Town of Clayton
Town Council Regular Meeting Agenda
Monday, February 17, 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:** Adopt or Adjust the Agenda

3. CONSENT AGENDA

a. Minutes
- February 3, 2025 - Work Session
- February 3, 2025 - Regular Session
- February 3, 2025 - Closed Session

Presenter: Sam Johnson-Phillips, Deputy Town Clerk
February 3, 2025 - Work Session
February 3, 2025 - Regular Session

b. Budget Amendment - Nutrient Capacity Purchase
Presenter: Robert McKie, Finance Director
Ordinance #2025-02-03

c. NCDOT Road Closure Request
Presenter: Amy Shearin, Economic Development
Resolution #2025-14

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Clayton4U
Presenter: Nathanael Shelton, Communication Director

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Engineers Week Proclamation
Presenter: Mayor Pro Tem Sims to Present to the Engineering Department
Engineers Week Proclamation

b. Government Communicators Day Proclamation
Presenter: Council Member Casey to Present to the Communication Department
Government Communicators Day Proclamation

c. National Leadership Day Proclamation
Presenter: Mayor McLeod to Read
National Leadership Day Proclamation

d. Parks and Recreation Advisory Board Annual Update
Presenter: Emily Beddingfield, Parks and Rec. Advisory Board Chair

6. PUBLIC HEARINGS

a. 2024-127-ANX - 3967 Powhatan Road Annexation
Presenter: Conrad Olmedo, Planning Director
2024-127-ANX - 3967 Powhatan Road Annexation

POTENTIAL ACTION: Adoption of Ordinance #2025-02-01

b. 2024-128-ANX - 3945 Powhatan Road Annexation
Presenter: Conrad Olmedo, Planning Director
2024-128-ANX - 3945 Powhatan Road Annexation

POTENTIAL ACTION: Adoption of Ordinance #2025-02-02

c. 2024-12-CZM Front Street Duplexes
Presenter: Audrey Duchesne, Senior Planner
2024-12-CZM Front Street Duplexes

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

d. 2024-27-CZM Amelia Church Townhomes
Presenter: Audrey Duchesne, Senior Planner
2024-27-CZM Amelia Church Townhomes

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

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

9. NEW BUSINESS

a. Trash Trap Installation and Management MOU
Presenter: Donald Perry, Engineering Director
Trash Trap Installation and Management MOU

POTENTIAL ACTION: Approval of Agreement

10. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

Website Redesign
Presenter: Nathanael Shelton, Communication Director

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

12. CLOSED SESSION

a. To Discuss a Personnel Matter in Accordance with NCGS 143-318.11 (a)(6)

POTENTIAL ACTION: Motion To Go Into Closed Session

POTENTIAL ACTION: Motion To Go Into Regular 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, February 3, 2025 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

Council Present:
Council Member Andria Archer
Mayor Pro Tem Michael Sims
Council Member Porter Casey
*(*arrived at 3:18 p.m.)*
Council Member Ruth Anderson
*(*arrived at 3:46 p.m.)*
Council Member Gretchen Williams

Council Absent:
Mayor Jody McLeod

Staff Present:
Rich Cappola, Town Manager *(*arrived at 3:46 p.m.)*
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Courtney Tanner, Deputy Town Manager
Robert McKie, Finance Director
Conrad Olmedo, Planning Director
Shannon Poole, Engineering
Chris Gallant, Project Manager
Allen Turnage, Electric Director
Lydia Davis, Communication & Marketing Specialist

1 CALL TO ORDER

a) Mayor Pro Tem Sims called the meeting to order at 3:00 p.m.

2 ADJUSTMENT OF THE AGENDA

a) No adjustments were made.

Approve or Adjust the Agenda

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

3 STAFF INTRODUCTIONS AND RECOGNITIONS

a) 3:00 - 3:10 p.m.

- Jacob Jones, WWTP Operator

Presenter: Dolores Gill, Deputy Town Manager

- Juan Rosado, Line Tech III

Presenter: Allen Turnage, Electric Director

- Craven Bailey, Utility Maintenance Mechanic
- Cullen Little, Utility Maintenance Mechanic

Presenter: Jason Newman, Water Resources Maintenance Superintendent

- Joshua Probst, Digital Communication Specialist
- Emily Stoll, Communication Specialist

Presenter: Lydia Davis, Communication & Marketing Specialist

- Patrick Lechner, Project Manager
- Josh Cotten, Engineering Technician

Presenter: Courtney Tanner, Deputy Town Manager

- Susan Long, Code Enforcement Officer
- Lori Bryant, Planner I

Presenter: Conrad Olmedo, Planning Director

Department heads and superintendents introduced their new employees and recognized recent promotions. Council extended a warm welcome and congratulations to all.

4 ITEMS FOR DISCUSSION

a) 3:10 - 3:25 p.m.
Clariti Update
Presenter: Courtney Tanner, Deputy Town Manager

Ms. Tanner provided an update on the new planning and permitting software, Clariti. Phase 1 is scheduled for completion in July 2025, Phase 2 in December 2025, and Phases 3 and 4, which may be combined, are projected for 2026. As of last week, the project remained on schedule. A demonstration would be provided to Council.

She also shared examples of how items are classified within each phase and outlined the implementation steps:

- Internal and external testing
- Development of checklists
- Staff training
- Review of fees
- Email update blasts

There was also discussion on ensuring that citizens submit applications correctly. Ms. Tanner stated that staff would be available to guide anyone needing assistance, ensuring the same high level of customer experience currently provided. Additionally, for any language barriers, language-fluent staff

will be available to assist.

b) 3:25 - 3:45 p.m.
CIP Overview and Scoring
Presenter: Chris Gallant, Project Manager

Mr. Gallant provided a list of newly proposed CIP projects for the Town. He discussed the differences between CIP (Capital Improvement Plan) and CPP (Capital Planning Process) and shared examples of CPP projects.

He stated CIP General Fund projects are evaluated based on six criteria, each contributing to the overall score. These criteria, which are the same ones used for rating current projects, are:

- Regulatory Compliance (22%)
- Financial Efficiency and Risk Reduction (12%)
- Economic Development/Impact (12%)
- Environment/Sustainability (12%)
- Health and Safety (24%)
- Quality of Life/Level of Service (18%)

He also shared the Annual Process Timeline, noting that the Town is currently in Phase 2, with the final phase (Phase 7) projected for completion in May/June 2025.

Additionally, he provided an overview of the FY25 Priority Projects and their scores. The discussion included Town Council priority points, with the following guidelines:

- Each Council member can submit up to 15 points.
- No more than 10 points can be allocated to any one project.
- No fewer than 1 point can be assigned to a project.
- Points are cumulative and added on top of staff prioritization.
- No weighting is applied (100% of points are added).

He stated department heads have entered their FY2026 projects into the management software, ClearGov, and these will be reviewed at the Council's retreat in February 2025.

Shared were the FY2026 General Updates.

- 73 Proposed Projects
    - 31 New Projects for FY2026
- Additional Master Plan Completed
    - Comprehensive Transportation Plan
    - Parks and Recreation Master Plan
- ClearGov Implementation
    - Previous Years of Projects Imported

    - Newly Proposed Projects Directly Entered
- ClearDocs Configuration
    - Working to Build Front End Information
    - Ability To Create a Full Program Report

He also shared examples of the ClearGov interface and discussed how the Town's plans and goals align with this system. All Town plans have been uploaded into ClearGov, which includes a financial tracking section to help monitor and report project costs.

Mr. Gallant shared next steps. Council would receive an email link to sign up for access by February 14, 2025. Council was asked to email scores to Mr. Gallant by February 28, 2025. Engineering would compile all data for a final report to Council by March 7, 2025.

c) 3:45 - 4:25 p.m.
LAPP Project Update, BL0125
Presenter: Shannon Poole, Engineering

Ms. Poole provided a brief update on the Downtown Pedestrian Improvement presentation by Kimley-Horn at the December 2, 2024, work session. Feedback was provided to Ms. Poole, and all comments and questions are currently being organized. The goal is to further discuss this at Council's Spring Retreat to determine a path forward.

There was discussion regarding the different concepts presented by Kimley Horn including crosswalks, on-street parking, and traffic patterns. It was noted that any changes would require NCDOT approval. Ms. Poole stated that this project was identified in the Downtown Master Plan, which involved input from stakeholders.

5 BREAK

a) 4:25 - 4:30 p.m.

6 CLOSED SESSION

a) 4:30 - 5:00 p.m.
To Discuss a Personnel Matter in Accordance with NCGS 143-318.11 (a)(6)

Motion To Go Into Closed Session

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

Motion To Return To Open Session

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

7 ADJOURNMENT

a) With nothing further, the meeting was adjourned at 5:30 p.m.

Motion To Adjourn

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

Duly adopted by the Town Council this 17th day of February 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips
Deputy Town Clerk

Town of Clayton
Town Council Regular Meeting Minutes
Monday, February 3, 2025 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

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

Council Absent:
Mayor Jody McLeod

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, Finance Director
Nathanael Shelton, Communication Director
Allen Turnage, Electric Director

1. CALL TO ORDER

a. Call to Order

Mayor Pro Tem Sims called the meeting to order at 6:00 p.m.

b. Pledge of Allegiance

Mayor Pro Tem Sims led the Pledge of Allegiance.

c. Invocation

Mayor Pro Tem Sims provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. Mr. Cappola adjusted the agenda to Add to Closed Session: To Discuss Purchase of Real Property in Accordance with NCGS 143-318.11 (a)(5).

Approve or Adjust the Agenda

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

3. CONSENT AGENDA

a. Minutes
- December 16, 2024 - Regular Session
- December 16, 2024 - Closed Session
- January 6, 2025 - Work Session
- January 6, 2025 - Regular Session
- January 6, 2025 - Closed Session

Presenter: Heidi Holland, Town Clerk

b. Certification of Sufficiency by the Clerk: 2024-128-ANX, 3945 Powhatan Road Annexation
Presenter: Heidi Holland, Town Clerk

c. Certification of Sufficiency by the Clerk: 2024-127-ANX, 3967 Powhatan Road Annexation
Presenter: Heidi Holland, Town Clerk

d. Resolution To Accept Public Utilities into The Town of Clayton Public Utility System for Maintenance – Carolina Overlook Phases F, G, & K
Presenter: Michael Worner, Engineering

e. Resolution To Accept Greenways into The Town of Clayton Greenway System for Maintenance – Highgate Phase 5 Public Greenway
Presenter: Michael Worner, Engineering

f. Resolution to Set the Public Hearing Date for 2024-127-ANX 3967 Powhatan Road Annexation
Presenter: Conrad Olmedo, Planning Director

g. Resolution to Set Public Hearing Date for 2024-128-ANX, 3945 Powhatan Road Annexation
Presenter: Conrad Olmedo, Planning Director

h. Second Street and Atkinson Street Utility Improvements Project Award
Presenter: Mark Moore, Project Manager

i. Final Resolution to Award - Elevated Water Storage Tank
Presenter: Shannon Poole, Engineering Department

j. Resolution to Approve Agreement for Purchase of Nitrogen Allocation
Presenter: Joshua Baird, PE, Water Resources Director

k. Appointment to Economic Development Advisory Board
Presenter: Heidi Holland, Town Clerk

l. Automatic Aid Response with Knightdale Fire Department
Presenter: David Ranes, Fire Chief

Approve Consent Agenda as Presented

RESULT:	**CARRIED 5-0**

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

4. ADMINISTRATIVE ITEMS

a. Clayton4U
Presenter: Nathanael Shelton, Communication Director

Shared were two Clayton4U videos featuring information on the upcoming Road Renaming and introducing the Clayton Live app.

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. American Public Power Association Mutual Aid Commendation Recognition
Presenter: Allen Turnage, Electric Director

Mr. Turnage highlighted this recognition and shared the Electric Department staff's efforts in assisting Western North Carolina during Hurricane Helene.

b. Black History Month Proclamation
Presenter: Council Member Williams to Read

Council Member Williams read the proclamation into the record to recognize this month. Mayor Pro Tem Sims stated the Communication Department has been doing an outstanding job posting black history events that have happened within the Town.

c. Student Art Month Proclamation
Presenter: Council Member Casey to Present to Susan Johnson, Art Festival Chair

Susan Johnson stated on behalf of the Woman's Club of Clayton, she asked Council for a proclamation for Student Art Month. She stated the Woman's Club sponsors the students of Clayton area schools each February by displaying their work in The Clayton Center lobby and hosting a reception and award ceremony. The reception would be held on Thursday, February 6, 202 at 6:00 p.m. Council Member Casey read the proclamation and presented it to Ms. Johnson.

d. Customer Service Day Proclamation
Presenter: Council Member Archer to Present to Customer Service

Council Member Archer read the proclamation and presented to the staff of Customer Service. Mayor Pro Tem Sims recognized this department on their outstanding service to the community.

e. National School Resource Officer Day Proclamation
Presenter: Mayor Pro Tem Sims to Present to the Police Department

Mayor Pro Tem Sims read the proclamation and presented this to the Police Department.

6. PUBLIC HEARINGS

a. FY25-26 Budget - Public Input
- Link to Budget Survey
https://www.townofclaytonnc.org/850

Presenter: Rich Cappola, Town Manager and Robert McKie, Finance Director

Mr. Cappola stated as part of budget process for the last couple years, public hearings have been held to offer an opportunity for public input. Mayor Pro Tem Sims stated this has been noted as a public hearing and asked if anyone wished to speak. With no one wishing to speak, the public hearing was closed.

7. QUASI-JUDICIAL HEARING

8. OLD BUSINESS

9. NEW BUSINESS

a. Donation of Surplus Fire Engine to Johnston Community College
Presenter: David Ranes, Fire Chief

Chief Ranes stated tonight's request is for approval of a resolution to donate surplus fire equipment to Johnston Community College. The equipment, a 2006 Pierce Contender Pumper, has been replaced with a new truck. The fire program at JCC has been a significant asset to Johnston County and the Clayton fire department. He stated he has recently hired three graduates from the JCC recruit academy program. Donating this equipment would help ensure JCC could continue to train qualified, capable firefighters.

The truck was removed from service due to a significant oil leak and coolant loss, both which indicate underlying mechanical issues. Partnering with their program presents a promising opportunity as their diesel mechanics program could evaluate and make any needed repairs to the truck. This collaboration would provide valuable hands-on experience in that program and could result in a modern dependable fire engine for their use.

JCC Vice-President McCormick and Fire Program Department Chair Alan Johnson were present. Mr. Johnson stated if approved, this would be greatly appreciated and greatly enhance the program. Mr. McCormick thanked all for the donation and stated this would allow JCC to continue to provide quality education, he thanked Council for the partnership.

Council Member Anderson stated this is a continuation of another great program; Mayor Pro Tem Sims stated he loves the collaboration.

Adoption of Resolution #2025-10

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

b. FY24-25 Mid-Year Budget Update and Amendment
Presenter: Rich Cappola, Town Manager

Mr. Cappola provided a mid-year budget update. Based on property acquisitions and recent purchases for land banking opportunities, the Town is still in a healthy fund balance position with approximately $1.7 million above the 30% threshold. As part of the retreat and FY26 discussions, the focus would be on determining the best use of these funds to address the Town's current needs.

Shared were fund balance categories. Following the FY26 budget process, we are approaching the CIP review by the Executive Team, which would be part of conversations at the February retreat and the April work session. The intent is to have an approved budget by the first meeting in June.

It does appear as though we may have some cost savings, those items are being tracked. He stated the actual interest rate we are receiving is a bit higher than anticipated and our sales tax continues to be strong. A lot of changes could occur between now and the end of the fiscal year but all in all we are in a healthy position.

The water and sewer funds are in good condition; expenditures and revenues appear to be tracking. There is a little of an overage potentially coming through; we would have to see how some final numbers come through in the next few months. The electric fund is very similar.

In the first half of the year, major adjustments included strategic property acquisitions totaling $3.9 million, enabling the construction of two public safety facilities. Regarding the operational budget, the library renovation was initially considered for financing; however, the recommendation now is to utilize PAYGO rather than incur debt, which would also free up debt service for other projects. For the public safety facilities, the Finance Department recommends using limited obligation bonds to secure financing. For the Vehicle Replacement Plan, a set number of vehicles must be replaced annually. While the initial plan was to use debt service, the current recommendation is to use available cash on hand

instead. He emphasized the importance of staffing, ensuring the Town continues investing in its employees and filling approved positions.

Shared were final thoughts. The Strategic Plan was a big success the past year and is a living roadmap for how the Town continues to grow. Property tax values are expected to increase at a minimum of 60%, and most have received their notices of their new assessed values. Any questions on this would be answered as part of the FY26 budget process. The Town maintains a healthy reserve fund, sales tax revenues remain stable, and capital projects and programs remain a priority for successful completion. There is a 40% possibility of an interest rate increase by the Federal Reserve in calendar 2025, staff is tracking that and would keep everyone aware of concerns.

Shared were three tax rate scenarios, he stated none of these decisions have been made but the 60% growth factor scenario is more than likely what all would experience; final scrolls would not be known for a few months.

Recommended mid-year adjustments positions were shared and discussed; these are being requested for approval tonight.

It was stated the budget survey that goes out would go out as a bill backer, would be promoted through list serve as well as all social media outlets.

Adoption of Ordinance #2025-01-03

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

10. STAFF REPORTS

a. Town Manager

Mr. Cappola stated the budget survey that is out has been very informative for not only staff but for Council to be able to make some decisions; he welcomed citizen participation.

b. Town Attorney

c. Town Clerk

d. Other Staff

11. OTHER BUSINESS

a. Informal Discussion & Public Comment

b. Council Comments

12. CLOSED SESSION

a. To Discuss Economic Development in Accordance with NCGS 143-318.11 (a)(3), A Legal Matter in Accordance with NCGS 143-318.11 (a)(4), A Personnel Matter in Accordance with NCGS 143-318.11 (a)(6), and Purchase of Real Property in Accordance with NCGS 143-318.11 (a)(5).

Motion To Go Into Closed Session

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

Motion To Return To Open Session

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

13. ADJOURNMENT

a. Adjourn

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

Motion To Adjourn

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

Duly adopted by the Town Council this 17th day of February 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips
Deputy Town Clerk

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	CONSENT AGENDA

Item Title

Budget Amendment - Nutrient Capacity Purchase

Presenter(s)

Robert McKie, Finance Director

Suggested Action

Adoption of Ordinance

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

Applicable General Statute Number: G.S. 159-15

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
- ☐ Public Hearing (Not Required by GS)
- ☐ Newspaper Notice (Not Required by GS)
- ☐ Press Release
- ☐ Website
- ☐ Survey

☐ Special Mailing ☒ None Required

Updates Since Previous Presentation

Required by Resolution 2025-13.

Summary

Budget amendment needed to procure additional nitrogen capacity to support the Town's growth and future expansion of the Sam's Branch Water Reclamation Facility with monies received from prior year nutrient offset fees.

Recommendation

The Executive Team recommends adoption of this ordinance.

Funding Source

Utilization of $1,180,000 of nutrient offset monies held in reserve.

Cost

Yes

Corresponding Documentation

Water & Sewer Fund Budget Amendment_Nitrogen Capacity Purchase

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Submitted By: Robert McKie, Finance Department

Reviewed By:

Robert McKie, Finance Director	Approved - Feb 06 2025
Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 2025

Ordinance #2025-02-03

Town of Clayton
Amendment to the FY 24-25 Budget

BE IT HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following amendments shall be made to the FY 24-25 Budget:

Fund: SDF Capital Reserve Fund

Line Item		Previous Appropriation	Adjustment	Revised Appropriation
Revenue				
300-56-00-48-99	Fund Balance Appropriated	1,769,415	+1,180,000	$2,949,415
Expenditures				
300-56-95-58-35	Nitrogen Capacity	-	+1,180,000	$1,180,000

Amendment necessary to purchase an additional 2,560 pounds per year of nitrogen capacity to support the Town's growth and future expansion of the Sam's Branch Water Reclamation Facility with the monies received from prior year nutrient offset fees. This amendment is required for compliance with G.S. 159-15.

Duly adopted this ____ day of _____, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

Attest:

_____
Sam Johnson-Phillips
Deputy Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley, Town Attorney

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	CONSENT AGENDA

Item Title

NCDOT Road Closure Request

Presenter(s)

Amy Shearin

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)
- ☐ 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

The dates have been set for the 2025 Concert Series and Independence Day Festival- this ordinance aids the Town in requesting a road closure from the NCDOT for the event.

Funding Source

N/A

Corresponding Documentation

DOT CLOSURE REQUEST DOWNTOWN EVENTS 2025 SPRING SUMMER

Submitted By: Amy Shearin, Economic Development

Reviewed By:

Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 2025

Resolution #2025-14

DOWNTOWN CONCERTS & INDEPENDENCE DAY STREET FESTIVAL ROAD CLOSURE REQUEST

WHEREAS, the Clayton Town Council acknowledges the Downtown Clayton Concerts and the Independence Day Street Festival are beloved traditions for its residents; and

WHEREAS, the Clayton Town Council acknowledges that both events will require signage and traffic control prior to the start of and until its completion.

NOW THEREFORE BE IT ORDAINED by the Clayton Town Council pursuant to the authority granted by NCGS 20-169 that they do hereby declare a temporary road closure during the following dates and times as set below on the following portion of a North Carolina State Road:

Dates: Friday, May 9, 2025

Thursday, June 26, 2025

Thursday, July 17, 2025

Thursday, August 14, 2025

Friday, September 5, 2025

Times: 5:00 p.m. – 10:30 p.m.

NCDOT Road Closures: Main Street (from O'Neil Street to Fayetteville Street)

TOC Road Closures: Fayetteville Street (from Main Street to Second Street)

Date: Friday, July 4, 2025

Times: 4:30 p.m. – 10:30 p.m.

NCDOT Road Closures: Main Street (from O'Neil Street to Lombard Street)

TOC Road Closures: Fayetteville Street (from First Street to Second Street)

Church Street (from First Street to Second Street)

Barbour Street (from Main Street to Second Street)

FURTHER, this ordinance will remain in effect for only the dates and times as stated above.

Duly adopted this the 17th day of February, 2025 while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips
Deputy Town Clerk

TOWN OF CLAYTON
PROCLAMATION
ENGINEER'S WEEK

WHEREAS, engineers use their scientific and technical knowledge and skills in creative and innovative ways to fulfill society's needs; and

WHEREAS, engineers face the major technological challenges of our time –from rebuilding towns devastated by natural disaster, cleaning up the environment, and assuring safe, clean, and efficient sources of energy, to designing information systems that will speed our country into the future; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, we will look more than ever to engineers and their knowledge and skills to meet the challenges of the twenty-first century; and

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim February 16-22, 2025, be recognized as "ENGINEERS WEEK".

Proclaimed by the Clayton Town Council this the 17th day of February 2025.

_____

Jody L. McLeod
Mayor

TOWN OF CLAYTON
PROCLAMATION
GOVERNMENT COMMUNICATORS DAY

WHEREAS, Government Communicators Day was first celebrated in North Carolina on February 24, 2024 and is nationally observed the on 3rd Friday of February; and

WHEREAS, the role of government communications professions is to inform, educate and engage their communities; and

WHEREAS, robust communication in government creates trust and inspires residents to take action and be involved; and

WHEREAS, government communications create relationships and calls to action, build awareness and understanding through storytelling, engage and foster engagement on civic issues and use all channels to include people in critical decisions; and

WHEREAS, it is essential to have strong communications in government because it is a foundational element of living in a democracy where citizens have the freedom to make their voice heard; and

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim February 21, 2025, as "GOVERNMENT COMMUNICATORS DAY" in Clayton, and commend its observance to all citizens.

Proclaimed by the Clayton Town Council this the 17th day of February 2025.

_____

Jody L. McLeod
Mayor

TOWN OF CLAYTON
PROCLAMATION
NATIONAL LEADERSHIP DAY

WHEREAS, National Leadership Day reminds us that there is a leader within all of us. It is an annual event that gives us the chance to reflect on the importance of capable leadership within society; and

WHEREAS, it reminds us that we have the capability to lead in a variety of situations, and encourages us to take up leadership roles to bring about positive change; and

WHEREAS, National Leadership Day serves as an opportunity to celebrate our role models, reflect on our own untapped potential and determine how we can improve our leadership abilities; and

WHEREAS, leadership lies in one's ability to listen to the people around them, motivate them, and change their perspectives; and

WHEREAS, it is important that each of us develop a willingness to lead when we can because it puts us in a better position to use our talents to improve our communities; and

NOW, THEREFORE, on behalf of the Clayton Town Council, we hereby proclaim February 20, 2025 National Leadership Day.

Proclaimed by the Clayton Town Council this the 17th day of February 2025.

_____
Jody L. McLeod
Mayor

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	PUBLIC HEARINGS

Item Title

2024-127-ANX - 3967 Powhatan Road Annexation

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Ordinance

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: Newspaper Ad published 2/5/2025

Summary

Annexation petition to annex approximately .46 acres into the Town of Clayton in order to receive Town services. This property is located at 3967 Powhatan Road and is currently located in the Town's ETJ.

Recommendation

Staff recommends approval of the annexation petition.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00_Annexation Staff Report_3967 Powhatan_01272025

01_Annexation Petition_2024-127-ANX_3967 Powhatan (1)

02_Owner's Consent_2024-127-ANX_3967 Powhatan (1)

03_Annexation Plat_2024-127-ANX_3967 Powhatan

04_Legal Description_2024-127-ANX_3967 Powhatan

05_Final Newspaper Ad_3967 Powhatan Rd Annexation_01272025

06_Staff Report Maps 2024-127-ANX - 3967 Powhatan Road Annexation

07_TRC Certification_Signed_3967 Powhatan_2024-127-anx

08_2024-127-ANX 3967 Powhatan Road Annexation Affidavit

09_2025-08 Setting the Public Hearing for 2024-127-ANX 3967 Powhatan Road Annexation

10_Ordinance_2024-127-ANX_3967 Powhatan

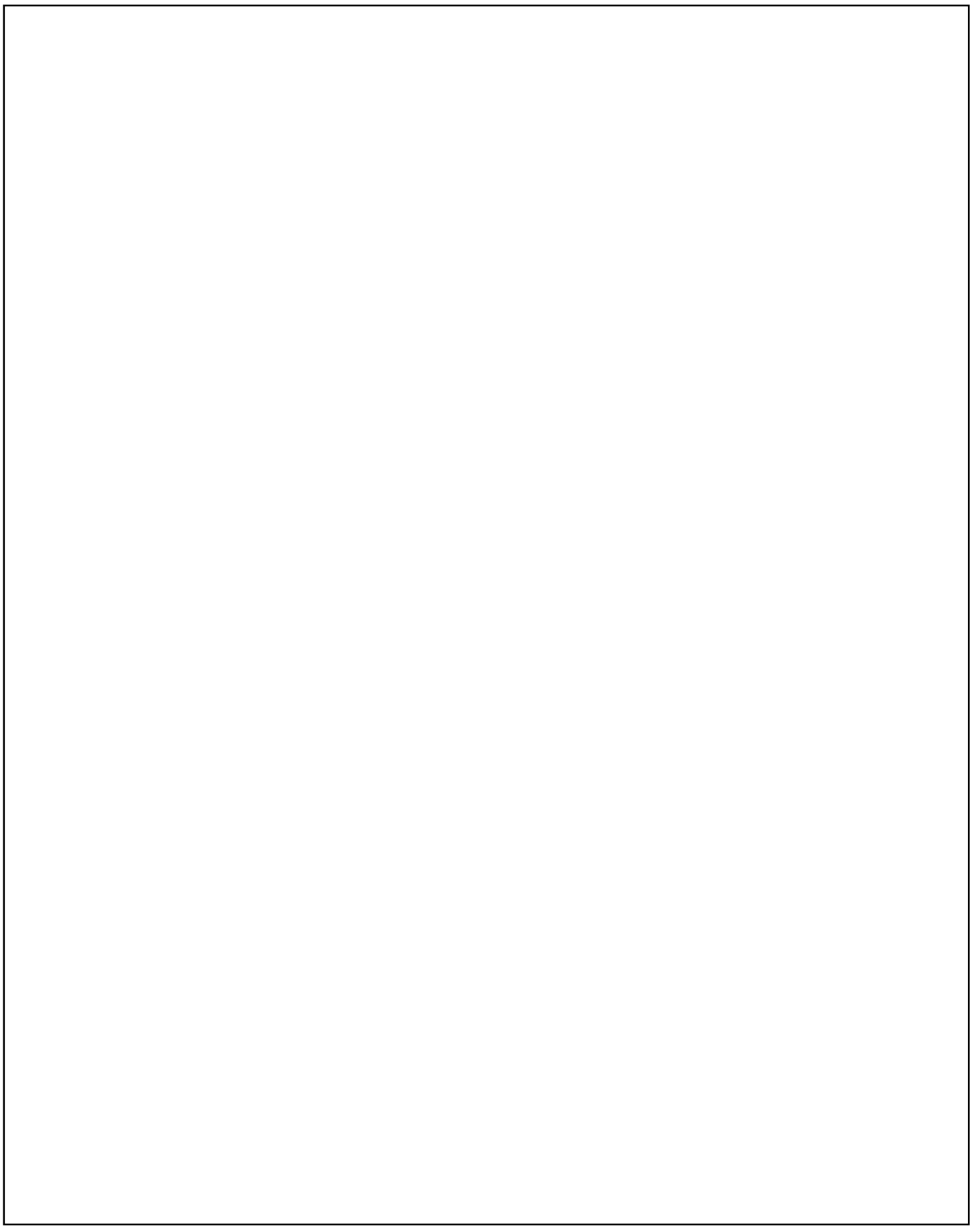
Meeting Timeline

January 6, 2025 - 1st meeting: Resolution Directing Clerk to Investigate Sufficiency of the Request
February 3, 2025- 2nd meeting: Resolution to Set the Public Hearing Date
February 17, 2025- 3rd meeting: Public Hearing

Submitted By: Haley Hogg, Planning

Reviewed By:

Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 2025



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

STAFF REPORT

Application Number: 2024-127-ANX
Project Name: 3967 Powhatan Road Annexation

PIN #: 167700-38-8841
Location: 3967 Powhatan Road
Applicant: Blacktip Properties, LLC
Owner: Blacktip Properties, LLC

Public Noticing Dates:

- **Sign Posted:** Not required
- **Newspaper Ad Published:** February 5, 2025

REQUEST: Applicant is requesting a non-contiguous annexation of approximately .46 acres of land currently located in the Town's ETJ to receive Town services.

