned growth, including service to the Town's new southside fire station. The opportunity to upsize now during initial construction will save costs compared to having to come back at perform improvements at a later date.

Under the terms of the agreement, the Developer will construct the upgraded facilities, and the Town will reimburse the Developer for the actual costs attributable to the betterments. These reimbursements will not exceed a predetermined cost differential to be finalized in the agreement. The upgraded infrastructure will be reviewed and approved by Town staff and, upon satisfactory completion and acceptance, will be dedicated to the Town for ownership and long-term maintenance.

Funding for the reimbursement was included in the FY 2024 adopted budget and carried into a capital project fund.

Staff request Town Council approve the resolution to enter into the reimbursement agreement in its substantial form pending final details and final legal review and authorize Town Manager, or designee, to execute the agreement and any amendment within budget to complete the associated work.

Funding Source

N/A

Corresponding Documentation

CountryLane Reimbursement Agreement (Clayton) DRAFT ECC rev 4.24.25 (clean)

Resolution 2025-35

Submitted By: Joshua Baird, Water Resources

Reviewed By:

Joshua Baird, Water Resources Director	Approved - May 01 2025
Rich Cappola, Town Manager	Approved - May 02 2025
Heidi Holland, Town Clerk	Approved - May 02 2025

NORTH CAROLINA
JOHNSTON COUNTY

SEWER INFRASTRUCTURE REIMBURSEMENT AGREEMENT

THIS INFRASTRUCTURE REIMBURSEMENT AGREEMENT ("Agreement"), entered into as of this _____ day of _____, 2025, by and between the TOWN OF CLAYTON, a North Carolina municipal corporation ("Town"), and Meritage Homes, a North Carolina limited liability company ("Developer").

WHEREAS, the Developer is developing a single-family home residential community known as Country Lane (the "Project") located in Clayton, North Carolina and is in the process of obtaining required permits for such development;

WHEREAS, the Developer will install wastewater infrastructure improvements as required to support the Project, including but not limited to a pump station (the "Improvements");

WHEREAS, the Improvements shall be installed on _____ in Clayton, North Carlina;

WHEREAS, the Town has determined that the installation of the pump station in connection with a portion of the Improvements at a size greater than what is required to serve the Country Lane Subdivision will facilitate the Town's plan to provide sewer service to other areas in the Town's jurisdiction and is in the interest of the health, safety and general welfare of the residents of the Town and its extraterritorial jurisdiction;

WHEREAS, the Town has determined that the public cost of the Improvements is less than the estimated cost of providing for those improvements through a separate public contract;

WHEREAS, the Developer will prepare plans and specifications suitable for construction;

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. Upon the terms and conditions set forth herein, the Developer agrees to perform the activities necessary to construct the Improvements, consistent with the elements described in this Agreement, in a form that is acceptable, suitable for construction and public use, and consistent with all applicable regulatory requirements.

2. Sanitary sewer infrastructure related to the Country Lane development is described in approved construction documents entitled "CONCURRENT PRELIMINARY SUBDIVISION & CONSTRUCTION PLANS, COUNTRY LANE, 2022-128-SD, DWR# 20231607" (Plan) and generally consists of sanitary sewer collection piping, pump station and discharge force main. Plan is incorporated into this agreement by reference. Improvements are described in [need name of plan set being prepared by WR] and generally consist of the following modifications to the Plan:
   (a) Add 16-inch influent piping to wet well, and to MH 101 outside fence line, from relocated outfall manhole and add stub-out for future 16-inch for future gravity sewer from other upstream sanitary sewer service area;
   (b) Increase wet well diameter to 12-foot, add 3 feet of depth;

(c) Install dual 650 gallon per minute (GPM), 58 horsepower (HP) pumps, including guide rails, conduit, space in panels, electrical shelter and control interfaces for a future third standby pump;

(d) Increase size of valve vault from 6' x 6' to 8' x 10';

(e) Increase discharge piping in the wet well and valve vault from 4-inch to 8-inch pending pump manufacturer constraints. Add third pump piping, check valves and plug valve or space for such;

(f) Increase the 6-inch force main to 12-inch force main, upsize, fittings, length of restrained joint, bore and jack casings;

(g) Increase discharge manholes to 5-foot diameter and increase gravity sewer piping to 12-inch and replace existing 8-inch sewer with new 12-inch at the discharge end at the LCWRF;

(h) Size electrical service and entrances, conduits for larger service, connections for a portable generator, breakers, wiring, provide spacing and spares for replacement or for switchover now or at later date within limits of electrical code. Add space in panels or on electrical shelter for future variable frequency drives (VFDs);

(i) Increase Dri-Prime pump to 1,300 GPM model meeting head conditions, increase suction and discharge piping to 12-inch for larger flow, Increase mounting slab size accordingly;

(j) Increase Davit Crane loading and hoist for minimum 2,250 lbs load;

(k) Push out fencing as far as possible on graded Country Lane pump station site, spreading the structures out to accommodate increases for larger wet well, dri-prime pump slab, portable generator pads for future sizes, and to leave room for an electrical building for future conditioned building for VFDs on larger pumps.

Hereinafter to be known as the "Infrastructure Improvements".

3. The Town shall have the right to review and approve [need name of plan set being prepared by WR] to be submitted by the Developer's contractor.

4. Upon satisfactory completion of the Improvements and acceptance of same by the Town, the Town shall reimburse the Developer the actual costs associated with the enlargement of the pump station for the Infrastructure Improvements . In the event the actual increased cost to construct the Improvements to the depth required by the Town exceeds the estimated cost differential of $_____ as reflected on Exhibit A attached hereto, Developer agrees it will be solely responsible for those additional costs and shall have no further recourse against the Town for compensation or contribution.

5. The Town is not a party to any proposed contract entered into between Developer and its contractor(s) for the work necessary to complete the Improvements.

6. Upon completion of the Improvements, the Developer shall invoice the Town for the portion of the actual expenses incurred for the increasing of the pump station for the Infrastructure Improvements . The Town agrees to make the payment described above to

the Developer within thirty (30) days from the Improvements being accepted by the Town.

7. Upon acceptance of the Infrastructure Improvements and dedication of the Infrastructure Improvements by the Developer to the Town, the Town will assume responsibility for maintenance of the Improvements.

8. All notices, requests for payment, requests to modify the project, and any other questions concerning this project should be addressed as follows:

If to the Town: Town of Clayton
111 East 2nd Street
Clayton, NC 27520
Attention: Town Manager

If to the Developer:

Notice shall be effective upon the date of receipt by the intended recipient, provided that any notice that is sent by electronic mail shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier. Each party may change its address for notification purposes by giving the other party written notice of the new address and the date upon which it shall become effective.

9. The Town has the right to make regular and periodic inspections and/or monitor the installation of Improvements. The Town also reserves the right to require the Developer to perform or provide results of construction testing to ensure compliance with all applicable standards. In the event said testing indicates or identifies areas of noncompliance, the Developer agrees to make the changes necessary, including repair or replacement of defective materials, until construction testing indicates compliance with applicable standards.

10. To the fullest extent permitted by law, the Developer shall indemnify and hold harmless the Town and its agents and employees from and against all claims, damages, losses, expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of Developer's work in connection with the Improvements, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of any contractor or subcontractor, anyone directly or indirectly employed by any of them or any one for whose acts any of them may be liable.

11. The Developer shall purchase and maintain or cause its contractor(s) installing the Infrastructure to purchase and maintain insurance during the life of this Agreement with a company authorized to do business in the State of North Carolina in the amounts set forth in Exhibit B.

12. The Developer shall warrant that all work will be in accordance with this Agreement. The Town shall be named as a beneficiary on any and all warranties affecting the Improvements made for the Town.

13. As a condition of entering into this Agreement, the Developer agrees to promptly provide to the Town all information and documentation that may be requested by the Town from time to time regarding the solicitation, selection, and payment of contractors and subcontractors in connection with this Agreement.

14. The Developer shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify), and shall require all of its subcontractors to do so as well.

15. The Developer shall comply with all applicable federal, state and local laws and regulations and shall obtain all applicable permits and licenses in connection with its obligations under this Agreement.

16. This Agreement is entered into by and between the parties hereto for their exclusive benefit. The parties do not intend to create or establish by this Agreement any third-party beneficiary status or rights, and no such third-party shall be entitled to enforce any right of obligation or enjoy any benefit created or established by this Agreement.

17. This Agreement shall be binding upon, inure to the benefit of and be enforceable by the parties hereto and their respective successors and assigns.

18. This Agreement shall be enforced, interpreted and construed by and under the laws of the State of North Carolina.

19. This Agreement is the entire agreement between the parties with respect to its subject matter and there are no other representations, understandings or agreements between the parties relative to such subject matter. No amendment or modification to the Agreement shall be valid unless in writing and signed by both parties to this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

DRAFT

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

DEVELOPER

By: _____
Signature

_____
Print Name

_____
Title

_____
Date

ATTEST

_____
Signature

_____
Date

TOWN OF CLAYTON

By: _____
Signature

_____
Print Name

_____
Title

_____
Date

ATTEST

_____
Signature

_____
Date

This instrument has been pre-audited in the manner required by the local government budget and fiscal control Act.

By: _____
Robert McKie
Finance Office

DRAFT

EXHIBIT A

[To be inserted]

DRAFT

EXHIBIT B

MINIMUM INSURANCE REQUIREMENTS

1. Developer's Liability Insurance

The **Developer** will provide and maintain the following types and amounts of insurance:

1.1 Commercial General Liability Insurance

Developer must provide Commercial General Liability insurance (2013 ISO **Occurrence Form** or its equivalent). The Commercial General Liability insurance must include coverage for "Premises-Operations", "Independent Contractors", "Products-Completed Operations", Personal Injury" and "Contractual Liability". The "Contractual Liability" must include coverage for liability assumed under the Contract and the tort liability of another assumed in a business contract. Such coverage shall not exclude or limit coverage for explosion, collapse, or underground (formerly known as the "XCU"). This insurance shall be maintained throughout the performance of the Work and for a minimum of one year after ***FINAL PAYMENT.*** Limits shall be as follows:

Each Occurrence Limit	
Bodily Injury/Property Damage Liability	**$1,000,000**
Personal Injury Liability	**$1,000,000**
General Aggregate Limit	**$2,000,000**
Products/Completed Operations Aggregate Limit	**$2,000,000**

The General Aggregate Limit is to be written on a "per project" basis using Contractor's "Per Project" endorsement: **Amendment-Aggregate Limits of Insurance** (*CG 2503*). The "**Products/Completed Operations" Aggregate Limit** must be at least **$2,000,000**, or written confirmation provided that the Commercial Umbrella coverage affirmatively "follows form" and includes liability coverage arising out of the insured's "Completed Operations". Such coverage shall not exclude or limit coverage for explosion, collapse and underground (f/k/a "XCU") wherever work involving these exposures is undertaken.

Town, and its employees, as well as authorized agents, are to be named as additional insureds in the Developer's commercial general liability policy. Verification of additional insured status shall be furnished to Town by providing a copy of the endorsement or Certificate of Insurance.

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.2 Business Automobile Liability Insurance

Developer must provide and maintain business automobile liability insurance for all "owned", "non-owned" and "hired" vehicles on ISO form *CA 00 01 12/90* or equivalent coverage form with the following limits:

Combined Single Limit	**$1,000,000** per accident

Town, its employees, as well as authorized agents, are to be named as additional insureds on the Business Automobile Liability policy. Verification of additional insured status shall be furnished to Town by providing a copy of the endorsement or Certificate of Insurance:

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry with respect to this Project.

1.3 Workers' Compensation

Developer shall provide and maintain Workers' Compensation and Employers Liability insurance providing coverage in North Carolina. Limits and coverage shall be as follows:

Workers' Compensation Insurance	Statutory Benefits
Employers Liability Insurance	**$1,000,000** each accident
	$1,000,000 policy limit
	$1,000,000 each employee

The "Workers' Compensation" policy must allow a Waiver of Subrogation and the policy must be endorsed accordingly if the Waiver of Subrogation is not permitted without the insurance company's express consent in writing.

1.4 Umbrella Excess Liability

Developer shall provide umbrella and/or excess liability insurance on an "occurrence" basis providing "following form" coverage for the underlying coverages outlined above with the following minimum limits:

Each Occurrence Limit	**$10,000,000**
Aggregate Limit	**$10,000,000**

Town, and its employees, as well as authorized agents, are to be named as additional insureds on the Umbrella/Excess Liability policy. Verification of additional insured status shall be furnished to Town by providing a Certificate of Insurance.

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.5 Waiver of Subrogation

Developer waives all rights of subrogation or recovery of damages against Town (and Town's agents, officers, directors, and employees) to the extent such damages are covered by the insurance carried or required to be carried by Developer. Developer (and its consultants and subcontractors, or anyone directly or indirectly employed by any of them) shall cause each policy required hereunder to contain provisions allowing waiver of rights of recovery prior to a loss and waivers of rights of subrogation against Town on the part of the insurer. Developer shall cause its consultants, subcontractors and sub-subcontractors, agents and employees to execute similar waivers of subrogation in favor of Town for all insurance coverage except Worker's Compensation. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damage.

1.6 Evidence of Insurance

Developer shall furnish Certificates of Insurance to Town prior to commencement of the work. The certificate holder (and additional insured) should read as follows:

_____
_____
_____

The Certificate(s) of Insurance shall be signed by a duly authorized representative of each insurance company, showing compliance with the insurance requirements set forth herein. The certificate should expressly state that if there is any material change in coverage (cancellation, expiration, or exclusion of a specifically required coverage such as completed operations) that the Developer or his agent will make every reasonable effort to notify Town at least ten (10) days prior to such change by written notice.

1.7 Professional Liability Insurance (if applicable)

Contractor must obtain and maintain professional liability insurance covering any damages caused by an error, omission or any negligent acts of the Contractor, its sub-contractors, agents, officers, or employees, with the following limits:

Combined Single Limit	**$1,000,000 per claim**
Annual Aggregate Limit	**$2,000,000**

This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.8 Pollution Liability Insurance (if applicable)

Developer shall obtain and maintain pollution liability insurance covering bodily injury, property damage and environmental damage resulting from sudden or

gradual accidental pollution and related cleanup costs arising out of the work or services to be performed, with the following limits:

Combined Single Limit	**$1,000,000 per claim**
Annual Aggregate Limit	**$2,000,000**

1.9 Miscellaneous

1.9.1 The insurance companies providing coverage must be rated "A-" or better by A. M. Best's and be licensed or otherwise approved in the state of North Carolina.

1.9.2 Developer shall be responsible for ensuring that Developer's contractors maintain adequate insurance.

1.9.3 This insurance will apply as primary insurance with respect to any other insurance or self-insurance that Town may have or elect to carry.

1.9.4 Town and its employees, as well as authorized agents, are to be named as additional insureds in with respect all polies other than worker's compensation and professional liability.

DRAFT

Resolution #2025-35

RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT WITH MERITAGE HOMES FOR THE UPSIZED SEWER PUMP STATION ASSOCIATED WITH THE COUNTRY LANE DEVELOPMENT

WHEREAS, Meritage Homes is developing the Country Lane residential subdivision in the Town of Clayton and is required to construct sanitary sewer infrastructure, including a new pump station, to serve the development; and

WHEREAS, the Town has identified an opportunity to increase the capacity of the proposed pump station and associated sewer infrastructure beyond what is required for the development, including but not limited to a larger wet well, increased pump and force main sizing, and infrastructure provisions to accommodate future expansions; and

WHEREAS, these upsized improvements are consistent with the Town's adopted basin studies and master collection system plans and are necessary to support planned growth and provide sewer service to the Town's new southside fire station; and

WHEREAS, constructing these betterments as part of the initial development effort will result in cost savings compared to making such improvements at a later date; and

WHEREAS, under the terms of the proposed Infrastructure Reimbursement Agreement, the Developer will construct the upgraded improvements, and the Town will reimburse the Developer for the actual costs attributable to the betterments, not to exceed a predetermined cost differential; and

WHEREAS, funding for this reimbursement was included in the Town's adopted Fiscal Year 2024 budget; and

WHEREAS, the upgraded infrastructure will be subject to Town review and approval and, upon satisfactory completion and acceptance, will be dedicated to the Town for ownership and long-term maintenance;

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

1. The Infrastructure Reimbursement Agreement between the Town of Clayton and Meritage Homes for the upsized Country Lane pump station is hereby approved in substantial form, pending final staff and legal review.

2. The Town Manager, or their designee, is hereby authorized to execute the Agreement and any necessary amendments thereto, provided they remain within the original budget.

Duly adopted this the 5th day of May, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Resolution #2025-39

RESOLUTION AUTHORIZING REPRESENTATIVE(S) OF THE MUNICIPALITY BE DESIGNATED AS DEPUTY FINANCE OFFICERS

WHEREAS, NCGS 159-25 defines both the Finance Officer and Mayor as being authorized to sign checks on behalf of the town should no other designation be made; and

WHEREAS, on March 21, 2022, Resolution #2022-08 was adopted appointing certain representatives of the Town of Clayton the authorization to sign and/or countersign checks on behalf of the Town of Clayton; and

WHEREAS, it is the request of the Town Council to modify and replace Resolution #2022-08 by authorizing the following representative's authority to sign and/or countersign checks on behalf of the Town of Clayton.

Name	Title	Signatures
Richard D. Cappola, Jr.	Town Manager	_____
Dolores Gill	Deputy Town Manager	_____
Robert W. McKie, Jr.	Finance Director	_____
Lee Barbee	Deputy Town Manager	_____
Courtney Tanner	Deputy Town Manager	_____

This Resolution will be effective immediately and remain until such time it is modified.

Duly adopted this the 5st day of May, 2025, while in regular session.

_____
Michael Sims
Mayor Pro Tem

ATTEST:

_____
Heidi L. Holland, MMC, NCCMC
Town Clerk

Town of Clayton
National Police Week
Proclamation

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Clayton Police Department; and

WHEREAS, since the first recorded death in 1786, more than 24,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty, including Patrol Officer Charles Lee, Patrol Officer Ray Gilmore and Lieutenant Monica Carey, who honorably served as members of the Clayton Police Department; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, **WHEREAS**, in 2025, the names of 345 officers killed in the line of duty were added to the National Law Enforcement Officers Memorial, including 148 officers who were killed during 2024; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 37th Candlelight Vigil, on the evening of May 13, 2025; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW, THEREFORE, on behalf of the Clayton Town Council, we observe May 11 through May 17, 2025, as **NATIONAL POLICE WEEK** and publicly salute the service of law enforcement officers in our community and in communities across the nation.

Proclaimed by the Clayton Town Council this the 5th day of May 2025.

_____

Michael Sims
Mayor Pro Tem

Town of Clayton
Building Safety Month
Proclamation

WHEREAS, the Town of Clayton is committed to recognizing that our growth and strength depends on the safety and essential role of our homes, buildings and infrastructure; and

WHEREAS, our confidence in these structures that make up our community is achieved through building and fire prevention officials, and others in the construction industry who work to ensure the safe construction of buildings; and

WHEREAS, these officials are members of the International Code Council, that brings together local and state officials who are experts and implement the codes to protect us in the buildings where we live, learn, work and play; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the role of our communities' local code officials who assure us of safe and sustainable buildings that are essential to our prosperity; and

WHEREAS, "Game On", the theme for Building Safety Month 2025, encourages us all to get involved and raise awareness about building safety on a personal, local and global scale; and

WHEREAS, each year, in observance of Building Safety Month, people are asked to consider the commitment to improve building safety at home and in the community, and to acknowledge the service provided by our local building and fire officials in protecting lives and property.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim the month of May 2025 as **BUILDING SAFETY MONTH.** Accordingly, we encourage our citizens to join us as we observe Building Safety Month.

Proclaimed by the Clayton Town Council this the 5th day of May 2025.

_____
Michael Sims
Mayor Pro Tem

Town of Clayton
Economic Development Week
Proclamation

WHEREAS, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, and federal governments, public-private partnerships, chambers of commerce, colleges, universities, and a variety of other institutions; and

WHEREAS, economic developers engage in a wide variety of activities to facilitate the growth and well-being of their communities, working across jurisdictions, departments and disciplines; and

WHEREAS, economic developers attract and retain high-quality jobs, develop vibrant communities, nurture their downtowns and neighborhoods, and improve the quality of life in their towns and regions; and

WHEREAS, the Town of Clayton first established its Economic Development Department in 2018, recognizing the importance of fostering a strong and sustainable local economy through strategic planning, business attraction and retention, and community engagement initiatives designed to enhance the Town's economic vitality and quality of life for all residents.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim the week of May 12 through May 16, 2025, as **ECONOMIC DEVELOPMENT WEEK**, and remind individuals of the importance of this community celebration which supports expanding career opportunities and making lives better.

Proclaimed by the Clayton Town Council this the 5th day of May 2025.

_____

Michael Sims
Mayor Pro Tem

Town of Clayton
Proclamation
56th Annual Professional Municipal Clerks Week

WHEREAS, the Office of the Professional Municipal Clerk is a time-honored and essential part of local government, serving communities throughout the world; and

WHEREAS, the Office of the Professional Municipal Clerk is one of the oldest public service positions, integral to the foundation and continuity of local governance; and

WHEREAS Professional Municipal Clerks provide a vital link between citizens, local governing bodies, and various agencies at all levels of government; and

WHEREAS Professional Municipal Clerks are committed to upholding principles of neutrality, impartiality, and equal service to all members of the community; and

WHEREAS the Office of the Professional Municipal Clerk serves as the information hub for local government operations and community affairs; and

WHEREAS Professional Municipal Clerks continuously strive to enhance the administration of their office by actively participating in educational programs, professional development opportunities, and the annual conferences of their state, provincial, county, and international associations; and

WHEREAS it is fitting to recognize and celebrate the significant contributions and accomplishments of Professional Municipal Clerks.

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim the week of May 4 through May 10, 2025, as **PROFESSIONAL MUNICIPAL CLERKS WEEK** and extend appreciation to our Town Clerk, Heidi Holland and Deputy Town Clerk, Samantha Johnson-Phillips along with all Professional Municipal Clerks, for their invaluable service and steadfast dedication to the communities they serve.

Proclaimed by the Clayton Town Council this the 5th day of May 2025.

_____

Michael Sims
Mayor Pro Tem

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
May 5, 2025	OLD BUSINESS

Item Title

2024-27-CZM Amelia Church Townhomes (tabled from February 17, 2025, March 17, 2025, and April 21, 2025)

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Ordinance - Approval of rezoning request.

Strategic Priorities Alignment

☐ Vibrant Downtown	☒ Desirable Amenities and Spaces	☐ Sustainable Infrastructure	☐ Mobility, Transportation, and Transit	☒ Diversified Economic Development	☐ Community Outreach and Engagement	☐ Public Safety

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

- ☒ Public Hearing (Required by GS)
- ☒ Newspaper Notice (Required by GS)
- ☐ Public Forum/Input Session
- ☐ E-News Distribution
- ☐ Social Media
- ☒ Special Mailing
- ☒ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey
- ☐ None Required

Other/Special Instructions: Signs Posted to property and property owner letters mailed.

Summary

Conditional Rezoning consisting of 173 units designated as single-family attached units (townhouses), with access from Short Johnson Rd and Amelia Church Rd.

Background/History

Planning Board recommended approval of this request at their December 17, 2024 meeting. Upon being heard by the Town Council: this item was tabled from the February 17, 2025 to the March 17, 2025, when the Public Hearing was held and closed, and then tabled to the April 21, 2025 meeting at which time it was again tabled to the May 5, 2025 meeting.

Recommendation

While inconsistent with the 2045 Comprehensive Growth Plan, staff is recommending approval of this request.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

01_Revised_Staff Report_2024-27-CZM Amelia Church Townhomes - TC 05.05.25

02_Staff Report Map -Amelia Church Townhomes -

03_Application 2024-27-CZM Amelia Church CZM

04_Application Supplemental Information 2024-27-CZM Amelia Church

05_Amelia Church - Neighborhood Meeting Invite Letter 12.16.2024

06_Rezoning Package_Amelia Church_NCB230214 (1)

07_04.23.25 TRC Staff Comments

08_Revised_Conditions of Approval_04.28.25_2024-27_CZM Amelia Church Townhomes Signed 2025.04.28

09_Revised_Conditions Of Approval - 2024-27 - CZM Amelia Church Townhomes - Compare_02.20.25 - 04.28.25

10_Traffic Impact Analysis_April 2024

11_Section 2.3.6 - Conditional Rezoning - 12.16.24

12_Table 4.2.5 - Listing of Common Principal Uses - Residential Use Classification - 12.16.24

13_Consistency Statements Sheet_2024-27-CZM Amelia Church Townhomes - TC 02.17.2025

14_Revised_Ordinance_2024-27-CZM Amelia Church Townhomes - TC 05.05.25

Submitted By: Conrad Olmedo, Planning

Reviewed By:

Rich Cappola, Town Manager	Approved - Apr 30 2025
Heidi Holland, Town Clerk	Approved - Apr 30 2025

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

Town Council: May 5, 2025 (Continuation)
April 21, 2025 (Tabled)
March 17, 2025 (Public Hearing and Tabled)
February 17, 2025 (Tabled)

STAFF REPORT

Application Number: 2024-27-CZM
Project Name: Amelia Church Townhomes

Tag #: 05G03008B
Location: The property is located between Amelia Church Road and Short Johnson Road near the NC Highway 42 W
Existing Zoning District: Office Institutional (OFI)
Proposed Zoning District: Conditional Residential (CZR)
Acreage: 19.85 +/- acres
Existing Use: Vacant
Consultant: Bohler Engineering NC, PLLC
Applicant: Kathryn McPherson
Owner(s): AMELIA TOWNHOMES LLC
Public Noticing:

- Neighborhood meeting: December 16, 2024
- Property Sign posted: December 6, 2024
- Letters mailed: December 6, 2024 (Planning Board)
- Letters mailed: February 4, 2025 (Town Council)
- Legal Ad published: February 5 & 12, 2025 (The Johnstonian)
- Property Sign posted inspection: February 3, 2025

REQUEST: This is a request for a Conditional Rezoning, Type 3, per UDO Section 3.3, to rezone one property currently zoned Office Institutional (OFI) to Conditional Residential (CZR), to allow the construction of 173 single-family attached units (townhomes). The property is located between Amelia Church Road and Short Johnson Road near the NC Highway 42 W, consists of approximately 19.85 acres in total, and is identified as Johnston County Tag 05G03008B.

PROJECT OVERVIEW

The property currently appears to be vacant, with some evidence of tree clearance along part of the area bordering Amelia Church Road. This application seeks to rezone the property to be Conditional Residential (CZR). As a Conditional Rezoning, all uses are specified in the provided Recommended Conditions of Approval, and the development will proceed as shown in the Concept Plan. Any forthcoming development of the project will be subject to the Town's Technical Review Committee reviews, the Building Code, and other relevant Town and state policies. The future Land Use Map designates this property as part of the Medium Density Residential (MDR) use. A more detailed analysis of its compliance with this use can be found in the Staff Recommendation section further down in this document.

New Information for the May 5, 2025 Town Council Meeting

Following the March 17, 2025 and April 21, 2025 Town Council meetings, the applicants have been working with staff to update and revise their Conditions of Approval and Concept Plan documents. Staff received revised documents on April 14, 2025 and held a Technical Review Committee (TRC) with the applicants on April 23, 2025. Staff provided the applicants with comments as recommendations for both the Conditions of Approval and the Concept Plan (Attachment 7). The applicant then provided final revised materials on April 28, 2025 for the May 5, 2025 Town Council meeting. Since the Conditions of Approval have changed since the February 17, 2025 Town Council meeting, staff has included a tracked changes to compare the February 17, 2025 and April 28, 2025 versions of the signed Conditions of Approval (Attachment 9).

ADJACENT ZONING, LAND USES, AND FUTURE LAND USE MAP

Direction	Zoning	Existing Land Use(s)	Future Land Use Map
North	Planned District Multi Use (PD-MU) and Residential Large Lot (RRL)	Multi Family Development and Single Family Detached dwellings	High Density Residential
South	Residential Large Lot (RLL)	Single Family Detached dwellings and Vacant	Medium Density Residential
East	Residential Large Lot (RLL)	Vacant	Medium Density Residential
West	Residential Large Lot (RLL)	Single Family Detached dwellings	High Density Residential

PLANNING BOARD AND STAFF RECOMMENDATIONS

Planning Board Recommendations – December 17, 2024

The Planning Board voted to unanimously recommend approval of this request with the following recommendations as an addition to their motion on December 17, 2024:

1. **Driveway width:** to consider a condition that the driveways of each unit must have a minimum width of 18'.

   Response: This has been added to Condition 9.a where two (2) parking spaces outside the garage must be provided for each unit and where driveways must be a minimum of eighteen (18) feet wide.

2. **Parking lot:** Add a condition specifying that the owner of the private parking lot will always maintain private ownership.

   Response: This has been added to condition 9.c as follows: The owner of the private parking lot will always maintain private ownership. Revision of the concept plan also shows that the private street is a private parking lot (on page 4).

3. **Parking spaces:** Include a condition stating that two parking spaces outside of the garage must be provided for each unit.

   Response: This has been added to condition 9.b as follows: Townhome parking requirements shall include a two (2)-car driveway for each unit and at least a single-car garage.

4. **Driveway width:** Add a condition that the driveways of each unit must have a minimum width of 20 feet.

   Response: The applicant is proposing an 18-foot-wide driveway instead of the recommended 20 feet for the following reasons: to avoid a fully paved asphalt driveway and to ensure the presence of vegetation, allowing compliance with the Minimum Open Space Set-Aside (% of lot or site size). Previously, the proposal included a single-car garage and a one-car driveway. With this approach, each residence will have a two-car driveway and a one-car garage (See Condition 9.a).

5. **Mass grading:** Include a condition stating that the project deviates from section 6.6.12 F. of the UDO regarding mass grading.

6. **Response:** This has been added under Condition 11, which exempts this project from having to double the width and planting vegetation of the perimeter buffer, per UDO Section 6.6.12 F. of the UDO regarding mass grading.

7. **Additional parking:** To add any additional parking as the project would allow.

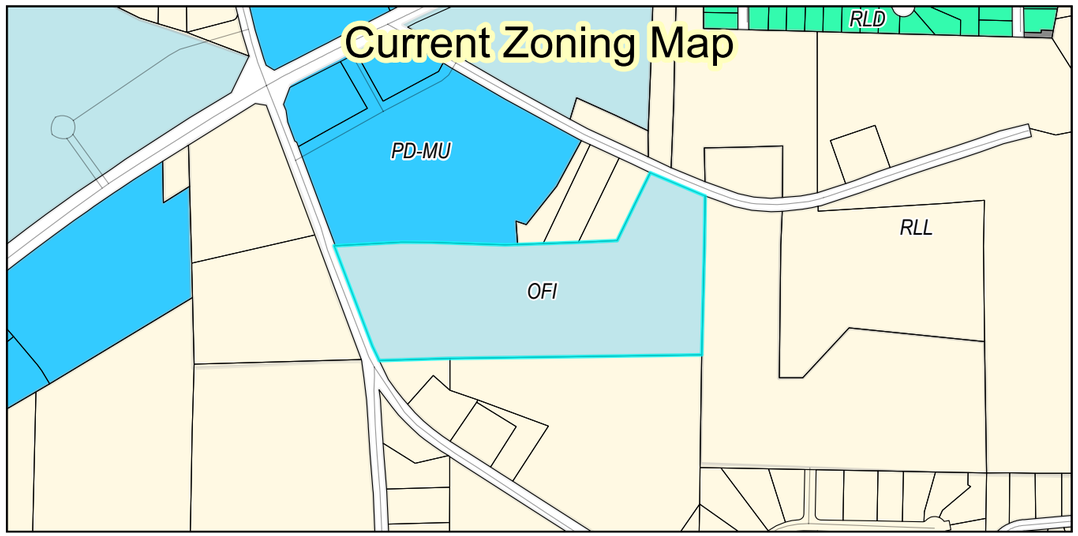
   Response: This has been added to Condition 9.a where two (2) parking spaces outside the garage must be provided for each unit and Condition 9.d and 9.e, which indicate that the project will provide 44 guest parking spaces.

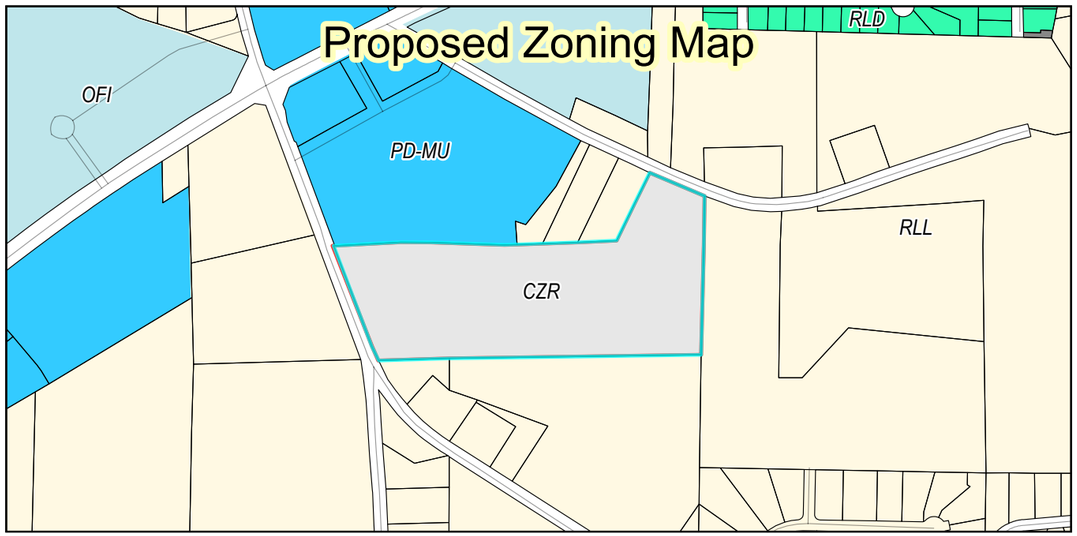
STAFF RECOMMENDATION

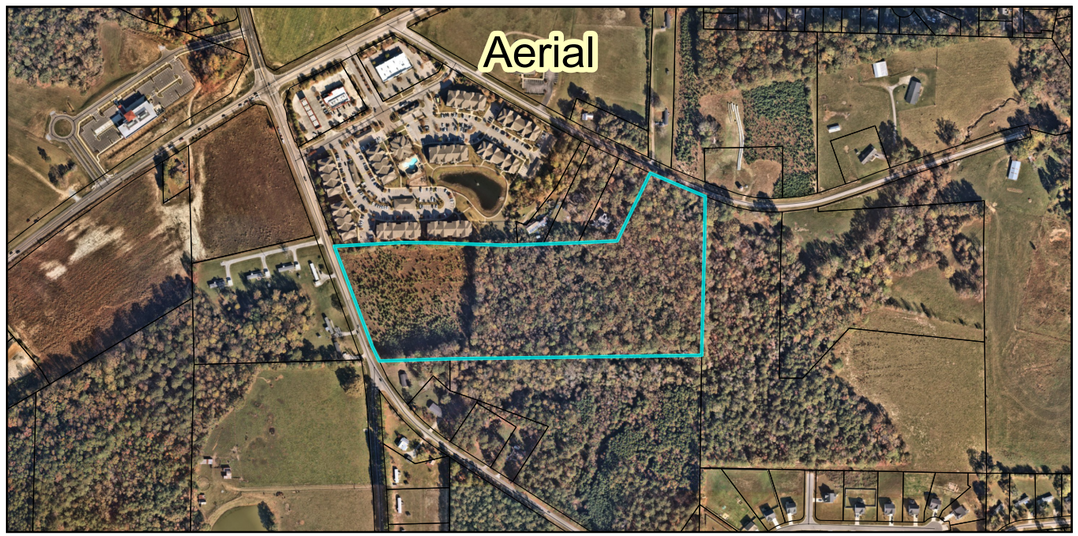
Staff recommends approval of the Conditional Rezoning request to rezone the property from Office Institutional (OFI) to the Conditional Residential (CZR) zoning district per Motion 2 in the provided consistency statements sheet, “Approval - Inconsistent with the 2045 Comprehensive Growth Plan”.

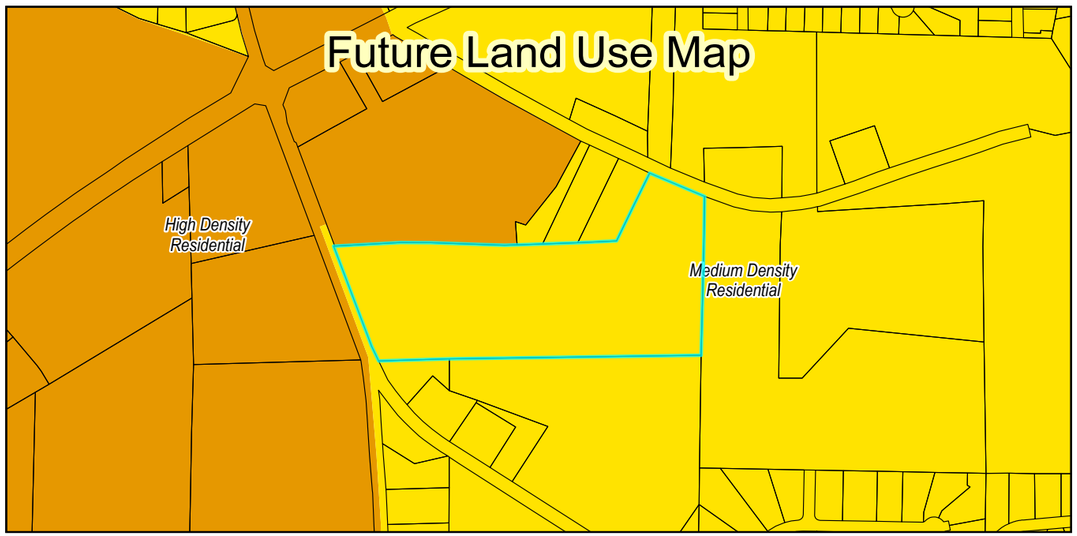
Future Land Use Map Alignment (pending approval):
The property subject to this rezoning request is located within the Medium Density Residential (MDR) Land Use designation. In this category, the proposed density is 3-5 units per acre, and the preferred unit type is detached single-family housing, generally with less than 50% attached units. The project exceeds these requirements with a density of 8.7 units per acre and includes 100% attached single-family attached housing. Therefore, should this request be approved, staff shall update the Future Land Use Map to the High Density Residential (HDR) Land Use designation (per NCGS § 160D-605.a).

ATTACHMENTS:
1) Staff Report
2) Staff Report Map
3) Application Materials
4) Application Supplemental Information
5) Neighborhood Meeting Materials
6) Revised Concept Plan Set (4.28.25 Version)
7) 04.23.25 TRC Staff Comments
8) Revised Signed Conditions of Approval (4.28.25 Version)
9) Revised Signed Conditions of Approval (Comparison in Track Changes)
10) Updated Traffic Impact Analysis
11) UDO Sub-Section 2.3.6 – UDO 12.16.24
12) UDO Sub-Section 4.2.5 – UDO 12.16.24
13) Consistency Statements Sheet
14) Revised Ordinance (5.5.25 Version)









Request: (CZR) Conditional Residential District

Project Name: Amelia Church Townhomes

Project Number: 2024-27-CZM

Applicant: Bohler Engineering NC, PLLC

Property Owner: AMELIA TOWNHOMES LLC

Tag #: 05G03008B

Site

0 0.3 0.6 Miles

N

Staff Report Map

Prepared by: TOC Planning Department

November 22, 2024

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

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

Conditional Zoning, Unlimited w/Associated Concept Plan Coversheet

Name of Project: Amelia Church Townhomes **Date:** 2/2/2024

Applicant Name: Bohler Engineering NC, PLLC

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: January 11, 2024
- ☒ Review Fee
- ☒ Completed Application
- ☒ Owner's Consent Form
- ☒ Adjacent Property Owner's List - Include Names, Full Mailing Addresses & Parcel/NC Tag #
- ☒ Neighborhood Meeting Letter (one copy)
- ☒ Signed & sealed boundary survey
- ☒ Copy of signed & sealed boundary survey in PDF on USB
- ☒ Master Plan Narrative
- ☒ Master Plan Set to include the following:
  - Cover Sheet
  - Signed & Sealed Boundary Survey
  - Bubble Plan Outlining:
    a. Where and which uses or groups of uses will occur
    b. The proposed intensity/density of those uses
    c. General location of internal and external network of public right-of-way and public infrastructure

Reviewed by: _____

TOWN OF CLAYTON
Planning Department
111 E. Second St., P.O. Box 879
Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

Conditional Zoning, Unlimited w/Associated Concept Plan Application

Application Fee: $1,000 + $5.00 per acre

Public Noticing Fees (Mailing & Sign) will be confirmed/invoiced by town staff prior to payment.
Mailed Notice: $1.00 per mailed notice Public Notice Signs: $20.00 per posted sign

SITE INFORMATION

Name of Project: Amelia Church Townhomes

Acreage of Property: 19.835 ac **Current Zoning District:** O-I with SUP

County Tag #: PN05G03008B **NC Pin #:** 1628-03-04-8991

Address/Location: Amelia Church Road, Clayton, NC 27520

Existing Zoning District: O&I with SUP **Proposed Zoning District:** CZR

Ex: CZR, CZM, CZC, CZD, CZI

APPLICANT INFORMATION

Applicant: Bohler Engineering NC, PLLC

Mailing Address: 4130 ParkLake Ave., Ste. 200, Raleigh, NC 27612

Phone Number: 919-578-9000 (919-608-3810) **Fax:**

Contact Person: Kathryn McPherson

Email Address: kmcpherson@bohlereng.com

PROPERTY OWNER INFORAMTION

Name: Amelia Townhomes LLC

Mailing Address: 332 Military Cutoff Road, Wilmington, NC 28405

Phone Number: 910-612-3633 **Fax:**

Email Address: jr@tributecompanies.com

OFFICE USE ONLY

Date Received: Amount Paid: File Number:

July 2023

EXPLANATION OF PROJECT

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

See Attached sheet

APPROVAL CRITERIA – REZONING

All applications for a Conditional Rezoning must address the following Approval Criteria:

1. Consistency with the adopted plans of the Town. (This criteria must also be addressed in Master Plan Narrative.)

   See attached sheet

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

   See attached sheet

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

   See attached sheet

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

   See attached sheet

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

   See attached sheet

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.

   See attached sheet

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.

See attached sheet

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria: (This criteria must also be addressed in Master Plan Narrative.)

1. Compliance with code section 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.

The Amelia Church Townhome Project will comply with Town of Clayton Code of Ordinances Section 155.203 (L) for Conditional Zoning Districts. Conditions will be included with the rezoning for specific development standards.

2. Consistency with the Clayton General Design guidelines.

The Amelia Church Townhome Project is consistent with the Town of Clayton General Design Guidelines.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.

The Amelia Church Townhome Project will conform wtih the CZR stated purpose by reducing the amount of currently approved 196 apartment units with a more traditional townhome layout with 173 units.

4. Compatibility of the proposed development with the adjacent community.

The Amelia Church Townhome Project is compatable with the adjacent community which is currently seeing new development to the east, south and west of this parcel as well as the existing Amelia Station Apartments to the north. The project is would also provide a transition housing type between the multi-family and the single family detached uses.

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

The Amelia Church Townhome Project will provide a unified and cohesive architectural guidelines for building materials, exterior finishes and architectural styles. All development will conform with the Town of Clayton standards and specifications for streets, utilities, stormwater management, open space and buffer requirements.

6. Compatible relationships between each component of the overall project.

The Amelia Church Townhome Project will provide a compatible relationship throughout the overall project with uniform lighting and landscape materials, architectural features, materials and colors, amenity components placed throughout the site, and interconnected trails and public sidewalks.

7. Self-sufficiency of each phase of the overall project.

The project will be completed in one (1) phase.

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

The Amelia Church Townhome Project will not overtax the existing public infrastructure systems. The reduction of the unit count will reduce some of the required sewer capacity request and any required improvements to the surrounding infrastructure will be accommodated with the construction of the project.

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

The Amelia Church Townhome Project will be self-funded with no fiscal impact to the Town of Clayton.

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

The Amelia Church Townhome Project will provide public sidewalks along both Short Johnson Dr and Amelia Church Rd. as well as on all new public streets provided within the project.

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

All ecologically sensitive areas will be protected during development and stream buffers, wetland areas and other natural areas will be preserved except for approved roadway crossings.

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.

Kathryn McPherson	kmcpherson Digitally signed by kmcpherson Date: 2024.02.22 14:25:20 -05'00'	2/26/2024
Print Name	***Signature of Applicant***	***Date***

Bohler Engineering NC, PLLC
4130 Parklake Ave Suite 200
Raleigh, NC 27612
919-578-9000

2/21/2024

Amelia Church Townhomes
Conditional Rezoning Application

Explanation of Project:

This is a request to rezone the subject property (19.835 acres) from the current O&I (Office and Institutional) zoning to CZR (Conditional – Residential). The proposed property will have 173 for sale townhomes with a maximum density of 8.72 units per acre.

- The Townhomes will be 2-3 story with single car front-load garage and driveway.
- Public streets with sidewalks on both sides with provide access throughout the community. There will be one entrance on Amelia Church Road with new left turn lane constructed on Amelia Church Road based on the recommendation of the Transportation Impact Analysis (TIA) and one entrance on Short Johnson Road. Sidewalks will be provided along both road frontages.
- The development will be served by public water along Amelia Church Road and gravity public sewer will be accessed along Short Johnson Road in conjunction with the Davis Park development across Short Johnson Road.
- Power will be provided to the site by Duke Energy and streetlights will be installed along the development frontages on Amelia Church Road and Short Johnson Road as well as along all internal public streets.
- Cross-Access to the adjoining properties will be provided.
    - A private access easement will connect the internal service area with the parking lot of the Amelia Station Apartments, PIN 165801-05-5423.
    - A public street stub will be provided to 200 Short Johnson Road property, PIN 165801-05-8096.
    - A public Street stub will be provided to the 377 Short Johnson Road property, PIN 165803-24-3257.
    - A public street stub will be provided to the 2177 Amelia Church Road property, PIN 165803-04-437
- Minimum required Open Space of 12.5% will be provided with amenities to include a clubhouse with pool, grilling stations, 2 pickleball courts, outdoor seating, walking trails, car-wash station and dog park. Undisturbed Resource Conservation Areas will be preserved for the on-site stream and wetland areas with allowed entrance road stream crossing.

The site is currently approved with a SUP (Special Use Permit) for a 196-unit townhome for rent community with an approved maximum density of 11 units per acre.

Approval Criteria – Rezoning:

1. **Consistency with the adopted plans of the Town.**
   The Future Land Use Map designates this site and the surrounding properties as Medium-Density Residential with a density of 3-5 units per acre, or up to 7 units/acre in a Planned Development.

   While not consistent with the 2045 Growth Plans the proposed rezoning would reduce the currently approved density of 9.9 units per acre to 8.72 units per acre.

   The proposed townhome development will provide a transition from the Planned District Multi-Use (PD-MU) zoning, High Density Residential (HDR) Land Use at the Amelia Station Apartments to the north and the CZ-R zoning High Density Residential (HDR) Land use at the Corbett Road Assemblage to the west with the other Residential Large Lot (RLL) properties adjoining the proposed Amelia Church townhome community.

   • Gross Residential Density*: 3-5 units/acre • Unit Type: Single family detached homes, generally less than 50% attached units • Open Space: Minimum of 20%**. Open space should be a mix of preserved natural features with passive recreation such as greenways and trails and more formal or developed open space such as common greens, plazas, playgrounds or sports fields

   The newly adopted Unified-Development Ordinance (UDO) has designated the Conditional Residential (CZR) as an appropriate zoning district for this type of proposed use. The Applicant will provide a series of conditions for this development that will

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

   The subject property is of adequate size (19.835 acres) to support the proposed 173 townhome units with associated infrastructure including: public streets, road improvements, stormwater control measures (SCM's), open space requirements, resource conservation area's preservation and maintenance and compliance with the conditions put forth by the applicant to support this Conditional rezoning.

   The current approved plan allowed 196 for-rent apartments in 4-unit clusters with private streets, 90-degree parking in front of the units, and a private sewer system with a pump station.

   The proposed Conditional Residential (CZR) reduces the unit count to 173 units with traditional for-sale townhomes with private driveways and garages with public streets. Gravity sewer will be utilized eliminating the need for a private pump station.

3. **Whether the proposed change tends to improve the balance of uses or meets specific demand in the Town.**
   Demand for new housing options in Clayton is strong. The proposed 173 traditional single-family attached townhomes will help meet the demand for this housing type in this area.

   In addition to the Amelia Station Apartments just to the north of the property, there are several residential and mixed-use neighborhoods recently approved and/or in development within several miles of this proposed project including:

   - Kyli Knolls Subdivision: Residential Single Family detached
   - Short Johnson: Residential Single Family detached
   - Corbett Road Assemblage: Residential Apartments, Single Family detached and Single Family attached
   - Copper District: Commercial and Residential Mixed-Use Single Family detached, Multi-family, Office and Commercial

4. **The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply facilities and storm water drainage facilities is available for this proposed conditional district.**

   The proposed 173-unit townhome development will be served by public water and sewer. Water is available in Amelia Church Road and sewer will connect with the proposed sewer across Short Johnson Road. With the reduction of units from 196 to 173, no additional capacity issues will be created. A Waste-Water Allocation form will be submitted with the new application.

5. **It has been determined that the legal purposes for which zoning existing are not violated.**
   The proposed plan meets the requirements of the proposed zoning Conditional – Residential (CZ-R) and the legal purposes for which the Town's zoning exists are not violated.

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

   The impact to the surrounding property owners will not be adversely affected by the development of this project. The reduction in units permits additional open space, and conditions are offered to reduce visual impact of the site to adjoining properties.

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

   No one property owner or group of property owners will benefit materially from the proposed rezoning

Bohler Engineering NC, PLLC
4130 Park Lake Ave Suite 200
Raleigh, NC 27612
919-578-9000

12-04-2024
Dear Clayton Area Property Owner,

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

Meeting Date: Monday, December 16th, 2024 Meeting Time: 6:00 PM

Meeting Location: Online Meeting

Microsoft Teams Need help?
Join the meeting now
Meeting ID: 215 121 508 516
Passcode: VN2mw9GJ
Dial in by phone
+1 609-236-8190,,409711049# United States, Atlantic City
(844) 583-9093,,409711049# United States (Toll-free)
Find a local number
Phone conference ID: 409 711 049#

Type of Application: Conditional Rezoning – Residential (CRZ)

Project/proposal property address: Between 220 and 279 Short Johnson Road, Clayton, NC, 27520

Description of project/proposal: Traditional townhome development with 173 units.

Upcoming public meetings for this application (Planning Board and/or Town Council): December 17th (planning board) and January 21th (town council).