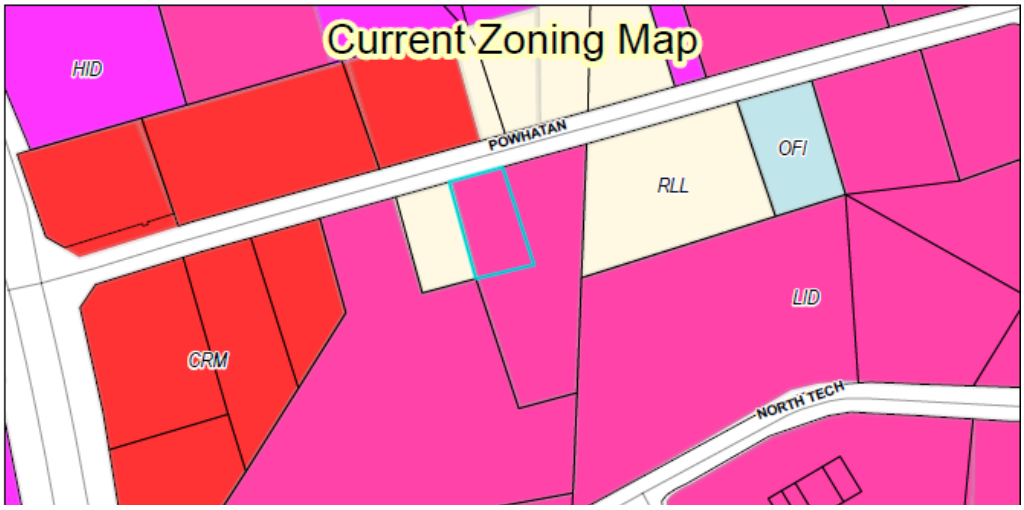
SITE DATA:

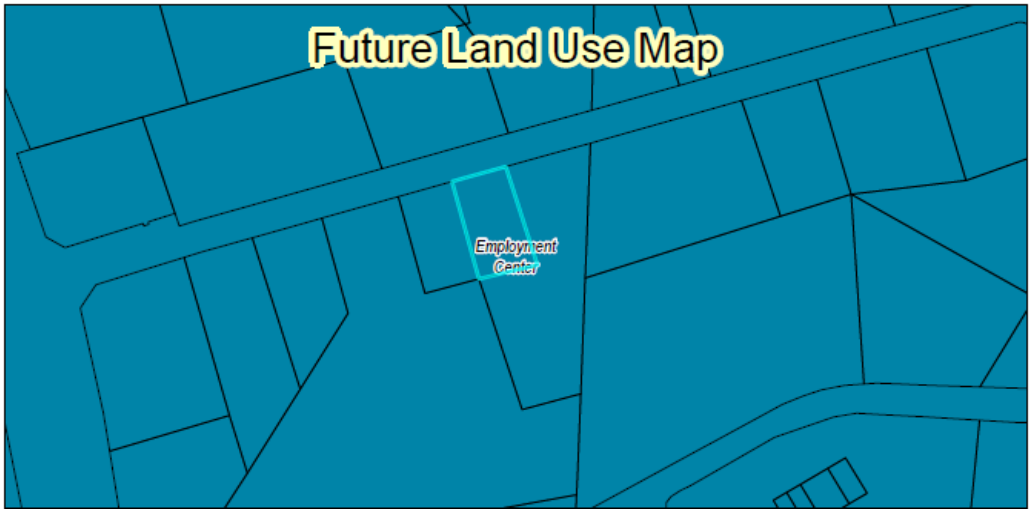
Acreage: .46
Existing Zoning: Light Industrial (LID)
Existing Use: Single-Family Residential



STAFF ANALYSIS AND COMMENTARY:

Overview:
This annexation petition is for 3967 Powhatan Road. The requested annexation is non-contiguous, but the property is currently located in the Town of Clayton's ETJ. The property's existing use is single-family residence. The applicant is requesting annexation to receive Town services to the property for current and future development.





ATTACHMENTS:

1. Annexation Petition
2. Owner's Consent Form
3. Annexation Plat
4. Legal Description
5. Newspaper Ad
6. Staff Report Maps
7. TRC Certification
8. Annexation Affidavit

9. Setting of Public Hearing
10. Annexation Ordinance

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

PETITION FOR VOLUNTARY ANNEXATION

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

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

www.ClaytonNC.org/Fees

Applicable Fees: Development Submittal Fees Annexation

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant. There is an initial 15 business day review cycle with 3 Council hearing meetings. Expect an estimated minimum of 2-3 months for review/approval.

Annexation Plat and Legal Description (Metes & Bounds) Submission: The plat and a legal description (metes and bounds) must be submitted with the application and review fee.

Is the proposed land for annexation located outside the Claytex Fire District? ____ Yes __X__ No

**If the proposed land for annexation is located outside of the Claytex Fire District, the Fire District in which the land is located must be notified by the Town, and a payment from the applicant to the Town covering the proportional share of Fire District Debt of the land (as determined by the Fire District) will be required to be made. This process will increase the timeline for approval of these annexations.*

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

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved. These first two actions generally occur during the Consent Agenda item on 2 consecutive Town Council meetings.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton. The Public Hearing is generally held during the 3rd Council meeting, following approval of the Certificated Sufficiency and Resolution setting the Public Hearing date.

Recordation: If the annexation is approved by the Town Council, the applicant is required to submit one (1) Mylar annexation plat to the Planning Department for signature. The Annexation Plat shall be recorded at the appropriate county Register of Deeds.

Name of Project: 3967 Powhatan Rd **Date:** 11-19-2024

Applicant Name: Blacktip Properties **Phone:** 919-867-9363 **Email:** Pgormaninc@gmail.com

Petition for Voluntary Annexation Application

1. **Application Type:** ☐ Individual ☐ Corporation ■ LLC ☐ Partnership

2. **The proposed annexation will be:** ☐ Contiguous Annexation ■ Non-Contiguous Annexation

Property Information

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

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

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

2. The area to be annexed is ☐ contiguous, ■ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

   Total Acreage to be annexed: 0.46 Existing Housing Units: 1

   Population of acreage to be annexed: 2 Fire District: Clayton

   Existing Zoning District*: LID Proposed Town Zoning District*: _____

   County Recorded Plat Book and Page #: Book 5137 page 370

   Reason for petitioner to annex: X Receive Town Services ____Other (please specify): _____

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

FOR OFFICE USE ONLY		
Date Received:	Amount Paid:	Petition Number:

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

_____ Please Print

_____ Signature

_____ Please Print

_____ Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its secretary by order of its Board of Directors, this ____ day of _____, 20____.

Corporate Name: _____

SEAL

By: _____ (Signature)

Attest: _____ Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, Blacktop properties LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 5th day of December, 2024.

Name of Limited Liability Company: Blacktop Properties LLC

By: _____ Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____ Signature of General Partner

By: _____

By: _____ Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Hallie Stokes, a Notary Public for the above State and County, this 5th day of, December, 2024.

_____ Notary Public

SEAL

HALLIE STOKES
NOTARY PUBLIC
WAKE COUNTY, N.C.
Notary # 202228000286

My Commission Expires: 10/05/2027

Voluntary Annexation Plat Checklist

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

Haley Hogg

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

OWNER'S CONSENT FORM

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

Project Name: 3967 & 3945 Powhatan Rd **Address or PIN #:** 3967 & 3945 Powhatan Rd.

AGENT/APPLICANT INFORMATION:

Paul Gorman (Vice President)
(Name - type, print clearly)

PO Box 189
(Address)
Clayton, NC 27528
(City, State, Zip)

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

3967 Powhatan Rd. — Annexation Petition
3945 Powhatan Rd. — Annexation Petition

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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

OWNER AUTHORIZATION:

Nathan Evans
(Name - type, print clearly)

PO Box 189
(Address)
Clayton, NC 27528
(City, State, Zip)

(Owner's Signature)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Cameron Sullivan, a Notary Public for the above State and County, this the 11 day of December 2024.

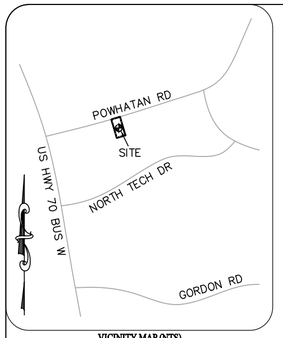
CAMERON D. SULLIVAN NOTARY PUBLIC JOHNSTON COUNTY, NC

SEAL

Notary Public

My Commission Expires: 8/16/2025

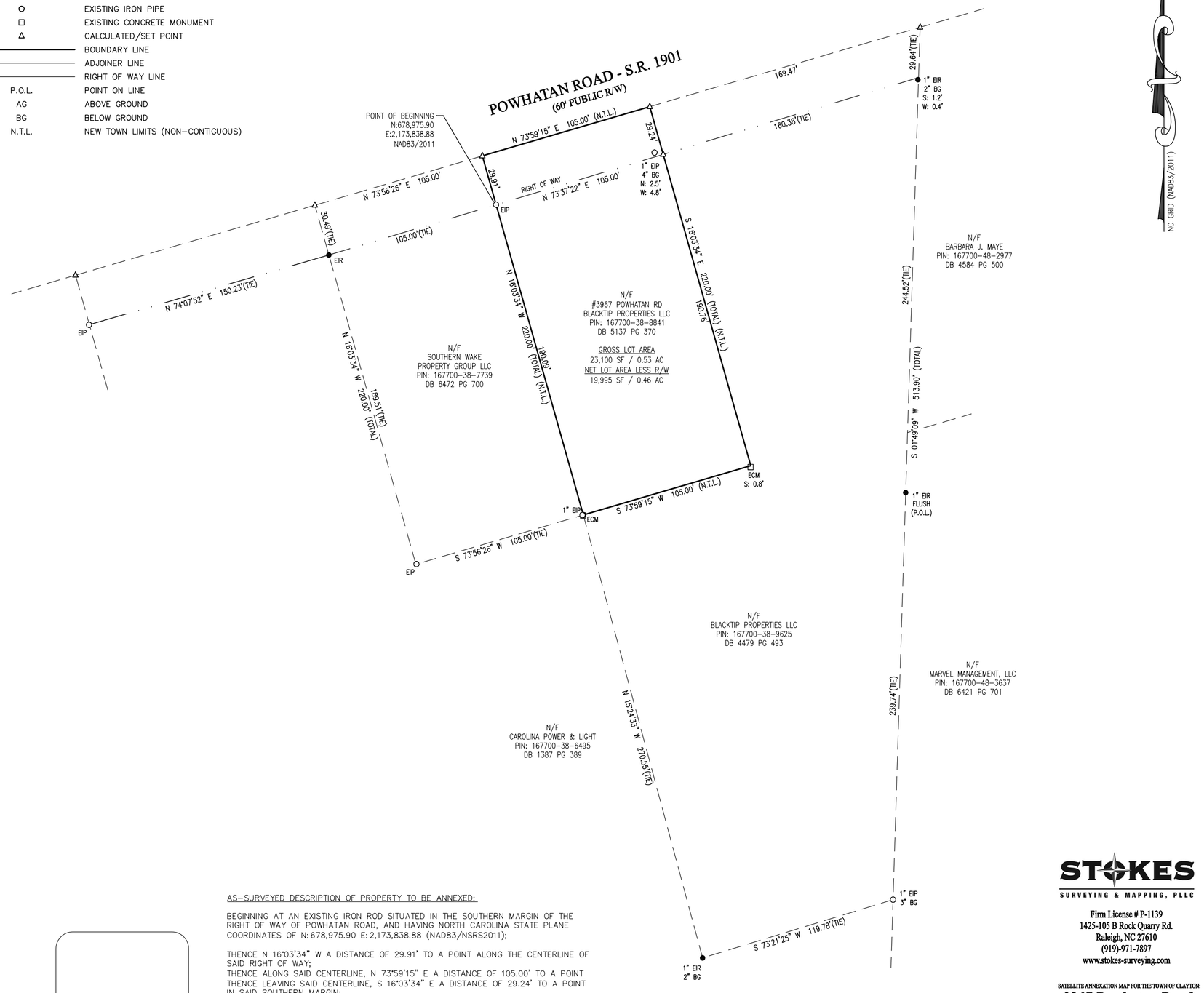
June 2024



VICINITY MAP (NTS)

LEGEND

●	EXISTING IRON ROD
○	EXISTING IRON PIPE
□	EXISTING CONCRETE MONUMENT
△	CALCULATED/SET POINT
———	BOUNDARY LINE
———	ADJOINER LINE
———	RIGHT OF WAY LINE
P.O.L.	POINT ON LINE
AG	ABOVE GROUND
BG	BELOW GROUND
N.T.L.	NEW TOWN LIMITS (NON-CONTIGUOUS)



40 0 20 40 80

SCALE: 1" = 40'

NOTES:

A. NO GRID MONUMENTS RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.
B. SURVEYED ON 08/30/2024.
C. ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED.
D. ALL AREAS COMPUTED BY COORDINATE METHOD.
E. THE PARCEL(S) SHOWN HEREON ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.
F. LINES NOT SURVEYED ARE SHOWN DASHED.
G. NO TITLE REPORT FURNISHED.
H. ALL ELEVATIONS BASED ON NAVD88/GEOID12B
I. CONTOUR DATA DERIVED FROM FIELD SURVEY AND PUBLISHED LIDAR DATA
J. "RUN OF WHITE OAK SWAMP" ESTIMATED BASED ON ADJOINING PLATS, AERIAL PHOTOGRAPHY, AND FIELD SURVEY. AT THE TIME OF SURVEY THE SWAMP AREA WAS INUNDATED WITH WATER DUE TO BEAVER ACTIVITY.
K. NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

CERTIFICATE OF FLOODWAY INFORMATION

PROPERTY SHOWN HEREON ____ IS __X__ IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE.

FLOOD HAZARD PANEL NO. 3720167700k

EFFECTIVE DATE: 06/20/2018

10/30/2024
DATE SURVEYOR

I, MICHAEL STOKES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (REFERENCES SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 30TH DAY OF OCTOBER, A.D. 2024

SIGNATURE _____
MICHAEL S. STOKES L-4996

NORTH CAROLINA PROFESSIONAL L-4996 LAND SURVEYOR MICHAEL S. STOKES

PRELIMINARY

I, MICHAEL STOKES, CERTIFY:

THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

AS-SURVEYED DESCRIPTION OF PROPERTY TO BE ANNEXED:

BEGINNING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);

THENCE N 16°03'34" W A DISTANCE OF 29.91' TO A POINT ALONG THE CENTERLINE OF SAID RIGHT OF WAY;
THENCE ALONG SAID CENTERLINE, N 73°59'15" E A DISTANCE OF 105.00' TO A POINT
THENCE LEAVING SAID CENTERLINE, S 16°03'34" E A DISTANCE OF 29.24' TO A POINT IN SAID SOUTHERN MARGIN;
THENCE LEAVING SAID R/W, S 16°03'34" E A DISTANCE OF 190.76' TO AN EXISTING CONCRETE MONUMENT;
THENCE S 73°59'15" W A DISTANCE OF 105.00' TO AN EXISTING CONCRETE MONUMENT;
THENCE N 16°03'34" W A DISTANCE OF 190.09' TO AN EXISTING IRON ROD;
WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 19,995 SQUARE FEET, 0.46 ACRES, AND BEING THE LESS PORTION OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

STOKES
SURVEYING & MAPPING, PLLC
Firm License # P-1139
1425-105 B Rock Quarry Rd.
Raleigh, NC 27610
(919)-971-7897
www.stokes-surveying.com

SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON:

3967 Powhatan Road

Prepared for:
BLACKTIP PROPERTIES, LLC

SHEET 1 OF 1		
SCALE: 1" = 40'		
REVISION:		
DRAWN BY: PPD	COUNTY: JOHNSTON	STATE: NORTH CAROLINA
CHECKED BY: MSS	TOWNSHIP: CLAYTON	PIN: 167700-38-8841
FIELD BY: AS JH	ZONED: LID	
CADD FILE: 24300		DATE: 10-30-2024

3967 POWHATAN ROAD

AS-SURVEYED DESCRIPTION OF PROPERTY TO BE ANNEXED:

BEGINNING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);

THENCE N 16°03'34" W A DISTANCE OF 29.91' TO A POINT ALONG THE CENTERLINE OF SAID RIGHT OF WAY;
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WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 19,995 SQUARE FEET, 0.46 ACRES, AND BEING THE LESS PORTION OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, February 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following described non-contiguous area, requested by annexation petition 2024-127-ANX 3967 Powhatan Road Annexation filed pursuant to G.S. 160A-31:

The area proposed for annexation is described as the following:

Parcel ID: 167700-38-8841; 3967 Powhatan Road; 0.46 acres;

BEGINNING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);
THENCE N 16°03'34" W A DISTANCE OF 29.91' TO A POINT ALONG THE CENTERLINE OF SAID RIGHT OF WAY;
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WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 19,995 SQUARE FEET, 0.46 ACRES, AND BEING THE LESS PORTION OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

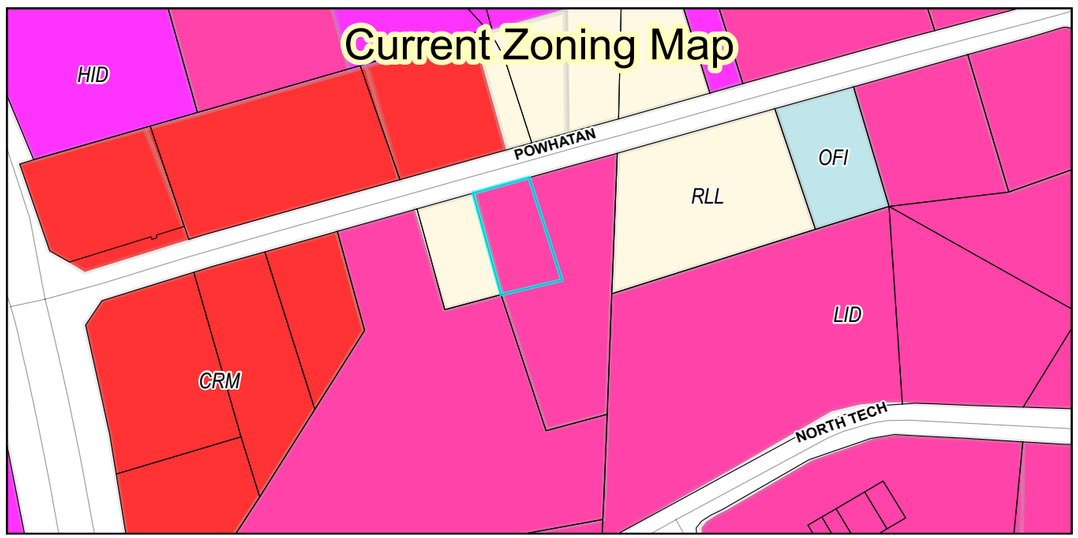
This is an open meeting, and the public is invited to attend.

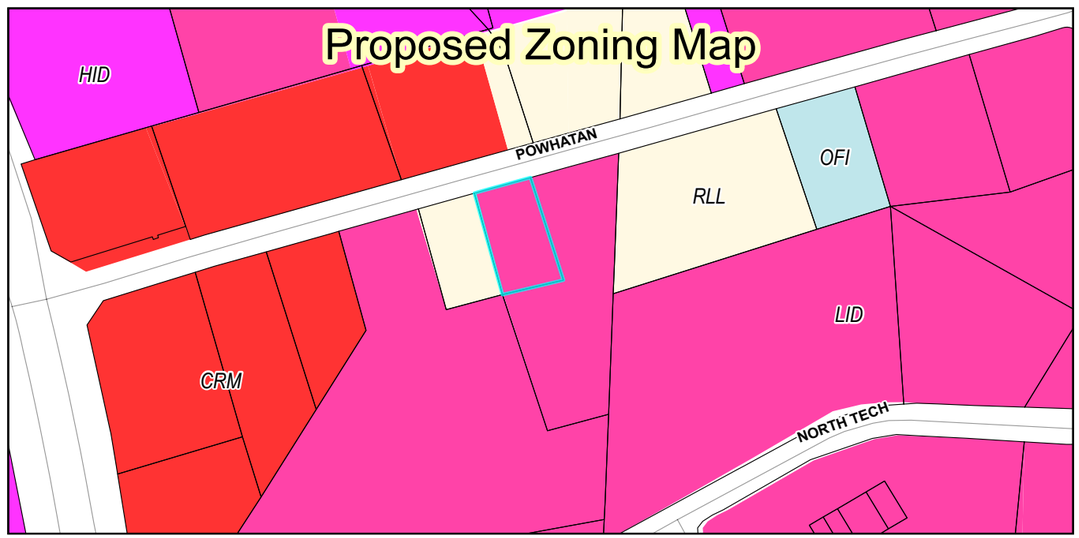
Heidi Holland, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

_____
The Johnstonian Newspaper

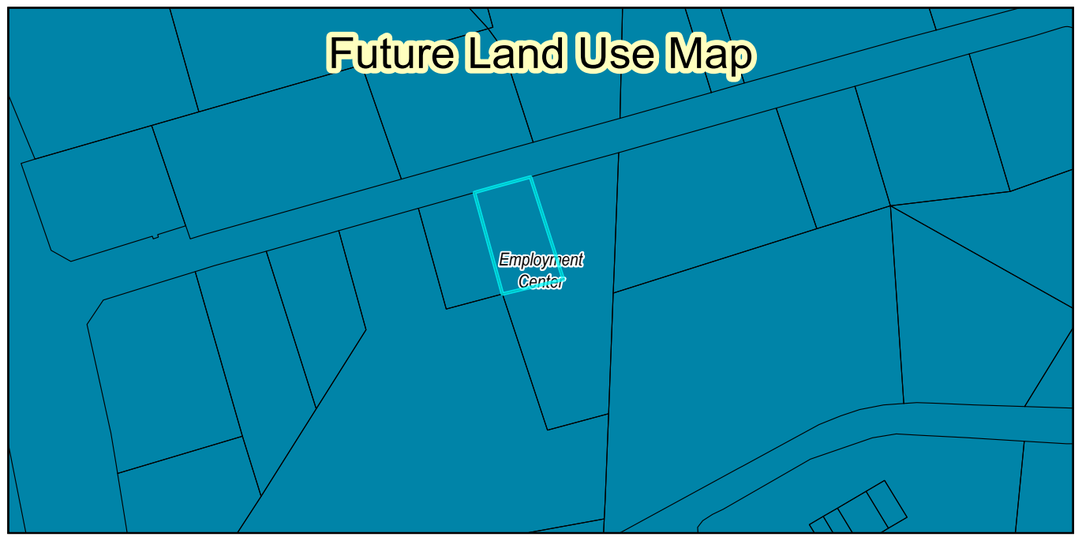
Please advertise on the following dates:
February 5, 2025

Affidavit of publication required.









Request: Annexation

Project Name: 3967 Powhatan Road Annexation

Project Number: 2024-127-ANX

Applicant: Blacktip Properties LLC

Property Owner: BLACKTIP PROPERTIES LLC

Tag #: 05I05020B

Site

0 0.13 0.25 Miles

N

Staff Report Map

Prepared by: TOC Planning Department

February 5, 2025

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

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

TRC CERTIFICATION

December 19, 2024

Blacktip Properties, LLC
3945 Powhatan Road
Raleigh, NC 27612
Pgormanin@gmail.com

Re: 3967 Powhatan Road – 2024-127 - ANX

Mr. Diegel,

The project listed above received certification from the Technical Review Committee on **12/19/2024**.

The project is now *tentatively* scheduled for the following Council meetings:

Town Council: January 6th –authorize clerk to investigate sufficiency of the petition
Town Council: January 21st –schedule a public hearing for the annexation petition
Town Council: February 17th – public hearing for annexation petition

Planning staff will contact you regarding next steps, or if any additional information is needed ahead of your tentative meeting dates.

Please contact the Planning Director if you have any questions at 919-553-5002 ext.5402 or Colmedo@townofclaytonnc.org.