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

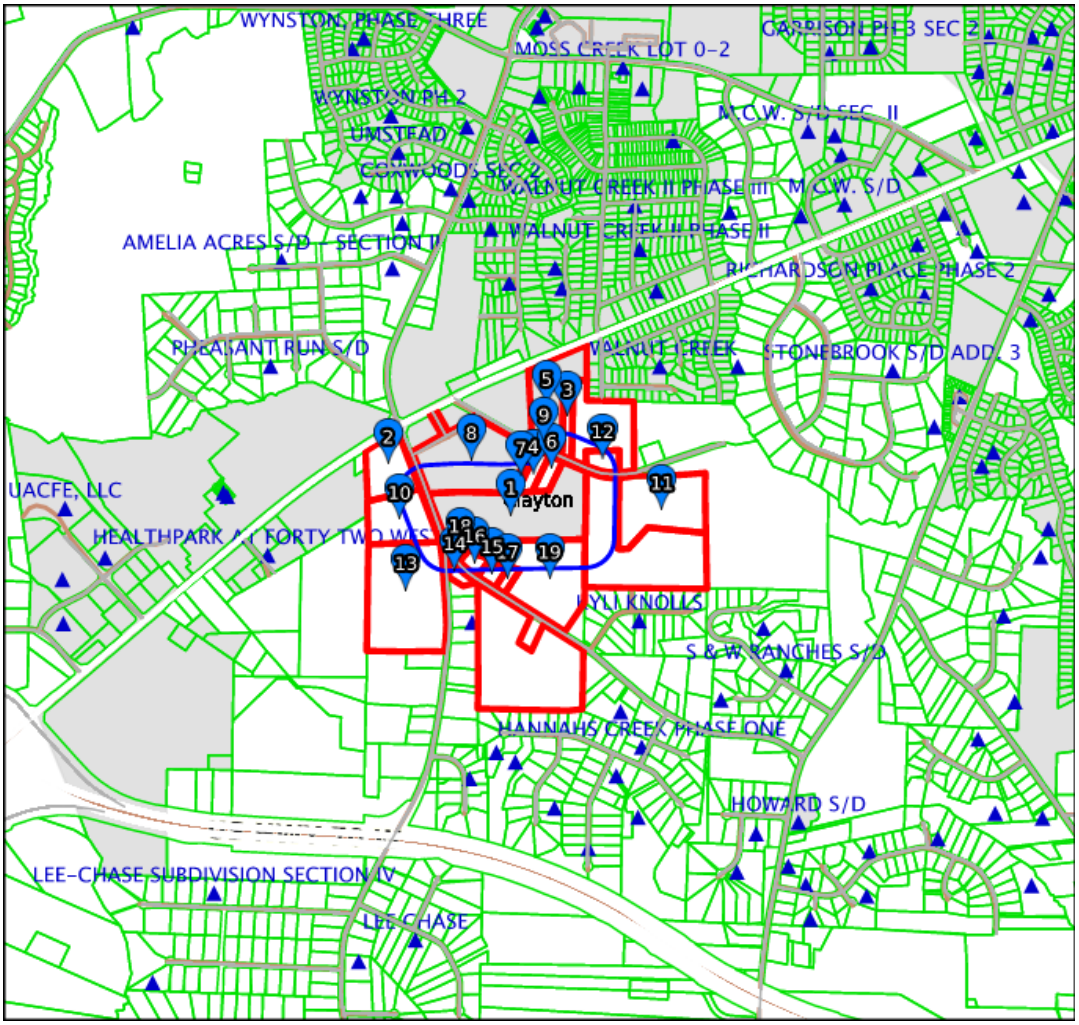
1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

If you have any questions prior to or after this meeting, you may contact us at (919) 578-9000. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,
Spencer B. Terry III
Senior Project Manager
Bohler Engineering NC, PLLC

Cc: Town of Clayton Planning Department


WYNSTON PHASE THREE
MOSS CREEK LOT 0-2
GARRISON PH 3 SEC 2
WYNSTON PH 2
M.C.W. S/D SEC. II
UMSTEAD
COMWOOD'S SEC 2
WALNUT CREEK II PHASE III
M.C.W. S/D
AMELIA ACRES S/D - SECTION II
WALNUT CREEK II PHASE II
RICHARDSON PLACE PHASE 2
PHEASANT RUN S/D
WALNUT CREEK
STONEBROOK S/D ADD. 3
UACFE, LLC
Clayton
HEALTHPARK AT FORTY TWO WEST
LYLI KNOLLS
S & W SANCHES S/D
HANNAHS CREEK PHASE ONE
HOWARD S/D
LEE-CHASE SUBDIVISION SECTION IV
LEE CHASE

Owner	Use Code	ID Number / Tag
Amelia Church Townhomes LLC	Subject site	05G03008B
Williams, Joel L	Vacant	05E99008Q
Johnson, Kirby Roy Johnson, Lori H	Auxiliary Improvements	05G03009
Collazo, Richard Collazo, Maria Teresa	Manufactured Home (Double Wide)	05G03007C
West Clayton Church of God	Churches	05G03010I
Blackmon, Ricky E Blackmon, Pamela Jean	Single Family Residential	05G03007B
Siebert, Harry P Siebert, Kathy R	Manufactured Home (Double Wide)	05G03007D
Amelia Station LLC	Clubs, Ldgs	05G03007E
Johnson, Katie Marie	Single Family Residential	05G03008Z
DWB Properties LLC	Mobile Home Park	05E99008K
Copper Land LLC	Vacant	05G03010
Cabin Hill Farms, LLC	Auxiliary Improvements	05G03009B
Corbett Road LLC	Auxiliary Improvements	05G03070S
Hockaday, Erwin Duke Jr Hockaday, Florence Dupree	Single Family Residential	05G03070A
Hockaday, Erwin Duke Jr Hockaday, Florence Dupree	Single Family Residential	05G03069A
Hockaday, Erwin Duke Jr Hockaday, Florence Dupree	Commercial	05G03070E
Ford Revocable Trust Ford, Roger M. Trustee	Auxiliary Improvements	05G03071M
Ford Revocable Trust Ford, Roger M. Trustee	Single Family Residential	05G03071R
Henderson, Kimberly Daughtry	Vacant	05G03069

CONDITIONAL REZONING APPLICATION - CZR

2024-27-CZM

FOR

PROPOSED

AMELIA CHURCH - TOWNHOMES

LOCATION OF SITE
AMELIA CHURCH RD.
CLAYTON, NC 27520

REFERENCES AND CONTACTS

REFERENCES

♦ BOUNDARY & TOPOGRAPHIC SURVEY:
BOHLER ENGINEERING NC, PLLC
4130 PARKLAKE AVE.
RALEIGH, NC 27612
DATED: 11/28/18
ELEVATIONS: NAVD 1998

♦ ENVIRONMENTAL CONSULTANT:
TERRACON
2401 BRENTWOOD RD., STE 107
RALEIGH, NC 27604
PHONE: (919) 873 2211

♦ TRAFFIC ENGINEER:
RAMEY KEMP ASSOCIATES
5808 FARRINGDON PLACE
RALEIGH, NC 27609
PHONE: (919) 872 5115

GOVERNING AGENCIES

♦ PLANNING, ZONING COMMITTEE
111 E. 2ND ST.
CLAYTON, NC 27520
DATED: (919) 553-5002

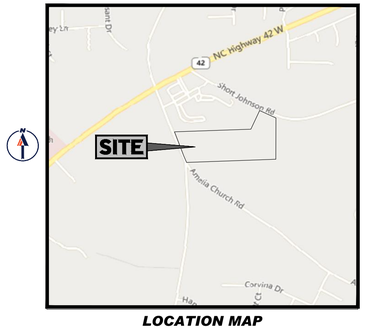
♦ ENGINEERING & INSPECTIONS
111 E. 2ND ST.
CLAYTON, NC 27520
TOWN ENGINEER - JOSHUA BAIRD
PHONE: (919) 359-9379

♦ FIRE DEPARTMENT
324 W HORNE ST
CLAYTON, NC 27520
PHONE: (919) 553-1520

♦ CLAYTON PUBLIC WORKS
653 NC-42
CLAYTON, NC 27520
PHONE: (919) 553-1530

* THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS. HOWEVER, BOHLER ENGINEERING DOES NOT CERTIFY THE ACCURACY OF THE WORK REFERENCED OR DERIVED FROM THESE DOCUMENTS, BY OTHERS.

Sheet List Table	
Sheet Number	Sheet Title
C-101	COVER SHEET
-	ALTA SURVEY 1 of 2
-	ALTA SURVEY 2 of 2
C-301	MASTER PLAN
EXHIBIT 1	ROAD SECTIONS, IMPROVEMENTS AND LIGHTING EXHIBIT
EXHIBIT 2	ARCHITECTURAL ELEVATIONS



LOCATION MAP
SCALE: 1" = 1000'

OWNER
AMELIA TOWNHOMES LLC
332 MILITARY CUTOFF ROAD
WILMINGTON, NC 28405
910-612-3633
JR@TRIBUTECOMPANIES.COM

DEVELOPER
TRIBUTE COMMUNITIES
10 CARDINAL DR. S
WILMINGTON, NC 28403
(919) 612 3633

PREPARED BY

BOHLER

CONTACT: DANIEL M. DANVERS
EMAIL: DDANVERS@BOHLERENG.COM

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK OCCURS PRIOR TO THE INITIATION OF CONSTRUCTION, SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO CONDUCTS THE WORK OF THE SITE AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

Apr 29, 2025
H:\2021\NCB230214.00\LAND DEVELOPMENT\CAD\DRAWINGS\PLAN SET\REZONING PLAN SET\NCB230214 - CNDS-0_____LAYOUT - C-101 COVER

Xref: \\\\\\\\2020\NCR201084\Drawings\Xrefs\X - Title - NCR201084.dwg

BOHLER™
BOHLER ENGINEERING NC, PLLC
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

THE INFORMATION CONTAINED ON THIS PLAN IS PROPRIETARY AND SHALL NOT BE USED OR DISCLOSED FOR ANY PURPOSE EXCEPT AS AUTHORIZED IN WRITING BY BOHLER ENGINEERING NC, PLLC. ANY UNAUTHORIZED USE OR DISCLOSURE OF THE INFORMATION CONTAINED ON THIS PLAN SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO BOHLER ENGINEERING NC, PLLC.

REVISIONS

REV	DATE	COMMENT	DRAWN BY / CHECKED BY
1	04/16/24	1ST REVIEW -ZONING	KM
2	01/27/25	RESUBMITTAL	RBS / SBT
3	04/28/25	RESUBMITTAL	DMD

811 Know what's below. Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	CNDS-0
DRAWN BY:	KM/RBS
CHECKED BY:	SBT
DATE:	02/20/2024
CAD I.D.:	NCB230214 -

PROJECT:

PROP. SITE PLAN DOCUMENTS

FOR

TRIBUTE COMPANIES

PROPOSED REZONING

AMELIA CHURCH ROAD CLAYTON, NC 27520

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

SHEET TITLE:

COVER SHEET

SHEET NUMBER:

C-101

REVISION 3 - 04/28/25

NOTES:

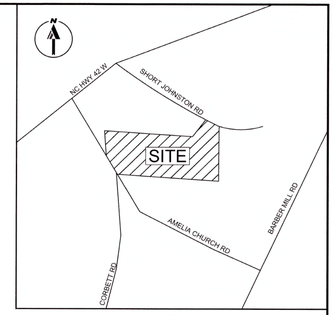
1. THE FIRM HAS RELIED UPON TITLE COMMITMENT FURNISHED BY METRO TITLE COMPANY TITLE COMMITMENT: MET2021-01068, APRIL 23, 2021, AT 9:00 AM AND REVISED OCTOBER 18 2023, WHILE AND IN PREPARING THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY TITLE EXCEPTIONS NOT DISCLOSED BY THE REFERENCED TITLE COMMITMENT
2. AREAS COMPUTED BY COORDINATE METHOD.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. RIGHTS-OF-WAY INFORMATION IS BASED ON DEEDS AND MAPS OF RECORD.
6. NC GRID COORDINATES (NAD83) OBTAINED BY USING GPS, PER THE NCVRS NETWORK.
7. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).
8. VERTICAL DATUM SHOWN HEREON IS NAVD88.
9. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X", AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP 3720165800K, PANEL 1658 EFFECTIVE DATE JUNE 20, 2018.
10. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED AT THE TIME OF THE SURVEY.
11. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED AT THE TIME OF THE SURVEY.

TITLE COMMITMENT - METRO TITLE COMPANY
COMMITMENT NUMBER: MET2021-01068
DATE: APRIL 23 2021 @ 9:00 AM
REVISION DATE: OCTOBER 18 2023
SCHEDULE B, PART II - EXCEPTIONS

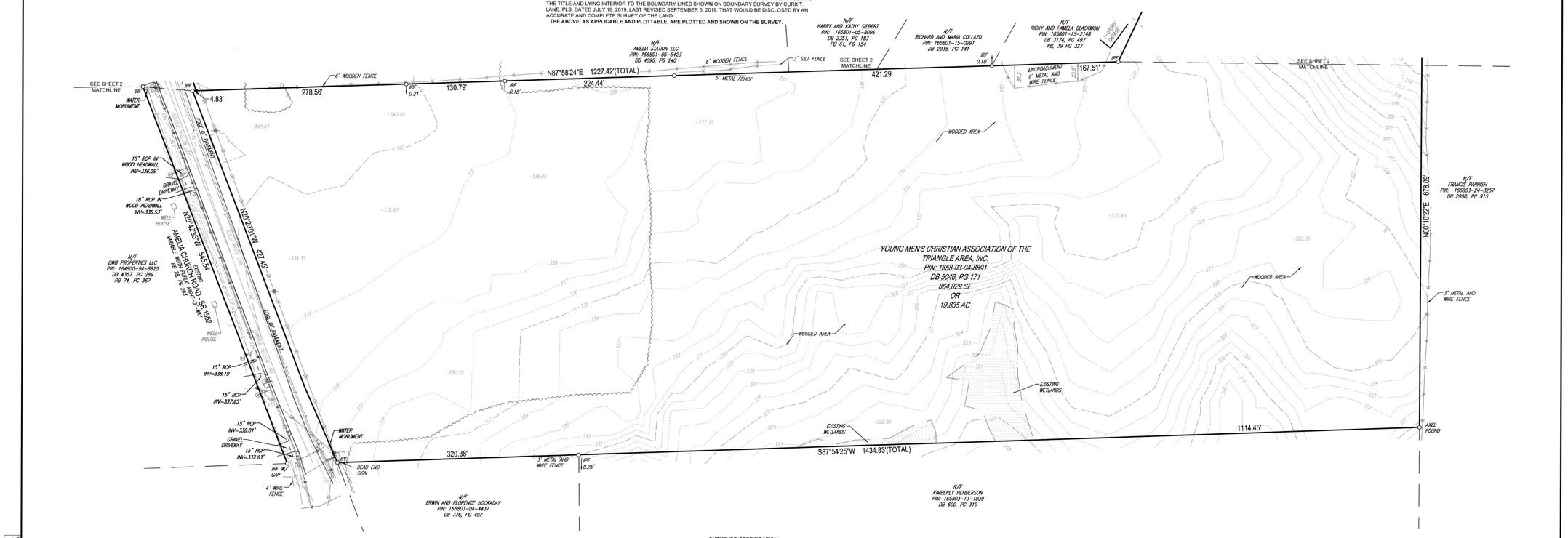
1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIREMENTS ARE MET. **NOT A SURVEY MATTER.**
2. TAXES AND ASSESSMENTS FOR THE YEAR 2021 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE. **NOT A SURVEY MATTER.**
3. TITLE TO AND RIGHTS OF OTHERS IN AND TO THE USE OF AMELIA CHURCH ROAD, NCSR 1552, NCSR 1554, CORBETT ROAD AND SHORT JOHNSON ROAD. **NOT A SURVEY MATTER.**
4. EASEMENT(S) IN FAVOR OF CAROLINA POWER AND LIGHT COMPANY AS RECORDED IN BOOK 986, PAGE 179, JOHNSTON COUNTY REGISTRY. **AFFECTS SUBJECT PROPERTY. EASEMENT IS BLANKET IN TYPE.**
5. RIGHT(S) OF WAY IN FAVOR OF CAROLINA POWER AND LIGHT AS RECORDED IN BOOK 1286, PAGE 642, JOHNSTON COUNTY REGISTRY. **AFFECTS SUBJECT PROPERTY. EASEMENT IS BLANKET IN TYPE.**
6. RIGHT(S) OF WAY IN FAVOR OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AS RECORDED IN BOOK 1728, PAGE 198, JOHNSTON COUNTY REGISTRY. **AFFECTS SUBJECT PROPERTY. RIGHTS-OF-WAY OF SHORT JOHNSON ROAD (SR 1584), ALONG THE SUBJECT PROPERTY, ARE PLOTTED AND SHOWN ON THE SURVEY.**
7. ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CLAYTON, NORTH CAROLINA RECORDED APRIL 12, 2017 IN BOOK 4940, PAGE 111, JOHNSTON COUNTY REGISTRY. **AFFECTS SUBJECT PROPERTY. NO PLOTTABLE MATTERS.**
8. NO COVERAGE IS PROVIDED AS TO THE AMOUNT OF ACREAGE OR SQUARE FOOTAGE OF THE LAND. **SUBJECT PROPERTY ACREAGE AND SQUARE FOOTAGE IS PLOTTED AND SHOWN ON THE SURVEY.**
9. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE AND LYING INTERIOR TO THE BOUNDARY LINES SHOWN ON BOUNDARY SURVEY BY CURK T. LANE, PLS, DATED JULY 18, 2019, LAST REVISED SEPTEMBER 3, 2019, THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OF THE LAND. **THE ABOVE, AS APPLICABLE AND PLOTTABLE, ARE PLOTTED AND SHOWN ON THE SURVEY.**

REFERENCES:

DB 5046, PG 171
DB 4098, PG 240
DB 2351, PG 183
DB 2938, PG 141
DB 3174, PG 497
DB 2998, PG 915
DB 600, PG 319
DB 776, PG 497
PB 39, PG 327
PB 78, PG 262
PB 78, PG 263
PB 61, PG 154



LOCATION MAP
NOT TO SCALE



LEGEND

LINE SURVEYED	UTILITY POLE
LINE NOT SURVEYED	ELECTRIC BOX
EXISTING CONTOUR	SANITARY SEWER MANHOLE
EXISTING SPOT ELEVATION	STORM DRAINAGE GRATE
OVERHEAD WIRES	WATER METER
APPROX. LOC. UNDERGROUND FIBER OPTIC LINE PER UTILITY MARKOUT	WATER VALVE
APPROX. LOC. UNDERGROUND CABLE LINE PER UTILITY MARKOUT	AREA LIGHT
APPROX. LOC. UNDERGROUND GAS LINE PER UTILITY MARKOUT	SIGN
APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT	MAIL BOX
APPROX. LOC. UNDERGROUND TEL. LINE PER UTILITY MARKOUT	IRON PIPE FOUND
FENCE	PK NAIL FOUND
GUY WIRE	IRON REBAR FOUND
TREE LINE	IRON REBAR SET
	COMPUTED POINT

60' 30' 0' 60'
1" = 60'

SURVEYOR CERTIFICATION

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM DEED AND MAP REFERENCES AS NOTED ON SAID MAP.

THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY OF THE SURVEY AS CALCULATED IS 1: 10,000+, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH TITLE 21, CHAPTER 56, NCAC, AS AMENDED.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: "CLASS A"
(2) POSITIONAL ACCURACY: 0.04'
(3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC NETWORKS-NCVRS
(4) DATES OF SURVEY: 05/21/2021-02/06/2023
(5) DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
(6) PUBLISHED/FIXED-CONTROL USE: NCVRS
(7) GEOID MODEL: 2012 (CONUS)
(8) COMBINED GRID FACTOR(S): 0.999883464
(9) UNITS: US SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 23TH DAY OF OCTOBER A.D., 2023

SURVEYOR NC L-3920

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR SEAL L-3920 THOMAS E. TEABO

TO: METRO TITLE COMPANY, AGENT FOR COMMONWEALTH, TRIBUTE INVESTMENT & DEVELOPMENT, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(A), 8, 9, 13, 16, AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 6, 2023.

10/23/23
DATE

THOMAS E. TEABO, PLS
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR NO. L-3920

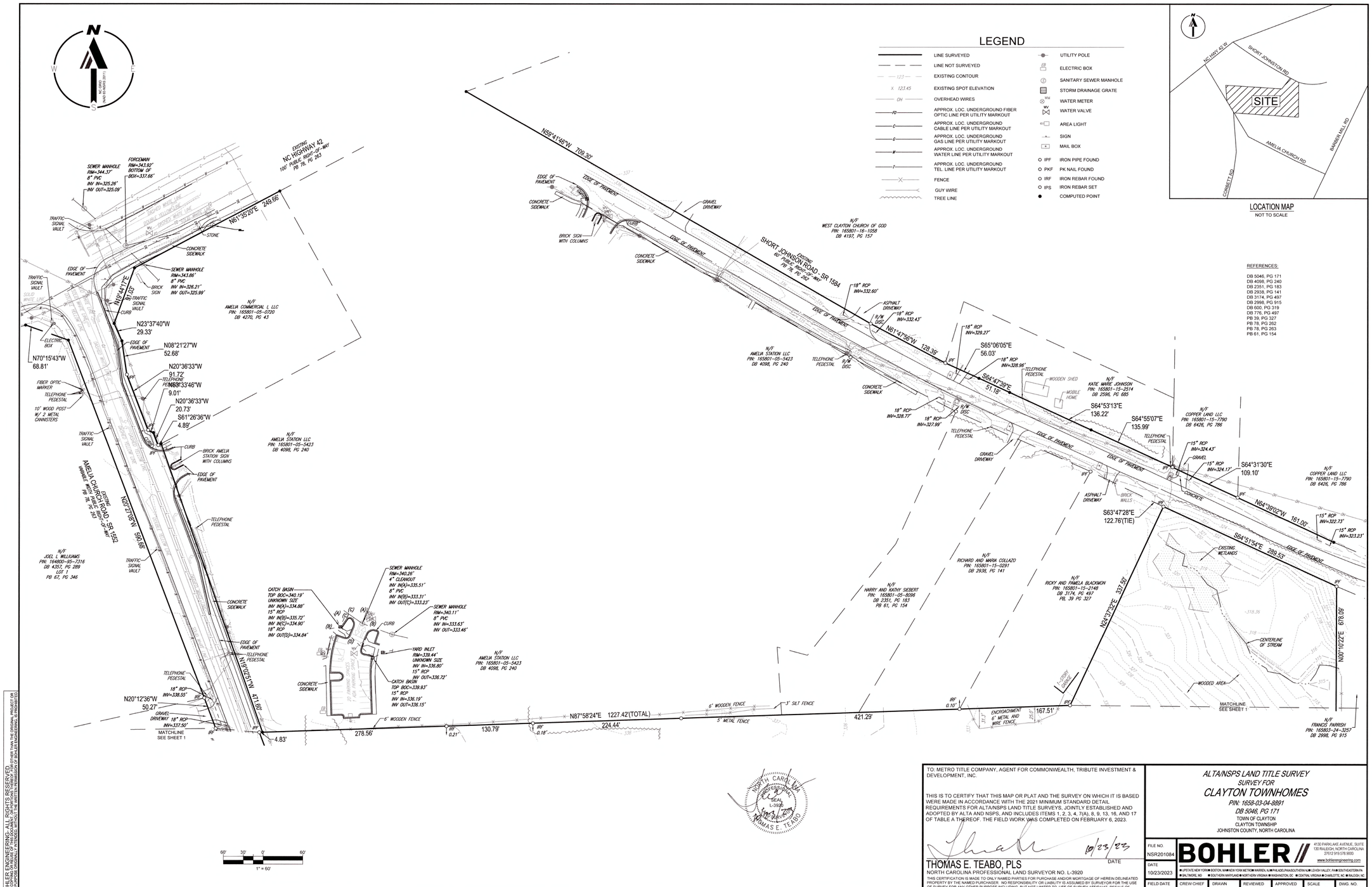
THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

ALTA/NSPS LAND TITLE SURVEY
SURVEY FOR
CLAYTON TOWNHOMES
PIN: 1658-03-04-8891
DB 5046, PG 171
TOWN OF CLAYTON
CLAYTON TOWNSHIP
JOHNSTON COUNTY, NORTH CAROLINA

BOHLER
8130 PARKLAKE AVENUE, SUITE 130 RALEIGH, NORTH CAROLINA 27612 919.578.9000
www.bohlerengineering.com
■ UPSTATE NEW YORK ■ BOSTON, MA ■ NEW YORK METRO ■ WARREN, NJ ■ PHILADELPHIA/SOUTHERN NJ ■ LEHIGH VALLEY, PA ■ SOUTHEASTERN PA ■ BALTIMORE, MD ■ SOUTHERN MARYLAND ■ NORTHERN VIRGINIA ■ WASHINGTON, DC ■ CENTRAL VIRGINIA ■ CHARLOTTE, NC ■ RALEIGH, NC

FILE NO.	DATE	FIELD DATE	CREW CHIEF	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
NSR201084	10/23/2023	02/06/2023	PW	RJ	TET	TET	1" = 60'	1 OF 2

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TO: METRO TITLE COMPANY, AGENT FOR COMMONWEALTH, TRIBUTE INVESTMENT & DEVELOPMENT, INC.

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10/23/23
DATE

THOMAS E. TEABO, PLS
NORTH CAROLINA PROFESSIONAL LAND SURVEYOR NO. L-3920

THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

ALTA/NSPS LAND TITLE SURVEY
SURVEY FOR
CLAYTON TOWNHOMES
PIN: 1658-03-04-8891
DB 5048, PG 171
TOWN OF CLAYTON
CLAYTON TOWNSHIP
JOHNSTON COUNTY, NORTH CAROLINA

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FILE NO.	DATE	FIELD DATE	CREW CHIEF	DRAWN	REVIEWED	APPROVED	SCALE	DWG. NO.
NSR201084	10/23/2023	02/06/2023	PW	RJ	TET	TET	1" = 60'	2 OF 2

SITE DATA TABLE	
GENERAL INFORMATION	
NAME OF PROJECT	AMELIA CHURCH - A TRIBUTE COMMUNITY
PARCEL ID NUMBER	165803-04-8891
PROPERTY SIZE	19.835 AC (864,012.6 SF)
PROPERTY LOCATION	CLAYTON TOWN LIMITS
ZONING	
ZONING - EXISTING	OFFICE-INSTITUTIONAL (O-I) WITH SUP
ZONING - PROPOSED	CONDITIONAL REZONING - RESIDENTIAL
EXISTING USE	FARMLAND, VACANT
PROPOSED USE	TOWNHOMES
DENSITY / BUILDINGS	
PROPOSED DENSITY	8.72 UNITS/ACRE
PROPOSED DWELLING UNITS	173 TOWNHOME UNITS
BUILDING HEIGHT (35' MAX)	2-3 STORIES
BUILDING COVERAGE	APPROXIMATELY 22.5%
PERVIOUS/IMPERVIOUS	
PERVIOUS SURFACE AREA	TBD
IMPERVIOUS SURFACE AREA	TBD
PARKING	
REQUIRED RESIDENTIAL PARKING (2/UNIT) 173 UNITS X 2 SPACES = 346 REQUIRED: 346 SPACES ANTICIPATED: 346 SPACES	173 TOWNHOMES 2 PER DRIVEWAY
GUEST PARKING/ AMENITY AREA: 0.25 SPACES /UNIT = 44 REQUIRED SPACES	50 SPACES
BICYCLE PARKING 1 BIKE RACK PROVIDED AT CLUBHOUSE	1 BIKE RACK FOR 5 BIKES
UTILITY PROVIDERS	
ELECTRIC	DUKE ENERGY
WATER	TOWN OF CLAYTON
SEWER	TOWN OF CLAYTON

OPEN SPACE	
OPEN SPACE PROVIDED (MIN.) 50% OF REQUIRED OPEN SPACE SHALL BE ACTIVE OR GATHERING SPACE	12.5% OF SITE AREA / 2.47 AC REQUIRED 2.47/2 = 1.24 AC REQUIRED ACTIVE/ GATHERING SPACE
ACTIVE OPEN SPACE: UDO SEC.6.7.1 REQUIRED: 1.24 AC (54,015 SF) ANTICIPATED: +/- 2.03 AC (88,347 SF)	ACTIVE: GRILLING STATION, DOG PARK, SPORTS COURT (EG PICKLEBALL) GATHERING: WALKING TRAIL, SEATING AREAS, OUTDOOR DINING, ENHANCED WATER FEATURE
PASSIVE OPEN SPACE: REQUIRED: 1.24 AC (54,015 SF) ANTICIPATED: +/- 3.04 AC (132,677 SF)	PASSIVE: GARDENS, LAWN, PONDS, WETLANDS
RESOURCE CONSERVATION AREAS	
STREAM BUFFER RCA (EXCLUDES WETLANDS): 35,055 SF WETLAND RCA: 21,952 SF STREAM LENGTH RCA(EXCLUDES WETLANDS): 321 LF **TOTAL EXISTING RCA: 57,007 SF** ANTICIPATED RCA IMPACTS AT ROAD CROSSING: STREAM BUFFER IMPACT: +/- 6,407 SF WETLAND IMPACT: +/- 0 SF STREAM IMPACT: +/- 308 LF ANTICIPATED TOTAL IMPACTED RCA: +/- 0 SF **ANTICIPATED TOTAL RCA REMAINING: +/- 35,055 SF (0.8 AC) STREAM BUFFER RCA & WETLANDS RCA +/- 21,952 LF**	

NOTES

1. HOA SHALL BE CREATED FOR THIS COMMUNITY.
2. HOA SHALL OWN AND MAINTAIN OPEN SPACE AND TRAILS.
3. STREETS SHALL BE PUBLIC
4. ALL UNITS SHALL BE TOWNHOMES.
5. A MINIMUM OF 5 BENCHES AND 5 WASTE/DOGWASTE RECEPTACLES SHALL BE PLACED THROUGHOUT THE SITE. ACTUAL LOCATION TO BE DETERMINED WITH CONSTRUCTION DRAWINGS.