Thank you,

Aileen Menjivar
Development Services Coordinator
amenjivar@townofclaytonnc.org
(919) 359-8717

TRC Certification:

Conrad Olmedo (Dec 19, 2024 09:53 EST)
Planning Director

12/19/2024
Date

Updated February 2024

3967 Powhatan Road - 2024-127 - ANX

Final Audit Report 2024-12-19

Created:	2024-12-19
By:	Aileen Menjivar (amenjivar@townofclaytonnc.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAUhP-tZh67ohG0552A43U4t0s6RDotWWN

"3967 Powhatan Road - 2024-127 - ANX" History

Document created by Aileen Menjivar (amenjivar@townofclaytonnc.org)
2024-12-19 - 2:15:20 PM GMT

Document emailed to Conrad Olmedo (colmedo@townofclaytonnc.org) for signature
2024-12-19 - 2:15:24 PM GMT

Email viewed by Conrad Olmedo (colmedo@townofclaytonnc.org)
2024-12-19 - 2:53:12 PM GMT

Document e-signed by Conrad Olmedo (colmedo@townofclaytonnc.org)
Signature Date: 2024-12-19 - 2:53:31 PM GMT - Time Source: server

Agreement completed.
2024-12-19 - 2:53:31 PM GMT

Adobe Acrobat Sign

Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Laquansay Nickson Watkins, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News - (Johnston County), a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Feb. 5, 2025

NOTICE ID: FBuC3AjaXTkskJPfOsAG
NOTICE NAME: 2024-127-ANX 3967 Powhatan Road Annexation
Publication Fee: 104.00

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

(Signed) Laquansay Nickson Watkins

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 02/05/2025

S Smith
Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE
The Clayton Town Council has called a public hearing at 6:00 PM on Monday, February 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following described non-contiguous area, requested by annexation petition 2024-127-ANX 3967 Powhatan Road Annexation filed pursuant to G.S. 160A-31:
The area proposed for annexation is described as the following: Parcel ID: 167700-38-8841; 3967 Powhatan Road; 0.46 acres;
BEGINNING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/ NSRS2011);
THENCE N 16°03'34" W A DISTANCE OF 29.91' TO A POINT ALONG THE CENTERLINE OF SAID RIGHT OF WAY;
THENCE ALONG SAID CENTERLINE, N 73°59'15" E A DISTANCE OF 105.00' TO A POINT THENCE LEAVING SAID CENTERLINE, S 16°03'34" E A DISTANCE OF 29.24' TO A POINT IN SAID SOUTHERN MARGIN;
THENCE LEAVING SAID R/W, S 16°03'34" E A DISTANCE OF 190.76' TO AN EXISTING CONCRETE MONUMENT;
THENCE S 73°59'15" W A DISTANCE OF 105.00' TO AN EXISTING CONCRETE MONUMENT; THENCE N 16°03'34" W A DISTANCE OF 190.09' TO AN EXISTING IRON ROD;
WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 19,995 SQUARE FEET, 0.46 ACRES, AND BEING THE LESS PORTION OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.
This is an open meeting, and the public is invited to attend.
Heidi Holland, CMC, NCCMC Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper
Please advertise on the following dates: February 5, 2025
Affidavit of publication required.
The Johnstonian
February 5, 2025

Resolution #2025-08

TOWN OF CLAYTON
RESOLUTION TO SET A PUBLIC HEARING FOR A PETITION RECEIVED UNDER NC G.S. 160A-58.2

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

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

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

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

SECTION 1. A public hearing on the question of annexation of the area described herein will be held at the Clayton Town Hall, Chambers, at 6:00 p.m. on Monday, February 17, 2025.

SECTION 2. The area proposed for annexation is described as follows:

Non-contiguous and approximately .46 acres of property located within the Town's ETJ. PIN # 167700-38-8841.
BEGINNING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);
THENCE N 16°03'34" W A DISTANCE OF 29.91' TO A POINT ALONG THE CENTERLINE OF SAID RIGHT OF WAY;
THENCE ALONG SAID CENTERLINE, N 73°59'15" E A DISTANCE OF 105.00' TO A POINT
THENCE LEAVING SAID CENTERLINE, S 16°03'34" E A DISTANCE OF 29.24' TO A POINT IN SAID SOUTHERN MARGIN;
THENCE LEAVING SAID R/W, S 16°03'34" E A DISTANCE OF 190.76' TO AN EXISTING CONCRETE MONUMENT;
THENCE S 73°59'15" W A DISTANCE OF 105.00' TO AN EXISTING CONCRETE MONUMENT;
THENCE N 16°03'34" W A DISTANCE OF 190.09' TO AN EXISTING IRON ROD; WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 19,995 SQUARE FEET, 0.46 ACRES, AND BEING THE LESS PORTION OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

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

Duly adopted this 3rd day of February 2025, while in regular session.

Michael Sims
Mayor Pro Tem

ATTEST:

Heidi Holland
Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:
Address: 3967 Powhatan Road
Pin #: 167700-38-8841
Non-Contiguous; .46 acres

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.

Ordinance #2025-02-01

Project:	Annexation Petition 2024-127-ANX 3967 Powhatan Road
Property Owners:	Blacktip Properties, LLC
Location:	3967 Powhatan Road Clayton, NC
Non-Contiguous:	.46 acres

TOWN OF CLAYTON
ORDINANCE TO EXPAND THE CORPORATE LIMITS

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1.

to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on February 17, 2025, after due notice by publication in the Johnstonian on February 5, 2025; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-31;

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

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-58.1., the following described territory is hereby annexed and made part of the Town of Clayton as of February 17, 2025:

   BEGINNING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);
   THENCE N 16°03'34" W A DISTANCE OF 29.91' TO A POINT ALONG THE CENTERLINE OF SAID RIGHT OF WAY;
   THENCE ALONG SAID CENTERLINE, N 73°59'15" E A DISTANCE OF 105.00' TO A POINT
   THENCE LEAVING SAID CENTERLINE, S 16°03'34" E A DISTANCE OF 29.24' TO A POINT IN SAID SOUTHERN MARGIN;
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   THENCE S 73°59'15" W A DISTANCE OF 105.00' TO AN EXISTING CONCRETE MONUMENT;

THENCE N 16°03'34" W A DISTANCE OF 190.09' TO AN EXISTING IRON ROD;
WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 19,995 SQUARE FEET, 0.46 ACRES, AND BEING THE LESS PORTION OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

SECTION 2 Upon and after February 17, 2025, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

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

ADOPTED this 17th day of February 2025.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips
Deputy Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 2025, personally appeared before me Sam Johnson-Phillips, Deputy Town Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Sam Johnson-Phillips, signed her name in attestation of said instrument in the presence of said Mayor.

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

_____
Notary Public - Signature

_____
Notary Public – Printed Name

Commission Expires:
_____

County of Commission:
_____

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	PUBLIC HEARINGS

Item Title

2024-128-ANX - 3945 Powhatan Road Annexation

Presenter(s)

Conrad Olmedo, Planning Director

Suggested Action

Adoption of Ordinance

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: Newspaper Ad published 2/5/2025

Summary

Annexation petition to annex approximately 1.57 acres into the Town of Clayton in order to receive Town services. This property is located at 3945 Powhatan Road and is currently located in the Town's ETJ.

Recommendation

Staff recommends approval of the annexation petition.

Funding Source

N/A

Corresponding Documentation

00_Annexation Staff Report_3945 Powhatan_01272025

01_Annexation Petition_2024-128-ANX_3945 Powhatan (1)

02_Owner's Consent Form_2024-128-ANX_3945 Powhatan (1)

03_Annexation Plat_2024-128-ANX_3945 Powhatan

04_Legal Description_2024-128-ANX_3945 Powhatan

05_Newspaper Ad_3945 Powhatan Rd Annexation

06_Staff Report Maps_2024-128-ANX - 3945 Powhatan Road Annexation

07_TRC Certification_2024-128-ANX_3945 Powhatan Annexation

08_2024-128-ANX 3945 Powhatan Road Annexation Affidavit

09_2025-09 Setting the Public Hearing for 2024-128-ANX 3945 Powhatan Road Annexation

10_Ordinance_2024-128-ANX_3945 Powhatan

Meeting Timeline

January 6, 2025 - 1st meeting: Resolution Directing Clerk to Investigate Sufficiency of the Request
February 3, 2025- 2nd meeting: Resolution to Set the Public Hearing Date
February 17, 2025- 3rd meeting: Public Hearing

Submitted By: Haley Hogg, Planning

Reviewed By:

Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 2025

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

STAFF REPORT

Application Number: 2024-128-ANX
Project Name: 3945 Powhatan Road Annexation

PIN #: 167700-38-9625
Location: 3945 Powhatan Road
Applicant: Blacktip Properties, LLC
Owner: Blacktip Properties, LLC

Public Noticing Dates:

- **Sign Posted:** Not required
- **Newspaper Ad Published:** February 5, 2025

REQUEST: Applicant is requesting a non-contiguous annexation of approximately 1.57 acres of land currently located in the Town's ETJ to receive Town services.

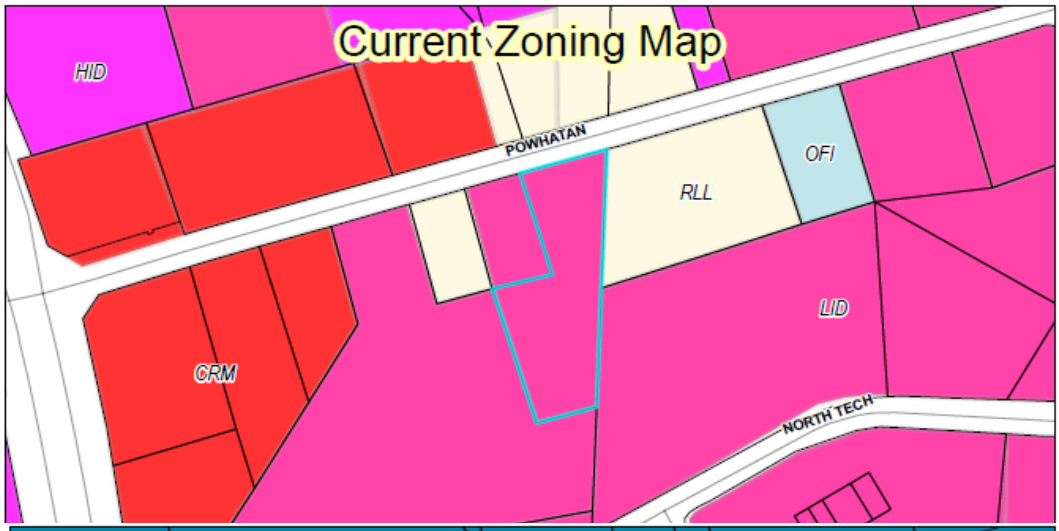
SITE DATA:

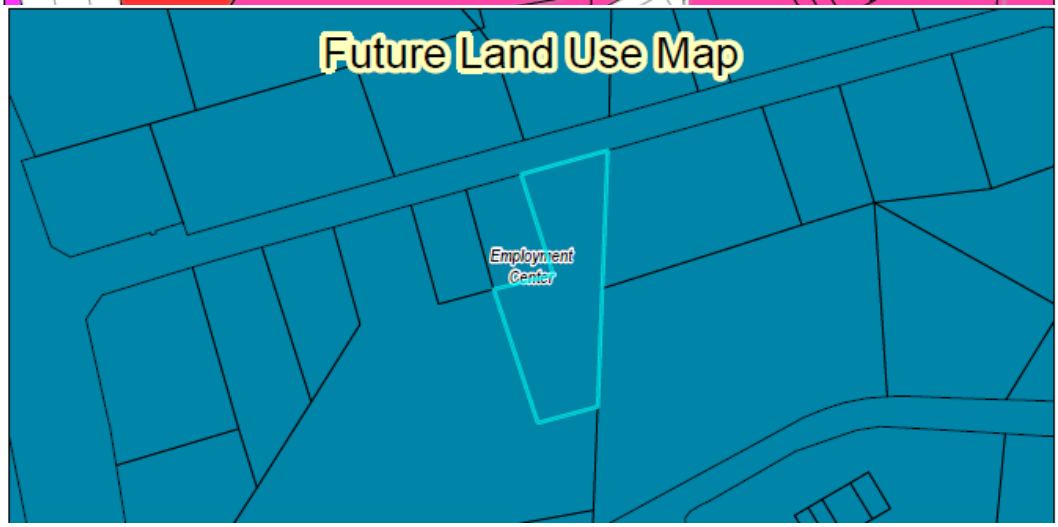
Acreage: 1.57
Existing Zoning: Light Industrial (LID)
Existing Use: Single-Family Residential



STAFF ANALYSIS AND COMMENTARY:

Overview:
This annexation petition is for 3945 Powhatan Road. The requested annexation is non-contiguous, but the property is currently located in the Town of Clayton's ETJ. The property's existing use is single-family residence. The applicant is requesting annexation to receive Town services for current and future development.





ATTACHMENTS:

1. Annexation Petition
2. Owner's Consent Form
3. Annexation Plat
4. Legal Description
5. Newspaper Ad
6. Staff Report Maps
7. TRC Certification

8. Annexation Agreement
9. Setting of Public Hearing
10. Annexation Ordinance

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

PETITION FOR VOLUNTARY ANNEXATION

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

Applications are accepted on a rolling basis and can be submitted to the Town of Clayton Planning Department.

www.ClaytonNC.org/Fees

Applicable Fees: Development Submittal Fees Annexation

PROCESS:

Review by Staff: The Planning, Engineering and Public Works Departments review the annexation submission. Comments will be sent to the applicant. There is an initial 15 business day review cycle with 3 Council hearing meetings. Expect an estimated minimum of 2-3 months for review/approval.

Annexation Plat and Legal Description (Metes & Bounds) Submission: The plat and a legal description (metes and bounds) must be submitted with the application and review fee.

Is the proposed land for annexation located outside the Claytex Fire District? ___ Yes _X_ No

**If the proposed land for annexation is located outside of the Claytex Fire District, the Fire District in which the land is located must be notified by the Town, and a payment from the applicant to the Town covering the proportional share of Fire District Debt of the land (as determined by the Fire District) will be required to be made. This process will increase the timeline for approval of these annexations.*

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

Town Council Meeting: The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved. These first two actions generally occur during the Consent Agenda item on 2 consecutive Town Council meetings.

Public Hearing/Town Council Meeting: The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Clayton. The Public Hearing is generally held during the 3rd Council meeting, following approval of the Certificated Sufficiency and Resolution setting the Public Hearing date.

Recordation: If the annexation is approved by the Town Council, the applicant is required to submit one (1) Mylar annexation plat to the Planning Department for signature. The Annexation Plat shall be recorded at the appropriate county Register of Deeds.

Name of Project: 3945 Powhatan Rd **Date:** 11-19-2024

Applicant Name: Blacktip Properties **Phone:** 919-867-9363 **Email:** Pgormaninc@gmail.com

Petition for Voluntary Annexation Application

1. **Application Type:** ☐ Individual ☐ Corporation ■ LLC ☐ Partnership

2. **The proposed annexation will be:** ☐ Contiguous Annexation ■ Non-Contiguous Annexation

Property Information

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

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

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

2. The area to be annexed is ☐ contiguous, ■ non-contiguous to the Town of Clayton, North Carolina and the boundaries of such territory are as provided in the boundary plat attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

4. Attached is a statement of the schedule for full development of the property to be annexed, which includes the type, number, and estimated value of planned improvements, if applicable.

   Total Acreage to be annexed: 1.57 Existing Housing Units: 1

   Population of acreage to be annexed: 2 Fire District: Clayton

   Existing Zoning District*: LID Proposed Town Zoning District*: _____

   County Recorded Plat Book and Page #: Book 4479 page 493

   Reason for petitioner to annex: X Receive Town Services ____Other (please specify): _____

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

FOR OFFICE USE ONLY		
Date Received:	Amount Paid:	Petition Number:

This page must be notarized prior to submitting to the Town for review

Complete ONLY if applying for an individual annexation and if property is owned by individual (s):

_____ Please Print

_____ Signature

_____ Please Print

_____ Signature

Complete ONLY if applying for a Corporation Annexation:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its secretary by order of its Board of Directors, this ____ day of _____, 20____.

Corporate Name: _____

SEAL

By: _____ (Signature)

Attest: _____ Secretary (Signature)

Complete ONLY if applying for a Limited Liability Company Annexation:

In witness whereof, Blacktip Properties LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this 05 day of December, 2024.

Name of Limited Liability Company: Blacktip Properties LLC

By: _____ Signature of Member/Manager

Complete ONLY if applying for a Partnership Annexation:

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this ____ day of _____, 20____.

Name of Partnership: _____

By: _____ Signature of General Partner

By: _____

By: _____ Signature of General Partner

By: _____

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

Sworn and subscribed before me, Hallie Stokes, a Notary Public for the above State and County, this Fifth day of, December, 2024.

_____ Notary Public

SEAL

HALLIE STOKES
NOTARY PUBLIC
WAKE COUNTY, N.C.
Notary # 202228000286

My Commission Expires: 10/05/2027

Voluntary Annexation Plat Checklist

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

Haley Hogg

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

OWNER'S CONSENT FORM

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

Project Name: 3967 & 3945 Powhatan Rd **Address or PIN #:** 3967 & 3945 Powhatan Rd.

AGENT/APPLICANT INFORMATION:

Paul Gorman (Vice President)
(Name - type, print clearly)

PO Box 189
(Address)
Clayton, NC 27528
(City, State, Zip)

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

3967 Powhatan Rd.	Annexation Petition
3945 Powhatan Rd.	Annexation Petition

Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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

OWNER AUTHORIZATION:

Nathan Evans
(Name - type, print clearly)

(Owner's Signature)

PO Box 189
(Address)
Clayton, NC 27528
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

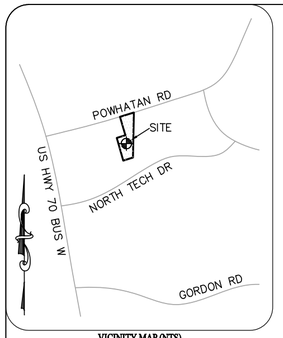
Sworn and subscribed before me Cameron Sullivan, a Notary Public for the above State and County, this the 11 day of December 2024.

SEAL

CAMERON D. SULLIVAN NOTARY PUBLIC JOHNSTON COUNTY, NC

Notary Public

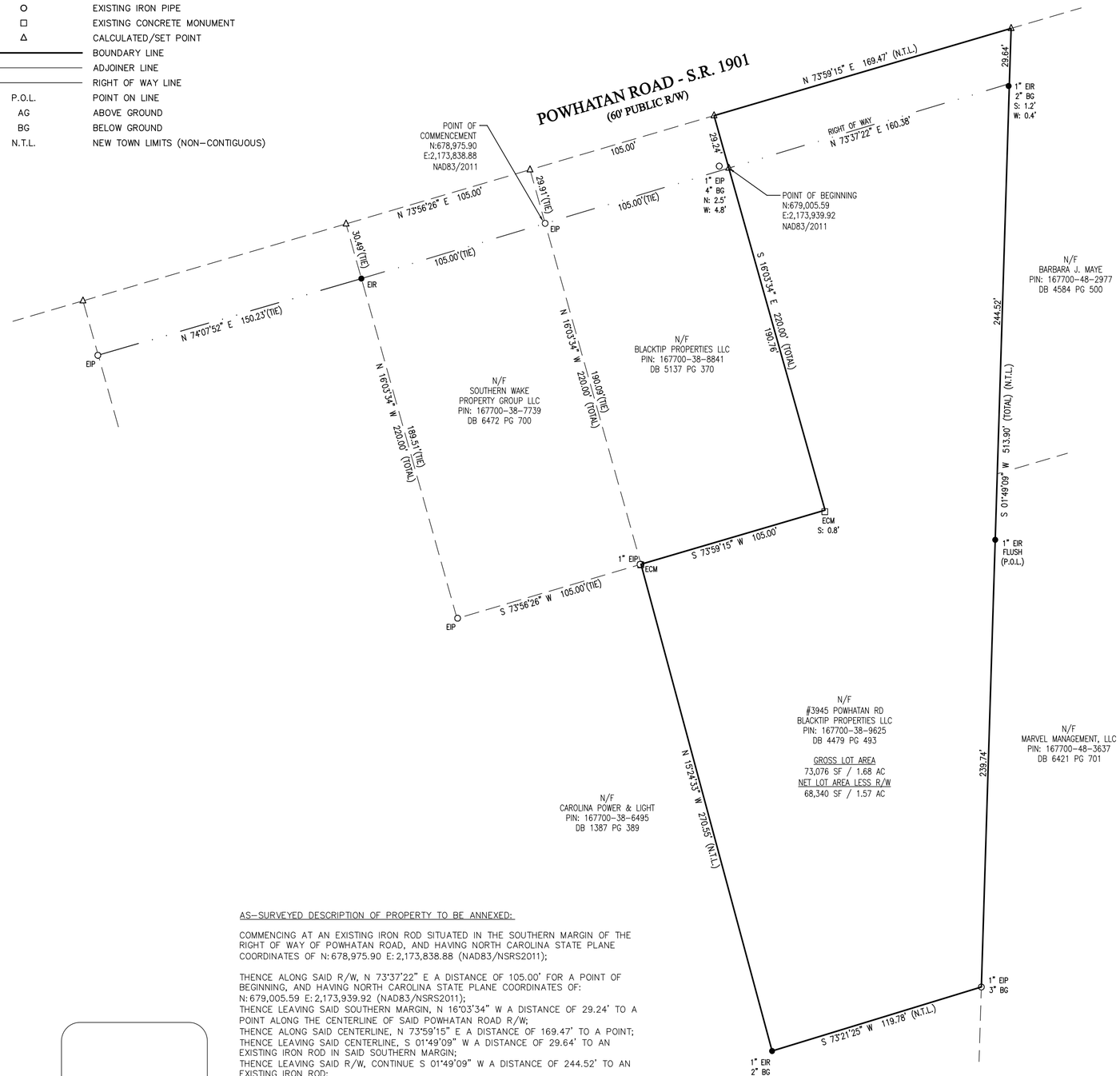
My Commission Expires: 8/16/2025



VICINITY MAP (NTS)

LEGEND

●	EXISTING IRON ROD
○	EXISTING IRON PIPE
□	EXISTING CONCRETE MONUMENT
△	CALCULATED/SET POINT
———	BOUNDARY LINE
———	ADJOINER LINE
———	RIGHT OF WAY LINE
P.O.L.	POINT ON LINE
AG	ABOVE GROUND
BG	BELOW GROUND
N.T.L.	NEW TOWN LIMITS (NON-CONTIGUOUS)



40 0 20 40 80

SCALE: 1" = 40'

NOTES:

A. NO GRID MONUMENTS RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.
B. SURVEYED ON 08/30/2024.
C. ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED.
D. ALL AREAS COMPUTED BY COORDINATE METHOD.
E. THE PARCEL(S) SHOWN HEREON ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.
F. LINES NOT SURVEYED ARE SHOWN DASHED.
G. NO TITLE REPORT FURNISHED.
H. ALL ELEVATIONS BASED ON NAVD88/GEOID12B
I. CONTOUR DATA DERIVED FROM FIELD SURVEY AND PUBLISHED LIDAR DATA
J. "RUN OF WHITE OAK SWAMP" ESTIMATED BASED ON ADJOINING PLATS, AERIAL PHOTOGRAPHY, AND FIELD SURVEY. AT THE TIME OF SURVEY THE SWAMP AREA WAS INUNDATED WITH WATER DUE TO BEAVER ACTIVITY.
K. NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

CERTIFICATE OF FLOODWAY INFORMATION

PROPERTY SHOWN HEREON ____ IS __X__ IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE.

FLOOD HAZARD PANEL NO. __3720167700k____

EFFECTIVE DATE: ___06/20/2018_____

10/30/2024
DATE SURVEYOR

I, MICHAEL STOKES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (REFERENCES SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 30TH DAY OF OCTOBER, A.D. 2024

SIGNATURE _____
MICHAEL S. STOKES L-4996

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR MICHAEL S. STOKES L-4996

PRELIMINARY

I, MICHAEL STOKES, CERTIFY:

THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET

AS-SURVEYED DESCRIPTION OF PROPERTY TO BE ANNEXED:

COMMENCING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N: 678,975.90 E: 2,173,838.88 (NAD83/NSRS2011);

THENCE ALONG SAID R/W, N 73°37'22" E A DISTANCE OF 105.00' FOR A POINT OF BEGINNING, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF:
N: 679,005.59 E: 2,173,939.92 (NAD83/NSRS2011);
THENCE LEAVING SAID SOUTHERN MARGIN, N 16°03'34" W A DISTANCE OF 29.24' TO A POINT ALONG THE CENTERLINE OF SAID POWHATAN ROAD R/W;
THENCE ALONG SAID CENTERLINE, N 73°59'15" E A DISTANCE OF 169.47' TO A POINT;
THENCE LEAVING SAID CENTERLINE, S 01°49'09" W A DISTANCE OF 29.64' TO AN EXISTING IRON ROD IN SAID SOUTHERN MARGIN;
THENCE LEAVING SAID R/W, CONTINUE S 01°49'09" W A DISTANCE OF 244.52' TO AN EXISTING IRON ROD;
THENCE CONTINUE S 01°49'09" W A DISTANCE OF 239.74' TO AN EXISTING IRON PIPE;
THENCE S 73°21'25" W A DISTANCE OF 119.78' TO AN EXISTING IRON ROD;
THENCE N 15°24'33" W A DISTANCE OF 270.55' TO AN EXISTING CONCRETE MONUMENT;
THENCE N 73°59'15" E A DISTANCE OF 105.00' TO AN EXISTING CONCRETE MONUMENT;
THENCE N 16°03'34" W A DISTANCE OF 190.76' TO A POINT;
WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 68,340 SQUARE FEET, 1.57 ACRES, AND BEING ALL OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

STOKES
SURVEYING & MAPPING, PLLC
Firm License # P-1139
1425-105 B Rock Quarry Rd.
Raleigh, NC 27610
(919)-971-7897
www.stokes-surveying.com

SATELLITE ANNEXATION MAP FOR THE TOWN OF CLAYTON:

3945 Powhatan Road

Prepared for:
BLACKTIP PROPERTIES, LLC

SHEET 1 OF 1		
SCALE: 1" = 40'		
REVISION:		
DRAWN BY: PPD	COUNTY: JOHNSTON	STATE: NORTH CAROLINA
CHECKED BY: MSS	TOWNSHIP: CLAYTON	PIN: 167700-38-9625
FIELD BY: AS JH	ZONED: LID	
CADD FILE: 24300		DATE: 10-30-2024

3945 POWHATAN ROAD

AS-SURVEYED DESCRIPTION OF PROPERTY TO BE ANNEXED:

COMMENCING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);

THENCE ALONG SAID R/W, N 73°37'22" E A DISTANCE OF 105.00' FOR A POINT OF BEGINNING, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF: N:679,005.59 E:2,173,939.92 (NAD83/NSRS2011);
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WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 68,340 SQUARE FEET, 1.57 ACRES, AND BEING ALL OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

PUBLIC NOTICE

The Clayton Town Council has called a public hearing at 6:00 PM on Monday, February 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following described non-contiguous area, requested by annexation petition 2024-128-ANX 3945 Powhatan Road Annexation filed pursuant to G.S. 160A-31:

The area proposed for annexation is described as the following:

Parcel ID: 167700-38-9625; 3967 Powhatan Road; 1.57 acres;
COMMENCING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);
THENCE ALONG SAID R/W, N 73°37'22" E A DISTANCE OF 105.00' FOR A POINT OF BEGINNING, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF: N:679,005.59 E:2,173,939.92 (NAD83/NSRS2011);
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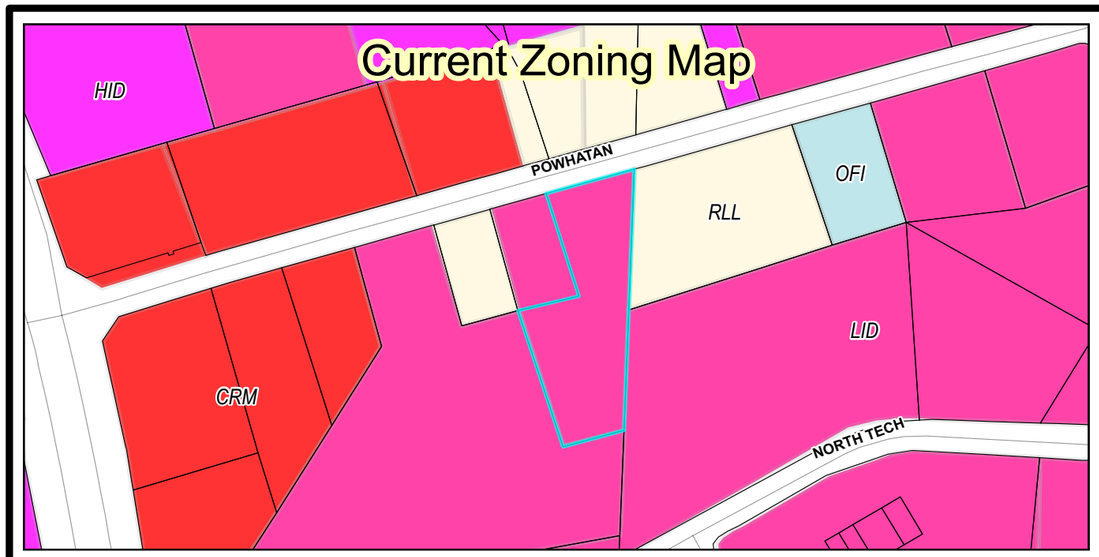
This is an open meeting, and the public is invited to attend.