RCA NOTES

1. RESOURCE CONSERVATION ARES SHALL BE MAINTAINED BY HOA.
2. NO RCA SHALL BE COUNTED TOWARD OPEN SPACE REQUIREMENTS.
3. STREAM BUFFER CALCULATION EXCLUDE WETLAND AREAS.

MASTER PLAN NOTES:

1. THIS MASTER PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE DURING THE REZONING APPROVAL PROCESS
2. FINAL LAYOUT AND LOCATION OF SITE ELEMENTS WILL BE DETERMINED DURING THE SITE PLAN REVIEW/APPROVAL PROCESS.
3. SEE CONDITIONS OF APPROVAL FOR COMMITTED DESIGN GUIDELINES

Conditions of Approval (2024-27-CZM – Amelia Church Townhomes)

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final Approval.

2. The Project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.

3. The Project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

4. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

5. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.

6. The project shall be exempt from section 6.6.12 F. of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.

7. Perimeter buffers shall be provided along the adjoining property owners:

   a) A minimum ten (10)-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN: 1658-01-05-5423.
   b) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the lots identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
   c) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with PIN: 1658-01-15-3257 Undisturbed and wooded areas will be maintained within the natural areas of the stream in lieu of a buffer.
   d) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
   e) A twenty (20)-foot Type C Perimeter Buffer (with fencer per Table 6.6.12.D) shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
   f) Perimeter Buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.

8. Parking Requirements:

   a) Two (2) parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen (18) feet wide.
   b) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least a single-car garage.
   c) A private parking area shall not be publicly dedicated and is to exist as common area managed by the HOA.
   d) Guest and Amenity parking spaces shall be provided:
      i. Required Minimum: 44 Spaces
      ii. Amenity area parking spaces shall be within the guest parking requirement.

9. Open Space Set-Aside shall consist of both active and passive areas per the following:

   a) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations.
   b) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
      a. Open Space Set-Aside:
         i. 12.5% Open Space Set-Aside shall be required (Approximately 2.47 Acres)
      b. 50% of Open Space-Set Aside shall be Active or Gathering Spaces (UDO Section 6.7.2)
         i. Required: 1.24 acres (minimum)
      c. Active Open Space Set-Aside shall include, but are not limited to, Sports Court(s) (e.g. Pickleball), dog park, pocket park, seating areas, benches, and walking trails.
         • Other activations allowed by 6.7.1.E.2 Table of Open Space Set Aside Type.
   d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.

   e. Stormwater Control Measure (SCM) anticipated to be a pond, will include the following elements: aeration fountain(s), dog waste station(s), and pedestrian access. Slopes at the pond shall be gentle slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.
   f. Minimum of five (5) benches, five (5) waste receptacles and five (5) pet waste receptacles provided throughout the site.

10. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:

    a) Right of Way Dedication and additional widening.
    b) Road improvements on Amelia Church Road and Short Johnson Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

11. The proposed public wastewater collection system will gravity flow to an existing pump station or to a new pump station, as required. Final configuration will be confirmed during the construction plan review.

12. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

13. The following Architectural Standards shall be met:

    a) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.

    b) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.

    c) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.

    d) Townhome units shall be limited to a maximum of seven (7) units per block.

    e) No detached garages shall be used.
       a. Attached garages can be a one (1) or two (2)-car layout.

    f) Principal buildings shall be setback from parking areas, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of vehicular pavement (if no curb is proposed).

    g) In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located closer than twenty (20) feet from the edge of a right-of-way, sidewalk, or other pedestrian access.

    h) In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.

    i) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units. Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.
       a) All garage doors shall have windows or other architectural interest.
       b) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

    j) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s). Modulation includes:
       a. Units being staggered forward and backward a minimum of 24 inches from adjacent units, or
       b. Units being stepped vertically as appropriate a minimum of 12 inches from adjacent units, or
       c. Differing roof types between adjacent units

    k) Architectural style roofing shingles shall be used.
    l) All units will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.
    m) All units shall have a combination of two (2) or more of the following materials on the front façade:
       a) Stone
       b) Brick
       c) Lap siding
       d) Fiber cement siding
       e) Shakes or board and batten.
    n) Vinyl siding will not be used on front, side, or rear facades except for trims such as soffits, facia, and corner boards.
    o) A minimum of seventy (70) percent of all residential units shall have a covered front porch or stoop.
    p) All front doors shall have windows.
    q) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

14. All units within the development will be constructed with the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each unit:

    a) High Efficiency Windows
    b) High Efficiency Appliances and HVAC Units
    c) High Efficiency Roofing Materials

15. Access easements will be provided to the following properties:

    a) Amelia Station LLC, PIN 1658-01-05-5423
    b) N/F Francis Parrish, PIN 1658-03-24-3257
    c) Hockaday, Erwin, PIN 1658-03-04-4437

16. The applicant will construct the cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

17. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by a Homeowners Association.

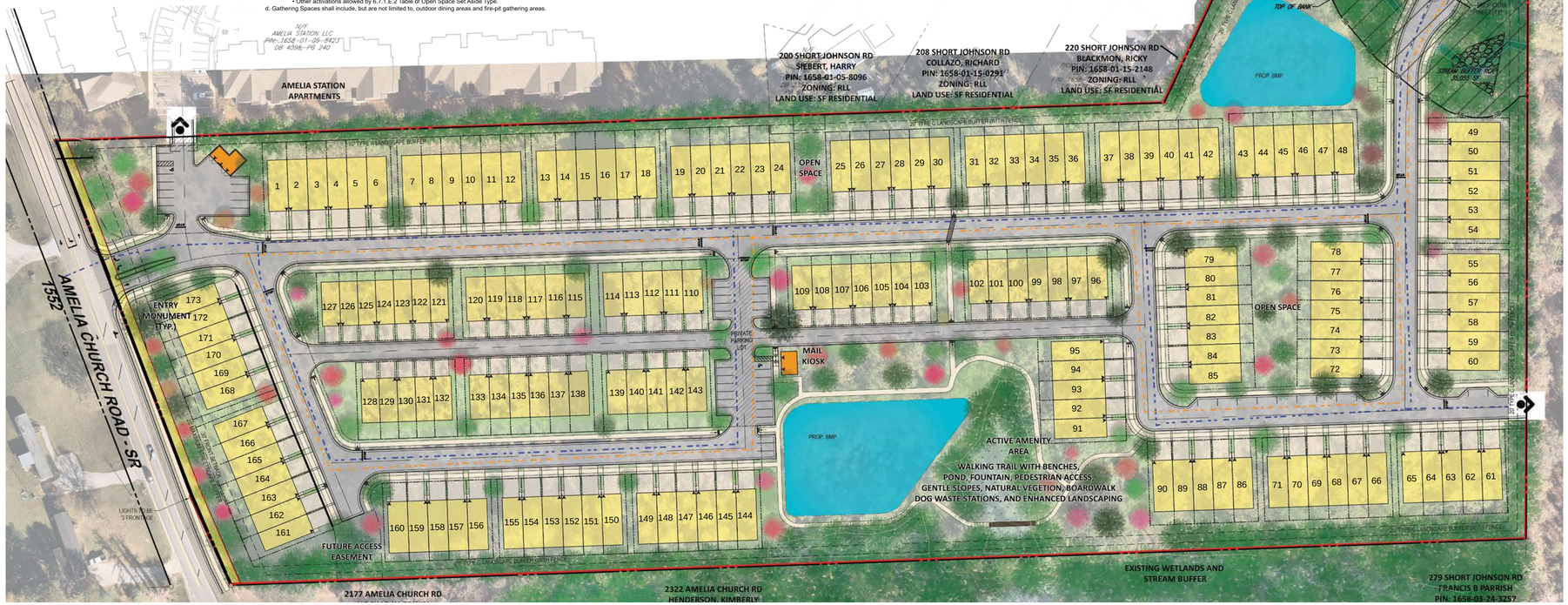
18. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

19. All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

20. Applicant agrees to file documentation with the Court as needed to reflect the termination of all its rights under the Consent Judgment contained in Johnston County Court file # 22-CVS-1507 within thirty (30) days after the later of site plan approval or wastewater allocation beyond any applicable appeal period for either approval.

MASTER PLAN LEGEND

- PROPERTY BOUNDARY
- PROPOSED PUBLIC STREET
- PROPOSED STORM MANAGEMENT FACILITY
- TOWNHOME UNITS
- NATURAL RESOURCE AREAS: STREAM, STREAM BUFFERS, WETLANDS
- CROSS-ACCESS LOCATIONS
- CONCEPTUAL WATERLINE
- CONCEPTUAL SEWER LINE



Conceptual Layout
Amelia Church Road Townhomes

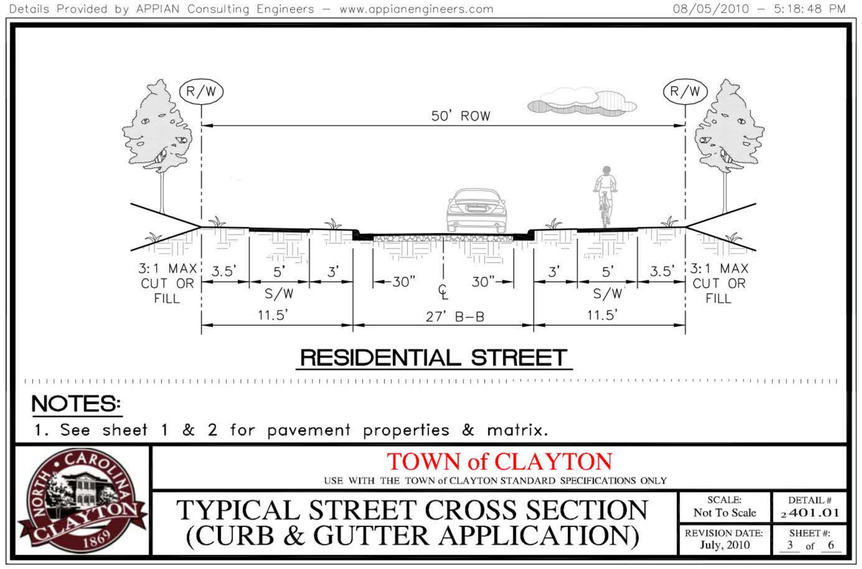
CLAYTON, NC |
PROJECT NUMBER: NCR201084

Note: Conceptual Layout is Prelminary and Subject to Change

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
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NC@BohlerEng.com

Residential Street Section

Details Provided by APPIAN Consulting Engineers – www.appianengineers.com 08/05/2010 – 5:18:48 PM



RESIDENTIAL STREET

NOTES:

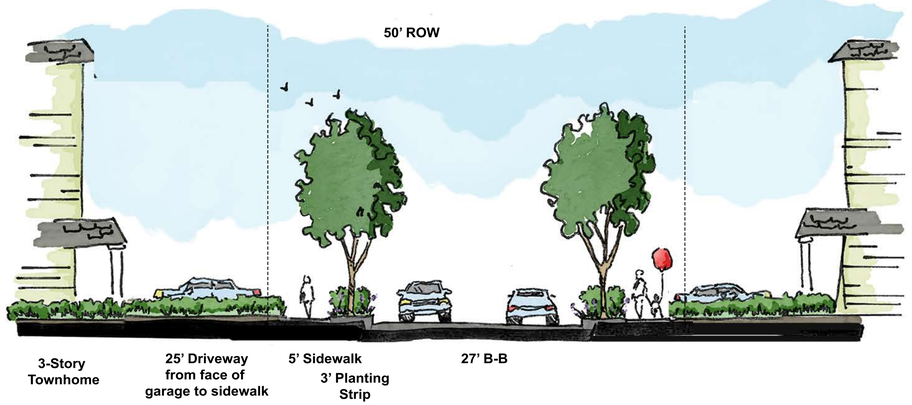
1. See sheet 1 & 2 for pavement properties & matrix.

TOWN of CLAYTON

USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

TYPICAL STREET CROSS SECTION (CURB & GUTTER APPLICATION)

SCALE: Not To Scale	DETAIL # 2401.01
REVISION DATE: July, 2010	SHEET #: 3 of 6

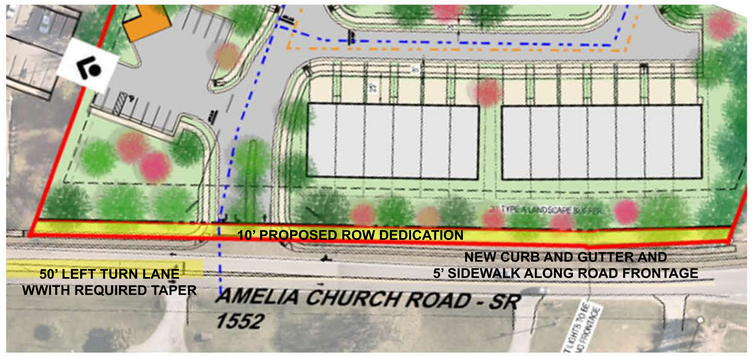


TIA Road Improvement Recommendations
Amelia Church Road
and Short Johnson Road

INTERSECTIONS / SITE ACCESSES AND ASSOCIATED IMPROVEMENTS
Amelia Church Road and Site Drive 1
Site Access 1
o Two-lane cross-section: one ingress, one egress
o 100' Internal Protected Stem

Amelia Church Road: 10' ROW Dedication
o SB Amelia Church Road – 50' Left-Turn Lane with appropriate deceleration and taper length.

Short Johnson Road and Site Drive 2
Site Access 2
o Two-lane cross-section: one ingress, one egress
o 100' Internal Protected Stem



Site Lighting



Typical Street Sections and Road Improvements
Amelia Church Road Townhomes

CLAYTON, NC | JANUARY 2025
PROJECT NUMBER: NCB230214

Note: Conceptual Layout is Prelminary and Subject to Change

Tribute COMPANIES

BOHLER //
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

ARCHITECTURAL ELEVATION EXAMPLES/ANALYSIS:



Varied Roof elevation based on topographic conditions

Brick/Masonry for 25" of Facade

Front Doors have windows

70% + of units have front porches

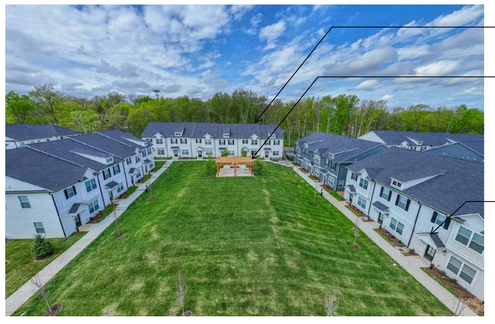


Roof line Modulation

Brick facade 25%

Units Stagger Forward and Backward to modulate roof-line

Garage Doors shall have windows or other architectural interest



Roof Height modulates

Units activate central open space area with gathering space

70% of units have covered front porches or stoop

ARCHITECTURAL GUIDELINES:
(from conditions of approval)

13. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

14. All buildings will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.

15. The following Architectural Standards shall be met:

a) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s).
- **a. Units may be staggered forward and backward a minimum of 24 inches from adjacent units.**
- **b. Units may be stepped vertically as appropriate, a minimum of 12 inches from adjacent units.**
- **c. Roof types and treatments may modulate**
- **i. For example- the inclusion of and modulation between units with dormers, gable and hip roofs, or bare pitch.**

b) Townhome units shall be limited to a maximum of seven (7) units per block.

c) All units shall have a combination of two (2) or more of the following materials on the front façade:
- **i. Stone**
- **ii. Brick**
- **iii. Lap siding**
- **iv. Fiber cement siding**
- **v. Shakes or board and batten.**

d) Vinyl siding will not be used on front, side, or rear facades except for trim such as soffits, facia, and corner boards.

e) A minimum of seventy (70) percent of all residential units shall have a cover front porch or stoop.

f) Architectural style shingles shall be used.

g) All garage doors shall have windows or other architectural interest.

h) All front doors shall have windows.

i) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

j) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

k) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units.

Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.

16. All buildings/units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each building:

a) High Efficiency Windows

b) High Efficiency Appliances and HVAC Units

c) High Efficiency Roofing Materials



Roof line Modulation

Brick facade 25%

70% + of units have front porches

Garage Doors shall have windows or other architectural interest

These are references that are intented to illustrate the conditions of approval. Actual project elevations may vary, and will be subject to review and approval during site plan review.

Architectural Elevations
Amelia Church Road Townhomes

CLAYTON, NC |
PROJECT NUMBER: NCR201084

Note: Conceptual Layout is Prelminary and Subject to Change

Tribute COMPANIES

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

Conditions of Approval (2024-27-CZM – Amelia Church Townhomes)

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final Approval.

2. The Project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.

3. The Project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

~~4. The associated Concept Plan and Conditions of Approval for this project shall allow for any changes in Town Development regulations, either through text or the official Zoning Map, that are considered as upzoning, downzoning, or establishment of any nonconformity.~~

~~5.~~4. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

~~6.~~5. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.

~~7.~~6. Single Family attached dwelling units shall comply with the following standards as applicable:

a) No Individual single-family attached dwelling buildings will have more than seven (7) units in a single row and will be either rear or front-loaded.
b) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.
c) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.
d) All Units will be two (2) stories (minimum) / three (3) stories (maximum) with attached garages.
e) Attached garages can be a one (1) or two (2)-car garage.
f) No detached garages shall be used.
g) In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located ~~no~~ closer than twenty (20) feet from the edge of a right-of-way, sidewalk, or other pedestrian access.
h) ~~No single-family attached dwellings will be served by side or rear parking.~~ In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.
i) Principal buildings shall be setback from parking ~~lots~~areas, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of vehicular pavement (if no curb is proposed).
j) All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

Commented [CO1]: Recommend: to keep as-is, for this condition is intended to clarify the difference between the conditions of approval/concept plan versus this project being erroneously understood as a site-specific vesting plan.

k) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations.
l) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.
m) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
n) A Type ~~B~~C perimeter buffer configured in accordance with Section 6.6.12, Perimeter Buffers, shall be installed along all lot lines shared with a residential district that has a lower maximum residential density. (See Condition 11 for modification)

~~8.~~7. Perimeter buffers shall be provided along the adjoining property owners:

a) A minimum ten (10)-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN: 1658-01-05-5423.
b) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the lots identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy Trees shall be provided at a minimum rate of ~~two (2~~three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of ~~four (4~~six (6) per 100 linear feet (LF), and ~~fifteen (15~~twenty-five (25) shrubs provided per 100 linear feet (LF).
c) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with PIN: 1658-01-15-3257 Undisturbed and wooded areas will be maintained within the natural areas of the stream in lieu of a buffer.
d) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of ~~two (2~~three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of ~~four (4~~six (6) per 100 linear feet (LF), and ~~fifteen (15~~twenty-five (25) shrubs provided per 100 linear feet (LF).
e) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fencer per Table 6.6.12.D) shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of ~~two (2~~three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of ~~four (4~~six (6) per 100 linear feet (LF), and ~~fifteen (15~~twenty-five (25) shrubs provided per 100 linear feet (LF).
f) Perimeter Buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.

~~9.~~8. Parking Requirements:

a) Two (2) parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen (18) feet wide.
b) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least a single-car garage.

Commented [CO2]: Recommend: to spell out the requirement so that changes in UDO numbering/naming conventions are avoided going forward.

Commented [CO3]: Recommend: for the planting ratios to include the table showing as provided in the UDO.

Commented [CO4]: Recommend: to provide a planting ratio that exceeds the minimum required per the Type C, to mitigate the requirements per Mass Grading; suggest a ratio in alignment with Type D or other as to allow plantings to thrive (not die due to overcrowding).

c) The owner of the private parking lot will always maintain private ownership.
d) Guest parking spaces shall be provided in combination with the private amenity parking ~~for a total of forty-four (44) spaces.~~:
   i. Required Minimum: 173 units x 0.25 = 43.25 (rounded up to 44 spaces)
   ii. ~~Provided: 44~~Shown on Master plan: 50 spaces
e) Amenity area parking spaces shall be provided ~~with forty-four (44) parking spaces,~~and shared with guest parking.
   i. Required: ~~19~~15 spaces
   ii. ~~Provided: 44~~Shown on Master plan: 50 spaces

Commented [CO5]: Recommend: distinguish parking provided on-street versus off-street for clarification.

~~10.~~9. Open Space Set-Aside shall consist of both active and passive areas per the following:

a. ~~Passive~~ Open Space Set-Aside:
   i. ~~2.47 acres of open space is~~ 12.5% Open Space Set-Aside shall be required (~~12.5%).~~Approximately 2.47 Acres)
      ii. ~~A minimum of 3.54 acres shall be provided (18%).~~25.6% of the parcel is shown/anticipated by the master plan to be qualified as Open Space Set-Aside (Approximately 5.09 acres)
b. 50% of ~~Passive~~ Open Space-Set Aside shall be ~~active~~Active or ~~gathering spaces~~Gathering Spaces (UDO Section 6.7.~~1~~2)
   i. Required: 1.24 acres (minimum)
   ~~i.~~ii. Anticipated/Shown: 2.03 acres
   ~~ii. Provided: 1.77 acres (minimum)~~
c. Active Open Space Set-Aside shall include, but are not limited to, ~~a~~Sports Courts (e.g. Pickleball), dog park, pocket park, seating areas, benches, and walking trails.
   - Other activations allowed by 6.7.1.E.2
d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
e. Stormwater Control Measure (SCM) anticipated to be a pond ~~with~~, will include the following elements: ~~fountains in the two stormwater ponds,~~aeration fountain(s), dog waste ~~stations,~~station(s), and pedestrian access. Slopes at the pond shall be gentle slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.
f. Minimum of five (5) benches, five (5) waste receptacles and five (5) pet waste receptacles provided throughout the site.

Commented [CO6]: Recommend: provide an area on the Concept Plan that shows this approximate area and the amenities. Town Council wanted additional specifics.

Commented [CO7]: Recommend: include covered areas for sitting and gathering, so that Council is clear as to the level of amenities being offered.

~~11. The project shall be exempt from section 6.6.12 F. of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.~~

Commented [CO8]: Recommend: removal of this condition means that the perimeter buffer will be 60' with double the plantings; advise to keep or reword to keep the exemption intent. Additionally, Council had suggested language regarding the phasing of grading to be so that impacts of site grading are incremental rather than at one time.

~~12.~~10. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:

a) Right of Way Dedication and additional widening.

b) Road improvements on Amelia Church Road and Short Johnson Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

~~13.~~11. The developer will provide a downstream sewer capacity study, including existing allocated paper flows, to determine if the existing pump station is adequate. If not, the developer will be responsible for providing improvements to existing facilities and any required utility easements at their cost.

~~14.~~12. The proposed public wastewater collection system will gravity ~~sewer~~flow along Short Johnson Road to ~~the~~an existing pump station ~~at Walnut Creek~~ or to a new pump station, as required. Final configuration will be confirmed during the construction plan review.

~~15.~~13. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

~~16.~~14. All buildings will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.

~~17.~~15. The following Architectural Standards shall be met:

a) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) ~~with a variety of elevations. Units of the same story-height elevation shall not be side-by-side.~~and include modulation of the look and feel of the proposed roofline(s).
   a. Units may be staggered forward and backward a minimum of 24 inches from adjacent units.
   b. Units may be stepped vertically as appropriate a minimum of 12 inches from adjacent units.
   c. Roof types and treatments may modulate
      i. For example- the inclusion of and modulation between units with dormers, gable and hip roofs, or bare pitch.
b) Townhome units shall be limited to a maximum of seven (7) units per block.
c) All units shall have a combination of two (2) or more of the following materials on the front façade:
   i. Stone
   ii. Brick
   iii. Lap siding
   iv. Fiber cement siding
   v. Shakes or board and batten.
d) Vinyl siding will not be used on front, side, or rear facades except for trim such as soffits, facia, and corner boards.
e) A minimum of seventy (70) percent of all residential units shall have a cover front porch or stoop.
f) Architectural style shingles shall be used.
g) All garage doors shall have windows or other architectural interest.

Commented [CO9]: Recommend: locate in the Architectural Standards section.

Commented [CO10]: Recommend: this condition does tie the architectural elevations provided as those being built, rather than them being a concept. Revise to allow flexibility if the desire is to allow such in their final design or provide actual construction typicals for the architecture.

Commented [CO11]: Recommend: locate in the Architectural Standards section.

Commented [CO12]: Recommend: revise "may" for this condition to "shall" to commit to a variation in the units rather than it being an option.

Commented [CO13]: Recommend: the 70% minimum infers that not all units will have a covered porch area, regardless of their size; suggest to include all units. If not feasible, identify which type of loaded unit (rear/front) units will have a covered porch.

Commented [CO14]: Recommend: providing a minimum square foot of covered front porch area, e.g., 40 SF of covered front porch area.

Commented [CO15]: Recommend: articulate what this means, windows are specific but "architectural interest" is not clear.

h) All front doors shall have windows.
i) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.
j) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

k) ~~All garage~~Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the ~~right-of-way.~~ frontage right-of-way on all front-loading units. Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.

~~18.~~16. All buildings/units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each building:

a) High Efficiency Windows
b) High Efficiency Appliances and HVAC Units
c) High Efficiency Roofing Materials

Commented [CO16]: Recommend: to provide a number of maximum % of allowed coverage for a garage door. A concern is a visual corridor of garage doors along the ROW.

Commented [CO17]: Recommend: articulate how/if these proffers align with the UDO 6.17.6 Sustainable Development Practices, where Energy Star appliances are qualifying. There may be others in this table that are already part of the development or that can easily be incorporated. If so, provide those so that Council can see how the project is going "above and beyond".

~~19.~~17. Cross-Access easements will be provided to the following properties:

a) Amelia Station LLC, PIN 1658-01-05-5423
b) N/F Francis Parrish, PIN 1658-03-24-3257
c) Hockaday, Erwin, PIN 1658-03-04-4437

~~20.~~18. The applicant will construct the cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

~~21.~~19. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by a Homeowners Association.

~~22.~~20. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

~~23.~~21. All internal utilities shall be located underground. Existing overhead utilities will be coordinated with Duke Energy to determine feasibility to be placed underground.

22. ~~-~~Applicant agrees to file documentation with the Court as needed to reflect the termination of all its rights under the Consent Judgment contained in Johnston County Court file # 22-CVS-1507 within thirty (30) days after the later of site plan approval or wastewater allocation beyond any applicable appeal period for either approval.

PROPERTY OWNER AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am/are in agreement with the conditions as they are outlined within this letter.

Print Name	*Signature of Property Owner*	*Date*

Signature affirms compliance with Unified Development Ordinance Section 2.3.6.D.1.a and North Carolina General Statutes § 160D-703 (b).

Commented [CO18]: Clarification: will the stub on Amelia Station Way connect to the stub on that property?

Recommend: provide clarification with respects to the desired connectivity to Amelia Station apartments.

Commented [CO19]: Recommend: provide a clarification that a public utility easement will be provided within the private parking lot area.