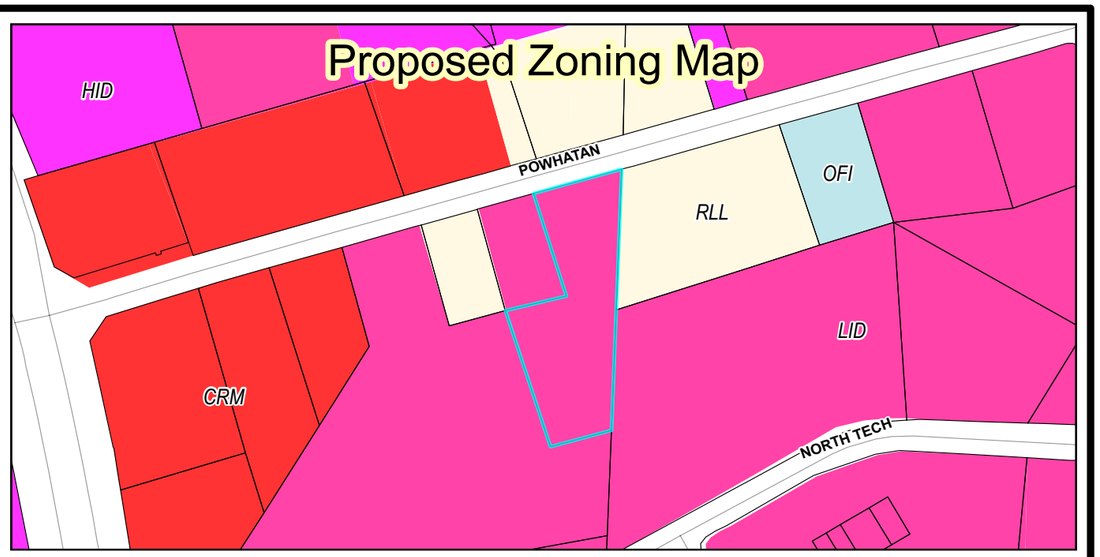
Heidi Holland, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

_____
The Johnstonian Newspaper

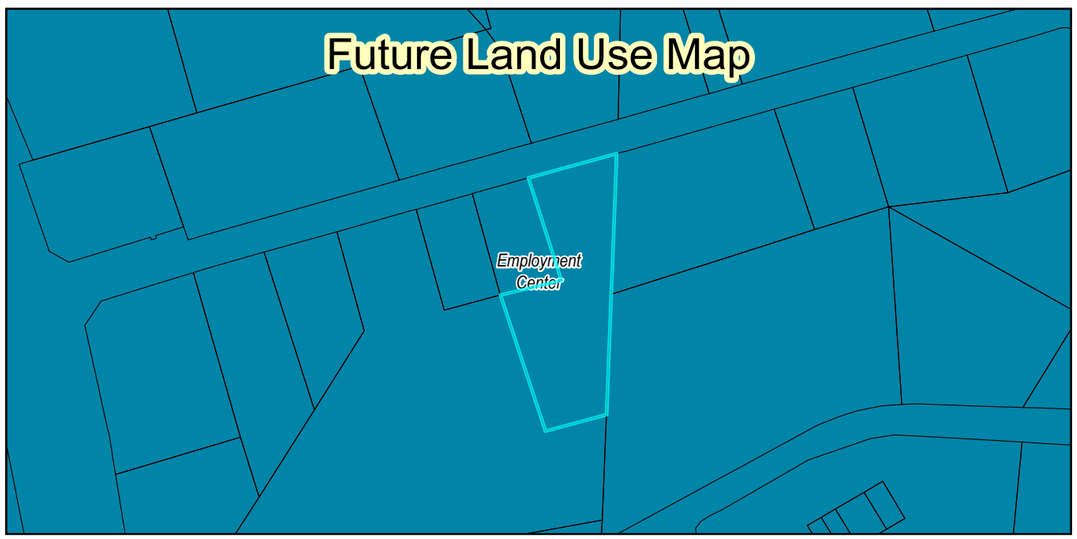
Please advertise on the following dates:
February 5, 2025

Affidavit of publication required.









Request: Annexation

Project Name: 3945 Powhatan Road Annexation

Project Number: 2024-128-ANX

Applicant: Blacktip Properties LLC

Property Owner: BLACKTIP PROPERTIES LLC

Tag #: 05I05019F

Site

0 0.13 0.25 Miles

N

Staff Report Map

Prepared by: TOC Planning Department

February 5, 2025

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

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

TRC CERTIFICATION

December 19, 2024

Blacktip Properties, LLC
3945 Powhatan Road
Raleigh, NC 27612
Pgormanin@gmail.com

Re: 3945 Powhatan Road – 2024-128 - ANX

Mr. Diegel,

The project listed above received certification from the Technical Review Committee on **12/19/2024**.

The project is now *tentatively* scheduled for the following Council meetings:

Town Council: January 6th –authorize clerk to investigate sufficiency of the petition
Town Council: January 21st –schedule a public hearing for the annexation petition
Town Council: February 17th – public hearing for annexation petition

Planning staff will contact you regarding next steps, or if any additional information is needed ahead of your tentative meeting dates.

Please contact the Planning Director if you have any questions at 919-553-5002 ext.5402 or Colmedo@townofclaytonnc.org.

Thank you,

Aileen Menjivar
Development Services Coordinator
amenjivar@townofclaytonnc.org
(919) 359-8717

TRC Certification:

Conrad Olmedo (Dec 19, 2024 09:53 EST)
Planning Director

12/19/2024
Date

Updated February 2024

3945 Powhatan Road - 2024-128 - ANX

Final Audit Report 2024-12-19

Created:	2024-12-19
By:	Aileen Menjivar (amenjivar@townofclaytonnc.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7wuZnEKMZLRm56hI8mKm5TPBg0L3Jwo8

"3945 Powhatan Road - 2024-128 - ANX" History

Document created by Aileen Menjivar (amenjivar@townofclaytonnc.org)
2024-12-19 - 2:16:42 PM GMT

Document emailed to Conrad Olmedo (colmedo@townofclaytonnc.org) for signature
2024-12-19 - 2:16:46 PM GMT

Email viewed by Conrad Olmedo (colmedo@townofclaytonnc.org)
2024-12-19 - 2:53:36 PM GMT

Document e-signed by Conrad Olmedo (colmedo@townofclaytonnc.org)
Signature Date: 2024-12-19 - 2:53:59 PM GMT - Time Source: server

Agreement completed.
2024-12-19 - 2:53:59 PM GMT

Adobe Acrobat Sign

Johnstonian News

AFFIDAVIT OF PUBLICATION

State of Florida, County of Broward, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News - (Johnston County), a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Feb. 5, 2025

NOTICE ID: kY1WxWtfjd7qwPRcetx0
NOTICE NAME: 2024-128-ANX 3945 Powhatan Road Annexation
Publication Fee: 133.70

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

(Signed) Yuade Moore

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 02/05/2025

S Smith
Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE
The Clayton Town Council has called a public hearing at 6:00 PM on Monday, February 17, 2025, at Town Hall, 111 E. Second Street, on the question of annexing the following described non-contiguous area, requested by annexation petition 2024-128-ANX 3945 Powhatan Road Annexation filed pursuant to G.S. 160A-31:
The area proposed for annexation is described as the following:

Parcel ID: 167700-38-9625 Powhatan Road; 1.57 acres;
COMMENCING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);
THENCE ALONG SAID R/W, N 73°37'22" E A DISTANCE OF 105.00' FOR A POINT OF BEGINNING, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF: N:679,005.59 E:2,173,939.92 (NAD83/NSRS2011);
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THENCE CONTINUE S 01°49'09" W A DISTANCE OF 239.74' TO AN EXISTING IRON PIPE; THENCE S 73°21'25" W A DISTANCE OF 119.78' TO AN EXISTING IRON ROD;
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WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 68,340 SQUARE FEET, 1.57 ACRES, AND BEING ALL OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.
This is an open meeting, and the public is invited to attend. Heidi Holland, CMC, NCCMC
Town Clerk
Town of Clayton
919-553-5002 ext. 5004

The Johnstonian Newspaper

Please advertise on the following dates: February 5, 2025

Affidavit of publication required.
The Johnstonian
February 5, 2025

Resolution #2025-09

TOWN OF CLAYTON
RESOLUTION TO SET A PUBLIC HEARING FOR A PETITION RECEIVED UNDER NC G.S. 160A-58.2

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

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

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

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

SECTION 1. A public hearing on the question of annexation of the area described herein will be held at the Clayton Town Hall, Chambers, at 6:00 p.m. on Monday, February 17, 2025.

SECTION 2. The area proposed for annexation is described as follows:

PIN # 167700-38-8841

COMMENCING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);

THENCE ALONG SAID R/W, N 73°37'22" E A DISTANCE OF 105.00' FOR A POINT OF BEGINNING, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF: N:679,005.59 E:2,173,939.92 (NAD83/NSRS2011);
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WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 68,340 SQUARE FEET, 1.57 ACRES, AND BEING ALL OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

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

Duly adopted this 3rd day of February 2025, while in regular session.

Michael Sims
Mayor Pro Tem

ATTEST:

Heidi Holland

Heidi Holland, CMC, NCCMC
Town Clerk

DESCRIPTION/ADDRESS:
Address: 3945 Powhatan Road
Pin #: 167700-38-8841
Contiguous; 1.57 acres

TOWN OF CLAYTON
INCORPORATED
APRIL 1869
CLAYTON, N.C.

Ordinance #2025-02-02

Project:	Annexation Petition 2024-128-ANX 3945 Powhatan Road
Property Owners:	Blacktip Properties, LLC
Location:	3945 Powhatan Road Clayton, NC
Non-Contiguous:	1.57 acres

TOWN OF CLAYTON
ORDINANCE TO EXPAND THE CORPORATE LIMITS

WHEREAS, the Clayton Town Council has been petitioned under NC GS 160A-58.1.

to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Clayton Town Hall, 111 E Second Street at 6 p.m. on February 17, 2025, after due notice by publication in the Johnstonian on February 5, 2025; and

WHEREAS, the Clayton Town Council finds that the petition meets the requirements of NC GS 160A-31;

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

1. **SECTION 1** By virtue of the authority granted by NC GS 160A-58.1., the following described territory is hereby annexed and made part of the Town of Clayton as of February 17, 2025:

   COMMENCING AT AN EXISTING IRON ROD SITUATED IN THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF POWHATAN ROAD, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N:678,975.90 E:2,173,838.88 (NAD83/NSRS2011);
   THENCE ALONG SAID R/W, N 73°37'22" E A DISTANCE OF 105.00' FOR A POINT OF BEGINNING, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF: N:679,005.59 E:2,173,939.92 (NAD83/NSRS2011);
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   THENCE LEAVING SAID CENTERLINE, S 01°49'09" W A DISTANCE OF 29.64' TO AN EXISTING IRON ROD IN SAID SOUTHERN MARGIN;

THENCE LEAVING SAID R/W, CONTINUE S 01°49'09" W A DISTANCE OF 244.52' TO AN EXISTING IRON ROD;
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WHICH IS THE POINT OF BEGINNING;
HAVING AN AREA OF 68,340 SQUARE FEET, 1.57 ACRES, AND BEING ALL OF LANDS DESCRIBED IN DEED BOOK 4479 PAGE 493, JOHNSTON COUNTY REGISTRY, NORTH CAROLINA.

SECTION 2 Upon and after February 17, 2025, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Clayton and shall be entitled to the same privileges and benefits as other parts of the Town of Clayton. Said territory shall be subject to municipal taxes in according to NC GS 160A-58.10.

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

ADOPTED this 17th day of February 2025.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips
Deputy Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

NORTH CAROLINA
JOHNSTON COUNTY

This the _____ day of _____, 2025, personally appeared before me Sam Johnson-Phillips, Deputy Town Clerk of the Town of Clayton, who, being duly sworn by me, says that she knows the common seal of the Town of Clayton and is acquainted with Jody L. McLeod, who is the Mayor and presiding member of said municipal corporation; and that she saw the said Mayor sign the foregoing instrument and saw the said common seal of said municipal corporation affixed to said instrument by said Mayor, and that she, the said Sam Johnson-Phillips, signed her name in attestation of said instrument in the presence of said Mayor.

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

_____
Notary Public - Signature

_____
Notary Public – Printed Name

Commission Expires:
_____

County of Commission:
_____

Project:	Annexation Petition 2024-128-ANX 3945 Powhatan Road
Property Owners:	Blacktip Properties, LLC
Location:	3945 Powhatan Road Clayton, NC
Non-Contiguous:	1.57 acres

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	PUBLIC HEARINGS

Item Title

2024-12-CZM Front Street Duplexes

Presenter(s)

Audrey Duchesne, Senior Planner

Suggested Action

Adoption of Ordinance - To consider adoption of Ordinance.

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 are posted on the properties and property owner letters sent.

Summary

A Conditional Rezoning request to rezone property from the Residential High Density (RHD) to Conditional Residential (CZR) zoning district to allow the construction of two duplexes on two lots.

Background/History

This request was presented to the Planning Board at their December 17, 2024 meeting and received a unanimous recommendation for approval.

Recommendation

Staff recommends approval of the Conditional Rezoning request to rezone the property from Residential High Density (RHD) to the Conditional Residential (CZR) zoning district per Motion 1 in the provided consistency statements sheet, "Approval - Consistent with the 2045 Comprehensive Growth Plan".

Funding Source

N/A

Corresponding Documentation

00. Staff Report_2024-12-CZM Front Street Duplexes_TC_2.17.25 (1)

00a. Staff Report Map_Front Street Duplexes_CZR (1)

01. Application Front Street Duplexes_Conditional Rezoning (1)

02. Neighborhood Meeting Materials_TC_02.17.2025 (1)

03. Sealed Concept Plan_Front Street Duplexes_TC_02.17.2025 (1)

04. Concept Plan Narrative_Front Sreet Duplexes (1)

05. Proposed Building Elevations_Front Street Duplexes (1)

06. Signed_Recommended Conditions of Approval_Front Street Duplexes_TC_02.17.2025 (1)

07. UDO-Sub-Section 2.3.6_Conditional Rezoning (1)

08. UDO Sub-Section 4.2.5_Listing of Common Principal Uses_Residential (1)

09. Ordinance_Front Street Duplexes_TC_02.17.2025 (1)

10. Consistency Statements Sheet_2024-12-CZM Front Street Duplexes_TC_02.17.2025 (1)

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 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: February 17, 2024

STAFF REPORT

Application Number: 2024-12-CZM
Project Name: Front Street Duplexes

Tag numbers: 05033025A & 05033025B
Location: The properties are located at the intersection of N. Church Street and E. Front Street
Existing Zoning District: Residential High Density (RHD)
Proposed Zoning District: Conditional Residential (CZR)
Acreage: 0.14 acres and 0.21 acres
Existing Use: Vacant
Consultant: N/A
Applicant: Garren Bostic
Owner(s): BOSTIC, GARREN STEWART JOINT TENANTS (WROS) & BOSTIC, WILLIAM EAVE JR. JOINT TENANTS (WROS)
Public Noticing:

- Neighborhood meeting: December 26, 2024
- Property Sign posted: December 06, 2024 (Planning Board)
- Letters mailed: February 4, 2025
- Legal Ad published: February 5, 2025
- Property Sign posted: February 3, 2025

REQUEST: This is a request for a Conditional Rezoning, Type 3, per UDO Section 3.3, to rezone properties currently zoned Residential High Density (RHD) to Conditional Residential (CZR), to allow the construction of a duplex building, a structure that has two residential units, on each property. The properties are located at the intersection of N. Church Street and E. Front Street, consists of approximately .35 acres in total, and are identified as Johnston County Tags 05033025A and 05033025B.

PROJECT OVERVIEW

The property is currently vacant, but lot 05033025A previously contained a detached single-family residence that was demolished in 2023. Additionally, lot 05033025B includes a significant drainage easement held by the Town of Clayton. The proposed project aims to retain the two existing lots and connect them via a shared access driveway (easement) at the rear. The project includes two buildings (duplexes) per lot,

with two parking spaces provided for each unit.

This application seeks to rezone the property to be Conditional Residential (CZR). As a Conditional Rezoning, all uses are identified in the Conditions of Approval provided and the development will occur as illustrated 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 policies.

ADJACENT ZONING, LAND USES, AND FUTURE LAND USE MAP

Direction	Zoning	Existing Land Use(s)	Future Land Use Map
North	Residential High Density (RHD)	Single Family Detached Dwelling	Neighborhood Commercial (NCM)
South	N/A	North Carolina Railroad Company	Downtown Core and Downtown Support
East	Residential High Density (RHD)	Single Family Detached Dwelling	Downtown Support and Downtown Neighborhood
West	Residential High Density (RHD)	Vacant	Downtown Support and Downtown Neighborhood

PLANNING BOARD RECOMMENDATION

Planning Board Recommendations – December 17, 2024

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

1. **Shared Driveway**: The width of the shared driveway must be increased to 24 feet, up from the current 15 feet.

   Response: The applicant has revised the plan to accommodate the increased driveway width. However, a Sanitary Sewer Manhole is located in the way, preventing the full 24 feet from being included in the driveway frontage. The 24-foot width is intended for the driveway area beyond the right-of-way.

2. **Building Placement**: The structures should be repositioned to move forward toward E Front Street to enhance the appearance of being part of the downtown area. While the increased driveway width will address this condition to some extent, further review is necessary.

   Response: In response to the enlargement of the parking lot, the buildings have been moved forward, aligning with the Planning Board's recommendation to create a stronger connection to the downtown area.

3. **Curb Cut Restrictions**: The current curb cut on E Front Street should not be used for future parking or as a driveway. This condition must be included in the

final approval.

Response: Condition #16 has been added to the plan to ensure that the current curb cut on E Front Street will not be used for future parking or as a driveway, in accordance with the Planning Board's recommendation.

Additionally, following an internal review and further considerations, it is required that a neighborhood meeting be held in accordance with Section 2.4.4. The meeting should occur on a weekday, between 6 PM and 8 PM, as the previously proposed meeting was scheduled on a weekend day.

STAFF RECOMMENDATION

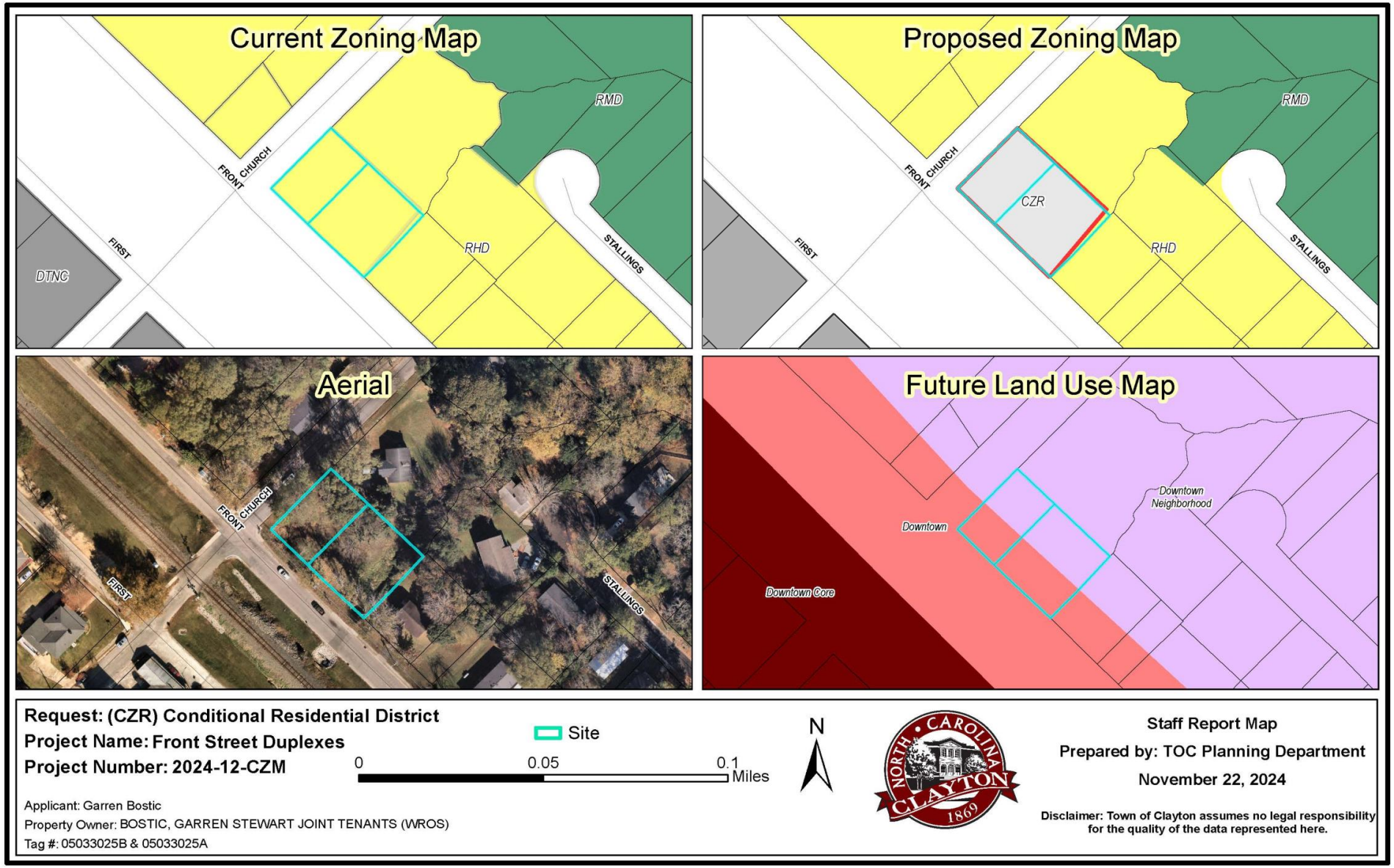
Staff recognizes the benefits of this project through its connection to the existing sidewalk network, the property owner's voluntary decision to comply with the Residential Design Guidelines requirements regarding building architecture, and the choice to locate parking at the rear of the buildings, which also enhances the overall appearance of the site as viewed from Front Street E.

Two Future Land Use designations overlap on the properties: Downtown Neighborhood (DN) and Downtown Support (DS). This situation needs to be corrected to ensure that a single Land Use type is considered, preventing any potential non-compliance with the Comprehensive Growth Plan 2045. Fortunately, the project aligns with the requirements of both Land Use designations. To address this issue, it is recommended to amend the Future Land Use Map, consolidating the properties under a single designation that best supports the intended development.

Staff recommends approval of the Conditional Rezoning request to rezone the property from Residential High Density (RHD) to the Conditional Residential (CZR) zoning district per Motion 1 in the provided consistency statements sheet, "Approval - Consistent with the 2045 Comprehensive Growth Plan".

ATTACHMENTS:

1) Application Materials
2) Neighborhood Meeting Materials
3) Concept Plan
4) Master Plan Narrative
5) Proposed Building Elevations
6) Recommended Conditions of Approval
7) UDO Section 2.3.6 - Conditional Zoning Application
8) UDO Section 4.2.5 - List of Common Principal Uses
9) Draft Ordinance
10) Consistency Statements Sheet


Current Zoning Map
RMD
FRONT CHURCH
RHD
STALLINGS
FIRST
DTNC
Proposed Zoning Map
RMD
FRONT CHURCH
CZR
RHD
STALLINGS
FIRST
Aerial
FRONT CHURCH
FIRST
STALLINGS
Future Land Use Map
Downtown Neighborhood
Downtown
Downtown Core
Request: (CZR) Conditional Residential District
Project Name: Front Street Duplexes
Project Number: 2024-12-CZM
Site
0
0.05
0.1
Miles
N
NORTH CAROLINA CLAYTON 1869
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.
Applicant: Garren Bostic
Property Owner: BOSTIC, GARREN STEWART JOINT TENANTS (WROS)
Tag #: 05033025B & 05033025A

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: Front Street Duplexes **Date:** 2/7/2024

Applicant Name: Garren Bostic

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: Jan 16th, 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: _____

July 2023

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: Front Street Duplexes

Acreage of Property: .35 **Current Zoning District:** Residential High Density

County Tag #: 05033025B & 05033025A **NC Pin #:** _____

Address/Location: 202 E Front Street Clayton NC, 2752

Existing Zoning District: Residential High Density **Proposed Zoning District:** CZR

Ex: CZR, CZM, CZC, CZD, CZI

APPLICANT INFORMATION

Applicant: Garren Bostic

Mailing Address: 45 Station View Ct Apt. 202 Clayton NC, 27520

Phone Number: (910) - 352 -3078 **Fax:** _____

Contact Person: Garren Bostic

Email Address: garren@hoekendesignbuild.com

PROPERTY OWNER INFORAMTION

Name: Same as Applicant Information Above

Mailing Address: _____

Phone Number: _____ **Fax:** _____

Email Address: _____

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 attachment

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 page 5 of attachment

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

   See page 5 of attachment

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

   See page 5 of attachment

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 page 5 of attachment

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

   See page 5 of attachment

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 page 5 of attachment

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 page 5 of attachment

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.

See page 6 of attachment

2. Consistency with the Clayton General Design guidelines.

See page 6 of attachment

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

See page 6 of attachment

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

See page 6 of attachment

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.

See page 6 of attachment

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

See page 6 of attachment

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

See page 6 of attachment

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.

See page 6 of attachment

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

See page 6 of attachment

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

See page 6 of attachment

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

See page 6 of attachment

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.

Garren Bostic
Print Name

Garren Bostic
Signature of Applicant

2/8/2024
Date

Adjacent Property Owners List

HERITAGE PARTNERS LLC: 05015013
121 FIRST STREET CLAYTON, NC 27520-0000

112 CHURCH, LLC: 05015008
3200 STRICKLAND RD STE 114-222 RALEIGH, NC 27613-5212

CARROLL BUILDING INVESTMENTS, LLC: 05015004A
224 PERCY DR CLAYTON, NC 27520-7346

EVERHART, REX M
EVERHART, CAROL S: 05015007
2699 COVERED BRIDGE RD CLAYTON, NC 27527

CARROLL BUILDING INVESTMENTS, LLC: 05015004
224 PERCY DR CLAYTON, NC 27520-7346

RAND, VIDA LEVETTE: 05033005
210 E FRONT STREET CLAYTON, NC 27520-0000

HOOD HOLDINGS LLC: 05033023
230 E FRONT ST CLAYTON, NC 27520-1914

STUTTS, TODD: 05033006
612 BARBOUR ST CLAYTON, NC 27520-2714

COUNTS, PATRICIA: 05033079
2033 STAR SAPPHIRE DR RALEIGH, NC 27610-5974

JOYCE LIPSCOMB CANADY LIVING TRUST: 05015003
107 STONE LN CLAYTON, NC 27520-9387

HOMETOWNE INVESTMENTS LLC: 05015006
328 E MAIN ST CLAYTON, NC 27520-2464

VALKYRIE HOLDINGS, LLC: 05015012
131 E 1ST ST CLAYTON, NC 27520-2440

VELA, CESAR A: 05033036
208 E STALLINGS ST CLAYTON, NC 27520-1953

WATSON, VALENCIA
EVANS, WANDA: 05033039
6324 ROCK QUARRY RD RALEIGH, NC 27610-9606

HARRIS, LUCINDY: 05033024
203 E STALLINGS ST CLAYTON, NC 27520-1952

KING, NATHANIEL RICHARD: 05033035
5117 HILLTOP NEEDMORE RD FUQUAY VARINA, NC 27526-9270

STUTTS, TODD: 05033037
612 BARBOUR ST CLAYTON, NC 27520-2714

BERRY, PETER D
BERRY, REBECCA: 05033064

315 N CHURCH ST CLAYTON, NC 27520-0000

REGAN, XAN
REGAN, PAUL: 05033038
212 E STALLINGS ST CLAYTON, NC 27520-1953

BRUNNER, MARK W
BRUNNER, DEBORAH: 05033003
130 E FRONT ST CLAYTON, NC 27520-1913

MOORE, EMMA SANDERS: 05033025
207 N CHURCH ST CLAYTON, NC 27520-1901

EDWARDS, GAIL BARKER JR
EDWARDS, JUDITH: 05033027
116 E FRONT ST CLAYTON, NC 27520-0000

PARRISH, MATTHEW
PARRISH, MOLLIE BLEU: 05033026
623 VINSON FARM LN CLAYTON, NC 27520-7540

FIRST BAPTIST CH OF CLAYTON: 05033034
PO BOX 35 CLAYTON, NC 27528-0035

Neighborhood Meeting Letter

12/26/2024

Dear Clayton Area Property Owner:

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

Meeting Date: January 10th, 2025 **Meeting Time**: 7:00 pm
Meeting Location: Deep River Brewing - Outdoor seating area.
Type of Application: Conditional Zoning
Project/proposal property address: 202 E Front Street Clayton NC, 27520
Description of project/proposal: The proposed development is comprised of 2 two-story, two-family homes that will total four (4) units and will be constructed to the Town of Clayton standards.
Upcoming public meetings for this application (Planning Board and/or Town Council): TBD

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 . You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Garren Bostic

Neighborhood Meeting Attendance Roster

Project: Front Street Duplexes
Application: CZM Rezone
Location/date: Deep River Brewing 1/10/2025

Name:	Address:
Garren Bostic	Applicant

Neighborhood Meeting Summary Form

Application: CZM
Date of mailing: 12/27/2024
Date of meeting:1/10/2025
Location of meeting: Deep River Brewing
Time of meeting: 7:00 pm

Printed name: Garren Bostic Signature: Garren Bostic

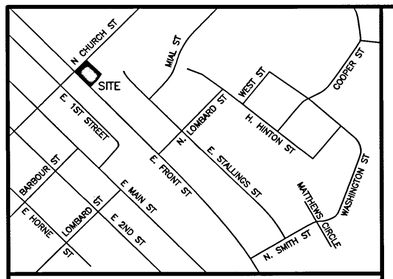
Meeting Summary/Minutes

After 20 minutes none of the invitees were present.

After 30 minutes still no one was present at the meeting besides myself, Garren Bostic.

The meeting concluded at 8:00 pm.

DocuSign Envelope ID: 48D775BE-DB89-4C77-8428-AE9B305EFAF8



VICINITY MAP (NOT TO SCALE)

LOT STANDARDS TABLE	
MIN LOT AREA	6000 SF
MIN LOT WIDTH:	50'
SETBACKS:	
FRONT	5'
SIDE INTERIOR	6'
SIDE STREET	10'
REAR	20'
MAX BLDG. HEIGHT	35'

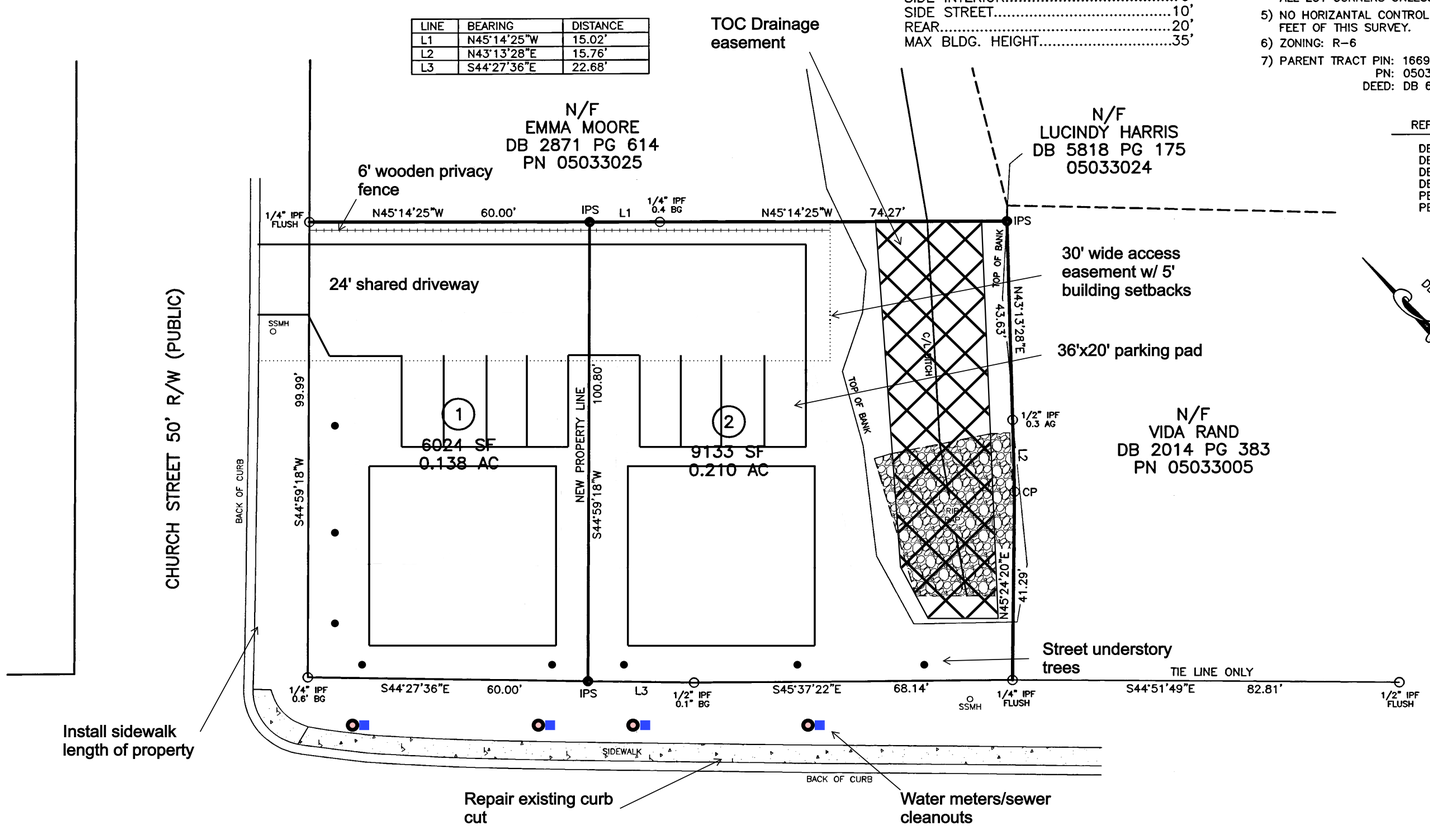
NOTES:

1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
2) AREAS COMPUTED BY COORDINATE METHOD.
3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
5) NO HORIZANTAL CONTROL WAS FOUND WITHIN 2000 FEET OF THIS SURVEY.
6) ZONING: R-6
7) PARENT TRACT PIN: 166913-1095
PN: 05033025A
DEED: DB 6316 PG 896

REFERENCES:

DB 6316 PG 896
DB 2871 PG 614
DB 2014 PG 383
DB 5818 PG 175
PB 92 PG 372
PB 95 PG 86

LINE	BEARING	DISTANCE
L1	N45°14'25"W	15.02'
L2	N43°13'28"E	15.76'
L3	S44°27'36"E	22.68'



E. FRONT STREET 50' R/W (PUBLIC)

Front Street Duplexes

0 20 40 60
1" = 40'

LEGEND

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

NORTH CAROLINA PROFESSIONAL SEAL L-3990 LAND SURVEYOR CURK T. LANE

SURVEYOR

L - 3990
LICENSE NUMBER

SURVEYED BY:	LANE
DRAWN BY:	DANNY
CHECKED BY:	CURK
DRAWING NAME:	SUBDIVISION.DWG
SURVEY DATE:	6/2/23
JOB NO.	4749.002

TRUE LINE SURVEYING, P.C.

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

C-1859

Filed in JOHNSTON, NC CRAIG OLIVE, Register of Deeds Filed 10/31/2023 11:10:47 AM
PLAT BOOK: 99 PAGE: 375 INSTRUMENT # 2023034602
Deputy/Assistant Register of Deeds: Pauline Sanders

Submitted electronically by "True Line Surveying"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

Front Street Duplexes Conditional Zoning Application

SITE INFORMATION

Name of Project: Front Street Duplexes
Acreage of Property: .35
Current Zoning District: Residential High Density
NC Pin #: 05033025B & 05033025A
Address/Location: 202 E Front Street Clayton NC, 27520
Existing Zoning District: Residential High Density
Proposed Zoning District: CZR

APPLICANT INFORMATION

Applicant: Garren Bostic
Mailing Address: 45 Station View Ct Apt. 202 Clayton NC, 27520
Phone Number: (910) - 352 -3078
Contact Person: Garren Bostic
Email Address: garren@hoekendesignbuild.com

PROPERTY OWNER INFORMATION

Name: Garren Bostic
Mailing Address: 45 Station View Ct Apt. 202 Clayton NC, 27520
Phone Number: (910) - 352 -3078
Email Address: garren@hoekendesignbuild.com

Master Plan Narrative

Front Street Duplexes are proposed to be constructed on two (2) existing lots of 0.21 acres and .14 acres, totaling 0.35 acres located on 202 E Front Street. The proposed development is comprised of 2 two-story, two-family homes that will total four (4) units and will be constructed to the Town of Clayton standards. The current density for Residential High Density (RHD) is 7.2 units/ac. Building on the proposed .35 acre parcel using this 7.2 units/ac density would allow building one dwelling unit per acre. Using the sustainable development practice incentive from section 6.17.4 would grant an additional dwelling unit per lot, which will suffice the density needed for the proposed duplexes in RHD. The adjacent properties are zoned Residential High Density (RHD). The proposed duplexes will require conditional zoning approval that requests a maximum density of 11 units per acre (11.43 units/ac actual).

Proposed setbacks for lot #2 are street 25 feet, sides 6 feet, rear 20 feet . The Proposed setbacks for lot #1 are front street 25, side street 14, side 6, rear 20. The minimum building separation is 12 feet. The proposed buildings will be following the single-family residential design guidelines from the Town of Clayton UDO section 6.2.6. According to section 6.2.6, if these conditions are followed, no perimeter buffer will be required. This duplex will appear as a single family home from the front street view. We intend on placing the entry doors on separate building facades and complying with section 4.3.41.A. We are offering the following proposed conditions to be met regarding the exterior materials used. Siding, fiber cement. Trim, fiber cement. Decorative Louvers, fiber cement. Brick will make up at least 25% of the front facade. The proposed development will also include bushes, sod and the required street trees.

There will be a shared access driveway in the rear of the property. This will allow each unit to have its own dedicated parking. Water, sewer, and electricity will be provided by the Town of Clayton. There are existing water and sewer mains inside the existing rights-of-way. This will allow for each individual unit to tap into for individual services as required by the Town of Clayton. The total land disturbing area expected for this project is 0.35 acres. According to the Town of Clayton UDO “plan approval shall not be required for land-disturbing activity that does not exceed one acre (43,560 square feet) in surface area.” Since the activities on the existing parcels are below the one-acre threshold and are therefore deemed exempt, no erosion control permit will be required. Responsible erosion control practices will be followed. Erosion control measures, such as silt fence with outlets, construction entrances and wattles, will be installed prior to construction and are to stay in place through final building. This parcel does not sit in environmentally sensitive lands, wildlife habitats, or resource protection lands.

The parcels in this submittal are 0.35 acres. According to the Town of Clayton UDO “Residential, single family or duplex, development and recreational facilities less than one acre in size, with no increase in number of lots, and is not part of a larger common plan of development or sale” is exempt from the provisions of the Stormwater Management requirements. Since the parcels are below the one-acre threshold and
are therefore deemed exempt, no stormwater permit will be required.

APPROVAL CRITERIA - REZONING

1. Consistency with the adopted plans of the Town.
According to the future land use map in the 2045 Comprehensive Growth Plan, the proposed project is in a downtown Support area. Downtown Support includes a mixed use of housing types while providing higher-density development compared to other residential Categories and acts as a transition from the downtown core into downtown neighborhoods. This project is consistent with the 2045 Comprehensive Growth Plan.

2. Suitability of the subject property for uses permitted by the current vs the proposed conditional district.
The 2045 Comprehensive Growth Plan states that density within the Downtown Support area is expected to be less than or equal to 25 units/ac. The proposed density for this project is 11 units/ac (11.43 units/ac actual) which falls within the range called out in the 2045 Comprehensive Growth Plan.

3. Whether the proposed change tends to improve the balance of uses or meets specific demand in the Town.
The proposed residential development addresses the demand for residential housing in the Clayton area. It is a gentle increase in density.

4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply facilities and stormwater drainage facilities are available for the proposed conditional district.
The proposed subject property is (2) existing in-fill lots. Therefore, these lots have already been accounted for in the use of existing schools, roads, recreation facilities, wastewater treatment, water supply facilities and storm drainage facilities available for the proposed conditional district. This will only add (2) family units to the area. The addition of the family units will only require tapping into the existing wastewater with cleanouts, and the existing water line with water meters. Existing storm drainage is in place and the proposed impervious area will not exceed the required amount.

5. It has been determined that the legal purposes for which zoning exists are not violated.
The proposed zoning is consistent with the 2045 Comprehensive Growth Plan.

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

The proposed subject property will be a development of two-family homes and will continue to address the downtown support component envisioned in the 2045 Comprehensive Growth Plan and will complement the surrounding areas on Front Street with no perceived adverse impact.

7. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
The proposed rezoning addresses the downtown support component envisioned in the 2045 Comprehensive Growth Plan.

APPROVAL CRITERIA - MASTER PLAN

1. Compliance with code section 155.203(I) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter.
The proposed subject property is existing lots located within an existing neighborhood, therefore complies and meets the requirements of code section 155.203(I).

2. Consistency with the Clayton General Design guidelines.
The proposed subject property is designed to meet the Town of Clayton Design guidelines for site planning, mobility, architectural design, and landscaping within the existing neighborhood.

3. Conformance of the proposal with the stated purpose of the requested conditional zoning district.
The proposed plan is consistent with and fulfills the stated purpose of the requested zoning by the density, design, and landscaping.

4. Compatibility of the proposed development with the adjacent community.
The proposed subject property will be compatible with the adjacent community. Both the proposed and adjacent have two- family dwellings within the developments and both are high-density developments.

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 proposed subject property will be compatible with the adjacent community. Both the proposed and adjacent have two- family dwellings within the developments and both are high-density developments.

6. Compatible relationships between each component of the overall project.
The proposed subject property will be compatible with the adjacent community. Both the proposed and adjacent have two- family dwellings within the developments and both are high-density developments.

7. Self-sufficiency of each phase or the overall project.
The overall project successfully stands alone as well as in concert with the surrounding neighborhood.

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.
There are no proposed or necessary infrastructure improvements. Only new water and sewer services will be added to the existing lots and will not “overtax the existing public infrastructure systems”.

9. The fiscal impact of the proposal and the proposed financing of the required improvements.
This proposal involves private construction with no proposed financing by the Town.

10. The success of the proposal in providing adequate pedestrian and bike links within the development and the adjacent community.
The proposed subject property will include a 5’ sidewalk connection to the existing sidewalk for continued pedestrian use.

11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.
This project is not within an environmentally sensitive area. Furthermore, the project will be designed and constructed to meet the Town of Clayton stormwater and erosion control standards.

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.

Garren Bostic Date: 1/24/2024

VOLUNTARY COMPLIANCE WITH RESIDENTIAL DESIGN GUIDELINES

The single-family detached, duplex, triplex, or quadplex depicted on the attached site plan, subdivision plat, or other development approval is subject to the Town of Clayton's SingleFamily Residential Design Guidelines in place at the time the application for this development was determined to be complete.I hereby voluntarily consent to the application of these design guidelines, this acceptance of which shall run with the land regardless of changes in ownership, and recognize that failure to comply with the applicable guidelines following approval is a violation of the Clayton Unified Development Ordinance.

Garren Bostic

_____

Landowner Signature

4/11/2024

_____

Date



Front Elevation

Front Street Duplexes

Conditions of Approval (2024-12-CZM – Front Street Duplexes)

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

7. The following Principal Use, noted in UDO Table 4.2.5, is permitted right within the building and general area identified in the Concept Plan:

    a) Duplex Dwelling

8. Unless otherwise explicitly prohibited in these Conditions or the Conditional Residential (CZR) Zoning District, Secondary Uses per UDO Table 4.5.4. and Temporary Uses per UDO Table 4.6.4. shall be permitted.

9. The development standards and building elevations approved as part of this application by the Technical Review Committee (TRC) shall be adhered to for the construction and location of the buildings on the property.

10. Construction materials for each duplex shall adhere to the building elevations approved by the TRC and the following:

    a) Siding (horizontal, board and batten, etc.) materials used shall not consist of
    any vinyl material.
    b) Brick veneer shall consist of a minimum of 25% of the front façade and shall
    wrap around the corner of the building side.
    c) Windows shall incorporate a trim on the front and side facades of each building.

11. A six (6)-foot high wooden fence shall be provided along the northerly property line.

12. A twenty-four (24)-foot shared driveway shall be provided along the rear of the buildings and running along the northerly property line.

13. A thirty (30)-foot wide access easement shall be recorded at the time of the building permit and the book and page number provided to the Planning Department prior to the issuance of the final Certificate of Occupancy for the first duplex.

14. Understory trees shall be provided along the frontages of the properties along N. Church St. and E. Front St. per the approved Concept Plan.

15. Sidewalk improvements shall be installed along the length of the property fronting N. Church St., per the approved Concept Plan.

16. The current curb cut on E. Front St. should not be used for future parking or as a driveway.

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.

Garren Bostic	Garren Bostic	2/11/2025
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).

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;

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	·	4.3.86
Pocket Neighborhood [1]	·	·	·	P	P	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.101
Single-Family Attached Dwelling [1]	·	·	·	·	P	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.119
Single-Family Detached Dwelling	P	P	P	P	P	P	·	·	P	P	P	·	·	·	·	P	·	C	·	·	C	·	4.3.120
Triplex or Quadplex [1] **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.132
Upper-Story Dwelling	·	·	·	·	·	P	P	P	P	P	P	P	·	·	·	P	·	C	C	C	C	·	4.3.133

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 Residential High Density (RHD) to Conditional Residential (CZR) zoning district. The properties are located at the intersection of N. Church Street and E. Front Street, consist of approximately .35 acres in total, and are identified as Johnston County Tax Numbers 05033025A and 05033025B. (File 2024-12-CZM Front Street Duplexes); and

WHEREAS said properties are owned by BOSTIC, GARREN STEWART JOINT TENANTS (WROS) & BOSTIC, WILLIAM EAVE JR. JOINT TENANTS (WROS); and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) at their December 17, 2024 meeting and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The 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 February 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. That the Official Zoning Map of the Town of Clayton is hereby amended to include in the Conditional Residential (CZR) zoning district the following described properties:

General Description:

Located at the intersection of N. Church Street and E. Front Street.

Specific Description:

NC Parcel TAG Numbers: 166913-13-1095 (05033025A) & 166913-13-2013 (05033025B)

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 (2024-12-CZM Front Street Duplexes):

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

7. The following Principal Use, noted in UDO Table 4.2.5, is permitted right within the building and general area identified in the Concept Plan:

   a) Duplex Dwelling

8. Unless otherwise explicitly prohibited in these Conditions or the Conditional Residential (CZR) Zoning District, Secondary Uses per UDO Table 4.5.4. and Temporary Uses per UDO Table 4.6.4. shall be permitted.
9. The development standards and building elevations approved as part of this application by the Technical Review Committee (TRC) shall be adhered to for the construction and location of the buildings on the property.

10. Construction materials for each duplex shall adhere to the building elevations approved by the TRC and the following:

    a) Siding (horizontal, board and batten, etc.) materials used shall not consist of
    any vinyl material.
    b) Brick veneer shall consist of a minimum of 25% of the front façade and shall
    wrap around the corner of the building side.
    c) Windows shall incorporate a trim on the front and side facades of each building.

11. A six (6)-foot high wooden fence shall be provided along the northerly property line.

12. A twenty-four (24)-foot shared driveway shall be provided along the rear of the buildings and running along the northerly property line.

13. A thirty (30)-foot wide access easement shall be recorded at the time of the building permit and the book and page number provided to the Planning Department prior to the issuance of the final Certificate of Occupancy for the first duplex.

14. Understory trees shall be provided along the frontages of the properties along N. Church St. and E. Front St. per the approved Concept Plan.

15. Sidewalk improvements shall be installed along the length of the property fronting N. Church St., per the approved Concept Plan.

16. The current curb cut on E. Front St. should not be used for future parking or as a driveway.

SECTION 5. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

We find this rezoning action to be consistent with the Town of Clayton's 2045 Comprehensive Growth Plan, including Goal LU 1, Policy LU 1.1, Strategies LU 1.1.1 and LU 1.1.2, Policy LU 1.2, Strategy LU 1.2.2, Policy LU 1.6, Strategy LU 1.6.1, Goal LU 3, Policy LU 3.1, Strategy LU 3.1.2, Policies DT 1.3 and DT 1.4, Strategy DT 1.4.2, and the Future Land Use Map designations of Downtown Neighborhood and Downtown Support.

The proposed zoning amendment is reasonable and in the public interest because it supports the Town of Clayton 2045 Comprehensive Growth Plan's policies above and because:

1. The Comprehensive Growth Plan encourages non-residential uses in this area.

2. The request is compatible with existing zoning and land uses in the area.

SECTION 6. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 17t day of February 2025, while in regular Session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Sam Johnson-Phillips
Deputy Town Clerk

APPROVED AS TO FORM:

_____

Jim Cauley
Town Attorney

Motions for Consistency Statements | 2024-12-CZM Front Street Duplexes

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 make a motion 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 Downtown Neighborhood (DN) and Downtown Support (DS) in the Future Land Use Map.**
- **Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.**
- **Policy LU 1.1 seeks to review development proposals for consistency with the Future Land Use Map.**
- **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.**
- **Policy LU 1.6 aims to promote development that reduces transportation impacts, shortens trips, improves circulation, and enhances public safety.**
- **Goal LU 3 seeks to encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.**
- **Policy LU 3.1 seeks to encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use map.**
- **Policy DT 1.3 moves to support adaptive re-use of under-utilized sites and buildings to revitalize Downtown.**
- **Policy DT 1.4 aims to increase residential activity projects in Downtown.**

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

I make a motion to approve this rezoning request. While the request is inconsistent with the Future Land Use Map in the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Downtown Neighborhood (DN) and Downtown Support (DS) in the Future Land Use Map.
- Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.

- Policy LU 1.1 seeks to review development proposals for consistency with the Future Land Use Map.
- 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.
- Policy LU 1.6 aims to promote development that reduces transportation impacts, shortens trips, improves circulation, and enhances public safety.
- Goal LU 3 seeks to encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- Policy LU 3.1 seeks to encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use map.
- Policy DT 1.3 moves to support adaptive re-use of under-utilized sites and buildings to revitalize Downtown.
- Policy DT 1.4 aims to increase residential activity and promote mixed-use projects in Downtown.

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.
- The rezoning request is inconsistent with one element of the Town of Clayton's Comprehensive Growth Plan, though it aligns with the overall vision.

Motion 3: Denial – Consistent with the 2045 Comprehensive Growth Plan

I make a motion to deny this rezoning request. While the request is consistent with the adopted 2045 Comprehensive Growth Plan, in that:

- The properties are designated as Downtown Neighborhood (DN) and Downtown Support (DS) in the Future Land Use Map.
- Goal LU 1 moves to preserve Clayton’s character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 seeks to review development proposals for consistency with the Future Land Use Map.
- 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.
- Policy LU 1.6 aims to promote development that reduces transportation impacts, shortens trips, improves circulation, and enhances public safety.
- Goal LU 3 seeks to encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- Policy LU 3.1 seeks to encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use map.

- Policy DT 1.3 moves to support adaptive re-use of under-utilized sites and buildings to revitalize Downtown.
- Policy DT 1.4 aims to increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The rezoning request is consistent with the 2045 Comprehensive Growth Plan, other factors warrant its denial.

Motion 4: Denial – Inconsistent with the 2045 Comprehensive Growth Plan

I make a motion 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 Downtown Neighborhood (DN) and Downtown Support (DS) in the Future Land Use Map.
- Goal LU 1 moves to preserve Clayton's character while allowing for growth and development in appropriate areas.
- Policy LU 1.1 seeks to review development proposals for consistency with the Future Land Use Map.
- 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.
- Policy LU 1.6 aims to promote development that reduces transportation impacts, shortens trips, improves circulation, and enhances public safety.
- Goal LU 3 seeks to encourage a range of housing types and lot sizes that will meet the needs of various income levels, family sizes, and ages.
- Policy LU 3.1 seeks to encourage a range of housing types based on the availability of infrastructure, proximity to services and amenities, and compatibility with existing development as described in the Future Land Use map.
- Policy DT 1.3 moves to support adaptive re-use of under-utilized sites and buildings to revitalize Downtown.
- Policy DT 1.4 aims to increase residential activity and promote mixed-use projects in Downtown.

This action is reasonable and in the public interest, in that:

- The rezoning request is inconsistent with the 2045 Comprehensive Growth Plan, and its denial upholds the plan's objectives and intent.

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	PUBLIC HEARINGS

Item Title

2024-27-CZM Amelia Church Townhomes

Presenter(s)

Audrey Duchesne

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 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.

Recommendation

Staff recommends approval but inconsistent with the 2045 Comprehensive Growth Plan.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

00_Staff Report_2024-27-CZM Amelia Church Townhomes - TC 02.17.2025

00a_Staff Report Map -Amelia Church Townhomes -

01_Application 2024-27-CZM Amelia Church CZM

01a_Application Supplemental Information 2024-27-CZM Amelia Church

02.Amelia Church - Neighborhood Meeting Invite Letter 12.16.2024

03_Rezoning Concept Plan for NCB230214.00 - 01-27-25 - TC 2.17.25 (1)

04_SIGNED - Conditions of Approval - 2024-27 - CZM Amelia Church Townhomess - 02.13.25 - v1 (2)

05_Traffic Impact Analysis_April 2024

06_UDO Sub-Section 2.3.6. Conditional Rezoning

07_UDO Sub-Section 4.2.5. Listing of Common Principal Uses_Residential

08_Consistency Statements Sheet_2024-27-CZM Amelia Church Townhomes - TC 02.17.2025

09_Ordinance_2024-27-CZM Amelia Church Townhomes - TC 02.17.2025

Submitted By: Audrey Duchesne, Planning

Reviewed By:

Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 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: February 17, 2025

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.