4.23.25 TRC Staff Comments

SITE DATA TABLE	
GENERAL INFORMATION	
NAME OF PROJECT	AMELIA CHURCH - A TRIBUTE COMMUNITY
PARCEL ID NUMBER	165803-04-8891
PROPERTY SIZE	19.835 AC (864,012.6 SF)
PROPERTY LOCATION	CLAYTON TOWN LIMITS
ZONING	
ZONING - EXISTING	OFFICE-INSTITUTIONAL (O-I) WITH SUP
ZONING - PROPOSED	CONDITIONAL REZONING - RESIDENTIAL
EXISTING USE	FARMLAND, VACANT
PROPOSED USE	TOWNHOMES
DENSITY / BUILDINGS	
PROPOSED DENSITY	8.72 UNITS/ACRE
PROPOSED DWELLING UNITS	173 TOWNHOME UNITS
BUILDING HEIGHT (35' MAX)	2-3 STORIES
BUILDING COVERAGE	APPROXIMATELY 22.5%
PERVIOUS/IMPERVIOUS	
PERVIOUS SURFACE AREA	TBD
IMPERVIOUS SURFACE AREA	TBD
PARKING	
REQUIRED RESIDENTIAL PARKING (2/UNIT) 173 UNITS X 2 SPACES = 346 REQUIRED: 346 SPACES ANTICIPATED: 346 SPACES	173 TOWNHOMES 2 PER DRIVEWAY
GUEST PARKING/ AMENITY AREA: 0.25 SPACES /UNIT = 44 REQUIRED SPACES	50 SPACES
BICYCLE PARKING 1 BIKE RACK PROVIDED AT CLUBHOUSE	1 BIKE RACK FOR 5 BIKES
UTILITY PROVIDERS	
ELECTRIC	DUKE ENERGY
WATER	TOWN OF CLAYTON
SEWER	TOWN OF CLAYTON

Recommend: revise to be the Mail Kiosk rather than the Clubhouse, since there is no area noted as being a Clubhouse.

OPEN SPACE	
OPEN SPACE PROVIDED (MIN.) 50% OF REQUIRED OPEN SPACE SHALL BE ACTIVE OR GATHERING SPACE	12.5% OF SITE AREA / 2.47 AC REQUIRED 2.47/2 = 1.24 AC REQUIRED ACTIVE/ GATHERING SPACE
ACTIVE OPEN SPACE: UDO SEC.6.7.1 REQUIRED: 1.24 AC (54,015 SF) ANTICIPATED: +/- 2.03 AC (88,347 SF)	ACTIVE: GRILLING STATION, DOG PARK, SPORTS COURT (EG PICKLEBALL) GATHERING: WALKING TRAIL, SEATING AREAS, OUTDOOR DINING, ENHANCED WATER FEATURE
PASSIVE OPEN SPACE: REQUIRED: 1.24 AC (54,015 SF) ANTICIPATED: +/- 3.04 AC (132,677 SF)	PASSIVE: GARDENS, LAWN, PONDS, WETLANDS
RESOURCE CONSERVATION AREAS	
STREAM BUFFER RCA (EXCLUDES WETLANDS): 35,055 SF WETLAND RCA: 21,952 SF STREAM LENGTH RCA(EXCLUDES WETLANDS): 321 LF **TOTAL EXISTING RCA: 57,007 SF** ANTICIPATED RCA IMPACTS AT ROAD CROSSING: STREAM BUFFER IMPACT: +/- 6,407 SF WETLAND IMPACT: +/- 0 SF STREAM IMPACT: +/- 308 LF ANTICIPATED TOTAL IMPACTED RCA: +/- 0 SF **ANTICIPATED TOTAL RCA REMAINING: +/- 35,055 SF (0.8 AC) STREAM BUFFER RCA & WETLANDS RCA +/- 21,952 LF**	

NOTES

1. HOA SHALL BE CREATED FOR THIS COMMUNITY.
2. HOA SHALL OWN AND MAINTAIN OPEN SPACE AND TRAILS.
3. STREETS SHALL BE PUBLIC.
4. ALL UNITS SHALL BE TOWNHOMES.
5. A MINIMUM OF 5 BENCHES AND 5 WASTE/DOGWASTE RECEPTACLES SHALL BE PLACED THROUGHOUT THE SITE. ACTUAL LOCATION TO BE DETERMINED WITH CONSTRUCTION DRAWINGS.

RCA NOTES

1. RESOURCE CONSERVATION ARES SHALL BE MAINTAINED BY HOA.
2. NO RCA SHALL BE COUNTED TOWARD OPEN SPACE REQUIREMENTS.
3. STREAM BUFFER CALCULATION EXCLUDE WETLAND AREAS.

MASTER PLAN NOTES:

1. THIS MASTER PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE DURING THE REZONING APPROVAL PROCESS
2. FINAL LAYOUT AND LOCATION OF SITE ELEMENTS WILL BE DETERMINED DURING THE SITE PLAN REVIEW/APPROVAL PROCESS.
3. SEE CONDITIONS OF APPROVAL FOR COMMITTED DESIGN GUIDELINES

Conditions of Approval (2024-27-CZM – Amelia Church Townhomes)

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final Approval.

2. The Project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.

3. The Project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

4. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

5. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.

6. Perimeter buffers shall be provided along the adjoining property owners:
   a) A minimum ten (10)-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN: 1658-01-05-5423.
   b) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the lots identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF). Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
   c) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with PIN: 1658-01-15-3257 Undisturbed and wooded areas will be maintained within the natural areas of the stream in lieu of a buffer.
   d) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
   e) A twenty (20)-foot Type C Perimeter Buffer (with fencer per Table 6.6.12.D) shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
   f) Perimeter Buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.

7. Parking Requirements:
   a) Two (2) parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen (18) feet wide.
   b) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least a single-car garage.
   c) A private parking area shall not be publicly dedicated and is to exist as common area managed by the HOA.
   d) Guest and Amenity parking spaces shall be provided:
      i. Required Minimum: 44 Spaces
      ii. Amenity area parking spaces shall be within the guest parking requirement.

8. Open Space Set-Aside shall consist of both active and passive areas per the following:
   a) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations. b)A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
   a. Open Space Set-Aside:
      i. 12.5% Open Space Set-Aside shall be required (Approximately 2.47 Acres)
   b. 50% of Open Space-Set Aside shall be Active or Gathering Spaces (UDO Section 6.7.2)
      i. Required: 1.24 acres (minimum)
   c. Active Open Space Set-Aside shall include, but are not limited to, Sports Court(s) (e.g. Pickleball), dog park, pocket park, seating areas, benches, and walking trails.
      • Other activations allowed by 6.7.1.E.2
   d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
   e. Stormwater Control Measure (SCM) anticipated to be a pond, will include the following elements: aeration fountain(s), dog waste station(s), and pedestrian access. Slopes at the pond shall be gentle slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.
   f. Minimum of five (5) benches, five (5) waste receptacles and five (5) pet waste receptacles provided throughout the site.

9. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:
   a) Right of Way Dedication and additional widening.
   b) Road improvements on Amelia Church Road and Short Johnson Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

10. The proposed public wastewater collection system will gravity flow to an existing pump station or to a new pump station, as required. Final configuration will be confirmed during the construction plan review.

11. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

12. The following Architectural Standards shall be met:
   a) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.
   b) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.
   c) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.
   d) Townhome units shall be limited to a maximum of seven (7) units per block.
   e) No detached garages shall be used.
      a. Attached garages can be a one (1) or two (2)-car layout.
   f) Principal buildings shall be setback from parking areas, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of vehicular pavement (if no curb is proposed).
   g) In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located closer than twenty (20) feet from the edge of a right-of-way, sidewalk, or other pedestrian access.
   h) In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.
   i) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units. Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.
      a) All garage doors shall have windows or other architectural interest.
      b) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.
   j) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s). Modulation includes:
      a. Units being staggered forward and backward a minimum of 24 inches from adjacent units, or
      b. Units being stepped vertically as appropriate a minimum of 12 inches from adjacent units, or
      c. Differing roof types between adjacent units
   k) Architectural style roofing shingles shall be used.
   l) All units will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.
   m) All units shall have a combination of two (2) or more of the following materials on the front façade:
      a) Stone
      b) Brick
      c) Lap siding
      d) Fiber cement siding
      e) Shakes or board and batten.
      n) Vinyl siding will not be used on front, side, or rear facades except for trims such as soffits, facia, and corner boards.
      o) A minimum of seventy (70) percent of all residential units shall have a covered front porch or stoop.
      p) All front doors shall have windows.
      q) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

13. All units within the development will include the following sustainable/high efficiency products/ appliances, with certification of the use of these features required prior to Certificate of Occupancy for each unit:
   a) High Efficiency Windows
   b) High Efficiency Appliances and HVAC Units
   c) High Efficiency Roofing Materials

14. Access easements will be provided to the following properties:
   a) Amelia Station LLC, PIN 1658-01-05-5423
   b) NIF Francis Parrish, PIN 1658-03-24-3257
   c) Hockaday, Erwin, PIN 1658-03-04-4437

15. The applicant will construct the cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

16. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by a Homeowners Association.

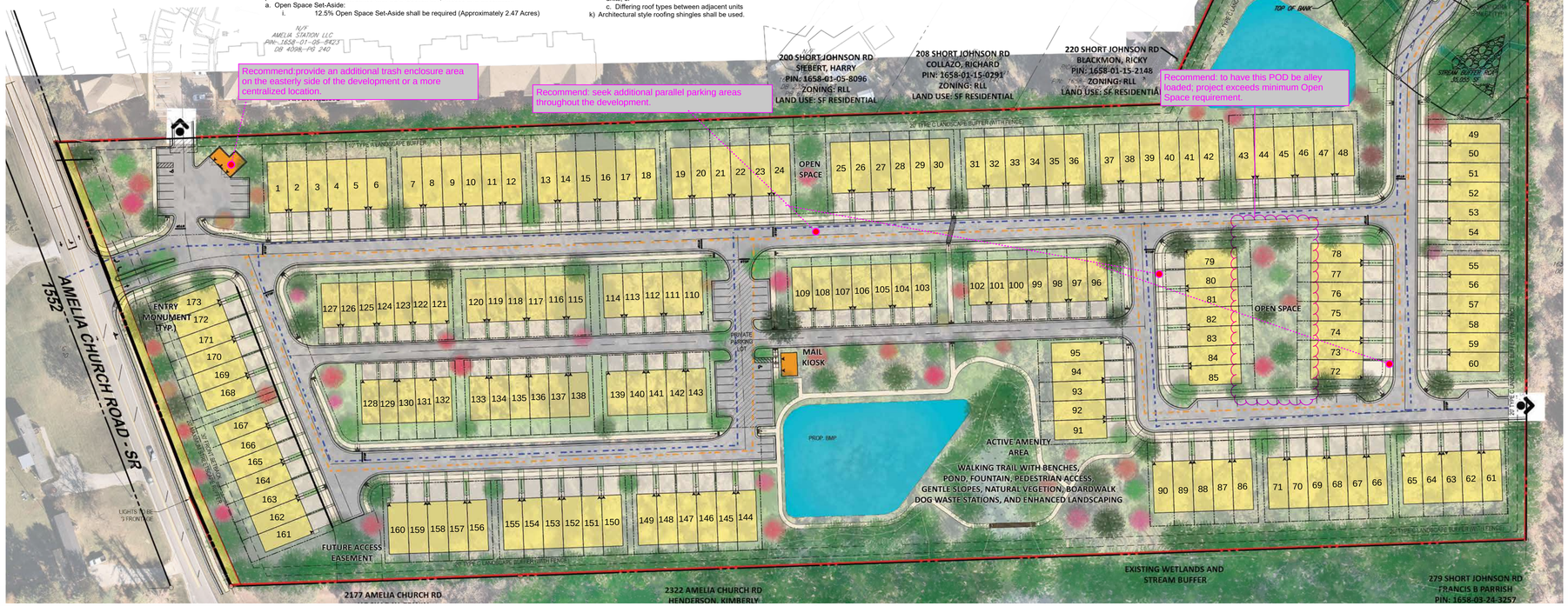
17. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

18. All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

19. Applicant agrees to file documentation with the Court as needed to reflect the termination of all its rights under the Consent Judgment contained in Johnston County Court file # 22-CVS-1507 within thirty (30) days after the later of site plan approval or wastewater allocation beyond any applicable appeal period for either approval.

MASTER PLAN LEGEND

- PROPERTY BOUNDARY
- PROPOSED PUBLIC STREET
- PROPOSED STORM MANAGEMENT FACILITY
- TOWNHOME UNITS
- NATURAL RESOURCE AREAS: STREAM, STREAM BUFFERS, WETLANDS
- CROSS-ACCESS LOCATIONS
- CONCEPTUAL WATERLINE
- CONCEPTUAL SEWER LINE



Conceptual Layout
Amelia Church Road Townhomes

CLAYTON, NC |
PROJECT NUMBER: NCR201084

Note: Conceptual Layout is Preliminary and Subject to Change

Ethan Poppe
Project Coordinator
Electric Department
Review Complete. No Comments
epoppe@townofclaytonnc.org

CLAYTON FIRE DEPARTMENT
MICHAEL TATUM - CLAYTON FIRE MARSHAL
PLAN DEVELOPMENT REVIEWER
REVIEW COMPLETE – NO COMMENTS
mtatum@townofclaytonnc.org 919-359-9365

Michael Worner
Engineering Department
mworner@townofclaytonnc.org
"Review Complete. No Comment"

60 30 15 0 60
1" = 60'

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

4.23.25 TRC Staff Comments

ARCHITECTURAL ELEVATION EXAMPLES/ANALYSIS:

Recommend: revise this sheet and Condition 13 to allow flexibility as desired by applicant or provide actual typicals for construction; as the conditions indicate that these are the elevations that will be built. These elevations should showcase what the project will be while allowing for actual flexibility for construction.



Varied Roof elevation based on topographic conditions

Brick/Masonry for 25" of Facade

Front Doors have windows

70% + of units have front porches

Recommend: commit to a minimum square foot area of covered front porch area, e.g., 40 SF of covered front porch area will allow a seating area that will align with the rear-loaded unit design.

Note image example shown below for front-facing SFA product with covered front porches.



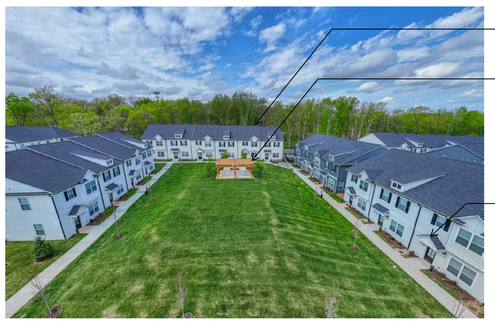


Roof line Modulation

Brick facade 25%

Units Stagger Forward and Backward to modulate roof-line

Garage Doors shall have windows or other architectural interest



Roof Height modulates

Units activate central open space area with gathering space

70% of units have covered front porches or stoop

ARCHITECTURAL GUIDELINES:
(from conditions of approval)

13. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

14. All buildings will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.

15. The following Architectural Standards shall be met:

a) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s).
- **a. Units may be staggered forward and backward a minimum of 24 inches from adjacent units.**
- **b. Units may be stepped vertically as appropriate, a minimum of 12 inches from adjacent units.**
- **c. Roof types and treatments may modulate**
- **i. For example- the inclusion of and modulation between units with dormers, gable and hip roofs, or bare pitch.**

b) Townhome units shall be limited to a maximum of seven (7) units per block.

c) All units shall have a combination of two (2) or more of the following materials on the front façade:
- **i. Stone**
- **ii. Brick**
- **iii. Lap siding**
- **iv. Fiber cement siding**
- **v. Shakes or board and batten.**

d) Vinyl siding will not be used on front, side, or rear facades except for trim such as soffits, facia, and corner boards.

e) A minimum of seventy (70) percent of all residential units shall have a cover front porch or stoop.

f) Architectural style shingles shall be used.

g) All garage doors shall have windows or other architectural interest.

h) All front doors shall have windows.

i) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

j) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

k) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units.

Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.

16. All buildings/units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each building:

a) High Efficiency Windows

b) High Efficiency Appliances and HVAC Units

c) High Efficiency Roofing Materials



Roof line Modulation

Brick facade 25%

70% + of units have front porches

Garage Doors shall have windows or other architectural interest

These are references that are intented to illustrate the conditions of approval. Actual project elevations may vary, and will be subject to review and approval during site plan review.

Architectural Elevations
Amelia Church Road Townhomes

CLAYTON, NC |
PROJECT NUMBER: NCR201084

Note: Conceptual Layout is Prelminary and Subject to Change

Tribute COMPANIES

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

Conditions of Approval (2024-27-CZM – Amelia Church Townhomes)

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final Approval.

2. The Project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.

3. The Project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

4. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

5. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.

6. The project shall be exempt from section 6.6.12 F. of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.

7. Perimeter buffers shall be provided along the adjoining property owners:

    a) A minimum ten (10)-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN: 1658-01-05-5423.
    b) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the lots identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
    c) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with PIN: 1658-01-15-3257 Undisturbed and wooded areas will be maintained within the natural areas of the stream in lieu of a buffer.
    d) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
    e) A twenty (20)-foot Type C Perimeter Buffer (with fencer per Table 6.6.12.D) shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a

minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).

f) Perimeter Buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.

8. Parking Requirements:

   a) Two (2) parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen (18) feet wide.
   b) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least a single-car garage.
   c) A private parking area shall not be publicly dedicated and is to exist as common area managed by the HOA.
   d) Guest and Amenity parking spaces shall be provided:
      i. Required Minimum: 44 Spaces
      ii. Amenity area parking spaces shall be within the guest parking requirement.

9. Open Space Set-Aside shall consist of both active and passive areas per the following:

   a) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations.
   b) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
   a. Open Space Set-Aside:
      i. 12.5% Open Space Set-Aside shall be required (Approximately 2.47 Acres)
   b. 50% of Open Space-Set Aside shall be Active or Gathering Spaces (UDO Section 6.7.2)
      i. Required: 1.24 acres (minimum)
   c. Active Open Space Set-Aside shall include, but are not limited to, Sports Court(s) (e.g. Pickleball), dog park, pocket park, seating areas, benches, and walking trails.
      - Other activations allowed by 6.7.1.E.2 Table of Open Space Set Aside Type.
   d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
   e. ~~Stormwater Control Measure (SCM) anticipated to be a pond, will~~ include the following elements: aeration fountain(s), dog waste station(s), and pedestrian access. Slopes at the pond shall be gentle slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.
   f. Minimum of five (5) benches, five (5) waste receptacles and five (5) pet waste receptacles provided throughout the site.

10. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:

    a) ~~Right of Way Dedication and additional widening.~~

b) Road improvements on Amelia Church Road and Short Johnson Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

11. The proposed public wastewater collection system will gravity flow to an existing pump station or to a new pump station, as required. Final configuration will be confirmed during the construction plan review.

12. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

13. The following Architectural Standards shall be met:

a) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.

b) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.

c) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.

d) Townhome units shall be limited to a maximum of seven (7) units per block.

e) No detached garages shall be used.
   a. Attached garages can be a one (1) or two (2)-car layout.

f) Principal buildings shall be setback from parking areas, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of vehicular pavement (if no curb is proposed).

g) In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located closer than twenty (20) feet from the edge of a right-of-way, sidewalk, or other pedestrian access.

h) In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.

i) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units. Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.
   a) All garage doors shall have windows or other architectural interest.
   b) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

j) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s). Modulation includes:
   a. Units being staggered forward and backward a minimum of 24 inches from adjacent units, or
   b. Units being stepped vertically as appropriate a minimum of 12 inches from adjacent units, or
   c. Differing roof types between adjacent units

k) Architectural style roofing shingles shall be used.

l) All units will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.

m) All units shall have a combination of two (2) or more of the following materials on the front façade:
   a) Stone
   b) Brick
   c) Lap siding
   d) Fiber cement siding
   e) Shakes or board and batten.

n) Vinyl siding will not be used on front, side, or rear facades except for trims such as soffits, facia, and corner boards.

o) A minimum of seventy (70) percent of all residential units shall have a covered front porch or stoop.

p) All front doors shall have windows.

q) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

14. All units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each unit:

    a) High Efficiency Windows
    b) High Efficiency Appliances and HVAC Units
    c) High Efficiency Roofing Materials

15. Access easements will be provided to the following properties:

    ~~a) Amelia Station LLC, PIN 1658-01-05-5423~~
    b) N/F Francis Parrish, PIN 1658-03-24-3257
    c) Hockaday, Erwin, PIN 1658-03-04-4437

16. The applicant will construct the cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

17. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by a Homeowners Association.

18. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

19. All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

20. Applicant agrees to file documentation with the Court as needed to reflect the termination of all its rights under the Consent Judgment contained in Johnston County Court file # 22-CVS-1507 within thirty (30) days after the later of site plan approval or wastewater allocation beyond any applicable appeal period for either approval.

PROPERTY OWNER AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am/are in agreement with the conditions as they are outlined within this letter.

Robert J. Hollis		4/24/25
Print Name	*Signature of Property Owner*	*Date*

Signature affirms compliance with Unified Development Ordinance Section 2.3.6.D.1.a and North Carolina General Statutes § 160D-703 (b).

Tracked Changes Notes:

- Red = Text Deletions
- Blue = Text Insertions
- Green = Text Move

Conditions of Approval (2024-27-CZM – Amelia Church Townhomes)

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final Approval.

2. The Project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.

3. The Project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

~~4. The associated Concept Plan and Conditions of Approval for this project shall allow for any changes in Town Development regulations, either through text or the official Zoning Map, that are considered as upzoning, downzoning, or establishment of any nonconformity.~~

~~5.~~4. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

~~6.~~5. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.

~~7. Single Family attached dwelling units shall comply with the following standards as applicable:~~

~~a) No Individual single-family attached dwelling buildings will have more than seven (7) units in a single row and will be front-loaded.~~

6. The project shall be exempt from section 6.6.12 F. of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.

~~b)~~a) ~~Each single family attached dwelling shall have at least one (1) party wall shared fully or partially within another single family attached dwelling.~~

~~c)~~a) ~~A single family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.~~

~~d) All Units will be two (2) stories (minimum) / three (3) stories (maximum) with attached garages.~~

~~e) Attached garages can be a one (1) or two (2) car garage.~~

~~f)~~a) ~~No detached garages shall be used.~~

~~g) In no instance shall a single family attached dwelling with off-street parking located between the front of the building and the street it faces be located no closer than twenty (20) feet from the edge of a right of way, sidewalk, or other pedestrian access.~~

~~h)~~a) ~~No single family attached dwellings will be served by side or rear parking. In cases where a single family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.~~

~~i) Principal buildings shall be setback from parking lots, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of pavement (if no curb is proposed).~~

~~j)~~1. ~~All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.~~

~~k)~~a) ~~All single family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations.~~

~~l)~~a) ~~Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.~~

~~m)~~a) ~~A single family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.~~

~~n) A Type B perimeter buffer configured in accordance with Section 6.6.12, Perimeter Buffers, shall be installed along all lot lines shared with a residential district that has a lower maximum residential density. (See Condition 11 for modification)~~

~~8.~~7. Perimeter buffers shall be provided along the adjoining property owners:

a) A minimum ten (10)-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN: 1658-01-05-5423.

b) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the lots identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy Trees shall be provided at a minimum rate of ~~two (2~~three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of ~~four (4~~six (6) per 100 linear feet (LF), and ~~fifteen (15~~twenty-five (25) shrubs provided per 100 linear feet (LF).

c) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with PIN: 1658-01-15-3257 Undisturbed and wooded areas will be maintained within the natural areas of the stream in lieu of a buffer.

d) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of ~~two (2~~three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of ~~four (4~~six (6) per 100 linear feet (LF), and ~~fifteen (15~~twenty-five (25) shrubs provided per 100 linear feet (LF).

e) A ~~minimum~~ twenty (20)-foot Type ~~B~~C Perimeter Buffer (with fencer per Table 6.6.12.D) shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of ~~two (2~~three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of ~~four (4~~six (6) per 100 linear feet (LF), and ~~fifteen (15~~twenty-five (25) shrubs provided per 100 linear feet (LF).

f) Perimeter Buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.

~~9.~~8. Parking Requirements:

a) Two (2) parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen (18) feet wide.
b) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least a single-car garage.
c) ~~The owner of the~~ A private parking ~~lot will always maintain private ownership.~~area shall not be publicly dedicated and is to exist as common area managed by the HOA.
d) Guest and Amenity parking spaces shall be provided ~~in combination with the private amenity parking for a total of forty four (44) spaces.~~:
    i. Required Minimum: ~~173 units x 0.25 = 43.25 (rounded up to 44 spaces)~~44 Spaces
    ~~ii. Provided: 44 spaces~~
~~c)~~ii. Amenity area parking spaces shall be ~~provided with forty-four (44) parking spaces, shared with~~within the guest parking requirement.
    ~~i. Required: 19 spaces~~
    ~~ii. Provided: 44 spaces~~

~~10.~~9. Open Space Set-Aside shall consist of both active and passive areas per the following:

a) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations.
b) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
a. ~~Passive~~ Open Space Set-Aside:
    ~~i. 2.47 acres of open space is~~ 12.5% Open Space Set-Aside shall be required (~~12.5%~~).
    ~~ii.~~i. ~~A minimum of 3.54 acres shall be provided (18%).~~Approximately 2.47 Acres)
b. 50% of ~~Passive~~ Open Space-Set Aside shall be ~~active~~Active or ~~gathering spaces~~Gathering Spaces (UDO Section 6.7.~~1~~2)
    i. Required: 1.24 acres (minimum)
    ~~ii. Provided: 1.77 acres (minimum)~~
c. Active Open Space Set-Aside shall include, but are not limited to, ~~a~~Sports Court(s) (e.g. Pickleball), dog park, pocket park, seating areas, benches, and walking trails.
    • Other activations allowed by 6.7.1.E.2 Table of Open Space Set Aside Type.
d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
e. Stormwater Control Measure (SCM) anticipated to be a pond ~~with~~, will include the following elements: ~~fountains in the two stormwater ponds,~~aeration fountain(s), dog waste ~~stations,~~station(s), and pedestrian access. Slopes at the pond shall be gentle

slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.

f. Minimum of five (5) benches, five (5) waste receptacles and five (5) pet waste receptacles provided throughout the site.

~~11.~~1. ~~The project shall be exempt from section 6.6.12 F. of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.~~

~~12.~~10. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:

a) Right of Way Dedication and additional widening.
b) Road improvements on Amelia Church Road and Short Johnson Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

~~13. The developer will provide a downstream sewer capacity study, including existing allocated paper flows, to determine if the existing pump station is adequate. If not, the developer will be responsible for providing improvements to existing facilities and any required utility easements at their cost.~~

~~14.~~11. The proposed public wastewater collection system will gravity ~~sewer along Short Johnson Road~~flow to ~~the~~an existing pump station ~~at Walnut Creek~~ or to a new pump station, as required. Final configuration will be confirmed during the construction plan review.

~~15.~~12. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

~~16. All buildings will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.~~

~~17.~~13. The following Architectural Standards shall be met:

~~a) Units will be two (2) stories (minimum) / three (3) stories (maximum) with a variety of elevations. Units of the same story height elevation shall not be side-by-side.~~

a) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.

b) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.

c) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.

~~b)~~d) Townhome units shall be limited to a maximum of seven (7) units per block.

e) No detached garages shall be used.
   a. Attached garages can be a one (1) or two (2)-car layout.

f) Principal buildings shall be setback from parking areas, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of vehicular pavement (if no curb is proposed).

g) In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located closer than twenty (20) feet from the edge of a right-of-way, sidewalk, or other pedestrian access.

h) In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.

~~c)~~a) ~~All units shall have a combination of two (2) or more of the following materials on the front façade:~~
   ~~i. Stone~~
~~ii.~~a) ~~Brick~~
~~iii.~~a) ~~Lap siding~~
~~iv.~~a) ~~Fiber cement siding~~
~~v.~~a) ~~Shakes or board and batten.~~
   ~~d) Vinyl siding will not be used on front, side, or rear facades except for trim such as soffits, facia, and corner boards.~~
   ~~e) A minimum of seventy (70) percent of all residential units shall have a cover front porch or stoop.~~
   ~~f) Architectural style shingles shall be used.~~

i) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units. Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.
   ~~g)~~a) All garage doors shall have windows or other architectural interest.
   ~~h)~~a) ~~All front doors shall have windows.~~
   ~~i)~~a) ~~Rear concrete pads will be provided on all units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.~~
   ~~j)~~b) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

~~All garage doors shall be setback~~

j) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s). Modulation includes:
   a. Units being staggered forward and backward a minimum of ~~twenty five (25) feet~~24 inches from ~~the edge of sidewalk~~adjacent units, or
   ~~k)~~b. Units being stepped vertically as appropriate a minimum of ~~twenty (20) feet~~12 inches from ~~the right-of-way.~~adjacent units, or

c. Differing roof types between adjacent units

k) Architectural style roofing shingles shall be used.

l) All units will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.

m) All units shall have a combination of two (2) or more of the following materials on the front façade:

a) Stone
b) Brick
c) Lap siding
d) Fiber cement siding
e) Shakes or board and batten.

n) Vinyl siding will not be used on front, side, or rear facades except for trims such as soffits, facia, and corner boards.

o) A minimum of seventy (70) percent of all residential units shall have a covered front porch or stoop.

p) All front doors shall have windows.

q) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

~~All buildings/~~

~~18.~~14. All units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each ~~building~~unit:

a) High Efficiency Windows
b) High Efficiency Appliances and HVAC Units
c) High Efficiency Roofing Materials

~~19.~~15. ~~Cross-~~Access easements will be provided to the following properties:

a) Amelia Station LLC, PIN 1658-01-05-5423
b) N/F Francis Parrish, PIN 1658-03-24-3257
c) Hockaday, Erwin, PIN 1658-03-04-4437

~~20.~~16. The applicant will construct the cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

~~21.~~17. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by a Homeowners Association.

~~22.~~18. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

~~23. All internal utilities shall be located underground. Existing overhead utilities will be coordinated with Duke Energy to determine feasibility to be placed underground.~~

19. All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

20. Applicant agrees to file documentation with the Court as needed to reflect the termination of all its rights under the Consent Judgment contained in Johnston County Court file # 22-CVS-1507 within thirty (30) days after the later of site plan approval or wastewater allocation beyond any applicable appeal period for either approval.

PROPERTY OWNER AFFIDAVIT

I/We, the undersigned, do hereby certify that I have reviewed the recommended conditions of approval and am/are in agreement with the conditions as they are outlined within this letter.

Print Name	*Signature of Property Owner*	*Date*

Signature affirms compliance with Unified Development Ordinance Section 2.3.6.D.1.a and North Carolina General Statutes § 160D-703 (b).

DRMP

UPDATED TRAFFIC IMPACT ANALYSIS

FOR

THE AMELIA

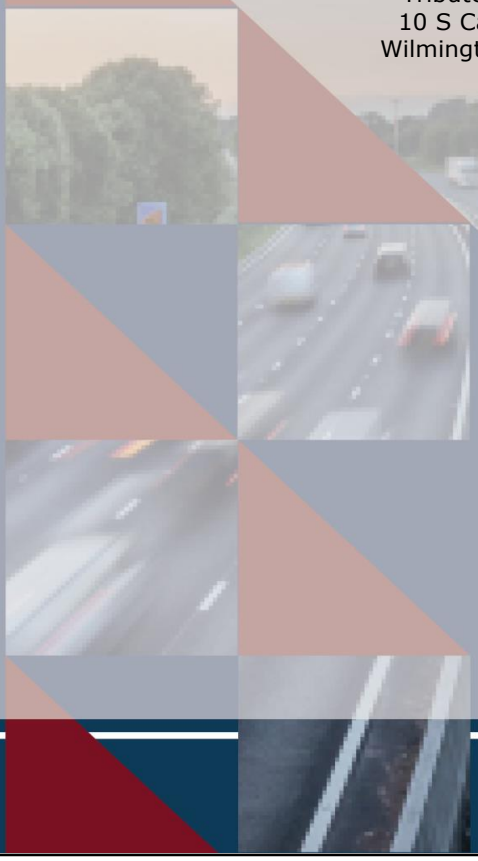
LOCATED

IN

CLAYTON, NC

Prepared For:

Tribute Companies
10 S Cardinal Drive
Wilmington, NC 28403



April 2024

DRMP Project No. 2100304-001

Prepared By: MW

Reviewed By: RS

DRMP

UPDATED TRAFFIC IMPACT ANALYSIS

FOR

THE AMELIA

LOCATED IN

CLAYTON, NC



Prepared For:

Tribute Companies

10 S Cardinal Drive

Wilmington, NC 28403

Prepared By:

DRMP, Inc.

License #F-1489

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UPDATED TRAFFIC IMPACT ANALYSIS
THE AMELIA
CLAYTON, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Updated Traffic Impact Analysis (TIA) conducted for the proposed The Amelia residential development to be located south of NC 42, between Short Johnson Road and Amelia Church Road in Clayton, North Carolina. The TIA previously prepared for this development was updated with the current build out density for the project. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development build out density was updated from 224 townhomes in the previous TIA to the current density of 173 townhomes. In addition, the build out year for the development was updated to 2025 for this study.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

1.1. Site Location and Study Area

The development is proposed to be located south of NC 42, between Short Johnson Road and Amelia Church Road in Clayton, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Clayton (Town) and consists of the following existing intersections:

- NC 42 and Amelia Church Road
- NC 42 and Short Johnson Road

- Amelia Church Road and Corbett Road

Refer to Appendix A for the approved scoping documentation.

1.2. Proposed Land Use and Site Access

The site is expected to be located south of NC 42, between Short Johnson Road and Amelia Church Road. The proposed development, anticipated to be completed by 2025, is assumed to consist of the following uses:

- 173 townhomes

Site access remains the same as in the previous TIA and is proposed via one (1) full movement driveway along Amelia Church Road, and one (1) full movement driveway along Short Johnson Road. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

The proposed development is located in an area consisting primarily of undeveloped land and residential development with some commercial and medical uses in the area. The Amelia Station Apartments exist to the north of the site along with a Sheetz station. Johnston UNC Health Care hospital exists along NC 42 west of Amelia Church Road.

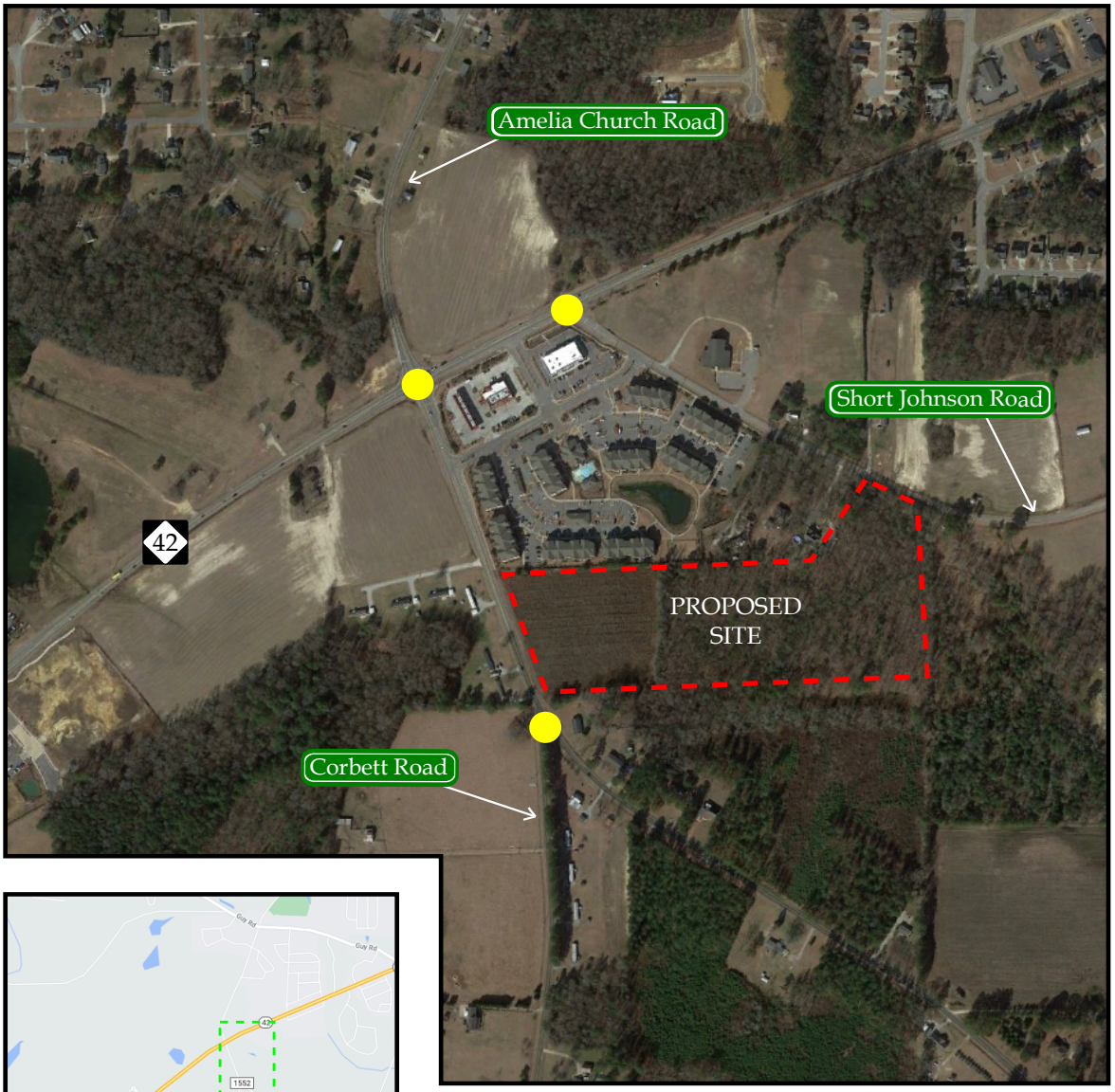
1.4. Existing Roadways

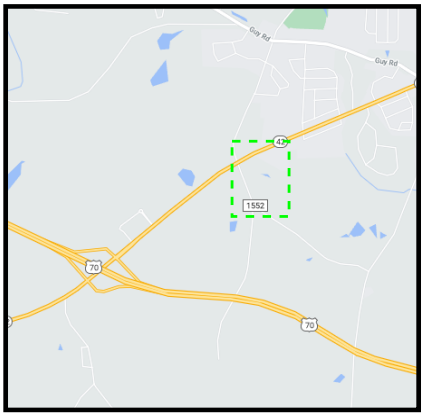
Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the next page, provides a summary of this information, as well.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2022 AADT (vpd)
NC 42		2-lane undivided	55 mph	NCDOT	18,000
Amelia Church Road	SR 1552	2-lane undivided	45 mph	NCDOT	7,000*
Short Johnson Road	SR 1584	2-lane undivided	45 mph (assumed)	NCDOT	330**
Corbett Road	SR 1554	2-lane undivided	45 mph	NCDOT	1,080**

*2019 ADT
**ADT based on the traffic counts from 2021 and assuming the weekday PM peak hour volume is 10% of the average daily traffic.





N

LEGEND

- Proposed Site Location
- Study Intersection
- Study Area

DRMP	The Amelia Clayton, NC	Site Location Map	
		Scale: Not to Scale	Figure 1

SITE DATA TABLE	
GENERAL INFORMATION	
NAME OF PROJECT	AMELIA CHURCH - A TRIBUTE COMMUNITY
PARCEL ID NUMBER	165803-04-8891
PROPERTY SIZE	19.835 AC (864,012.6 SF)
PROPERTY LOCATION	CLAYTON TOWN LIMITS
ZONING	
ZONING - EXISTING	OFFICE-INSTITUTIONAL (O-I) WITH SUP
ZONING - PROPOSED	CONDITIONAL REZONING - RESIDENTIAL
EXISTING USE	FARMLAND, VACANT
PROPOSED USE	TOWNHOMES
DENSITY / BUILDINGS	
ALLOWED DENSITY	12 UNITS/AC = 238 UNITS
PROPOSED DENSITY	8.72 UNITS/ACRE
PROPOSED DWELLING UNITS	173 TOWNHOME UNITS



Master Plan
Amelia Church Road Townhomes

CLAYTON, NC | FEBRUARY 26, 2024
PROJECT NUMBER: NCR201084

Note: Conceptual Layout is Prelminary and Subject to Change

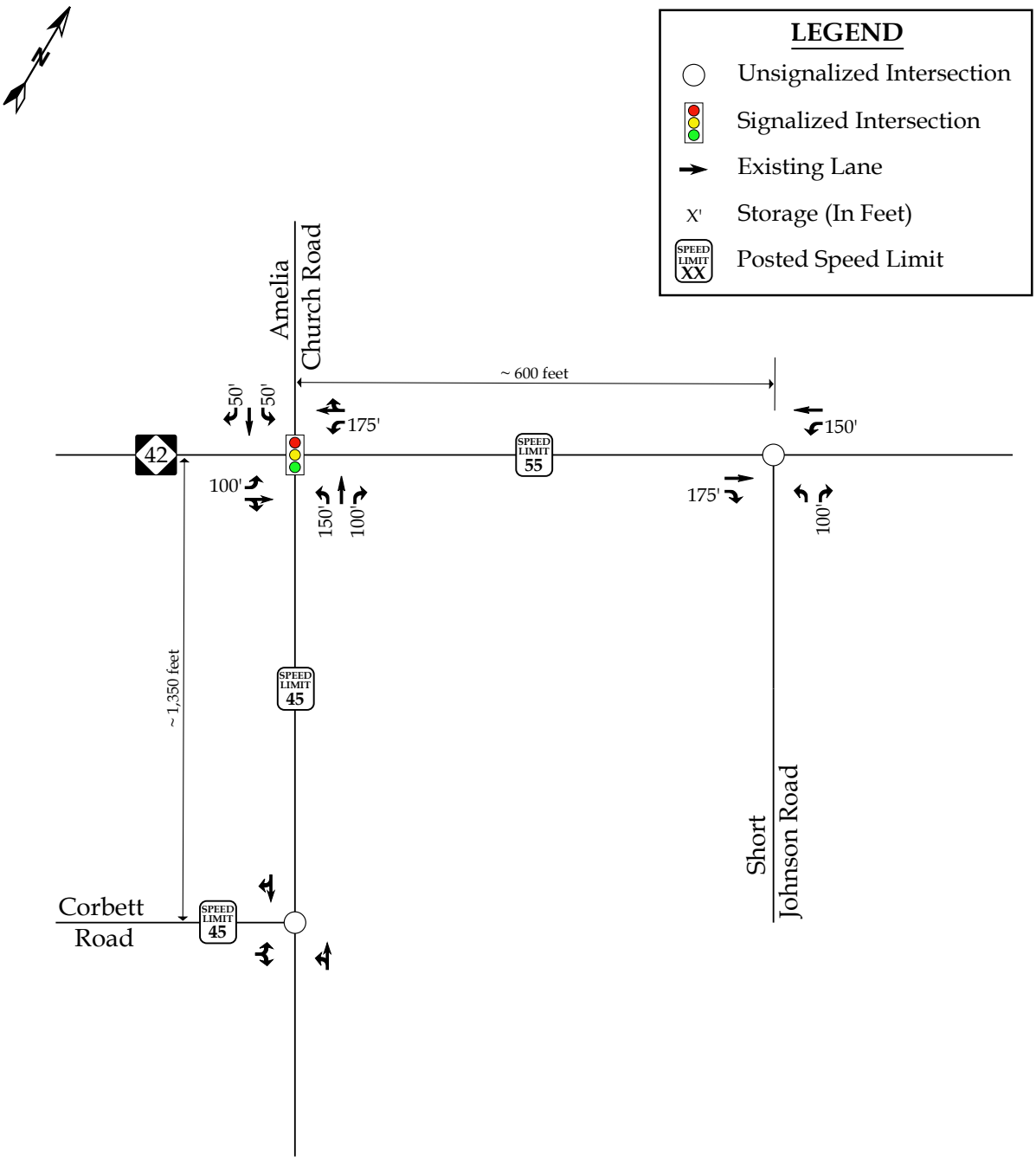
EXISTING PROPERTY INFORMATION

PIN: 1628-03-04-8991 | 19.835 ACRES
ADDRESS: AMELIA CHURCH ROAD, CLAYTON, NC 27520
EXISTING ZONING: O-I | PROPOSED ZONING: CZR

PROPOSED USE

RESIDENTIAL
TOWNHOMES (+/- 173 UNITS)
PROPOSED DENSITY: 8.72 UNITS / ACRE
PARKING PER CLAYTON UDO

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com



DRMP	The Amelia Clayton, NC	2021 Existing Lane Configurations
		Scale: Not to Scale | Figure 3

2. 2021 EXISTING PEAK HOUR CONDITIONS

2.1. 2021 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes remain the same as in the previous TIA report. Peak hour turning movement counts were utilized at the following study intersections during the weekday AM and PM peak hours at the listed dates due to potential impacts from COVID-19:

- NC 42 and Amelia Church Road – September 20, 2016
- NC 42 and Short Johnson Road - September 20, 2016

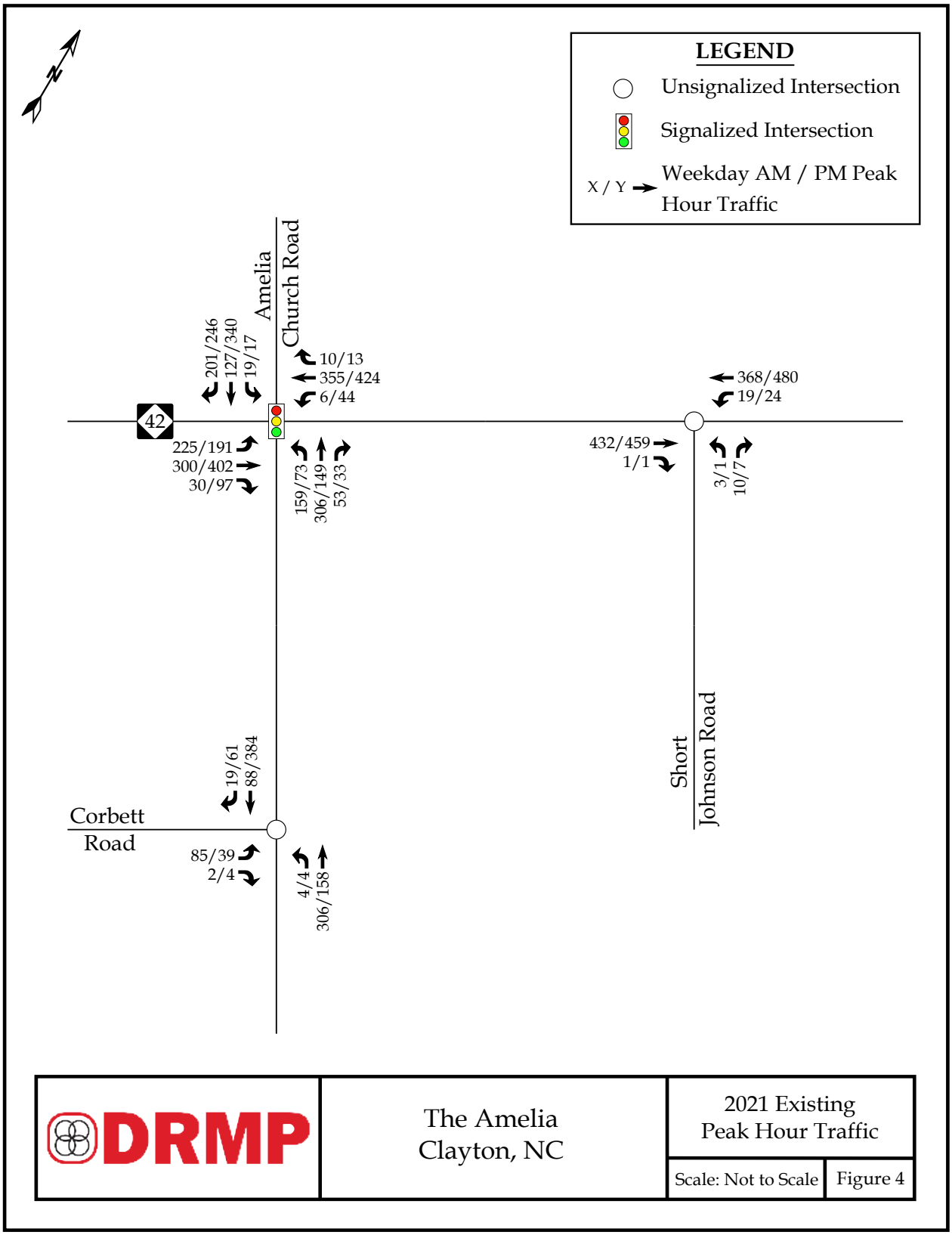
An annual growth rate of 2% was applied to the turning movement counts at these two (2) study intersections from the year they were counted to the 2021 existing analysis year.

Peak hour turning movement counts were conducted by Burns Service, Inc. at the study intersections of NC 42 and Amelia Church Road, and Amelia Church Road and Corbett Road during the weekday AM (7:00 – 9:00AM) and PM (4:00 – 6:00PM) peak hours in June 2021. Based on coordination with NCDOT and Town staff, previously collected traffic counts at the intersection of NC 42 and Amelia Church Road were grown to 2021 using a 2% annual growth rate and then compared to the June 2021 traffic counts at the same intersection to determine an adjustment factor to be applied to new peak hour counts collected at the intersection of Amelia Church Road and Corbett Road in order to account for the changes in traffic patterns due to COVID-19. An adjustment factor of 7% was applied to new count data collected during the weekday AM peak hour and 2% was applied to new count data collected during the weekday PM peak hour to determine 2021 existing volumes.

Weekday AM and PM traffic volumes were balanced between study intersections, where appropriate. Refer to Figure 4 for 2021 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2021 Existing Peak Hour Traffic Conditions

The 2021 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.


LEGEND
Unsignalized Intersection
Signalized Intersection
X / Y
Weekday AM / PM Peak Hour Traffic
Amelia Church Road
42
201/246
127/340
19/17
10/13
355/424
6/44
368/480
19/24
225/191
300/402
30/97
159/73
306/149
53/33
432/459
1/1
3/1
10/7
Short Johnson Road
Corbett Road
19/61
88/384
85/39
2/4
4/4
306/158
DRMP
The Amelia
Clayton, NC
2021 Existing
Peak Hour Traffic
Scale: Not to Scale
Figure 4

3. 2025 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

In the original TIA, it was determined that an annual growth rate of 2% would be used to generate projected weekday AM and PM peak hour traffic volumes through coordination with the Town and NCDOT. This growth rate was utilized to project to 2025 traffic volumes.

3.2. Adjacent Development Traffic

Based on coordination with the NCDOT and the Town, it was determined there were no adjacent developments to consider with this study.

3.3. Future Roadway Improvements

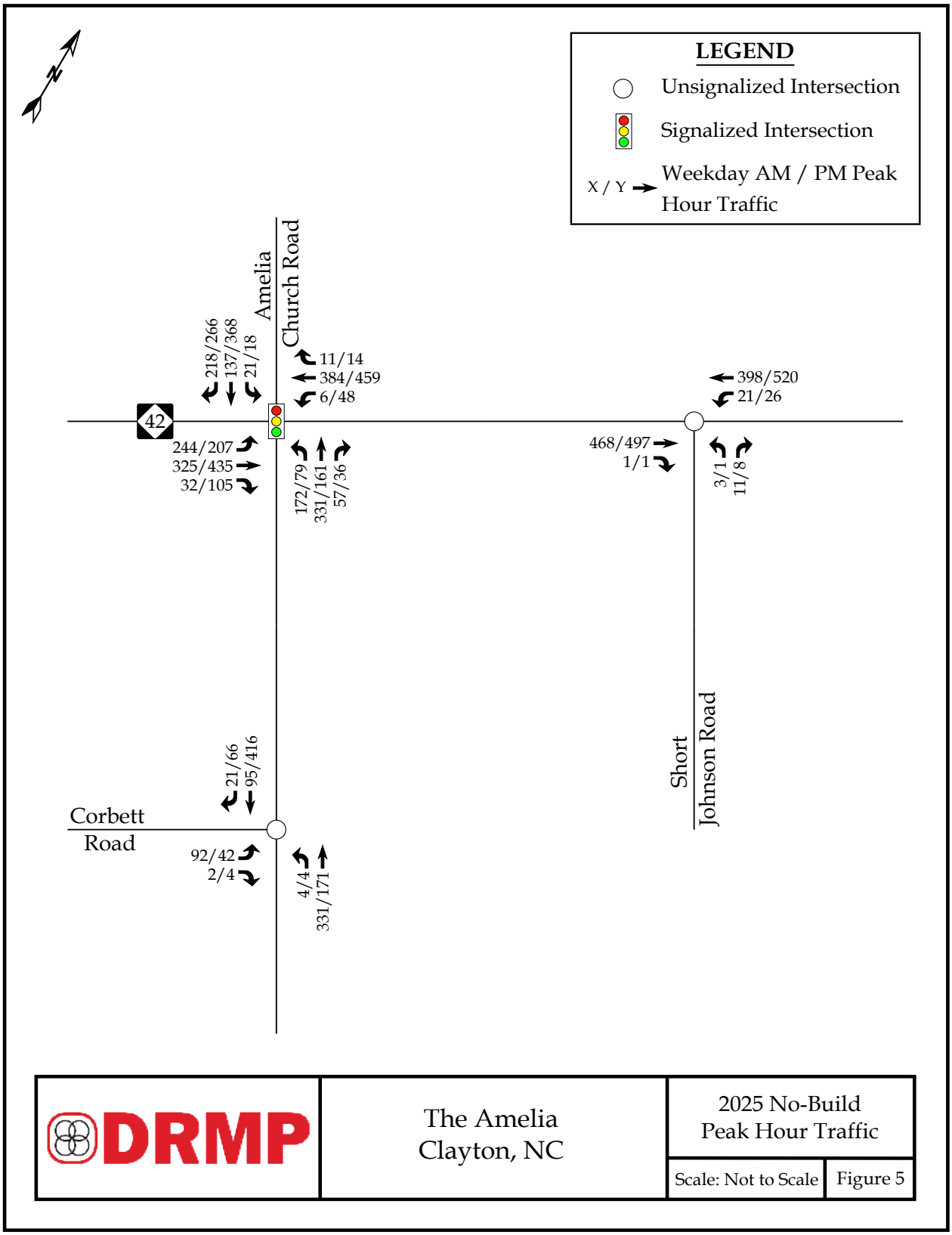
Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study. It should be noted that the State Transportation Improvement Program (STIP) project R-3410 is expected to widen NC 42 to a 4-lane median divided roadway between NC 50 and US 70. Due to an anticipated construction year of 2029, improvements associated with this STIP project were not analyzed under future conditions for the proposed development.