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 RECOMMENDATION

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

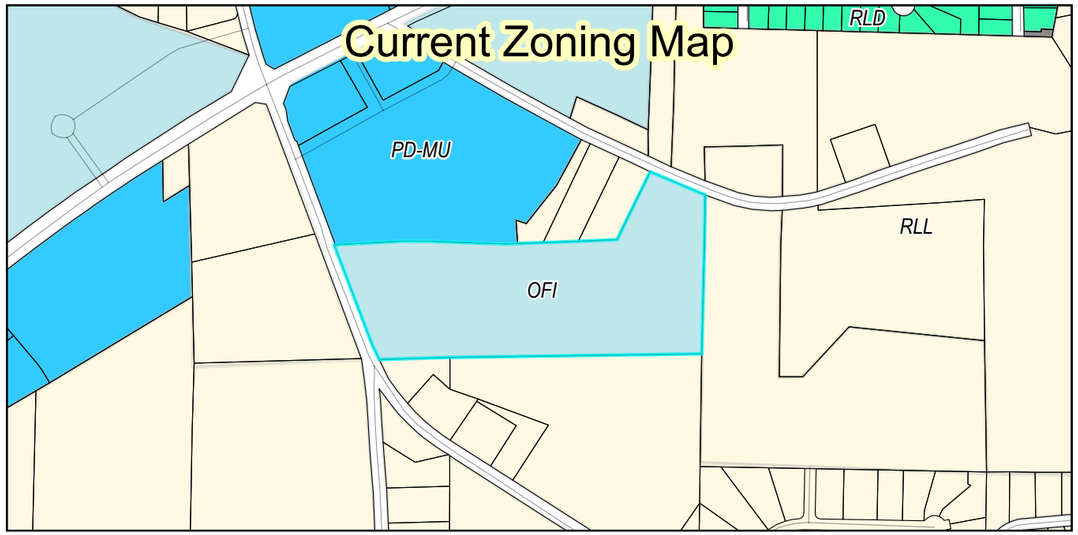
Staff has provided an addendum to the applicant-provided Conditions of Approval for the Planning Board's consideration, which aims to demonstrate enhanced design and landscaping.

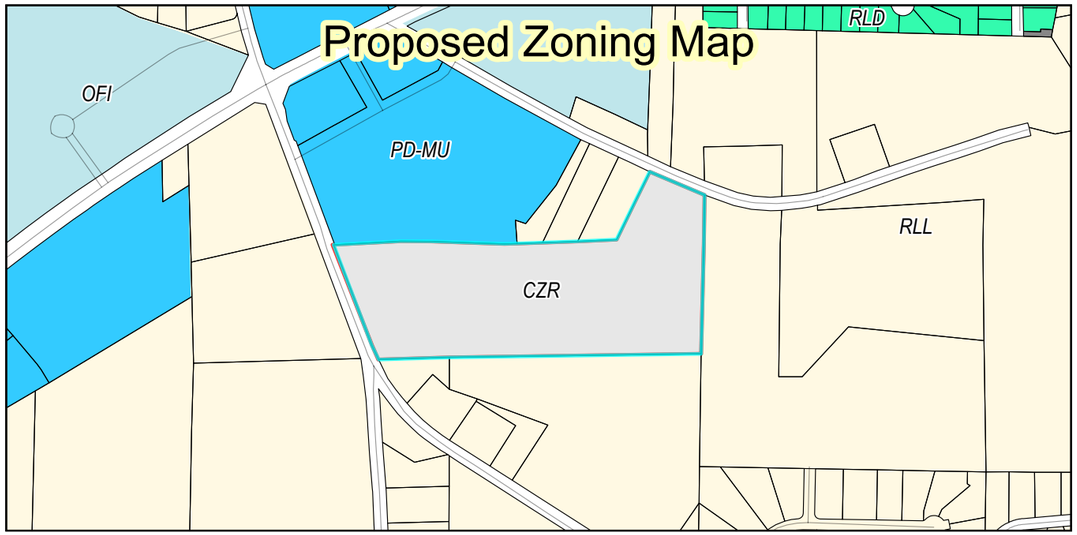
After careful review, the property subject to this rezoning request is located within the Medium Density Residential (MDR) Land Use designation. In this category, the proposed density is 3-5 units per acre, and the preferred unit type is detached single-family housing, generally with less than 50% attached units. However, the project exceeds these requirements with a density of 8.7 units per acre and includes 100% attached single-family housing. Therefore, we recommend modifying the Future Land Use Map to align this site with a High Density Residential (HDR) Land Use designation.

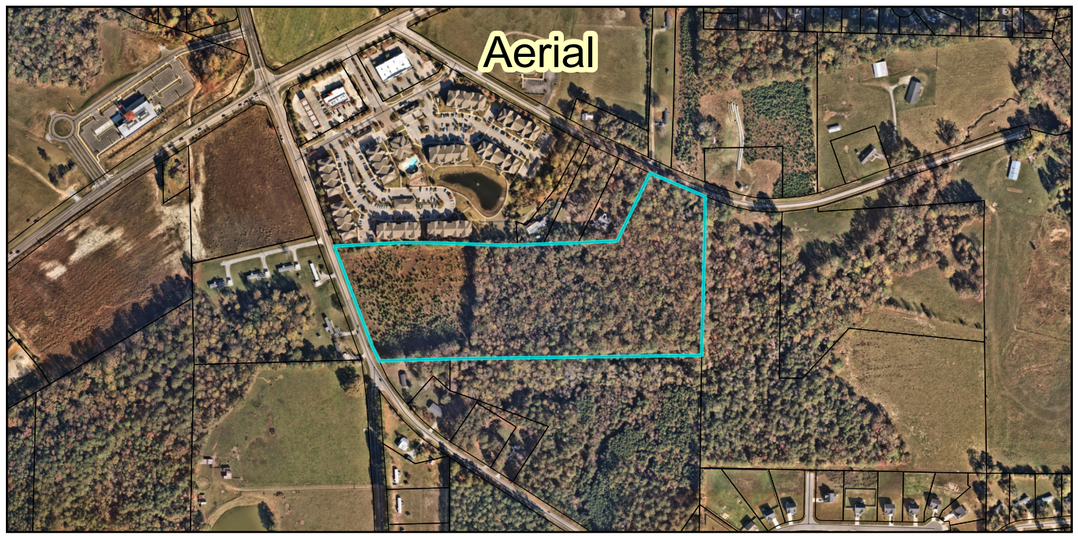
Staff recommends approval of the Conditional Rezoning request to rezone the property from Office Institutional (OFI) to the Conditional Residential (CZR) zoning district per Motion 2 in the provided consistency statements sheet, "Approval - Inconsistent with the 2045 Comprehensive Growth Plan".

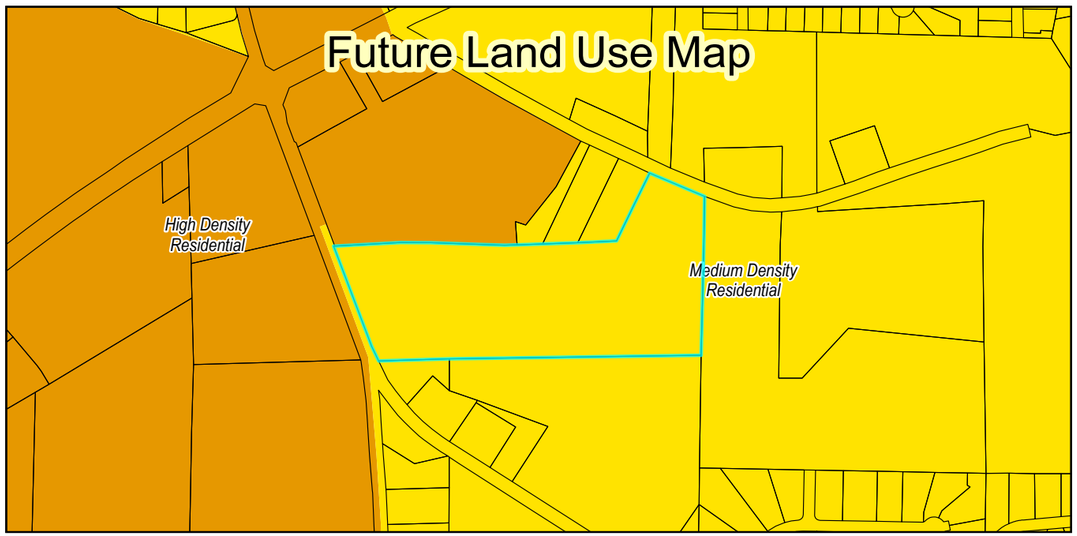
ATTACHMENTS:

1) Application Materials
2) Neighborhood Meeting Materials
3) Concept Plan Set
4) Signed Recommended Conditions of Approval
5) Updated Traffic Impact Analysis
6) UDO Sub-Section 2.3.6
7) UDO Sub-Section 4.2.5
8) Consistency Statements Sheet
9) Ordinance









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: _____

July 2023

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:

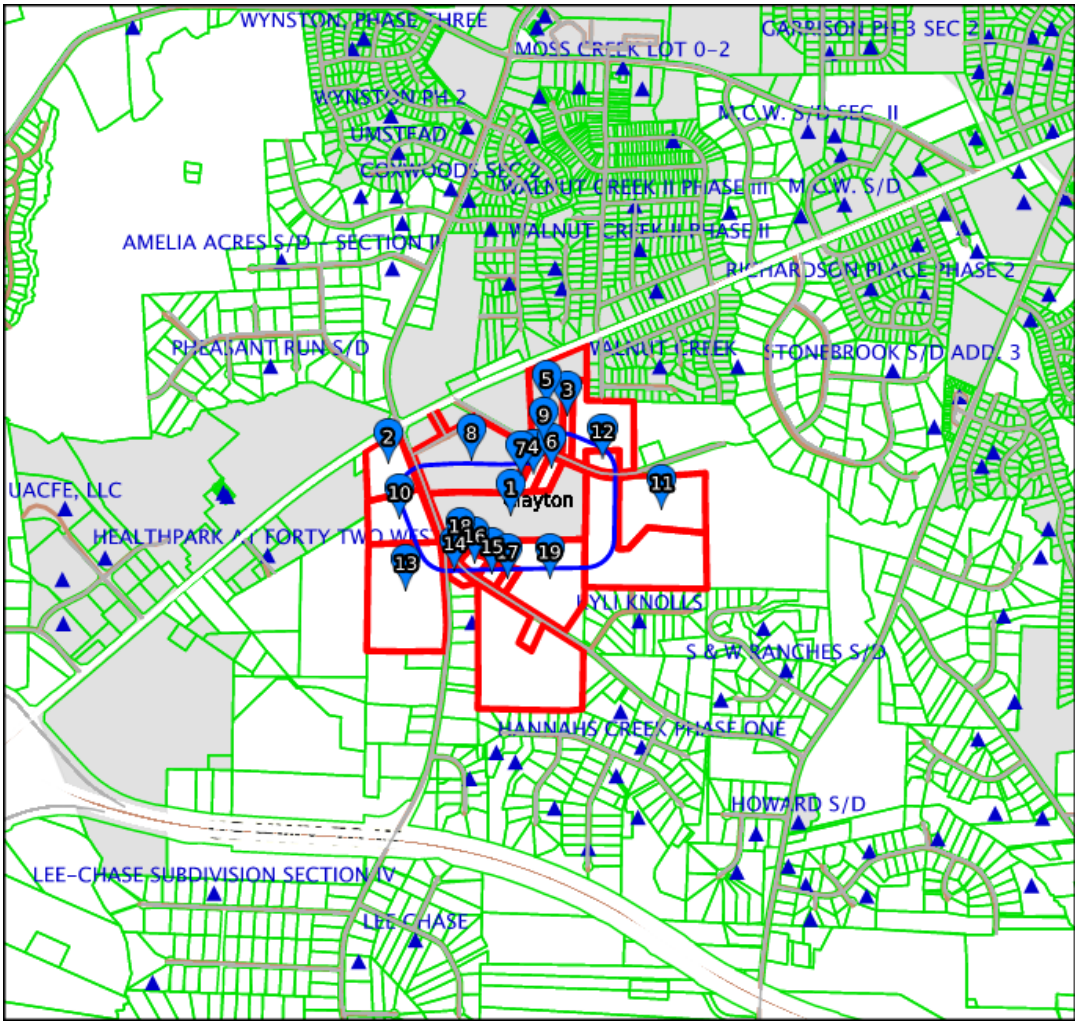
1. A copy of the project application.
2. A schedule of all upcoming public meetings for the application.
3. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

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 I
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

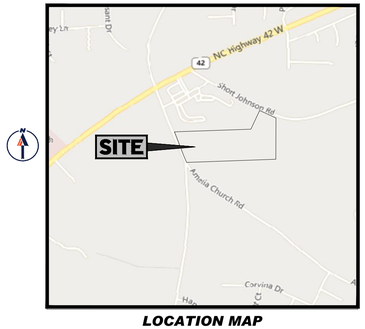
2024-27-CZM

FOR

PROPOSED

AMELIA CHURCH - TOWNHOMES

LOCATION OF SITE
AMELIA CHURCH RD.
CLAYTON, NC 27520



LOCATION MAP
SCALE: 1" = 1000'

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	ARCHITECTURAL ELEVATIONS
EXHIBIT 2	ROAD SECTIONS, IMPROVEMENTS AND LIGHTING EXHIBIT
EXHIBIT 3	SANITARY SEWER ROUTING AT SHORT JOHNSON ROAD

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.

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: SPENCER B. TERRY III
EMAIL: STERRY@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.

Jun 29, 2025
H:\2021\NCB230214.00\LAND DEVELOPMENT\CAD\DRAWINGS\PLAN SET\REZONING PLAN SET\NCB230214 - CNDS-0_——LAYOUT - C-101 COVER
BRS

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

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

THE INFORMATION, DESIGN AND CONCEPTS CONTAINED IN THIS PLAN ARE THE PROPERTY OF BOHLER AND SHALL NOT BE USED OR REPRODUCED IN ANY MANNER WITHOUT THE EXPRESS WRITTEN PERMISSION OF BOHLER. ANY UNAUTHORIZED USE OF THE INFORMATION, DESIGN AND CONCEPTS CONTAINED IN THIS PLAN SHALL BE AT THE SOLE RISK OF THE PARTY USING OR REPRODUCING THE PLAN AND SHALL BE WITHOUT LIABILITY TO BOHLER.

REVISIONS

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

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 2 - 01/27/2025

NOTES:

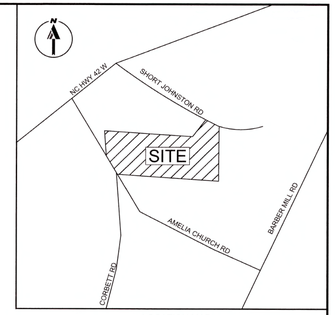
1. THE FIRM HAS RELIED UPON TITLE COMMITMENT FURNISHED BY METRO TITLE COMPANY TITLE COMMITMENT: MET2021-01068, APRIL 23, 2021, AT 9:00 AM AND REVISED OCTOBER 18 2023, WHILE AND IN PREPARING THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY TITLE EXCEPTIONS NOT DISCLOSED BY THE REFERENCED TITLE COMMITMENT
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

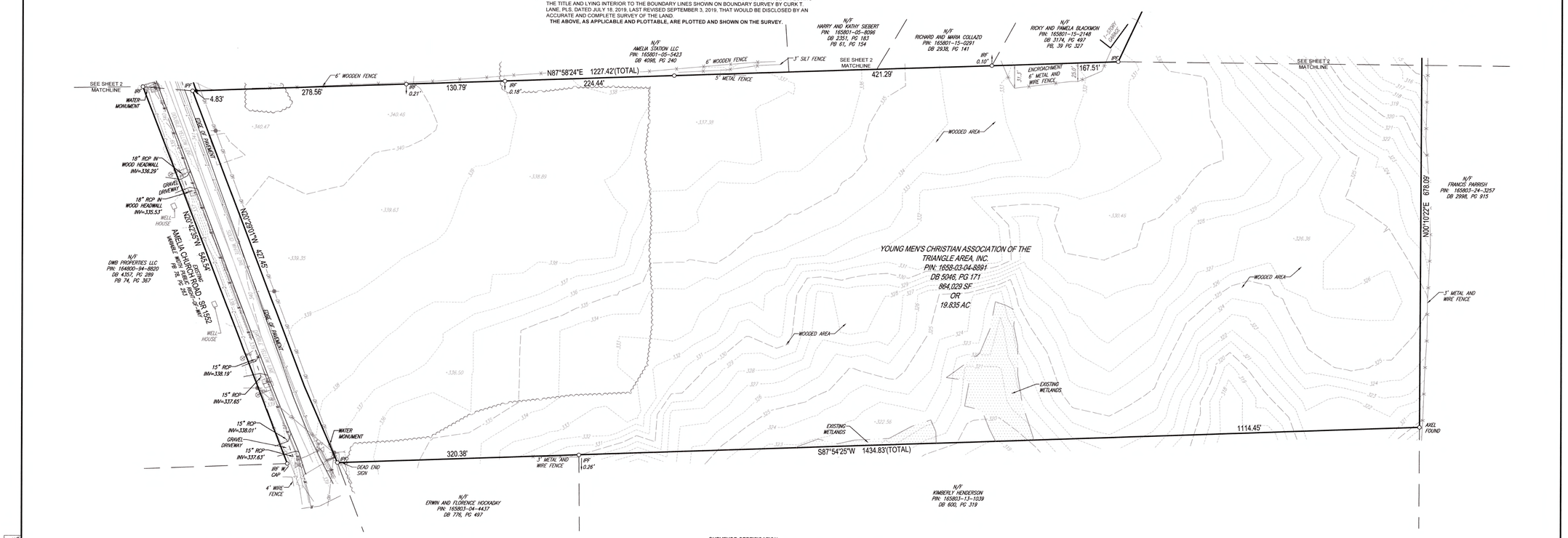
1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIREMENTS ARE MET. **NOT A SURVEY MATTER.**
2. TAXES AND ASSESSMENTS 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
- LINE NOT SURVEYED
- EXISTING CONTOUR
- EXISTING SPOT ELEVATION
- OVERHEAD WIRES
- APPROX. LOC. UNDERGROUND FIBER OPTIC LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND CABLE LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND GAS LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND TEL. LINE PER UTILITY MARKOUT
- FENCE
- GUY WIRE
- TREE LINE
- UTILITY POLE
- ELECTRIC BOX
- SANITARY SEWER MANHOLE
- STORM DRAINAGE GRATE
- WATER METER
- WATER VALVE
- AREA LIGHT
- SIGN
- MAIL BOX
- IPF IRON PIPE FOUND
- PKF PK NAIL FOUND
- IRF IRON REBAR FOUND
- IPS 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 SEAL L-3920 SURVEYOR 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

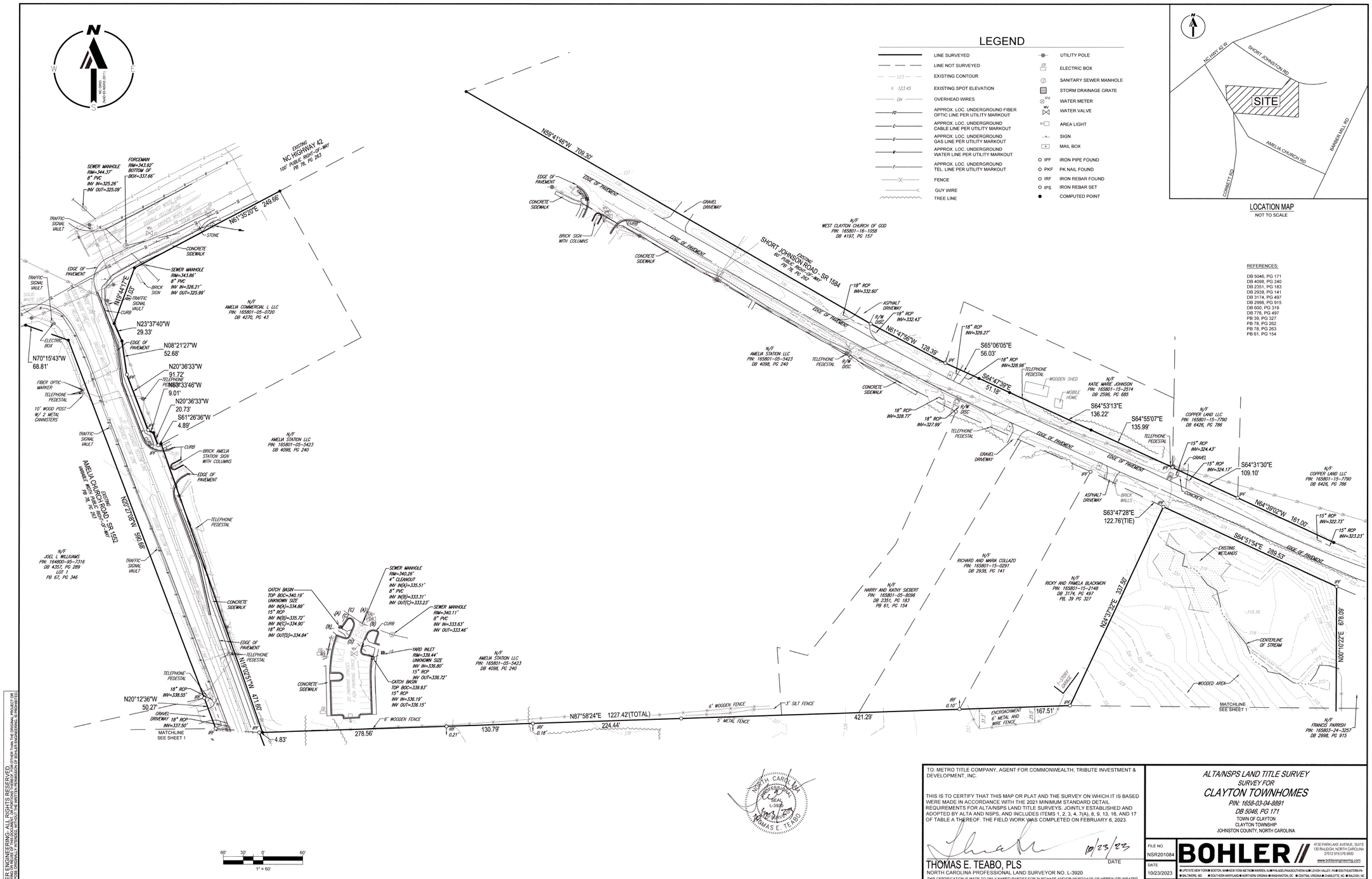
THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY AFFIDAVIT, RESALE OF PROPERTY,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

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

BOHLER // 830 PARK LAKE 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

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USE OF THESE PLANS IN ANY MANNER OTHER THAN THE ORIGINAL PROJECT OR THE PURPOSE ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING, IS PROHIBITED

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.

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

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

BOHLER
4130 PARKLAKE AVENUE, SUITE 100 RALEIGH, NORTH CAROLINA 27612 919.578.9000
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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

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 4.54 ACRES AS SHOWN 18% MINIMUM WILL BE PROVIDED
ACTIVE OPEN SPACE: UDO SEC 6.7.1 REQUIRED: 1.24 AC (54,015 SF) PROVIDED: 0.31 AC (13,707 SF) ACTIVE PROVIDED: 1.40 AC (61,166 SF) GATHERING PROVIDED TOTAL: 1.71 AC (74,873 SF)	ACTIVE: GRILLING STATION, DOG PARK GATHERING: WALKING TRAIL, SEATING AREAS, OUTDOOR DINING, ENHANCED WATER FEATURE
PASSIVE OPEN SPACE: REQUIRED: 1.24 AC (54,015 SF) PROVIDED: 2.83 AC (122,765 SF)	
RESOURCE CONSERVATION AREAS	

STREAM BUFFER RCA (EXCLUDES WETLANDS):	35,055 SF	
WETLAND RCA:	21,952 SF	
STREAM LENGTH RCA(EXCLUDES WETLANDS):	326 LF	
TOTAL EXISTING RCA:	**57,007 SF**	
RCA IMPACTS AT ROAD CROSSING:		
WETLAND IMPACT:	21,563 SF	
STREAM IMPACT:	0 SF	
	194 LF	
TOTAL IMPACTED RCA:	21,563 SF	
TOTAL RCA REMAINING:	**35,444 SF (0.8 AC) STREAM BUFFER & WETLANDS**	
	132 LF STREAM	

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 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

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 REVIEW PROCESS.
3. SEE MASTER PLAN NARRATIVE FOR COMMITTED DESIGN GUIDELINES.

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	20.7%
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 PROVIDED: 346 SPACES	173 TOWNHOMES 2 PER DRIVEWAY
GUEST PARKING: 0.25 SPACES /UNIT = 44 REQUIRED: 44 SPACES PROPOSED: 44 SPACES	44 SPACES
AMENITY AREA: 1 SPACE PER 400 SF OF BLDG. 2,400 SF CLUBHOUSE = 4 SPACES 1 SPACE PER 1,000 SF OUTDOOR ACTIVITY AREA: 14,757 SF / 1000 = 15 SPACES REQUIRED: 15 SP. + 4 SP. = 19 SPACES	44 SPACES *WITH GUEST PARKING
BICYCLE PARKING 1 BIKE RACK PROVIDED AT CLUBHOUSE	1 BIKE RACK FOR 5 BIKES
UTILITY PROVIDERS	
ELECTRIC	DUKE ENERGY
WATER	CLAYTON
SEWER	CLAYTON

Design Guidelines and Conditions of Approval:

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. 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. 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) A single-family attached dwelling development of more than eight (8) units shall be served with access from a collector or higher classification street.
   b) No Individual single-family attached dwelling buildings will have more than seven (7) units in a single row and will be front-loaded. Any units with more than eight (8) units in a single row shall be served by alleys located at the rear of the building.
   c) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.
   d) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum rooms size and ceiling clearance requirements.
   e) All Units will be two (2) stories (minimum) / three (3) stories (maximum) with attached garages.
   f) Attached garages can be a one (1) or two (2)-car garage.
   g) No detached garages shall be used.
   h) 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 and twenty-five (25) feet from the sidewalk, or other pedestrian access.
   i) 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.
   j) 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).
   k) All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.
   l) 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.
   m) Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.
   n) A single-family attached dwelling development shall incorporate pedestrian circulation in accordance with UDO Section 6.1, Access and Circulation.
   o) A Type 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. 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.
   b) A minimum twenty (20)-foot Type C Perimeter Buffer shall be provided along the lots identified with the PINs: 1638-01-05-8096, 1638-01-15-0291 and 1638-01-15-2148. In addition, a solid six (6)-foot tall fence shall be provided with 100% evergreen shrubs located between the property line and the fence. Canopy Trees shall be provided at the rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at five (5) per 100 linear feet (LF) and twenty (20) shrubs provided per 100 linear feet (LF).
   c) A minimum twenty (20)-foot Type C Buffer shall be provided along the eastern property line with PIN: 1638-01-15-2148. 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 C Buffer shall be provided along the eastern property line with the property identified as PIN 1638-03-24-3257. In addition, a solid six (6)-foot tall fence or retaining wall shall be provided with 100% evergreen shrubs located between the property line and the fence. Canopy Trees shall be provided at the rate of three (3) per 100 linear feet (LF). Understory Trees shall be provided at five (5) per 100 linear feet (LF) and twenty (20) shrubs provided per 100 linear feet (LF).
   e) A twenty (20)-foot Type C Buffer shall be provided along the southern property line with the property identified as PIN 1638-03-04-4437. In addition, a solid six (6)-foot tall fence shall be provided with 100% evergreen shrubs located between the property line and the fence. Canopy Trees shall be provided at the rate of three (3) per 100 linear feet (LF). Understory Trees shall be provided at five (5) per 100 linear feet (LF) and twenty (20) shrubs provided per 100 linear feet (LF).
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   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 spaces
   e) Amenity area parking spaces shall be provided with forty-four (44) parking spaces, shared with guest parking.
      i. Required: 19 spaces
      ii. Provided: 44 spaces
10. 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 required (12.5%).
       ii. A minimum of 3.34 acres shall be provided (18%).
    b. 50% of Passive Open Space shall be active or gathering spaces (UDO Section 6.7.1)
       i. Required: 1.24 acres
       ii. Provided: 1.77 acres (minimum)
    c. Active Open Space Set-Aside shall include, but are not limited to, a dog park, pocket park, seating areas, benches, and walking trails.
    d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
    e. Stormwater pond with the following elements: fountains in the two stormwater ponds, dog waste stations, 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. 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. 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. The proposed public wastewater collection system will gravity sewer along Short Johnson Road to the pump station at Walnut Creek or a new pump station, as required. Final configuration will be confirmed during the construction plan review.
15. 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. 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.
    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.
    h) All front doors shall have windows.
    i) 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) 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 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.
18. 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
19. Cross-Access easements will be provided to the following properties:
    a) Amelia Station LLC, PIN 1638-01-05-5423
    b) N/F Francis Parrish, PIN 1638-03-24-3257
    c) Hockaday, Erwin, PIN 1638-03-04-4437
20. 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. All Resource Conservation Areas and common open space shall be maintained and protected in perpetuity by a Homeowners Association.
22. 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.



Conceptual Layout
Amelia Church Road Townhomes

CLAYTON, NC | JANUARY 2025
PROJECT NUMBER: NCB230214

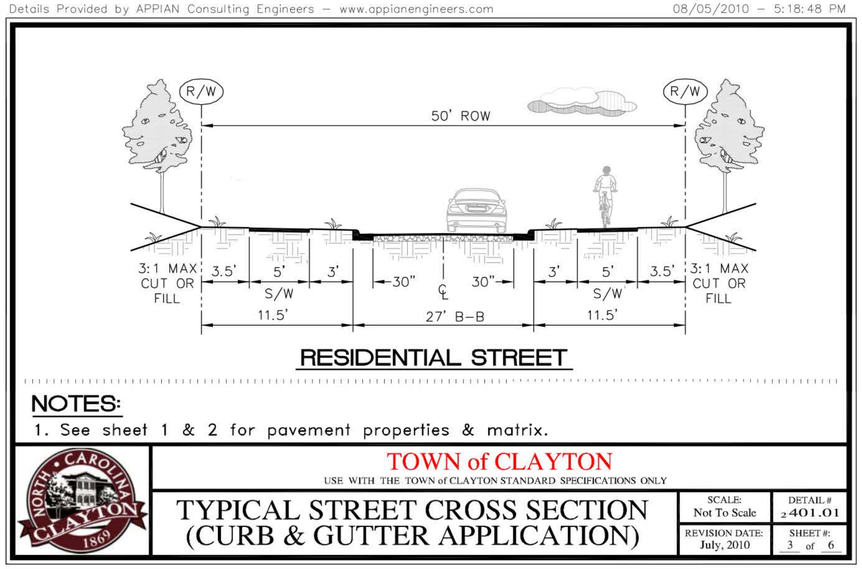
Note: Conceptual Layout is Prelminary and Subject to Change

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RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com

60 30 15 0 60
1" = 60'

Residential Street Section

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



RESIDENTIAL STREET

NOTES:

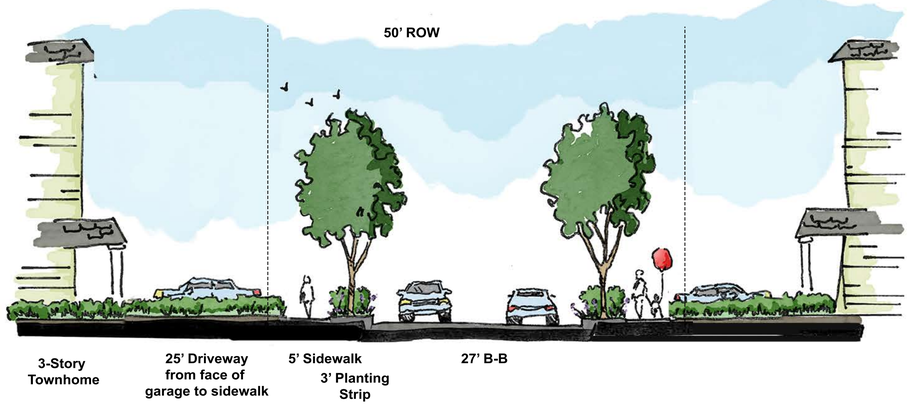
1. See sheet 1 & 2 for pavement properties & matrix.

TOWN of CLAYTON

USE WITH THE TOWN of CLAYTON STANDARD SPECIFICATIONS ONLY

TYPICAL STREET CROSS SECTION (CURB & GUTTER APPLICATION)

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

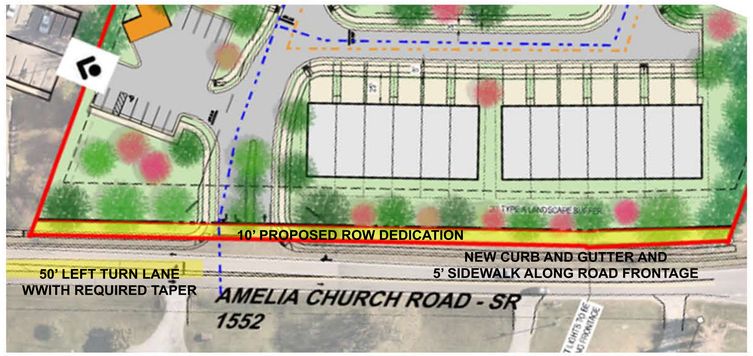


TIA Road Improvement Recommendations
Amelia Church Road
and Short Johnson Road

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
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Tribute COMPANIES

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2-Story Townhomes with Single Car Garage



Elevation A



Elevation AEP - End Elevation



Elevation C



Elevation CE



Elevation CEP - End Elevation



Elevation F



Elevation FE



Elevation FEP - End Elevation



Elevation G



Elevation GE

Proposed Architectural Standards

1. 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.
2. Townhome units shall be limited to a maximum of seven (7) units per block.
3. 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.
4. Vinyl siding will not be used on front, side, or rear facades except for trim such as soffits, facia, and corner boards.
5. A minimum of seventy (70) percent of all residential units shall have a cover front porch or stoop.
6. Architectural style shingles shall be used.
7. All garage doors shall have windows.
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Architectural Elevations
Amelia Church Road Townhomes

CLAYTON, NC | JANUARY 2025
PROJECT NUMBER: NCB230214

Note: Conceptual Layout is Prelminary and Subject to Change

Tribute COMPANIES

60 30 15 0 60
1" = 60'

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2-Story Townhomes with Single Car Garage

THORNEWOOD





UPPER LEVEL

MAIN LEVEL

Proposed Architectural Standards

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Architectural Elevations
Amelia Church Road Townhomes

CLAYTON, NC | JANUARY 2025
PROJECT NUMBER: NCB230214

Note: Conceptual Layout is Preliminary and Subject to Change

Tribute COMPANIES

60 30 15 0 60
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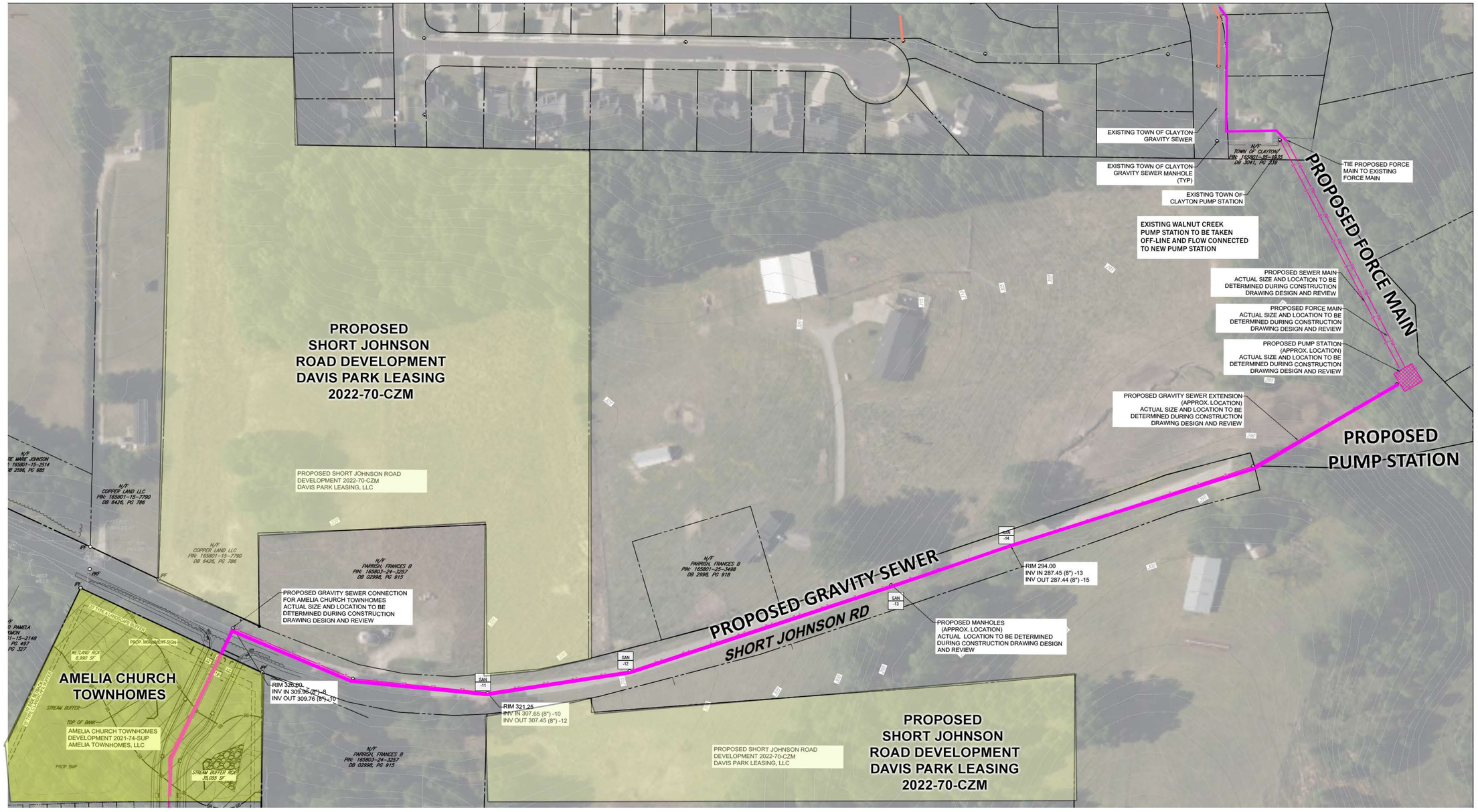


EXHIBIT 3

Sanitary Sewer Routing

Amelia Church Road Townhomes

CLAYTON, NC JANUARY 2025
PROJECT NUMBER: NCB230214

Note: Conceptual Layout is Prelminary and Subject to Change

PROPOSED SANITARY CONNECTION

FINAL CONFIGURATION TO BE CONFIRMED DURING CONSTRUCTION PLAN REVIEW

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

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    i) 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) 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 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.

17. 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

18. 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

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.

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

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.

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

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
Print Name

Signature of Property Owner

2/13/25
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

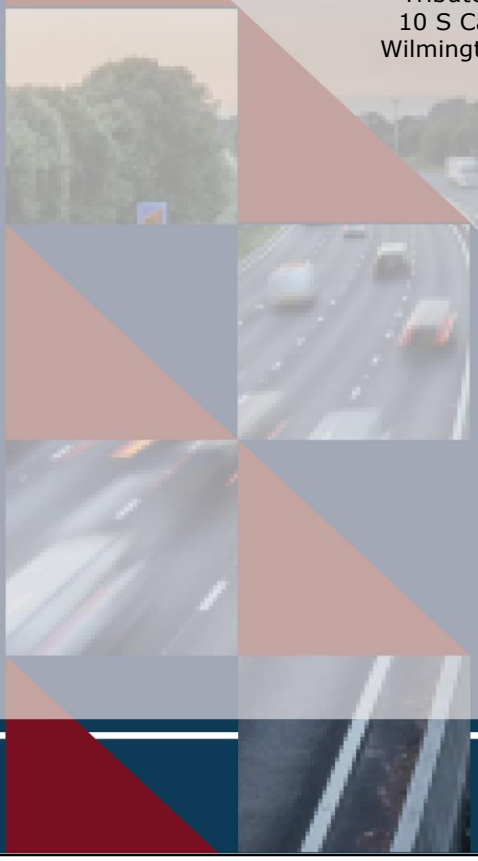
LOCATED

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.

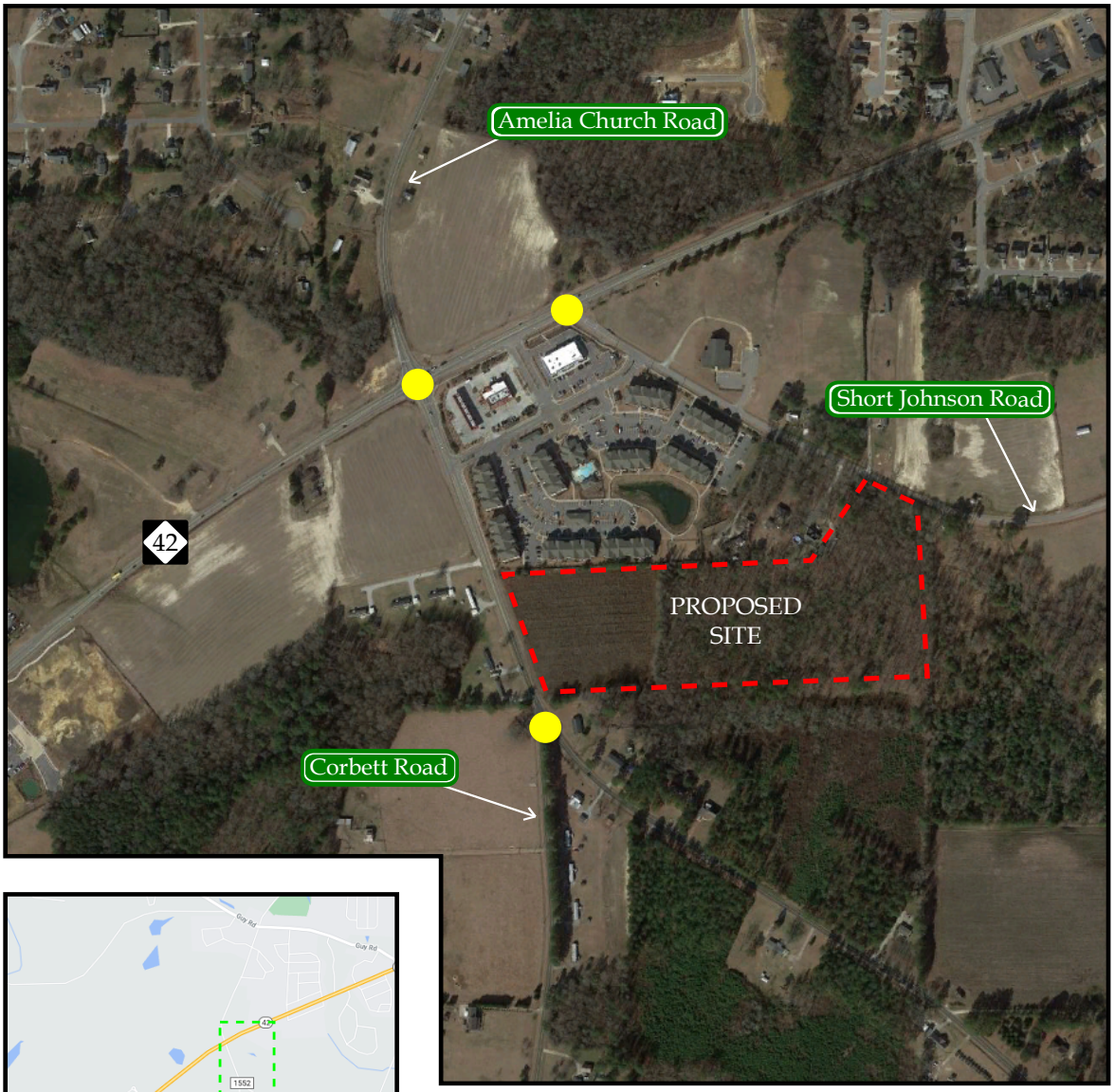
1.4. Existing Roadways

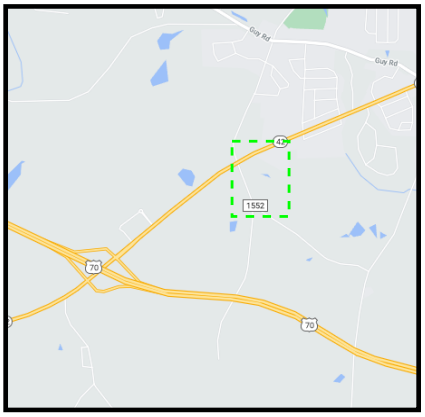
Existing lane configurations (number of traffic lanes on each intersection approach), speed limits, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1, on the next page, provides a summary of this information, as well.

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

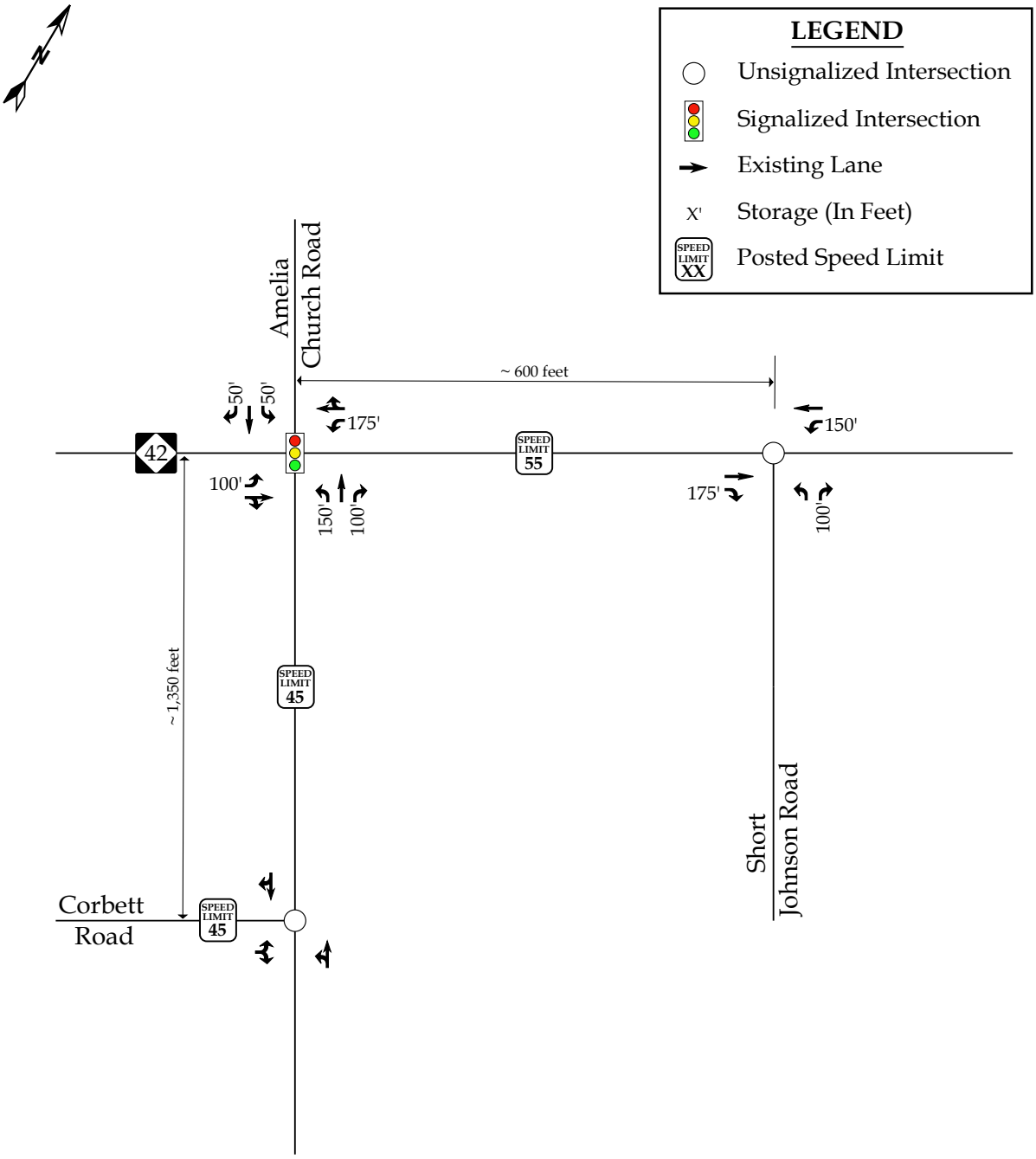
EXISTING PROPERTY INFORMATION

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

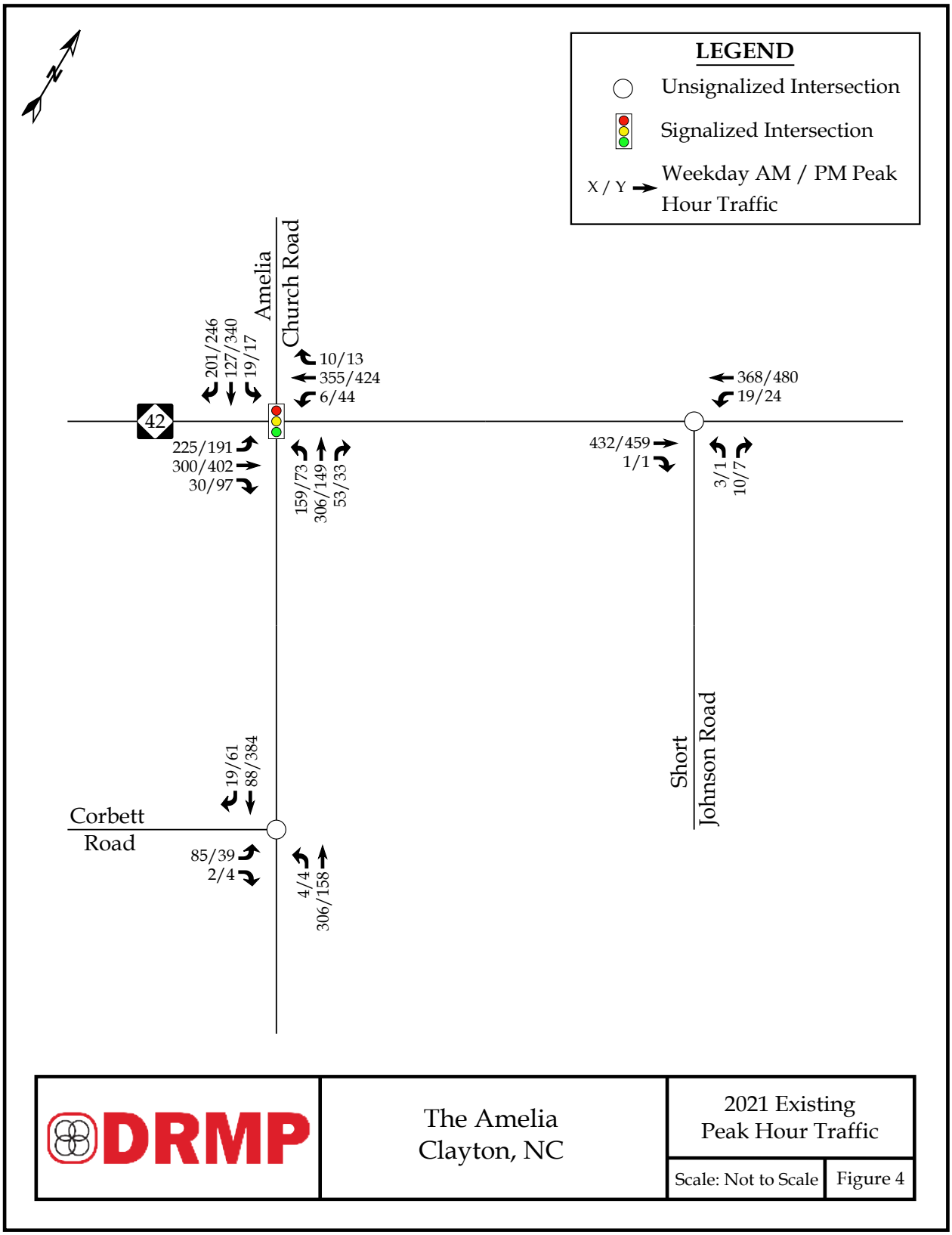
An annual growth rate of 2% was applied to the turning movement counts at these two (2) study intersections from the year they were counted to the 2021 existing analysis year.

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
19/61
88/384
Corbett Road
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

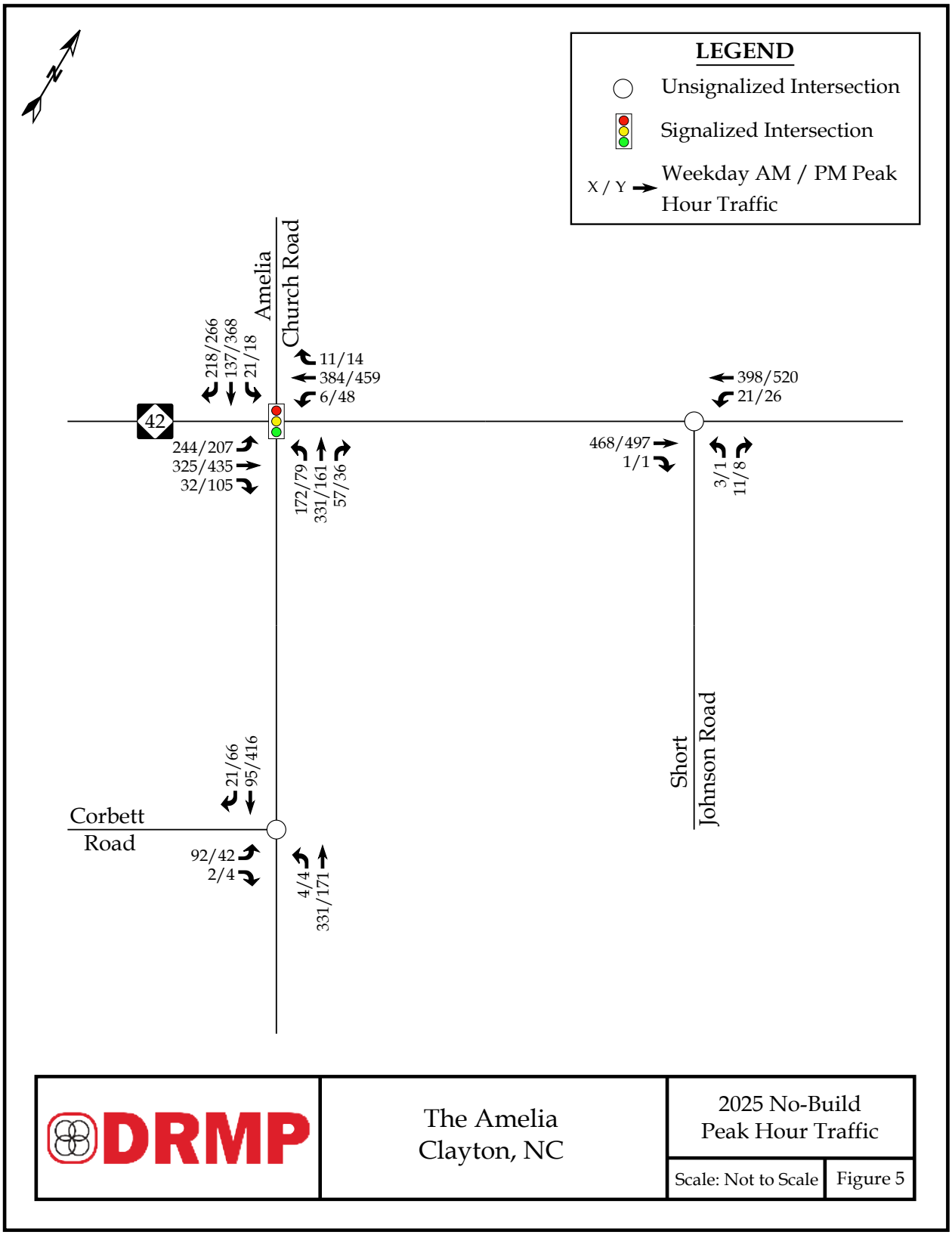
Based on coordination with the NCDOT and the Town, it was determined there were no future roadway improvements to consider with this study. It should be noted that the State Transportation Improvement Program (STIP) project R-3410 is expected to widen NC 42 to a 4-lane median divided roadway between 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
218/266
137/368
21/18
11/14
384/459
6/48
398/520
21/26
42
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.