3.4. 2025 No-Build Peak Hour Traffic Volumes

The 2025 no-build traffic volumes were determined by projecting the 2021 existing peak hour traffic to the year 2025. Refer to Figure 5 for an illustration of the 2025 no-build peak hour traffic volumes at the study intersections.

3.5. Analysis of 2025 No-Build Peak Hour Traffic Conditions

The 2025 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.


LEGEND
Unsignalized Intersection
Signalized Intersection
X / Y
Weekday AM / PM Peak Hour Traffic
Amelia Church Road
42
218/266
137/368
21/18
11/14
384/459
6/48
398/520
21/26
244/207
325/435
32/105
172/79
331/161
57/36
468/497
1/1
3/1
11/8
Short Johnson Road
21/66
95/416
Corbett Road
92/42
2/4
4/4
331/171
DRMP
The Amelia
Clayton, NC
2025 No-Build
Peak Hour Traffic
Scale: Not to Scale
Figure 5

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development will consist of 173 townhomes instead of 224 townhomes assumed in the original TIA. Trips were calculated using the ITE *Trip Generation Manual*, 11th Edition. Table 2 provides a summary of the trip generation potential for the site.

Table 2: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Townhomes (Single Family Attached) (215)	173 Units	1,268	21	63	58	41

Based on the updated plan, the development would not generate 100 peak hour trips, which is typically the threshold for requiring a TIA report. It is estimated that the development will generate approximately 1,268 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 84 trips (21 entering and 63 exiting) will occur during the weekday AM peak hour and 99 (58 entering and 41 exiting) will occur during the weekday PM peak hour.

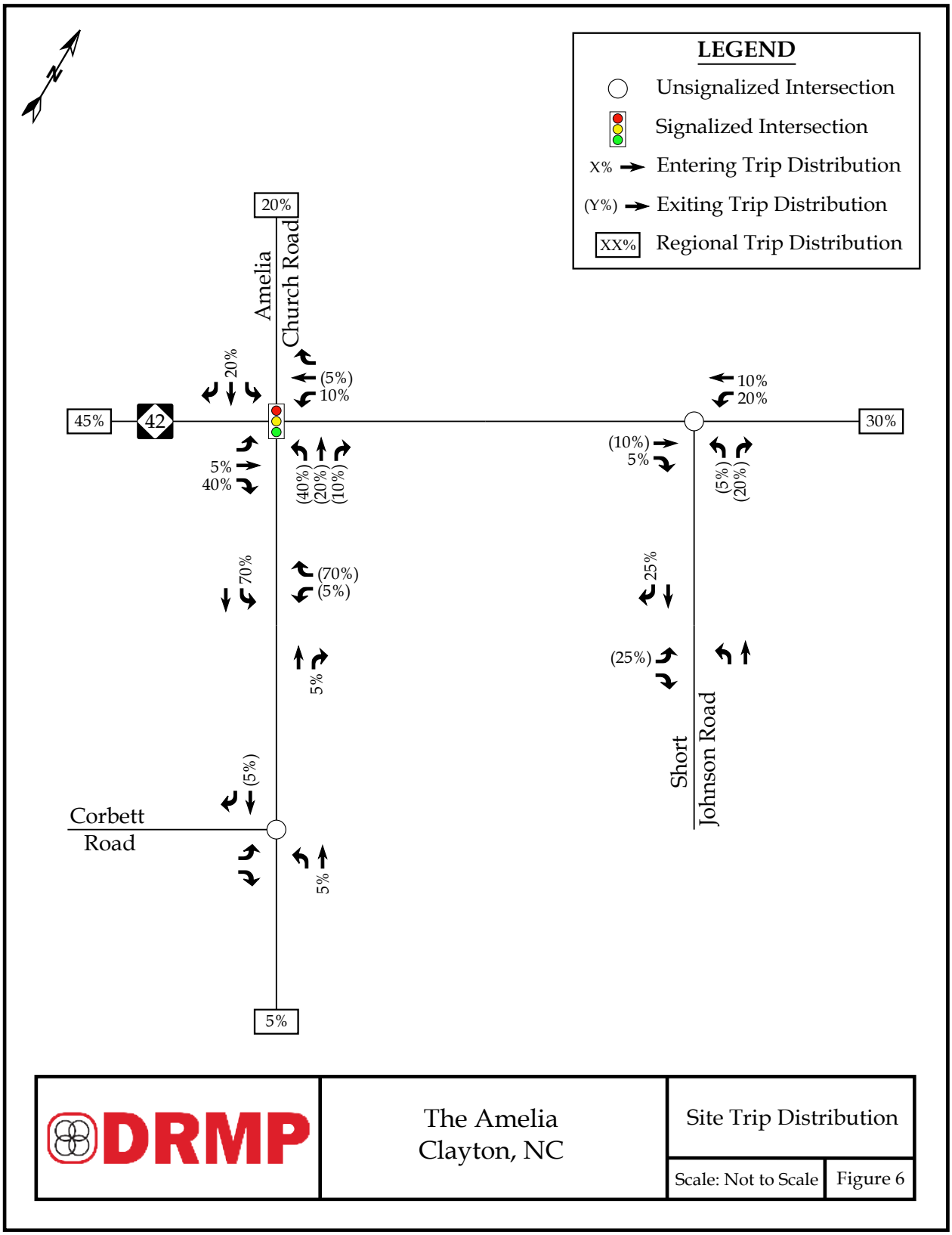
4.2. Site Trip Distribution and Assignment

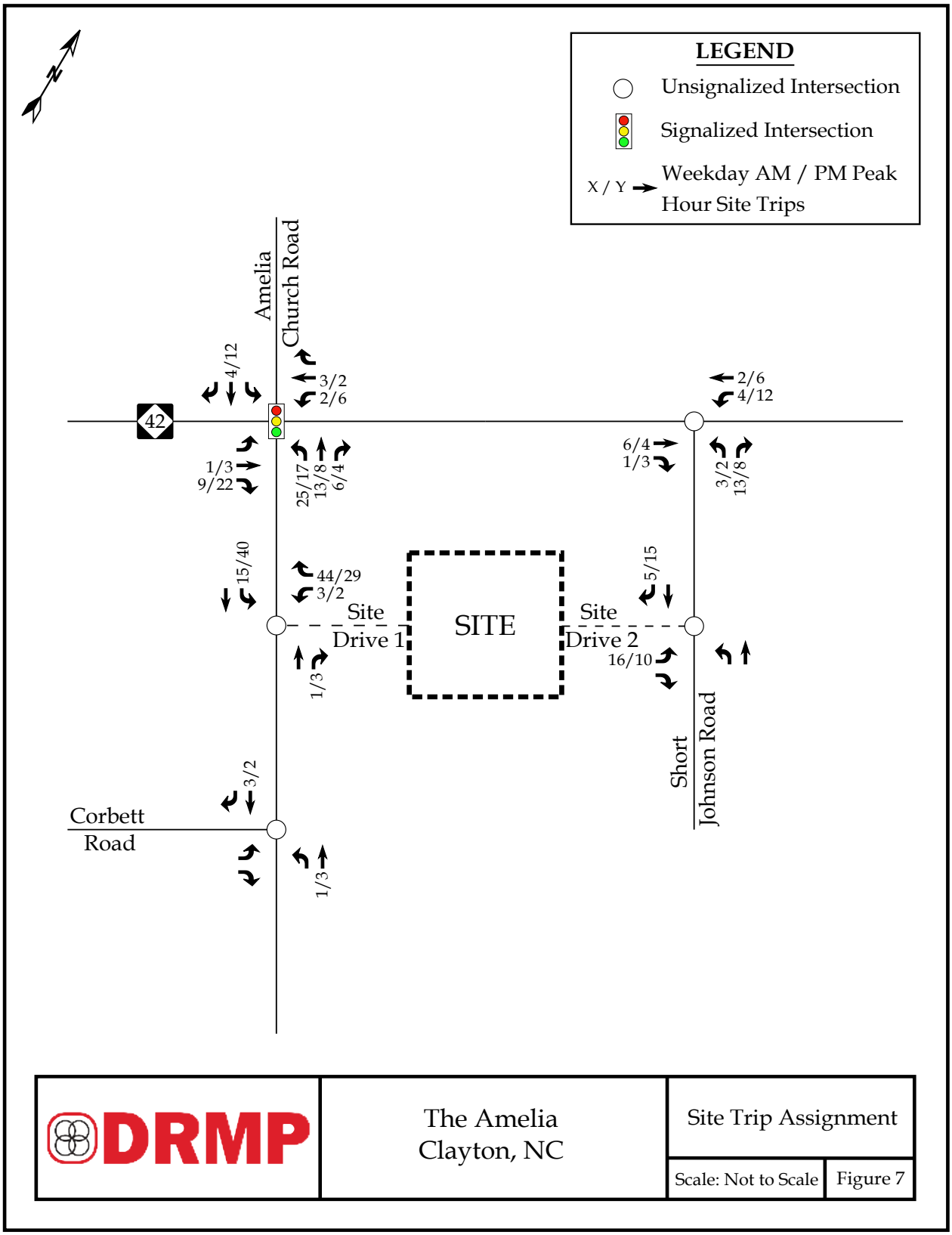
Trip distribution percentages used in assigning site traffic for this development remain the same as the previous TIA. Percentages were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

It is estimated that the site trips will be regionally distributed as follows:

- 30% to/from the east via NC 42
- 45% to/from the west via NC 42
- 20 to/from the north via Amelia Church Road
- 5% to/from the south via Amelia Church Road

The site trip distribution is shown in Figure 6. Refer to Figure 7 for the site trip assignment.


LEGEND
Unsignalized Intersection
Signalized Intersection
X% Entering Trip Distribution
(Y%) Exiting Trip Distribution
XX% Regional Trip Distribution
20%
Amelia Church Road
45%
42
30%
Corbett Road
Short Johnson Road
5%
DRMP
The Amelia
Clayton, NC
Site Trip Distribution
Scale: Not to Scale
Figure 6


LEGEND
Unsignalized Intersection
Signalized Intersection
X / Y
Weekday AM / PM Peak Hour Site Trips
Amelia Church Road
42
4/12
3/2
2/6
2/6
4/12
1/3
9/22
25/17
13/8
6/4
6/4
1/3
3/2
13/8
15/40
44/29
3/2
Site Drive 1
SITE
Site Drive 2
5/15
16/10
1/3
Short Johnson Road
3/2
Corbett Road
1/3
DRMP
The Amelia
Clayton, NC
Site Trip Assignment
Scale: Not to Scale
Figure 7

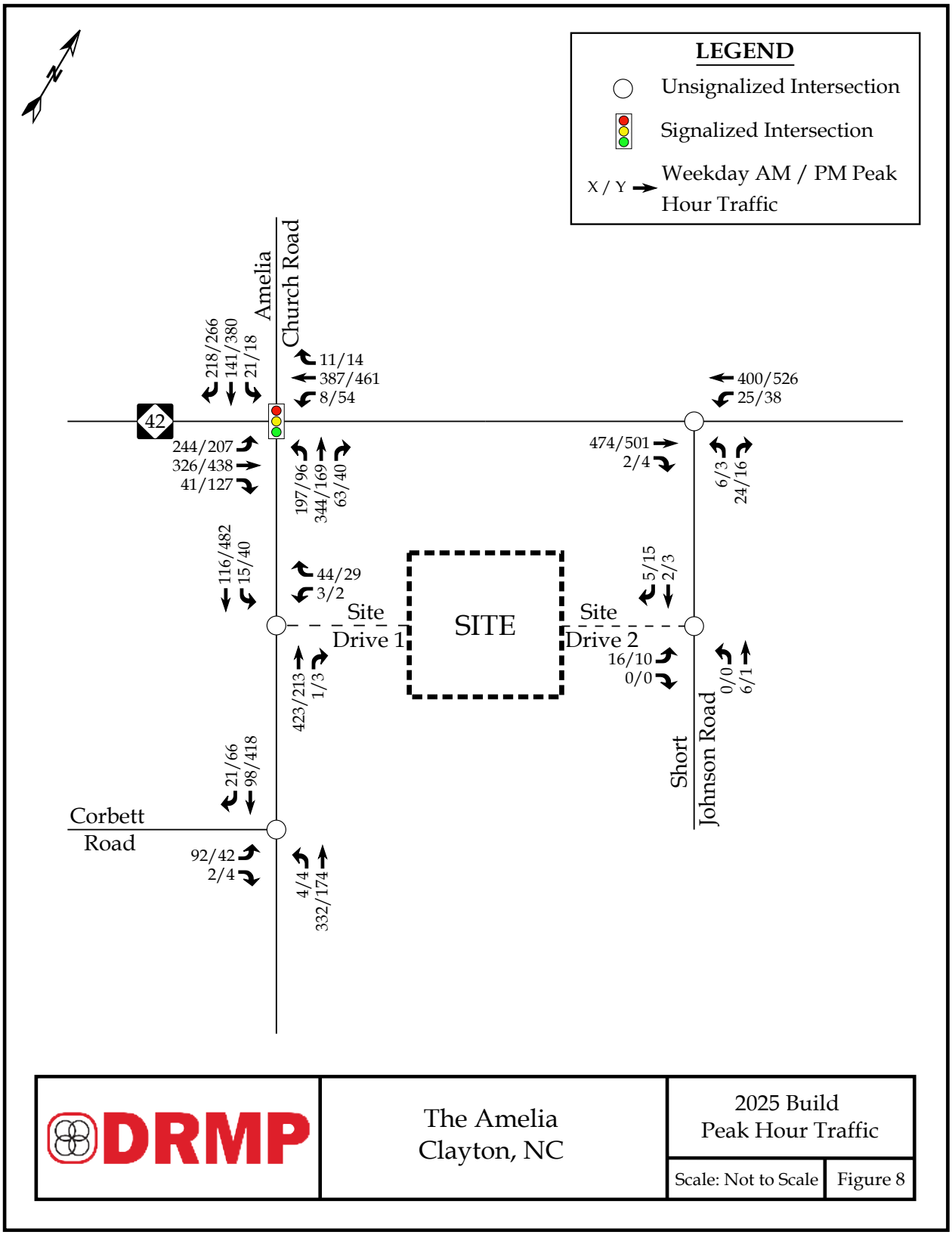
5. 2025 BUILD TRAFFIC CONDITIONS

5.1. 2025 Build Peak Hour Traffic Volumes

To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2025 no-build traffic volumes to determine the 2025 build traffic volumes. To determine through volumes along Short Johnson Road at the location of the proposed site drive, a trip generation was run for the four (4) single-family homes located along Short Johnson Road using the same methodology previously discussed for development of the proposed site traffic. These trips were applied only at the site driveway as they are assumed to be captured in the counts taken at the existing study intersections. The remaining traffic along Short Johnson Road was assumed to be entering/exiting via the developments north of the proposed site. Refer to Figure 8 for an illustration of the 2025 build peak hour traffic volumes with the proposed site fully developed.

5.2. Analysis of 2025 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2025 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.



DRMP	The Amelia Clayton, NC	2025 Build Peak Hour Traffic
		Scale: Not to Scale | Figure 8

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as "the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions." Level of service (LOS) is a term used to represent different driving conditions, and is defined as a "qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers." Level of service varies from Level "A" representing free flow, to Level "F" where breakdown conditions are evident. Refer to Table 3 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes "initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay". An average control delay of 50 seconds at a signalized intersection results in LOS "D" operation at the intersection.

Table 3: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines.

7. CAPACITY ANALYSIS

7.1. NC 42 [EB-WB] and Amelia Church Road [NB-SB]

The existing signalized intersection of NC 42 and Amelia Church Road was analyzed under 2021 existing, 2025 no-build, and 2025 build traffic conditions with lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the analysis results. Refer to Appendix D for the Synchro capacity analysis reports.

Table 4: Analysis Summary of NC 42 and Amelia Church Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT	B C C C	C (23)	C D B C	C (29)
2025 No-Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT	B C C C	C (24)	C D B C	C (32)
2025 Build	EB WB NB SB	1 LT, 1 TH-RT 1 LT, 1 TH-RT 1 LT, 1 TH, 1 RT 1 LT, 1 TH, 1 RT	B C C C	C (25)	C D B D	C (34)

Capacity analysis of 2021 existing, 2025 no-build, and 2025 build traffic conditions indicates that the intersection of NC 42 and Amelia Church Road is expected to operate at an overall LOS C during the weekday AM and PM peak hours. It should be noted that all intersection approaches are expected to operate at LOS D or better during the weekday AM and PM peak hours under all analysis scenarios.

7.2. NC 42 [EB-WB] and Short Johnson Road [NB]

The existing unsignalized intersection of NC 42 and Short Johnson Road was analyzed under 2021 existing, 2025 no-build, and 2025 build traffic conditions with the lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. Refer to Appendix E for the Synchro capacity analysis reports.

Table 5: Analysis Summary of NC 42 and Short Johnson Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A[1] B[2]	N/A	-- A[1] C[2]	N/A
2025 No-Build	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A[1] B[2]	N/A	-- A[1] C[2]	N/A
2025 Build	EB WB NB	1 TH, 1 RT 1 LT, 1 TH 1 LT, 1 RT	-- A[1] B[2]	N/A	-- A[1] B[2]	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left-turn movement and minor street approach at the intersection of NC 42 and Short Johnson Road are expected to operate at LOS C or better during the weekday AM and PM peak hours under all analysis scenarios.

The northbound minor street approach was found to improve in level of service during the weekday PM peak hour between 2025 no-build and 2025 build conditions. This improvement in level of service was due to the additional traffic being added to the right-turn movement which operates with less delay than the left-turn movement, thus decreasing the average approach delay.

7.3. Amelia Church Road [NB-SB] and Corbett Road [EB]

The existing unsignalized intersection of Amelia Church Road and Corbett Road was analyzed under 2021 existing, 2025 no-build, and 2025 build traffic conditions with the lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports.

Table 6: Analysis Summary of Amelia Church Road and Corbett Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B[2] A[1] --	N/A	B[2] A[1] --	N/A
2025 No-Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B[2] A[1] --	N/A	B[2] A[1] --	N/A
2025 Build	EB NB SB	1 LT-RT 1 LT-TH 1 TH-RT	B[2] A[1] --	N/A	B[2] A[1] --	N/A

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left-turn movement and minor street approach at the intersection of Amelia Church Road and Corbett Road are expected to operate at LOS B or better during the weekday AM and PM peak hours under all analysis scenarios.

7.4. Amelia Church Road [NB-SB] and Site Drive 1 [WB]

The proposed unsignalized intersection of Amelia Church Road and Site Drive 1 was analyzed under 2025 build traffic conditions with the lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports.

Table 7: Analysis Summary of Amelia Church Road and Site Drive 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	**WB** NB SB	**1 LT-RT** 1 TH-**RT** **1 LT**, 1 TH	B[2] -- A[1]	N/A	B[2] -- A[1]	N/A

Improvements to lane configurations are shown in bold.
1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates the major-street left-turn movement and minor street approach at the intersection of Amelia Church Road and Site Drive 1 are expected to operate at LOS B or better during the weekday AM and PM peak hours under 2025 build traffic conditions.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual). Based on the Driveway Manual, an exclusive southbound left-turn lane with a minimum of 50 feet of storage is warranted and recommended. Turn lane warrants show that a northbound right turn lane on Amelia Church Road is not warranted at Site Drive 1 due to very low right turning traffic volumes. Refer to Appendix J for copies of the turn lane warrant nomographs.

7.5. Short Johnson Road [NB-SB] and Site Drive 2 [EB]

The proposed unsignalized intersection of Short Johnson Road and Site Drive 2 was analyzed under 2025 build traffic conditions with the lane configurations and traffic control shown in Table 8. Refer to Table 8 for a summary of the analysis results. Refer to Appendix H for the Synchro capacity analysis reports.

Table 8: Analysis Summary of Short Johnson Road and Site Drive 2

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2025 Build	EB NB SB	**1 LT-RT** 1 **LT**-TH 1 TH-**RT**	A[2] A[1] --	N/A	A[2] A[1] --	N/A

Improvements to lane configurations are shown in bold.
1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis indicates that the major-street left-turn movement and minor street approach at the intersection of Short Johnson Road and Site Drive 2 are expected to operate at LOS A during the weekday AM and PM peak hours under 2025 build traffic conditions.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways* (Driveway Manual). Based on the Driveway Manual, Short Johnson Road is expected to serve an ADT below the 4,000 vehicle per day (vpd) threshold typically considered for turn-lane requirements at the build out of the proposed development.

8. CONCLUSIONS

This Traffic Impact Analysis is an update to the previous TIA prepared for The Amelia development, located south of NC 42, between Short Johnson Road and Amelia Church Road in Clayton, North Carolina. The previous TIA assumed the development would include a total of 224 townhomes, and the updated site plan shows the development would include a total of 173 townhomes. In addition to the density, the build out year for the development was updated to 2025 for this study. Trip generation for the updated site plan shows that the development would generate under 100 peak hour trips, which is typically the threshold for requiring a TIA report. The updated TIA report is prepared to evaluate the traffic impacts of the development on the surrounding roadways and intersections.

Site access is proposed via one (1) full-movement driveway along Amelia Church Road and one (1) full-movement driveway along Short Johnson Road. The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2025 No-Build Traffic Conditions
- 2025 Build Traffic Conditions

Trip Generation

The development will generate approximately 1,268 total site trips the daily traffic volume, it is anticipated that 84 trips (21 entering and 63 exiting) will occur during the weekday AM peak hour and 99 (58 entering and 41 exiting) will occur during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 9 for an illustration of the recommended lane configuration for the proposed development.

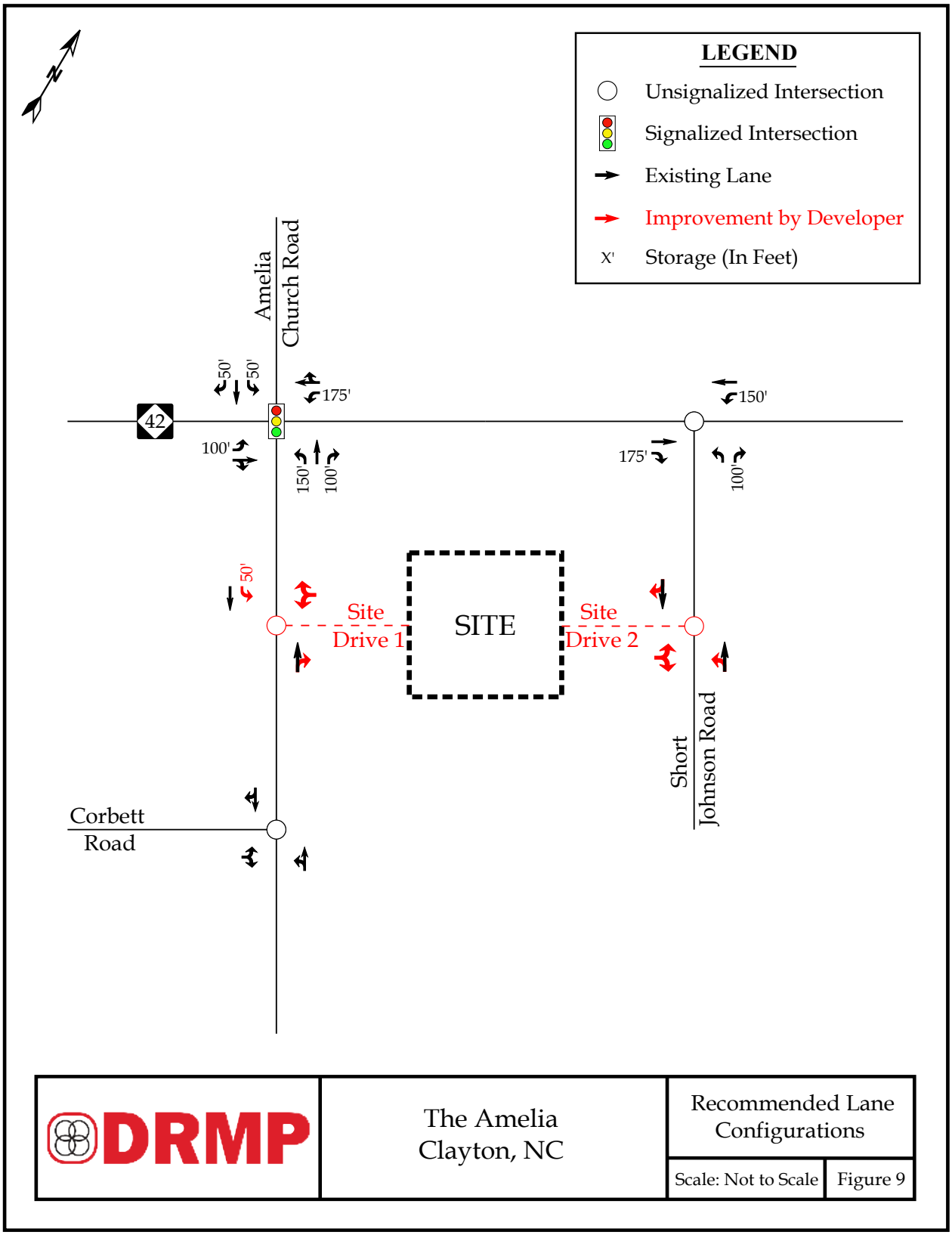
Recommended Improvements by Developer

Amelia Church Road and Site Drive 1

- Construct the westbound approach with one (1) ingress lane and one (1) egress lane. If a second egress lane is provided, it would reduce delays for site trips exiting the development.
- Provide an exclusive southbound left-turn lane on Amelia Church Road with a minimum of 50 feet of storage and appropriate deceleration and taper length. Since Amelia Church Road was widened to the north, it is possible that widening to accommodate the left turn movement into Site Drive 1 will result in providing a full three-lane section from Site Drive 1 to the north.
- A northbound right turn lane on Amelia Church Road is NOT recommended based on NCDOT turn lane warrants since right turning traffic volumes are very low.
- Provide stop control for the westbound approach of Site Drive 1.

Short Johnson Road and Site Drive 2

- Construct the eastbound approach with one (1) ingress lane and one (1) egress lane.
- Provide stop control for the eastbound approach.



DRMP	The Amelia Clayton, NC	Recommended Lane Configurations
		Scale: Not to Scale | Figure 9

2.3.6 CONDITIONAL REZONING

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district in cases where the standards of a conventional zoning district are inadequate to appropriately address the anticipated impacts generated by development. The conditional zoning district, if approved, establishes a unique zoning district that is tailored to the specific proposal and subject to unique conditions of approval. It is the intent of these standards to provide a process where an applicant may voluntarily place additional limitations on the development potential of their land. It is also intended to allow an applicant to request greater flexibility in the application of some development requirements in pursuit of a higher quality of development.