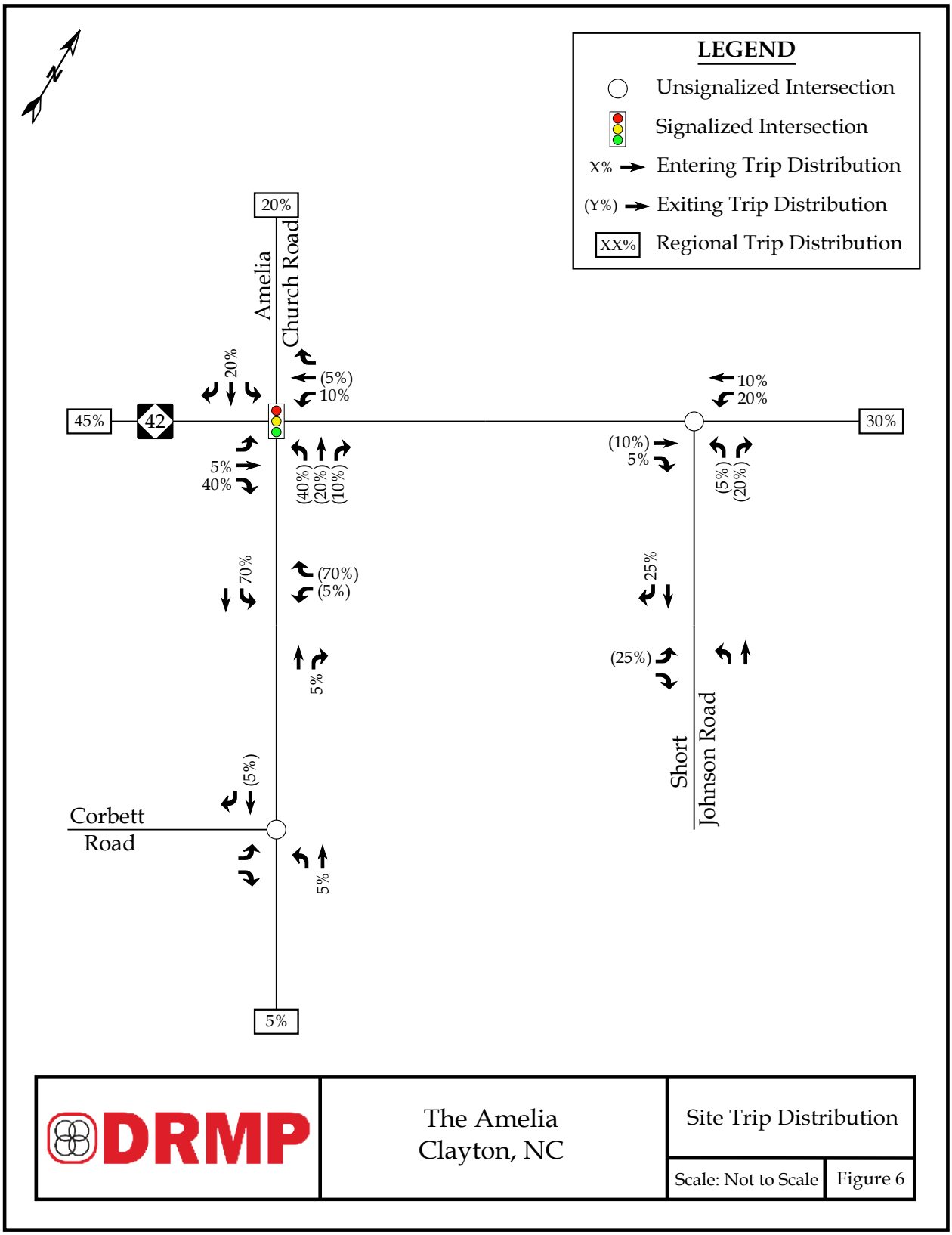
4.2. Site Trip Distribution and Assignment

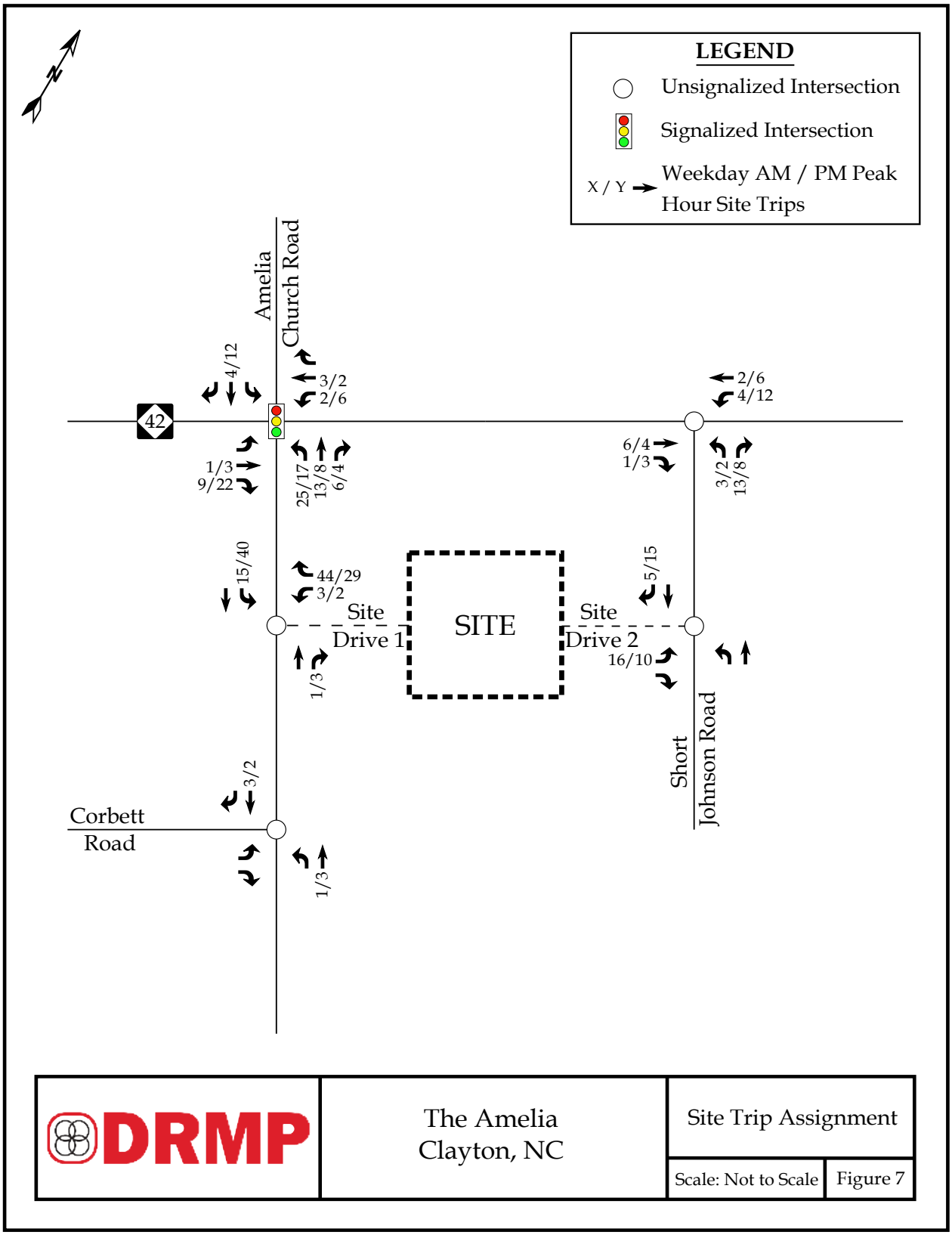
Trip distribution percentages used in assigning site traffic for this development remain the same as the previous TIA. Percentages were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment.

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%
(5%)
10%
10%
20%
20%
5%
40%
(40%)
(20%)
(10%)
(10%)
5%
(5%)
(20%)
70%
(70%)
(5%)
25%
5%
(25%)
Short Johnson Road
(5%)
Corbett Road
5%
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
Corbett Road
3/2
1/3
DRMP
The Amelia
Clayton, NC
Site Trip Assignment
Scale: Not to Scale
Figure 7

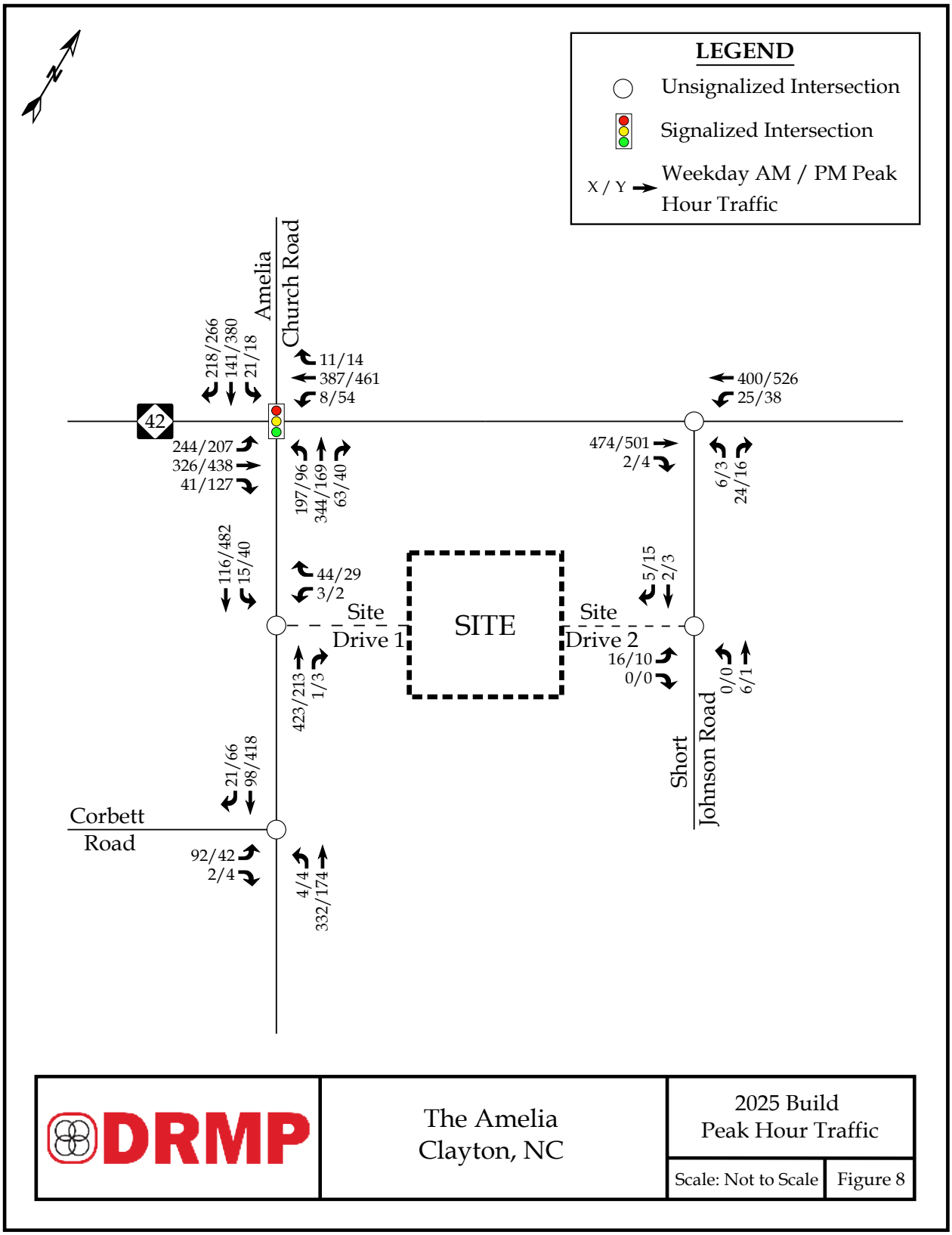
5. 2025 BUILD TRAFFIC CONDITIONS

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.


LEGEND
Unsignalized Intersection
Signalized Intersection
X / Y
Weekday AM / PM Peak Hour Traffic
Amelia Church Road
42
218/266
141/380
21/18
11/14
387/461
8/54
400/526
25/38
244/207
326/438
41/127
197/96
344/169
63/40
474/501
2/4
6/3
24/16
116/482
15/40
44/29
3/2
Site Drive 1
SITE
Site Drive 2
5/15
2/3
16/10
0/0
423/213
1/3
0/0
6/1
Short Johnson Road
21/66
98/418
Corbett Road
92/42
2/4
4/4
332/174
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.

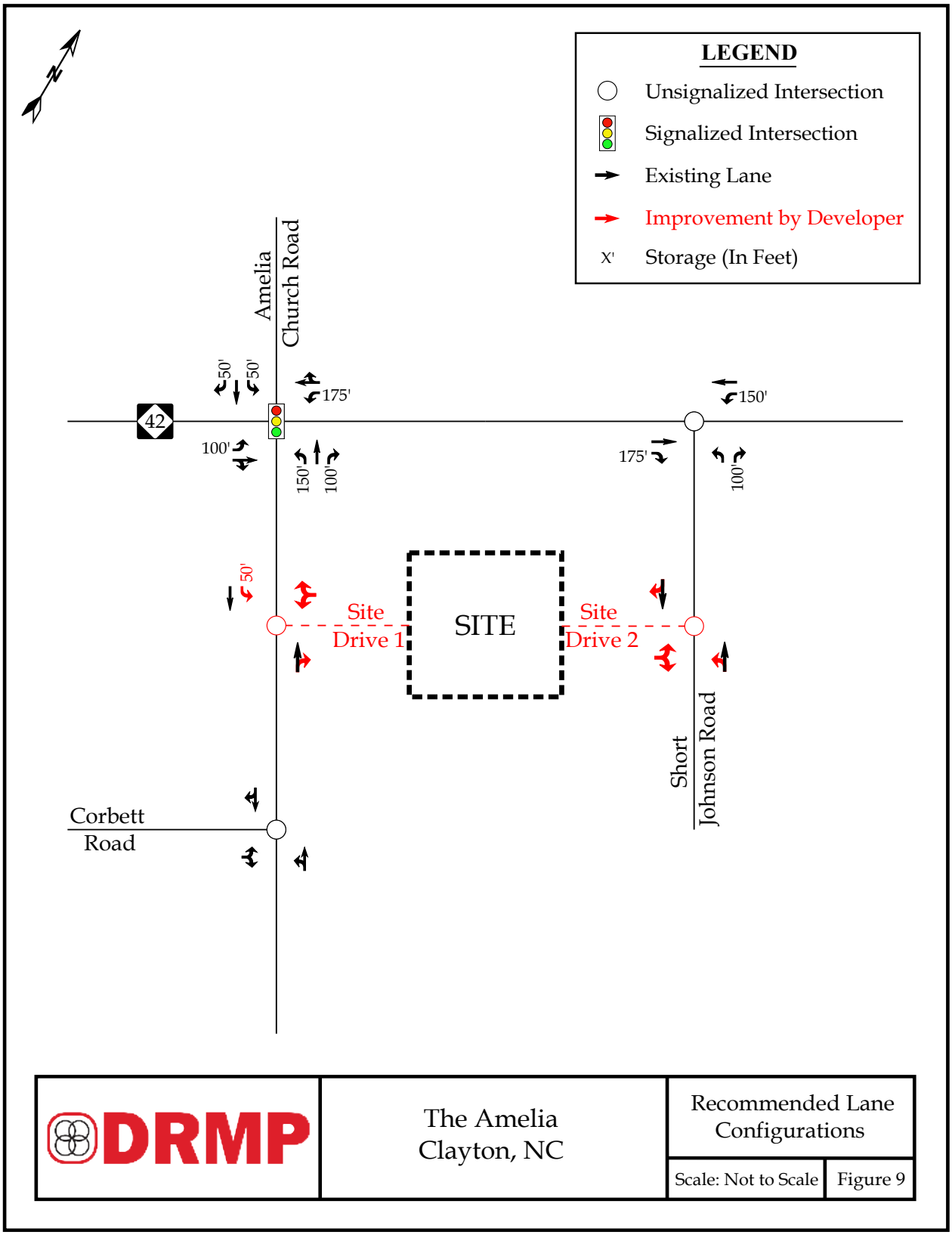
Recommended Improvements by Developer

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;

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	·	4.3.86
Pocket Neighborhood [1]	·	·	·	P	P	P	·	·	·	·	P	·	·	·	·	P	·	C	C	·	C	·	4.3.101
Single-Family Attached Dwelling [1]	·	·	·	·	P	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.119
Single-Family Detached Dwelling	P	P	P	P	P	P	·	·	P	P	P	·	·	·	·	P	·	C	·	·	C	·	4.3.120
Triplex or Quadplex [1] **AMENDED 4.15.24 (UDOTA1-24)**	·	·	·	·	·	P	·	·	·	·	·	·	·	·	·	P	·	C	C	C	C	·	4.3.132
Upper-Story Dwelling	·	·	·	·	·	P	P	P	P	P	P	P	·	·	·	P	·	C	C	C	C	·	4.3.133

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

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

8. Single Family attached dwelling units shall comply with the following standards as applicable:

a) A single-family attached dwelling development of more than eight (8) units shall be served with access from a collector or higher classification street.
b) No Individual single-family attached dwelling buildings will have more than seven (7) units in a single row and will be front-loaded. Any units with more than eight (8) units in a single row shall be served by alleys located at the rear of the building.
c) Each single-family attached dwelling shall have at least one (1)-party wall shared fully or partially within another single-family attached dwelling.
d) A single-family attached dwelling unit shall meet all applicable State Building Code standards for minimum room size and ceiling clearance requirements.
e) All Units will be two (2) stories (minimum) / three (3) stories (maximum) with attached garages.
a) 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 closer than twenty (20) feet from the edge of a right-of-way and twenty-five (25) feet from the 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, 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) All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.
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 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)

9. 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.
b) A minimum twenty (20)-foot Type C Perimeter Buffer shall be provided along the lots identified with the PINs: 1658-01-05-8096. 1658-01-15-0291 and 1658-01-15-2148. In addition, a solid six (6)-foot tall fence shall be provided with 100% evergreen shrubs located between the property line and the fence. Canopy Trees shall be provided at the rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at five (5) per 100 linear feet (LF) and twenty (20) shrubs provided per 100 linear feet (LF).
c) A minimum twenty (20)-foot Type C Buffer shall be provided along the eastern property line with PIN: 1658-01-15-2148. 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 C Buffer shall be provided along the eastern property line with the property identified as PIN 1658-03-24-3257. In addition, a solid six (6)-foot tall fence or retaining wall shall be provided with 100% evergreen shrubs located between the property line and the fence. Canopy Trees shall be provided at the rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at five (5) per 100 linear feet (LF) and twenty (20) shrubs provided per 100 linear feet (LF).
e) A twenty (20)-foot Type C Buffer shall be provided along the southern property line with the property identified as PIN 1658-03-04-4437. In addition, a solid six (6)-foot tall fence shall be provided with 100% evergreen shrubs located between the property line and the fence. Canopy Trees shall be provided at the rate of three (3) per 100 linear feet (LF), Understory Trees shall be provided at five (5) per 100 linear feet (LF) and twenty (20) shrubs provided per 100 linear feet (LF).

10. 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.
a) Townhome parking requirements shall be provided with a two (2)-car driveway for each unit and at least single-car garage.
b) The owner of the private parking lot will always maintain private ownership.
c) 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)
    i. Provided: 44 spaces
d) Amenity area parking spaces shall be provided with forty-four (44) parking spaces, shared with guest parking.
    i. Required: 19 spaces

ii. Provided: 44 spaces

11. 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 required (12.5%).
        ii. A minimum of 3.54 acres shall be provided (18%).
    b. 50% of Passive Open Space shall be active or gathering spaces (UDO Section 6.7.1)
        i. Required: 1.24 acres
        ii. Provided: 1.77 acres (minimum)
    c. Active Open Space Set-Aside shall include, but are not limited to, a dog park, pocket park, seating areas, benches, and walking trails.
    d. Gathering Spaces shall include, but are not limited to, outdoor dining areas and fire-pit gathering areas.
    e. Stormwater pond with the following elements: fountains in the two stormwater ponds, dog waste stations, 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.

12. 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.

13. 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.
    a) 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.
    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.

14. 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.

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

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

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

18. 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.
    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.
    h) All front doors shall have windows.
    i) 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) 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 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.

17. 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

18. 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
Hockaday, Erwin, PIN 1658-03-04-4437

19. 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.

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

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.

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

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 Section 160D-501 of the North Carolina General Statutes.

SECTION 7. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 17th day of February 2025, while in regular Session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____
Sam Johnson-Phillips
Deputy Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

Town Council Regular Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
February 17, 2025	NEW BUSINESS

Item Title

Trash Trap Installation and Management MOU

Presenter(s)

Donald Perry, Engineering Director

Suggested Action

Approval of Agreement

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

Sound Rivers, Inc., a nonprofit organization that guards the health of the Neuse and Tar-Pamlico River Basins, proposes to install a Trash Trap in Little Creek in the vicinity of S. Fayetteville St. The Trash Trap is a waterway litter collection device designated to capture floating debris before it moves downstream.

Stormwater-driven litter is responsible for over half of the manmade trash found in local waterways. This Trash Trap will capture and hold stormwater litter reducing plastic and other waste pollution in Little Creek. This device will improve water quality and aesthetics for community residents and visitors. Volunteer opportunities for device maintenance among environmental organizations, businesses, and other resident groups will be encouraged.

The National Pollutant Discharge Elimination System (NPDES) Permit allows the Town of Clayton to discharge stormwater from their Municipal Separate Storm Sewer System (MS4) into receiving waters within the Neuse River Basin. This Trash Trap device will assist the Town in fulfilling several of the required six minimum measures/objectives of the NPDES Permit. The measures/objectives impacted include Pubic Education and Outreach, Public Involvement and Participation, and Illicit Discharge Detection and Elimination (IDDE).

Funding Source

N/A

Corresponding Documentation

Trash Trap-Exhibit A Map

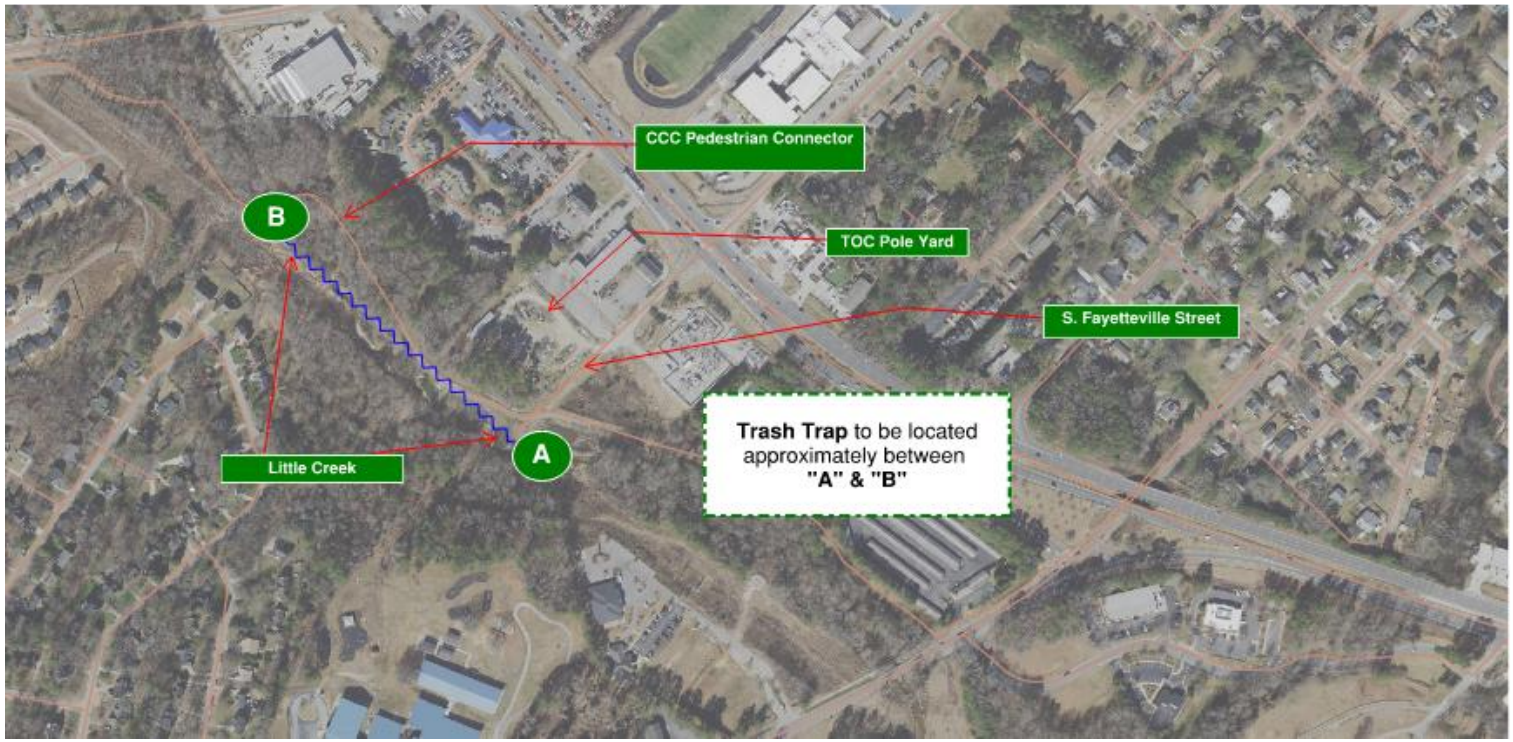
Sound Rivers - Clayton Trash Trap Little Creek - MOU

Submitted By: Donald Perry, Engineering

Reviewed By:

Rich Cappola, Town Manager	Approved - Feb 13 2025
Heidi Holland, Town Clerk	Approved - Feb 13 2025

Exhibit "A"


CCC Pedestrian Connector
B
TOC Pole Yard
S. Fayetteville Street
Trash Trap to be located approximately between "A" & "B"
Little Creek
A

Memorandum of Understanding for Trash Trap Installation and Management
Sound Rivers
Town of Clayton

This Memorandum of Understanding, effective this the _____ day of _____ 2025, is entered into by and between Sound Rivers, Inc. and the Town of Clayton to cover the installation and maintenance of one Trash Trap located in Little Creek in the vicinity of S. Fayetteville St. See attached Exhibit "A"

Sound Rivers commits to the following:

- Installing the Trash Trap with no permanent impacts to the stream buffer.
- Daily inspection of the Trash Trap during the first week of installation, and weekly inspection during the first month.
- Maintaining the trash trap and coordinating litter removal monthly for the duration of the project.
- Coordinating with the appropriate state and federal agencies to ensure any applicable permits have been obtained.

The Town of Clayton commits to the following:

- Granting Sound Rivers permission to install and maintain a Trash Trap in Little Creek.

This Memorandum of Understanding will go into effect when all parties have signed and dated this Document

Sound Rivers, Inc.

By:_____
Name: David Emmerling
Title: Sound Rivers, Inc., Acting Director

Town of Clayton

By:_____
Name: Rich Cappola
Title: Town Manager