B. APPLICABILITY

1. This procedure is solely for the establishment of a conditional zoning district designation on land within the Town's planning jurisdiction.
2. In no instance shall a Conventional Rezoning application be converted to a Conditional Rezoning application, nor shall a Conditional Rezoning application be converted to a Conventional Rezoning application.
3. In no instance shall any lot or tract that is the subject of a Conditional Rezoning application also be the subject of any other rezoning application at the same time.
4. Special use zoning districts established prior to January 2, 2024, shall be subject to the standards in Section 1.10.3B, Pre-Existing Special Use Zoning Districts.
5. Planned development zoning districts established prior to January 2, 2024, shall be subject to the standards in Section 1.10.3B, Pre-Existing Special Use Zoning Districts.

C. CONDITIONAL REZONING DISTRICTS DISTINGUISHED

All Conditional Rezoning applications shall seek to establish one of the following three forms of conditional zoning district:

1. A Type I Conditional Rezoning application to establish a "limited use" conditional zoning district, which include an applicant-sponsored reduction in the range of allowable use types but no other deviations from required standards; or
2. A Type 2 Conditional Rezoning application to establish a "limited standard" conditional zoning district, which include applicant-sponsored modifications that exceed minimum requirements applied to other forms of development (e.g., deeper setbacks, larger lot areas, more restrictive use-standards, or limits on the range of allowable use types); or
3. A Type 3 Conditional Rezoning application to establish an "unlimited" conditional zoning district, which is subject to a Concept Plan and applicant-sponsored conditions that may be more or less restrictive that other applicable Ordinance standards, subject to Section 3.3.1E.9, Limitations on Reductions, and Section 2.4.10, Conditions of Approval. Unlimited applications may include deviations or reductions from otherwise applicable standards.

D. APPLICATION

1. All Conditional Rezoning applications shall:
   a. Be initiated and signed by all the landowner(s) of the land subject to the application;
   b. Include all applicant-proposed conditions of approval;
   c. Include a detailed written description of the range of potential principal and secondary use types, which shall be treated as a condition;

d. Not include a Concept Plan in cases where the application is a Type 1 or Type 2 Conditional Rezoning application (see Section 2.3.6C, Conditional Rezoning Districts Distinguished);
e. Include a Concept Plan prepared in accordance with Section 3.3.1E, Concept Plans Associated with a Type 3 Conditional Rezoning, if a Type 3 Conditional Rezoning application, seeking to enhance, reduce, or otherwise deviate from an applicable dimensional, development, or use-specific standard in this Ordinance;
f. Include a Transportation Impact Analysis or Traffic Assessment, as appropriate, when required by Section 2.3.27, Transportation Impact Analysis;
g. Include a wastewater allocation request prepared in accordance with all Town requirements if proposing a Type 3 Conditional Rezoning that seeks to utilize public sewer;
h. Identify requests for reductions from applicable standards in this Ordinance when requested and why such requests are necessary; and
i. Provide evidence indicating the ways in which a Conditional Rezoning seeking a reduction from standards in this Ordinance will result in development that is in closer alignment with Section 1.7, Purpose and Intent of Ordinance, and the Town's adopted policy guidance.

2. Applications complying with a Town-mandated Fee-in-Lieu or anticipated to include an applicant-requested Fee-in-Lieu shall include information mandated in Section 2.3.13, Fee-in-Lieu.
3. Applications subject to a required neighborhood meeting shall include required information in accordance with Section 2.4.4, Neighborhood Meeting.

E. PROCESS TYPE

Type IV (see Section 2.2.3, Process Diagrams), except that the Technical Review Committee shall review and comment on all Concept Plans filed with a Conditional Rezoning application prior to consideration of the application by the Planning Board.

F. RECOMMENDATION

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with Section 2.4, Review Procedures
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the Town's adopted policy guidance.
3. During its review, the Planning Board may suggest revisions to the application, consistent with Section 2.4.10, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

G. DECISION

1. After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 2.4, Review Procedures.
2. The decision shall be one of the following:
   a. Approval of the application;
   b. Denial of the application;
   c. Approval of a revised application; or
   d. Remand of the application to the Planning Board or the Technical Review Committee for further consideration.

3. The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board, citizen comments, if provided, and the standards in Section 2.4, Review Procedures.
4. In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town's adopted policy guidance in accordance with NCGS§160D-605.

H. CITIZEN COMMENT

In cases where a resident or landowner submits written comments to the Town at least two business days prior to the date a decision is being made on the application, the Town Clerk shall deliver the statement(s) to the Town Council.

I. APPLICATION REVISION

The applicant may make changes to a Conditional Rezoning application, including changes recommended by the Planning Board or the Town Council at any time prior to the Town Council's decision. The applicant may only propose changes provided that:

1. Changes shall be made in writing to the Planning Director; and
2. Changes shall be signed by all landowners or their agents.

J. REVIEW CRITERIA

The advisability of approving a Conditional Rezoning application is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed Conditional Rezoning, the Town Council may weigh the relevance of and consider the following:

1. If the application is consistent with the applicable standards in Section 3.3, Conditional Zoning Districts;
2. Whether the proposed Conditional Rezoning advances the public health, safety, or welfare;
3. Whether and the extent to which the proposed Conditional Rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town's adopted policy guidance;
4. Whether an approval of the Conditional Rezoning is reasonable and in the public interest;
5. Whether and the extent to which the Concept Plan associated with the Conditional Rezoning is consistent with this Ordinance; and
6. Any other factors the Town Council may determine to be relevant.

K. CONDITIONS

1. Only conditions mutually agreed to by the applicant and the Town Council may be approved as part of a Conditional Rezoning.
2. Conditions shall be limited to those that address conformance of development and use on the site with Town regulations and adopted policy guidance and that address the impacts reasonably expected to be generated by the development or use of the site.
3. All conditions shall comply with Section 2.4.10, Conditions of Approval.
4. Conditions shall be in writing and may be supplemented with text, plans, or maps as permitted by this Ordinance.

L. DESIGNATION

1. The Planning Director shall cause changes to be made to the Official Zoning Map promptly after approval of a Conditional Rezoning application by the Town Council.

2. In cases when a Conditional Rezoning application is deemed inconsistent with adopted policy guidance, but is approved by the Town Council, the future land map shall be amended with a note referencing the application approval.

M. SEQUENCE

1. Applications for Subdivisions, Site Plans, and Zoning Compliance Permits may be submitted with a Conditional Rezoning application, but the Conditional Rezoning application establishing the conditional zoning district shall be decided first.
2. A Concept Plan shall not substitute for a required Site Plan or Subdivision Plat, and all applications for required Site Plans or Subdivision Plats shall be reviewed separately from the Conditional Rezoning application.

N. EFFECT

1. In cases where the Town Council approves a Conditional Rezoning application deemed to be inconsistent with the Town's adopted policy guidance, the Conditional Rezoning approval shall also have the effect of amending any applicable future land use map included in the Town's adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required.
2. Lands subject to an approved Conditional Rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map. In cases where a Concept Plan is approved as part of a Conditional Rezoning application, the vesting term of the Concept Plan shall be in accordance with the applicable standards in Section 1.11, Vested Rights.
3. Development located outside the Clayton corporate limits shall comply with Town policies and standards related to annexation and the extension of utilities.
4. Regardless of the type of Conditional Rezoning application, the development shall be subject to subsequent review and approval of a Site Plan or Subdivision Plat, as required under this Ordinance.

O. AMENDMENT

Concept Plans shall only be amended in accordance with the standards in this section. Amendments to a Concept Plan approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

1. MINOR MODIFICATIONS

a. Subsequent plans and permits for development may include minor modifications provided the development continues to meet the minimum requirements of this section. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the application approval.

b. Minor modifications shall be reviewed and decided by the Planning Director, in consultation with other appropriate Town staff.

c. Minor modifications shall be limited to the following:

i. Changes in phase boundaries provided the perimeter location of the development is unaffected;

ii. Revisions to phase boundaries provided each phase is adequately served by necessary infrastructure, stormwater control measures, and open space;

iii. Realignment of internal transportation infrastructure provided the overall connectivity index score of the development, or the phase is not reduced;

iv. Changes to the location of entrances or driveways by 100 feet or less;

v. Changes to the configuration of parking areas, but not the number of parking spaces and provided the parking area continues to meet Ordinance requirements for access and circulation;
vi. Changes to the configuration of landscape yards, including types of landscaping or screening materials, provided minimum width and planting requirements continue to be met;
vii. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character, remains consistent with the design parameters established in the original approval, and provided the overall height of the building is not increased; and
viii. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.

d. In no instance shall a minor modification include any changes to:
i. The range of permitted uses;
ii. The overall density of the development; or
iii. Site features that require the application of professional judgment or discretion by a licensed landscape architect, architect, or professional engineer.

2. MAJOR MODIFICATIONS

a. Changes that materially affect the basic configuration of the development, a condition of approval, or that exceed the scope of a minor change modification are considered major modifications.
b. Major modifications include, but are not limited to:
i. Increases in building height;
ii. Changes in uses;
iii. Changes in density or intensity;
iv. Decreases in open space;
v. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
vi. Changes to the location of entrances or driveways by more than 100 feet;
vii. Change in the location of any public easement; and
viii. Changes to site features that require the application of professional judgment or discretion by a licensed landscape architect, architect, or professional engineer.
c. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original application approval.

P. EXPIRATION

1. Not applicable.
2. In the event the development contemplated in a Conditional Rezoning application is not substantially commenced within three years from the date of the approval, the Town Council may initiate a rezoning application to return the land to its prior or to some other appropriate zoning district designation.

Q. VESTING

1. The establishment of a conditional zoning district shall run with the land, but a Concept Plan approval associated with a Type 3 Conditional Rezoning application shall not run with the land, and shall be subject to Section 1.11.4D, Site-Specific Vesting Plan. **AMENDED 9.16.24 (UDOTA2-24)**
2. Applicants seeking a longer vesting term may file an application in accordance with Section 2.3.30, Vested Rights Certificate.

R. APPEAL

In accordance with Section 2.3.2B.2, Decisions by Town Council.

2.3.7 CONSERVATION SUBDIVISION

A. PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in certain portions of the Town's planning jurisdiction a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects surrounding community character, agricultural activities, or sensitive environmental features on the site. This is done in order to:

1. Conserve open land, including those areas containing prime agricultural soils, areas of steep slopes, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. Promote established community character particularly in areas visible from major roadways in the Town;
3. Retain and protect existing wildlife habitat and environmental, natural, and cultural resources;
4. Create a linked network of open lands; and
5. Provide reasonable economic use of the land.

B. APPLICABILITY

1. TYPE OF DEVELOPMENT

This Conservation Subdivision option shall be limited to development of single-family detached residential dwellings (including manufactured homes) on individual lots in subdivisions of more than five lots. The Conservation Subdivision option shall not be available for any other form of development or use type.

2. WHERE PERMITTED

Single-family detached residential subdivisions of more than five lots on and served by a public wastewater system may be developed as a Conservation Subdivision, in accordance with the standards in this section and Section 4.2.5, Listing of Common Principal Uses.

3. RELATIONSHIP TO WATERSHED PROTECTION OVERLAY DISTRICT

a. Land located within a Watershed Protection Overlay District may be configured in accordance with the cluster development option in Section 3.7.5Q, Cluster Development, but a cluster development may not be configured as a conservation subdivision.

b. In the event a conservation subdivision is proposed on land within a Watershed Protection Overlay District, the density shall not exceed that permitted under the cluster development option in Section 3.7.5Q, Cluster Development.

C. PROCESS TYPE

1. Type II (see Section 2.2.3, Process Diagrams).
2. Establishment of a Conservation Subdivision also requires review and approval of a Major Subdivision.

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
S = Permitted, subject to a Special Use Permit & applicable use standards
C =Permitted within a conditional zoning district, subject to applicable use standards
"•" = Prohibited
[#] = Table note (see end of table)

Use Type	Conventional Residential Districts						Conventional Non-Residential Districts								Special Districts			Conditional Districts					Use Standards
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	
RESIDENTIAL USE CLASSIFICATION																							
Boarding House	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.19
Bungalow Court [1]	·	·	·	·	·	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.23
Congregate Care	·	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.34
Conservation Subdivision [1]	·	P	P	P	P	P	·	·	·	·	·	·	·	·	·	P	·	C	C	·	·	·	4.3.35
Continuing Care Retirement Community	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.36
Duplex Dwelling [1] **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.41
Family Care Home	P	P	P	P	P	P	·	P	P	P	P	·	·	·	·	P	·	C	·	·	·	·	4.3.46
Group Home	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.62
Halfway House	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.64
Homeless Shelter	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.68
Live/Work	·	·	·	·	·	P	P	P	P	P	P	P	P	·	·	P	·	C	C	C	C	C	4.3.77
Manufactured Home (Class A Doublewide)	P	P	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.79
Manufactured Home (Class B Singlewide)	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.80
Manufactured Home Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	C	·	·	·	·	4.3.81
Mobile Home	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	
Mobile Home Park	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	·	
Multi-Family Dwelling	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	·	C	C	·	C	·	4.3.87
Pocket Neighborhood [1]	·	·	·	P	P	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.102
Single-Family Attached Dwelling [1]	·	·	·	·	P	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.120
Single-Family Detached Dwelling	P	P	P	P	P	P	·	·	P	P	P	·	·	·	·	P	·	C	·	·	C	·	4.3.121
Triplex or Quadplex [1] **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.133
Upper-Story Dwelling	·	·	·	·	·	P	P	P	P	P	P	P	·	·	·	P	·	C	C	C	C	·	4.3.134

TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES

P = Permitted, subject to a Zoning Permit & applicable use standards
S = Permitted, subject to a Special Use Permit & applicable use standards
C =Permitted within a conditional zoning district, subject to applicable use standards
"•" = Prohibited
[#] = Table note (see end of table)

Use Type	Conventional Residential Districts						Conventional Non-Residential Districts								Special Districts			Conditional Districts					Use Standards
	RUR	RLL	RLD	RMD	RHD	RMF	OFI	DTNC	DTNT	DTNN	NCM	CRM	LID	HID	CON	MXD	PUB	CZR	CZM	CZC	CZD	CZI	

NOTES:
[1] Not permitted on lots within the downtown boundary as designated in the 2045 Comprehensive Growth Plan Future Land Use Map unless permitted by and located within the CZD zoning district.

Motions for Consistency Statements | 2024-27-CZM Amelia Church Townhomes

The Town Council may choose from one of the four suggested motions below.
Staff Recommends the Motion in Red Bold Text

Motion 1: Approval – Consistent with the 2045 Comprehensive Growth Plan

I move to approve this rezoning request based on consistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Medium Density Residential (MDR) in the Future Land Use Map.
- Policy LU 1.1 seeks to manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy LU 1.2 seeks to encourage developments which incorporate high quality design and enhance the quality of life for existing and future residents of the Town.
- Strategy LU 1.2.2 seeks to encourage high-quality design in residential projects.
- Goal M 2 seeks to support interconnected street systems that efficiently disperse vehicular traffic.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Motion 2: Approval – Inconsistent with the 2045 Comprehensive Growth Plan

While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, I move to approve this rezoning request, in that:

- **The properties are designated as Medium Density Residential (MDR) in the Future Land Use Map.**
- **Policy LU 1.1 seeks to manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.**
- **Policy LU 1.2 seeks to encourage developments which incorporate high quality design and enhance the quality of life for existing and future residents of the Town.**
- **Strategy LU 1.2.2 seeks to encourage high-quality design in residential projects.**

- **Goal M 2 seeks to support interconnected street systems that efficiently disperse vehicular traffic.**

This action is reasonable and in the public interest, in that:

- **The Comprehensive Growth Plan encourages residential uses in this area.**
- **The request is compatible with existing zoning and land uses in the area.**

Motion 3: Denial – Consistent with the 2045 Comprehensive Growth Plan

While the request is consistent with the adopted 2045 Comprehensive Growth Plan, I move to deny this rezoning request, in that:

- The properties are designated as Medium Density Residential (MDR) in the Future Land Use Map.
- Policy LU 1.1 seeks to manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy LU 1.2 seeks to encourage developments which incorporate high quality design and enhance the quality of life for existing and future residents of the Town.
- Strategy LU 1.2.2 seeks to encourage high-quality design in residential projects.
- Goal M 2 seeks to support interconnected street systems that efficiently disperse vehicular traffic.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

Motion 4: Denial – Inconsistent with the 2045 Comprehensive Growth Plan

I move to deny this rezoning request based on inconsistency with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Medium Density Residential (MDR) in the Future Land Use Map.
- Policy LU 1.1 seeks to manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy LU 1.2 seeks to encourage developments which incorporate high quality design and enhance the quality of life for existing and future residents of the Town.

- Strategy LU 1.2.2 seeks to encourage high-quality design in residential projects.
- Goal M 2 seeks to support interconnected street systems that efficiently disperse vehicular traffic.

This action is reasonable and in the public interest, in that:

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning designation is preferable to the area.

ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF CLAYTON, NORTH CAROLINA IN ACCORDANCE WITH THE UNIFIED DEVELOPMNENT ORDINANCE (UDO)

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 by rezoning property from the Office Institutional (OFI) to Conditional Residential (CZR) zoning district. The property is located between Amelia Church Road and Short Johnson Road near the NC Highway 42 W, consists of approximately 19.85 acres, and is identified Johnston County Tax Number 05G03008B (File 2024-27-CZM Amelia Church Townhomes); and

WHEREAS said properties are owned by AMELIA TOWNHOMES LLC (05G03008B); and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 2.4.8(D) of the Unified Development Ordinance and by Section 160D-602 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 Listing, and to the owners of all parcels of land abutting that (those) parcels(s) of land and within 300 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 2.4.4(C) of the Unified Development Ordinance and by Section 160D-602 of the North Carolina General Statutes; and

WHEREAS notice of the proposed zoning classification action was posted on the property as required by Section 2.4.8(F) of the Unified Development Ordinance and by Section 160D-602 of the North Carolina General Statues; and

WHEREAS the said public hearing was conducted at the Town Council meeting held at 6:00 p.m. on March 17, 2025 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change to make relevant comments; and

THEREFORE, after duty considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. The Official Zoning Map of the Town of Clayton is hereby amended to designate the following described property as part of the Conditional Residential (CZR) district:

General Description:

Located between Amelia Church Road and Short Johnson Road near the NC Highway 42 W

Specific Description:
NC Parcel TAG Number(s): 165803-04-8891(05G03008B)

SECTION 2. That the Town of Clayton Unified Development Ordinance is hereby amended.

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 Ordinance.

SECTION 4. The applicant is requesting these recommended conditions of approval (2024-27-CZM Amelia Church Townhomes):

Conditions of Approval (2024-27-CZM – Amelia Church Townhomes)

1. Following Town Council approval, an electronic copy of the Concept Plan including the Conditions of Approval shall be submitted to the Planning Department for final Approval.

2. The Project shall meet all applicable adopted Town of Clayton Unified Development Ordinance (UDO) requirements, Town of Clayton Engineering and Stormwater design standards, and the North Carolina Fire Code and NFPA Fire standards, except where specifically modified by the approved Concept Plan and Conditions of Approval.

3. The Project shall be constructed in substantial conformance with the Concept Plan as approved by the Clayton Town Council.

4. The Project and associated development applications shall adhere to Town adopted policies and ordinances that are in effect at the time of their submittal and acceptance for review.

5. To the extent of any conflict between the Concept Plan and these Conditions of Approval, these Conditions shall control.

6. The project shall be exempt from section 6.6.12 F. of the Town of Clayton UDO regarding mass grading, which requires that the minimum buffer width and the minimum number of required plantings be doubled.

7. Perimeter buffers shall be provided along the adjoining property owners:

    a) A minimum ten (10)-foot Type A Perimeter Buffer shall be provided along the property line with the Amelia Station Apartments PIN: 1658-01-05-5423.
    b) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the lots identified with the PINs: 1658-01-05-8096, 1658-01-15-0291, and 1658-01-15-2148. Canopy Trees shall be provided at a

minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).

c) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with PIN: 1658-01-15-3257 Undisturbed and wooded areas will be maintained within the natural areas of the stream in lieu of a buffer.
d) A twenty (20)-foot Type C Perimeter Buffer (with fence per Table 6.6.12.D) shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
e) A twenty (20)-foot Type C Perimeter Buffer (with fencer per Table 6.6.12.D) shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437 and 1658-03-1039. Canopy Trees shall be provided at a minimum rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at a minimum of six (6) per 100 linear feet (LF), and twenty-five (25) shrubs provided per 100 linear feet (LF).
f) Perimeter Buffers shall be designated as "Common Open Space" and be maintained and protected in perpetuity by a Homeowners Association.

8. Parking Requirements:

a) Two (2) parking spaces outside the garage must be provided for each unit. Driveways must be a minimum of eighteen (18) feet wide.
b) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least a single-car garage.
c) A private parking area shall not be publicly dedicated and is to exist as common area managed by the HOA.
d) Guest and Amenity parking spaces shall be provided:
    i. Required Minimum: 44 Spaces
    ii. Amenity area parking spaces shall be within the guest parking requirement.

9. Open Space Set-Aside shall consist of both active and passive areas per the following:

a) All single-family attached dwelling developments shall provide private common open space in accordance with UDO Section 6.7.1.D, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with UDO Section 6.8, Owners' Associations.
b) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.

a. Open Space Set-Aside:
    i. 12.5% Open Space Set-Aside shall be required (Approximately 2.47 Acres)

b. 50% of Open Space-Set Aside shall be Active or Gathering Spaces (UDO Section 6.7.2)
    i. Required: 1.24 acres (minimum)
c. Active Open Space Set-Aside shall include, but are not limited to, Sports Court(s) (e.g. Pickleball), dog park, pocket park, seating areas, benches, and walking trails.
    - Other activations allowed by 6.7.1.E.2 Table of Open Space Set Aside Type.
d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
e. Stormwater Control Measure (SCM) anticipated to be a pond, will include the following elements: aeration fountain(s), dog waste station(s), and pedestrian access. Slopes at the pond shall be gentle slopes of 3:1 or less with natural vegetation and/or new plantings of trees and shrubs.
f. Minimum of five (5) benches, five (5) waste receptacles and five (5) pet waste receptacles provided throughout the site.

10. The following transportation improvements will be constructed and accepted by NCDOT prior to the first Certificate of Occupancy:

    a) Right of Way Dedication and additional widening.
    b) Road improvements on Amelia Church Road and Short Johnson Road will be provided per the findings of the Updated Traffic Impact Analysis (TIA) submitted by DRMP, Inc and sealed on April 22, 2024.

11. The proposed public wastewater collection system will gravity flow to an existing pump station or to a new pump station, as required. Final configuration will be confirmed during the construction plan review.

12. The buildings in the development will be constructed in accordance with the Architectural elevations provided in the approved Concept Plan, including identified façade materials.

13. The following Architectural Standards shall be met:

    a) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.

    b) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.

    c) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.

    d) Townhome units shall be limited to a maximum of seven (7) units per block.

    e) No detached garages shall be used.

a. Attached garages can be a one (1) or two (2)-car layout.

f) Principal buildings shall be setback from parking areas, private streets, and driveways on common land by at least ten (10) feet, as measured from back of curb or edge of vehicular pavement (if no curb is proposed).

g) In no instance shall a single-family attached dwelling with off-street parking located between the front of the building and the street it faces be located closer than twenty (20) feet from the edge of a right-of-way, sidewalk, or other pedestrian access.

h) In cases where a single-family attached dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than twenty (20) feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.

i) Garage doors shall be setback a minimum of twenty-five (25) feet from the edge of sidewalk or a minimum of twenty (20) feet from the frontage right-of-way on all front-loading units. Garage doors shall be setback a minimum of twenty (20) feet from the vehicular travel way on rear-loaded alley units.
   a) All garage doors shall have windows or other architectural interest.
   b) To accommodate larger garage spaces and façade features, garage doors may constitute more than fifty (50) percent of the width of the proposed townhomes.

j) Units will be two (2)-stories (minimum) / three (3)-stories (maximum) and include modulation of the look and feel of the proposed roofline(s). Modulation includes:
   a. Units being staggered forward and backward a minimum of 24 inches from adjacent units, or
   b. Units being stepped vertically as appropriate a minimum of 12 inches from adjacent units, or
   c. Differing roof types between adjacent units

k) Architectural style roofing shingles shall be used.

l) All units will include a minimum brick masonry coverage of twenty-five (25) percent on all building façades.

m) All units shall have a combination of two (2) or more of the following materials on the front façade:
   a) Stone
   b) Brick
   c) Lap siding
   d) Fiber cement siding
   e) Shakes or board and batten.

n) Vinyl siding will not be used on front, side, or rear facades except for trims such as soffits, facia, and corner boards.

o) A minimum of seventy (70) percent of all residential units shall have a covered front porch or stoop.

p) All front doors shall have windows.
q) Rear concrete pads will be provided on all front-loading units. Patios may replace the concrete pad when added as an option for the homeowner, subject to building permit review.

14. All units within the development will include the following sustainable/high efficiency products/appliances, with certification of the use of these features required prior to Certificate of Occupancy for each unit:

    a) High Efficiency Windows
    b) High Efficiency Appliances and HVAC Units
    c) High Efficiency Roofing Materials

15. Access easements will be provided to the following properties:

    a) Amelia Station LLC, PIN 1658-01-05-5423
    b) N/F Francis Parrish, PIN 1658-03-24-3257
    c) Hockaday, Erwin, PIN 1658-03-04-4437

16. The applicant will construct the cross-access to the property lines, or the applicant can submit a Payment-in-lieu at a rate of 125% of the cost of the cross access, as estimated by a Professional Engineer, prior to the approval of the Construction Drawings.

17. All Resource Conservation Areas, perimeter buffers, and common open space shall be maintained and protected in perpetuity by a Homeowners Association.

18. Driveway and Encroachment Permits shall be coordinated with NCDOT, and the findings of the updated TIA will be provided to NCDOT for review and comment.

19. All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.

20. Applicant agrees to file documentation with the Court as needed to reflect the termination of all its rights under the Consent Judgment contained in Johnston County Court file # 22-CVS-1507 within thirty (30) days after the later of site plan approval or wastewater allocation beyond any applicable appeal period for either approval.

SECTION 5. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, we move to approve this rezoning request, in that:

- The properties are designated as Medium Density Residential (MDR) in the Future Land Use Map.
- Policy LU 1.1 seeks to manage future growth and encourage quality development through the implementation of the Comprehensive Plan, the Unified Development Code (UDC), and other plans and regulations adopted by the Town Council.
- Policy LU 1.2 seeks to encourage developments which incorporate high quality design and enhance the quality of life for existing and future residents of the Town.
- Strategy LU 1.2.2 seeks to encourage high-quality design in residential projects.
- Goal M 2 seeks to support interconnected street systems that efficiently disperse vehicular traffic.

This action is reasonable and in the public interest, in that:

- The Comprehensive Growth Plan encourages residential uses in this area.
- The request is compatible with existing zoning and land uses in the area.

SECTION 6. That the Town of Clayton Future Land Use Map in the adopted 2045 Comprehensive Growth Plan be amended to be in alignment per North Carolina General Statutes § 160D-605(a).

SECTION 7. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 5th day of May 2025, while in regular Session.

_____

Michael Sims
Mayor Pro Tem

ATTEST:

_____
Heidi Holland, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney