Town of Clayton
Regular Town Council Meeting Agenda
Monday, March 20, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

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

1. CALL TO ORDER

a. Call to Order

b. Pledge of Allegiance

c. Invocation

2. ADJUSTMENT OF THE AGENDA

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

3. CONSENT AGENDA

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

a. Minutes
- March 6, 2023 Work Session Minutes
- March 6, 2023 Regular Session Minutes
- March 6, 2023 Closed Session Minutes

Presenter: Heidi Holland, Town Clerk
March 6, 2023 Work Session Minutes
March 6, 2023 Regular Session Minutes

b. Accept Public Utilities Into the Town of Clayton Public Utility System For Maintenance – Buckhorn Branch Park, Phase 2
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
Resolution #2023-13

c. Accept Public Utilities Into the Town of Clayton Public Utility System For Maintenance – Walton Farms, Phases 10 & 11
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
Resolution #2023-14

d. Resolution 2023-12 to Amend Resolution 2023-01 Granting Wastewater Treatment Capacity 2022-68-SP: Calamar Senior Living Facility
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director
Resolution #2023-12
Wastewater Resolution #2023-11

POTENTIAL ACTION: Approve Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

a. Sculpture Selection for 2023-2024 Sculpture Trail
Presenter: Sara Perricone, Public Art Advisory Board Chair
Clayton Sculpture Trail 2023 Finalists

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introduction
- Sam Johnson-Phillips, Deputy Town Clerk

Presenter: Heidi Holland, Town Clerk

6. PUBLIC HEARINGS

a. Project Life Dust Development Agreement
(Continued from March 6, 2023 Regular Meeting)
Presenter: Patrick Pierce, Economic Development Director

POTENTIAL ACTION: Continue to April 17, 2023 Regular Meeting

b. 2022-215-RZ Bobby H. Hardee Rezoning
Presenter: Bruce Venable, Planner 1
2022-215-RZ Bobby H. Hardee Rezoning

POTENTIAL ACTION: Adoption of Ordinance #2023-03-01

c. 2022-146-CZM Academy Pointe Phase 10
Presenter: Ben Howell, Planning Director
2022-146-CZM Academy Pointe Phase 10

POTENTIAL ACTION: Adoption of Ordinance #2023-03-02

d. 2022-163-CZM Highland Park Conditional Zoning District
Presenter: Ben Howell, Planning Director
2022-163-CZM Highland Park Conditional Zoning District

POTENTIAL ACTION: Adoption of Ordinance #2023-03-03

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

a. Town Manager

b. Town Attorney

c. Town Clerk

d. Other Staff

10. OTHER BUSINESS

a. Informal Discussion & Public Comment
- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.

b. Council Comments

11. CLOSED SESSION

a. Closed Session to Discuss Personnel in Accordance with NC GS 143-318.11(a)(6) and to Discuss Legal Matter in Accordance with NC GS 143-318.11(a)(3)

POTENTIAL ACTION: Motion to Go Into Closed Session

POTENTIAL ACTION: Motion To Return To Open Session

12. ADJOURNMENT

a. Adjourn

POTENTIAL ACTION: Motion to Adjourn

Town of Clayton
Town Council Work Session Minutes
Monday, March 6, 2023 at 3:00 PM
Rotary Room, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Andria Archer
Council Member Avery Everett
Council Member Michael Sims
Council Member Porter Casey

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Jim Cauley, Town Attorney
Heidi Holland, Town Clerk
Dolores Gill, Deputy Town Manager
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Robert McKie, Finance Director
Tim Robbins, Project Manager
Patrick Pierce, Economic Development Director
Joshua Baird, Engineering Director
Jonathan Jacobs, Assistant Engineering Director

1 CALL TO ORDER

a) Mayor McLeod called the meeting to order at 3:04 p.m.

2 ADJUSTMENT OF THE AGENDA

a)

Approve or Adjust the Agenda

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Andria Archer, Avery Everett, Michael Sims, and Porter Casey
NO:	None

3 ITEMS FOR DISCUSSION

a) Retail Strategies (30 Minutes)
Presenter: Patrick Pierce, Economic Development Director and Matt Jaeger, Retail Strategies

Patrick Pierce introduced Matt Jaegar and Cole Clark with Retail Strategies. Mr. Jaegar discussed growth and what drives retail to Clayton.

Their Process:

- Data & Demographic Analysis: We refresh market data for the Clayton custom trade area annually. This allows our team to see the market from the same perspective as national retailers.

-
- **Boots on the Ground: Annually we visit the market to update our inventory of real estate assets in Clayton. Throughout the year we work to develop and nourish relationships with local brokers, developers and property owners.**

- **Pleasant Persistence: Day after day, week after week, year after year our team remains pleasantly persistent with national retail brands promoting viable sites in Clayton. National retail brand reps are constantly receiving sites from around the country – we put Clayton at the front of the line.**

- **Trade Show Representation: Our team travels across the country to ICSC and Retail Live! shows to promote Clayton and the opportunities in the market.**

- **Investment Multiplier: We act as an extension of the Town's on-going economic development efforts. Our goal is to multiply the results of your team by focusing specifically on retail recruitment.**

- **Relationship Agent: Our team is actively looking for ways to leverage our deep bench of industry relationships to promote retail opportunities in Clayton.**

Retail Strategies has been actively involved in the following Clayton developments:

- **Culver's (complete)**
- **National Burrito Fast Casual Brand (on-going)**
- **International Grocer (on-going)**
- **Copper District (prospecting & retail advisement)**
- **Bell Commercial Retail Development (on-going recruitment)**

b) CIP Projects (40 Minutes)
Presenter: **Joshua Baird, Engineering Director**

Mr. Baird provided a quick update. Shared were stats of the projects' total risk to the town; the goal is to move projects into the low-risk area. There was discussion on the decision criteria and the weight rank system. Health and safety ranked more importantly for Council at 24%. Shared was a spreadsheet staff submitted for review with justification on each project and their scoring. Staff has met with the Executive Team and have discussed the score of each project. There were a total of 49 projects submitted totaling $150 million dollars.

Shared were the projects and how they ranked as well as a summary sorted by rank and prioritized by staff. Next steps are to hear from Council and provide a list of projects to finance, then determine what the needs are. Davenport

would be working with Finance and plan next steps. They would provide a cost of funding all projects. The weighting exercise Council worked on at the retreat last year are being used and would be averaged out. Now that projects have run through the model, staff would like to make sure Council is happy with the order.

Mr. Cappola stated we are looking at other funding opportunities, this information would come from Davenport. Mr. Baird stated he would include a column for the money value of each project as well as a description. Mr. Cappola stated to Council, as they look through scorings for the projects in the spreadsheet, if they see one that seems low, to let staff know. Mr. Cappola stated staff would package this information up a couple different ways and provide to Council. Mr. Cappola asked Council to send in their points for each project the week before the March Retreat so this information could be compiled for discussion at the retreat.

c) Dinner and Discussion (20 Minutes)

There was discussion on the Main Street Sidewalk Project

This is a LAPP funded project that has been progressing. This project would take the sidewalk down to Vinson's. There was detailed discussion on different alternatives for this project. It was stated there may be some traffic calming to this which could increase foot traffic.

With Alternative #1, an 8' retaining wall would be needed as well as a significant amount of utility relocation.

With Alternative #2, switchback and a set of ramps would be needed but would avoid significant overhead utility relocation. This scenario would require easements.

With the current design, this would take away 14 parking spaces and would move the curb into the road. From a construction standpoint, either scenario would be about the same cost.

4 CLOSED SESSION

a) Closed Session to Discuss Personnel Matter in accordance with NC GS 143-318.11(a)(6)

Motion To Go Into Closed Session at 4:48 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Jason Thompson
YES:	Jason Thompson, Andria Archer, Avery Everett, Michael Sims, and Porter Casey
NO:	None

Motion To Return To Open Session at 5:02 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Andria Archer
SECONDER:	Jason Thompson
YES:	Jason Thompson, Andria Archer, Avery Everett, Michael Sims, and Porter Casey
NO:	None

5 ADJOURNMENT

a) Adjourn

With nothing further, the meeting was adjourned at 5:11 p.m.

Motion To Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Porter Casey
YES:	Jason Thompson, Andria Archer, Avery Everett, Michael Sims, and Porter Casey
NO:	None

Duly adopted this the 20th day of March 2023, while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, CMC, NCCMC
Town Clerk

Town of Clayton
Regular Town Council Meeting Minutes
Monday, March 6, 2023 at 6:00 PM
Council Chambers, Town Hall
111 E. Second Street

Council Present:
Mayor Jody McLeod
Mayor Pro Tem Jason Thompson
Council Member Porter Casey
Council Member Avery Everett
Council Member Andria Archer
Council Member Michael Sims

Council Absent:
None

Staff Present:
Rich Cappola, Town Manager
Heidi Holland, Town Clerk
Jim Cauley, Town Attorney
Dolores Gill, Deputy Town Manager
Lee Barbee, Interim Deputy Town Manager/Fire Chief
Robert McKie, Finance Director
Jonathan Jacobs, Assistant Engineering Director
Joshua Baird, Engineering Director
Nathanael Shelton, Communications Officer
Ben Howell, Planning Director
Patrick Pierce, Economic Development Director

1. CALL TO ORDER

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

b. Pledge of Allegiance
Mayor McLeod led the Pledge of Allegiance.

c. Invocation
Mayor McLeod provided the Invocation.

2. ADJUSTMENT OF THE AGENDA

a. Approval of Agenda

Mr. Cappola requested to remove 5a. remove introduction of Sam Johnson-Phillips.

Approve or Adjust the Agenda

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

3. CONSENT AGENDA

a. Minutes
- February 6, 2023 - Work Session
- February 6, 2023 - Regular Session
- February 6, 2023 - Closed Session
- February 20, 2023 - Regular Session
- February 20, 2023 - Closed Session

b. Policy ADM-2022-01B Appointments to Advisory Boards Procedures

c. RESOLUTION 2023-09 TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM FOR MAINTENANCE – ACADEMY POINT, PHASES 8 & 9
Presenter: Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Approve Consent Agenda as Presented

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

4. ADMINISTRATIVE ITEMS

a. Sam's Branch WRF Program Update
Presenter: Louis Duffie, Town of Clayton - Project Manager
Adam Sharpe, HDR - Project Principal

Mr. Duffie and Adam Sharpe of HDR were present tonight to provide an update. Mr. Sharpe stated there are two major transmission projects to be able to carry wastewater flow from Little Creek to the new Sam's Branch Water Reclamation Facility. The other project, which has been broken out separately, is the Clayton-Raleigh Pump Station Expansion. This project is to allow to leverage the complete contractual allocation of capacity the Town has with the City of Raleigh.

There are two more projects upcoming, ECIA and Clayton-Raleigh that would still go out for bid for construction in upcoming months.

Mr. Duffie stated the property near the Neuse River has been cleared. Shared was a rendering of the Sam's Branch WRF design. Thalle Construction was provided a notice to proceed on January 9, 2023, a substantial completion date is scheduled for July 8, 2025. Excavations have begun and more materials have been received. The first change order of the contract has been received which was to add generators into the scope of work.

There was discussion on the Little Creek Pump Conveyance. The force main is 100% complete and went according to planned. There is approximately 300' of pipe left to lay towards Front Street. There was discussion on Little Creek Pump Station. The hydraulic structure is complete. Backfill has begun and are about 80% complete with

that. The influent pipeline will be laid in the upcoming months.

For the ECIA Conveyance project, the Pump Station is at 90% Design and the Force Main is at 60% Design. On the Clayton-Raleigh Pump Station Expansion project, the goal is to get this out to bid by the end of the month.

Shared were the current program financials. Right now the range is $275 million for all of this work. 85% of the total cost has been contracted. Biggest ally is ECIA project, that is still under design and has not been contracted.

Shared was Flow Management Planning. Current planning questions being addressed are:

- Timing for SBWRF Phase 2
- Sizing for SBWRF Phase 2
- Impact of attributable flow percentages by user types

Even though these are under construction, Phase 2 is being thought about as well as thinking through the flow percentages by user types.

RESULT:	**CARRIED**

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

a. Employee Introductions

- Michael Bleau, Utility Maintenance Mechanic I
  Presenter: James Blalock, Utilities Maintenance Superintendent

- Sam Johnson-Phillips, Deputy Town Clerk (removed from agenda)
  Presenter: Heidi Holland, Town Clerk

- Kasey Cunningham, Communication Specialist (Part-Time)
  Presenter: Nathanael Shelton, Communication Director

- Alicia Ballard, Part-Time Custodian
  Presenter: Greg Nelson, Property Maintenance Superintendent

- Alan Johnson, Firefighter
- Charlie Evans, Firefighter
- Marshall Smith, Promoted to FEO
  Presenter: Matt Sutphin, Deputy Fire Chief

All new employees were introduced. Mayor McLeod and Council welcomed everyone.

b. Clayton Women's Day

- Bernice Lopes, Clayton Women in Networking President

Mayor McLeod to Present to Bernice Lopes
Presenter: Mayor McLeod

Ms. Lopes, President of Women in Networking, stated she is here tonight requesting to proclaim March 8, 2023 as Clayton Women's Day. Mayor McLeod read the proclamation and presented this to Ms. Lopes.

c. Traumatic Brain Injury (TBI) Awareness Month Proclamation
Mayor McLeod to Present to Raheed Saunders, Abound Health
Presenter: Mayor McLeod

Ms. Gual thanked Clayton for the Recognition of these two Proclamations, Traumatic Brain Injury (TBI) Awareness Month and Development Disability Awareness Month. Mayor McLeod read information on these two subjects and presented Beth Gual with both Proclamations.

d. Development Disability Awareness Month Proclamation
Mayor McLeod to Present to Raheed Saunders, Abound Health
Presenter: Mayor McLeod

6. PUBLIC HEARINGS

a. Project Life Dust Development Agreement
(Continued from February 6, 2023 Regular Meeting)
Presenter: Patrick Pierce, Economic Development Director

Mr. Pierce requested to continue this to the March 20, 2023 meeting.

b. 2023-06-SPA Vinson's Pub Alternative Sign Plan Amendment
Presenter: Ben Howell, Planning Director

Mr. Howell stated this is an amendment to an existing approved alternative Sign Plan for Vinson's Pub. This was originally approved in 2018. This amendment is to add signage, revise approved signage and remove one sign.

Current approved signage was shared as well as the Proposed signages, which would add a painted sign on the front of the building, refresh signage on the side, add parking signage on the side and add window signage along the front. Also proposed is to remove the rear painted sign and one window sign.

Shared was the Review Criteria:

- Components of the Alternative Sign Plan shall be consistent with the Town of Clayton General Design Guidelines.
    - The proposed signage is consistent with the Clayton Design Guidelines: "Keep signs simple. Too many combinations of colors, typefaces, and symbols can result in visual chaos."
- The proposed sign design, size, color, illumination, and placement are compatible in style and character with any buildings to which the sign is to be attached, any surrounding structures, any adjoining signage on the site, and/or the district character or architectural character of the area in which it is located.
    - An Alternative Sign Plan was approved for this location in 2018. The proposed additional signage is compatible with the existing signage and the structure. The site is located in the Central Business (B-1) Zoning District – the existing and proposed signage is compatible with this

district.

- Innovative use of materials and design techniques in response to unique characteristics of the specific site, if applicable.
    - The proposed addition of painted signage and small directional signage for the parking area is unique to the site.
- Sign design, scale and placement.
    - The design, scale and placement of the proposed signage is compatible with the existing signage on the site.
- Integrates architectural features in a manner compatible with the surroundings and district in which the development is located.
    - The proposed signage is compatible with the surrounding area and Zoning Districts.
- Consistent with approved neighborhood plans, studies or area plans.
    - The proposed signage is consistent with the adopted Downtown Master Plan.
- The Alternative Sign Plan improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement.
    - The proposed signage will minimize distractions and provide information for parking for the site.

Staff Recommends approval of this Alternative Sign Plan Amendment.

Mayor McLeod stated this has been noted as a public hearing. He asked if anyone wished to speak.

Applicant Emily Beddingfield was present. The biggest change is the new painted sign which should help with wayfinding. Shared were photos of the proposed changes.

With no one further wishing to speak, this public hearing was closed and turned over to Council for their deliberation.

Adoption of Resolution #2023-10

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Michael Sims
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

7. OLD BUSINESS

8. NEW BUSINESS

9. STAFF REPORTS

a. Town Manager

Mr. Cappola thanked staff that showed up for Employee Appreciation Movie on Friday. Upcoming dates: Friday, March 10, 2023 will be the 1st Employee Litter Sweep, two times are being offer. March 11th, Dailey and Vincent will be at The Clayton Center, March 12th would be Fairytales on Ice at The Clayton Center. March 14th will be the Town of Clayton Vendor Expo. This would be an opportunity for businesses in the area that are interested in doing business with the Town. March 18th and 19th, Parks & Rec. will be holding a Pickle Ball Tournament.

b. Town Attorney

c. Town Clerk

d. Other Staff

LAPP Status Update
Presenter: Ben Howell, Planning Director

Clayton Urbanized Area Update
Presenter: Ben Howell, Planning Director

LAPP Status Update
Mr. Howell provided a quick update on the LAPP status. The Town has been offered and has accepted LAPP funding in the amount of a little over $1.2 million dollars for the Shotwell Road project. Staff has been with working with DOT and CAMPO. DOT is applying for a Carbon Reduction Program for funding to cover the remaining amount. He stated we are moving forward as of now. DOT should find out if they have received their funding by April/May.

Clayton Urbanized Area Update
Mr. Howell stated with the 2020 census, the Clayton area has been designated as an urbanized area. The area has crossed over the 50,000 thresholds in population when you include Clayton and part of Archer's Lodge, as well as a couple other surrounding areas. When you hit an urbanized area, you hit a new Metropolitan Planning Area (MPO). The Town is currently under the CAMPO MPO so we do not expect to form a new MPO on our end, we expect to stay with CAMPO. Staff will be having a meeting with CAMPO and DOT next week to discuss this.

Becoming an urbanized area would provide the Town access to dedicate transit funding from the Federal Transit Administration through their formula 5310 program. Staff is still learning about this program. This is a funding source that the Town would be able to access. It is completed through a grant agreement, but it is formula funds that would be dedicated to the Town. Generally, this is an 80/20 local match required for Capital Projects but could be used for operating projects at a 50/50 match. The Town would be able to access these funds as early as Federal FY24 which starts October 1, 2023. The Town will not know how much would be received until January/February of next year. Based on similar size MPOs, we can expect anywhere from $800,000 to $1 million. Staff would continue to train up on this program, then would come to Council to discuss how to utilize the funding.

10. OTHER BUSINESS

a. Informal Discussion & Public Comment

- Individuals have three (3) minutes to address the Town Council.
- Groups will designate a spokesperson. Spokesperson will have five (5) minutes to address the Town Council.

Tim Murray, of Barbour Street, expressed his concerns of the sewer smells covering downtown. His request is for Council to investigate this. Mr. Cappola stated right now this time of year with the fluctuation of temperature and high levels of rain, the way we have been able to handle our solids at the facility, unfortunately those get land applied to farms, or other receiving properties. Due to the wetness of the ground, it can only handle so much solid. When this happens the process changes and the smell occurs. He asked if the public experiences this smell, to call 919-553-1530 to report this. Mayor McLeod thanked Mr. Murray and his wife for coming out with their concern.

b. Council Comments

11. CLOSED SESSION

a. Closed Session to Discuss Economic Development in Accordance with NC GS 143-318.11(a)(4) and to Consult with the Town Attorney in Accordance with NC GS 143-318.11(a)(3)

Motion to Go Into Closed Session at 6:57 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Motion to Return to Open Session at 7:48 p.m.

RESULT:	**CARRIED 5-0**
MOVER:	Jason Thompson
SECONDER:	Andria Archer
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

12. ADJOURNMENT

a. Adjourn

With nothing further, there was a motion to adjourn at 7:49 p.m.

Motion to Adjourn

RESULT:	**CARRIED 5-0**
MOVER:	Porter Casey
SECONDER:	Avery Everett
YES:	Jason Thompson, Porter Casey, Avery Everett, Andria Archer, and Michael Sims
NO:	None

Duly adopted by the Town Council this 20th day of March 2023, while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, CMC, NCCMC
Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
March 20, 2023	CONSENT AGENDA

Item Title

RESOLUTION 2023-13 TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM FOR MAINTENANCE – BUCKHORN BRANCH PARK, PHASE 2.

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☐ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☒ Think Public Services & Infrastructure

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

☐ Special Mailing ☐ None Required

Summary

Public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design. The Town of Clayton Engineering staff has inspected the public utility segments listed below and recommends acceptance by Town Council subject to a ONE-YEAR warranty period to monitor for construction deficiencies.

Funding Source

N/A

Corresponding Documentation

Resolution

Submitted By: Chris Rowland, Engineering

Reviewed By:

Jonathan Jacobs, Assistant Engineering Director	Approved - Mar 14 2023
Heidi Holland, Town Clerk	Approved - Mar 14 2023

RESOLUTION 2023-13 TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM FOR MAINTENANCE – BUCKHORN BRANCH PARK, PHASE 2

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

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

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

WHEREAS, the public utility segments listed below will be placed under a ONE-YEAR warranty period to monitor for workmanship and/or construction deficiencies, and

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

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

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

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Buckhorn Branch Park, Phase 2	Pansy Park Drive	8" Waterline	806.00
Buckhorn Branch Park, Phase 2	Pansy Park Drive	8" Sanitary Sewer	735.00
Buckhorn Branch Park, Phase 2	Pansy Park Drive	6" Waterline	33.00
Buckhorn Branch Park, Phase 2	Nettle Lane	8" Waterline	506.00
Buckhorn Branch Park, Phase 2	Nettle Lane	6" Waterline	34.00
Buckhorn Branch Park, Phase 2	Nettle Lane	8" Sanitary Sewer	371.00
Buckhorn Branch Park, Phase 2	Ripple Way	8" Waterline	763.00
Buckhorn Branch Park, Phase 2	Ripple Way	6" Waterline	55.00
Buckhorn Branch Park, Phase 2	Ripple Way	8" Sanitary Sewer	754.00
		TOTAL	**4,057.00LF**

Duly adopted this the 20th day of March 2023.

_____
Jody McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
March 20, 2023	CONSENT AGENDA

Item Title

RESOLUTION 2023-14 TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM FOR MAINTENANCE – WALTON FARMS, PHASES 10 & 11.

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☐ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☒ Think Public Services & Infrastructure

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

☐ Special Mailing ☐ None Required

Summary

Public utilities (water and sewer), their easements, and applicable apparatuses are required to be designed and built according to the Town of Clayton Manual of Standards, Specifications and Design. The Town of Clayton Engineering staff has inspected the public utility segments listed below and recommends acceptance by Town Council subject to a ONE-YEAR warranty period to monitor for construction deficiencies.

Funding Source

N/A

Corresponding Documentation

Resolution

Submitted By: Chris Rowland, Engineering

Reviewed By:

Jonathan Jacobs, Assistant Engineering Director	Approved - Mar 14 2023
Heidi Holland, Town Clerk	Approved - Mar 14 2023

RESOLUTION 2023-14 TO ACCEPT PUBLIC UTILITIES INTO THE TOWN OF CLAYTON PUBLIC UTILITY SYSTEM FOR MAINTENANCE -WALTON FARMS, PHASES 10 & 11

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

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

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

WHEREAS, the public utility segments listed below will be placed under a warranty period for one-year to monitor for construction deficiencies, and

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

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

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

SUBDIVISION	LOCATION DESCRIPTION	UTILITY TYPE AND SIZE	LENGTH
Walton Farms, Ph 10 & 11	Internal Parking Area between Favre Street and Strug Drive	6” Waterline	826.00
Walton Farms, Ph 10 & 11	Favre Street	8” Gravity Sewer	77.00
Walton Farms, Ph 10 & 11	Favre Street	6” Waterline	114.00
Walton Farms, Ph 10 & 11	Thorpe Street	6” Waterline	80.00
Walton Farms, Ph 10 & 11	Strug Street	6” Waterline	103.00
		Total	**1200.00 LF**

Duly adopted this the 20th day of March 2023.

_____
Jody McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC, NCCMC
Town Clerk

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
March 20, 2023	CONSENT AGENDA

Item Title

Resolution 2023-12 to Amend Resolution 2023-01 Granting Wastewater Treatment Capacity 2022-68-SP: Calamar Senior Living Facility

Presenter(s)

Jonathan K. Jacobs, PE, CFM - Assistant Engineering Director

Suggested Action

Place on Consent Agenda

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☐ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☒ Think Public Services & Infrastructure

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

☐ Special Mailing ☐ None Required

Summary

Town Council approved Resolution 2023-01 granting wastewater treatment capacity to 2022-68-SP Calamar Senior Living Facility on January 3, 2023. The applicant has requested staff re-evaluate wastewater capacity and modifying the resolution language to be based on flow date in lieu of approval of construction documents. Staff is recommending council approve a modification to Resolution 2023-01 to modify the resolution language as presented.

Funding Source

N/A

Corresponding Documentation

Resolution_WW

2023-01 Granting Wastewater Treatment Capacity to 2022-68-SP Calamar Senior Living Facility (1)

Submitted By: Jonathan Jacobs, Engineering

Reviewed By:

Rich Cappola, Town Manager	Approved - Mar 15 2023
Heidi Holland, Town Clerk	Approved - Mar 16 2023

RESOLUTION 2023-12 TO AMEND RESOLUTION 2023-01 GRANTING WASTEWATER TREATMENT CAPACITY TO 2022-68-SP: CALAMAR SENIOR LIVING FACILITY

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and,

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and,

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and,

WHEREAS, the Town of Clayton is constructing a new wastewater treatment facility permitted to treat up to 6 million gallons daily and expected to be completed in 2025; and

WHEREAS, the North Carolina Department of Environment Quality (NCDEQ) regulates, reviews, and permits flow tributary to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and,

WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment.

WHEREAS, Town Council approved Resolution 2023-01, granting wastewater treatment capacity to 2022-68-SP: Calamar Senior Living Facility on January 3, 2023; and,

WHEREAS, the Applicant has requested the resolution language be modified to be restrictive of wastewater flow date in lieu of construction document approval; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that Resolution 2023-01 is hereby rescinded, and the following is found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess, and unallocated treatment capacity to approve additional allocation subject to the completion the Sam's Branch Wastewater Reclamation Facility.

2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.

3. A total allocation for wastewater treatment capacity is granted in the amount of 32,160 gallons per day (GPD) to Calamar Senior Living Facility (2022-68-SP).

4. The total allocation for wastewater treatment capacity **will not be immediately available.** No connection shall be made to the Town of Clayton public sanitary sewer system, temporary or permanent, until March 2025. Additionally, no Certificate of Occupancy will be issued by the Town of Clayton until connection to the public sanitary sewer system is made.

5. Allocation for wastewater treatment capacity will be allotted accordingly unless otherwise modified by the Engineering Director due to treatment capacity availability and regulatory requirements at time of Construction Drawing approval. In the event treatment capacity is unavailable at time of final Construction Drawing approval, the Engineering Director will make a good faith effort to execute the project as soon as capacity is available.

6. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

7. Said allocation is non-transferable, non-assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

8. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.

9. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

10. Said allocation is subject to expiration two (2) years from the proposed allocation schedule mentioned above, unless a one (1) year extension is granted by request in writing to the Engineering Director.

Duly adopted this 20th day of March 2023, while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, CMC, NCCMC
Town Clerk

Resolution #2023-01

APPROVAL OF A RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY 2022-68-SP: CALAMAR SENIOR LIVING FACILITY

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and,

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and,

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and,

WHEREAS, the Town of Clayton is constructing a new wastewater treatment facility permitted to treat up to 6 million gallons daily and expected to be completed in 2025; and

WHEREAS, the North Carolina Department of Environment Quality (NCDEQ) regulates, reviews, and permits flow tributary to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and,

WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following is found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess, and unallocated treatment capacity to approve additional allocation subject to the completion the Sam's Branch Wastewater Reclamation Facility.

2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.

3. A total allocation for wastewater treatment capacity is granted in the amount of 32,160 gallons per day (GPD) to Calamar Senior Living Facility (2022-68-SP).

4. The total allocation for wastewater treatment capacity **will not be immediately available.** Final Construction Drawing approval will not be issued by Engineering staff prior to January 1, 2024.

5. Allocation for wastewater treatment capacity will be allotted accordingly unless otherwise modified by the Engineering Director due to treatment capacity availability and regulatory requirements at time of Construction Drawing approval. In the event treatment capacity is unavailable at time of final Construction Drawing approval, the Engineering Director will make a good faith effort to execute the project as soon as capacity is available.

6. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

7. Said allocation is non-transferable, non-assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

8. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.

9. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

10. Said allocation is subject to expiration two (2) years from the proposed allocation schedule mentioned above, unless a one (1) year extension is granted by request in writing to the Engineering Director.

Duly adopted this 3rd day of January 2023, while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Heidi L. Holland

Heidi L. Holland, CMC, NCCMC
Town Clerk

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

Resolution #2023-11

APPROVAL OF A RESOLUTION GRANTING WASTEWATER TREATMENT CAPACITY
2022-163-CZM: HIGHLAND PARK

WHEREAS, the Town of Clayton operates a wastewater treatment plant known and permitted as the "Little Creek Water Reclamation Facility"; and,

WHEREAS, said facility is permitted to treat a maximum average of 2.5 million gallons daily; and,

WHEREAS, the Town of Clayton holds several interlocal agreements which secure additional wastewater treatment capacity from other available sources; and,

WHEREAS, the Town of Clayton is constructing a new wastewater treatment facility permitted to treat up to 6 million gallons daily and expected to be completed in 2025; and

WHEREAS, the North Carolina Department of Environment Quality (NCDEQ) regulates, reviews, and permits flow tributary to newly extended or installed wastewater treatment collection facilities tributary to the Town of Clayton system; and,

WHEREAS, flow from sanitary sewer customers tributary to existing lines owned and operated as part of the Town of Clayton is bound to abide by the permitted average daily flow at the Little Creek Water Reclamation Facility in conjunction with other available sources and consistent with interlocal agreements regarding wastewater treatment.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON that the following is found:

1. The Town of Clayton has, according to the most recent accounting, sufficient excess, and unallocated treatment capacity to approve additional allocation subject to the completion the Sam's Branch Wastewater Reclamation Facility.

2. Such available capacity may be made available to users in accordance with regulatory and legal parameters established to ensure satisfactory treatment plant operation.

3. A total allocation for wastewater treatment capacity is granted in the amount of 43,500 gallons per day (GPD) to Highland Park (2022-163-CZM).

4. The total allocation for wastewater treatment capacity **will not be immediately available.** Sewer Extension Permits and/or FTSE forms shall not be executed by the Town prior to January 1, 2024.

5. Allocation for wastewater treatment capacity will be allotted accordingly unless otherwise modified by the Engineering Director due to treatment capacity availability and regulatory requirements at time of Construction Drawing approval. In the event treatment capacity is unavailable at time of final Construction Drawing approval, the Engineering Director will make a good faith effort to execute the project as soon as capacity is available.

6. Said allocation is approved subject to and conditioned upon review and approval of all required regulatory processes.

7. Said allocation is non-transferable, non-assignable, and made for the projects as described and for the noted location unless explicitly approved by the Town of Clayton.

8. Said allocation may be revoked or reclaimed in accordance with the policies of the Town of Clayton as adopted or amended now or in the future. No property right is conferred with the granting of an allocation except as otherwise explicitly allowed by policy, ordinance, or action of the Town of Clayton.

9. Said allocation is subject to payment of applicable fees in accordance with adopted ordinances, policies, and fee schedules of the Town of Clayton.

10. Said allocation is subject to expiration two (2) years from the proposed allocation schedule mentioned above, unless a one (1) year extension is granted by request in writing to the Engineering Director.

Duly adopted this 20th day of March 2023, while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, CMC, NCCMC
Town Clerk

Clayton Sculpture Trail 2023

FINALISTS

PRESENTED BY:

sculpture in the landscape



REFLEX

23’ x 12’ x 10’

Stainless Steel

1800 lbs.

A-3

Roundabout





THREE MOONS

8’ x 4’ x 4’

Painted Steel

400 lbs.

A-6

Cooper

This will now go in front of Town Hall




Will now go in the
RAB on Springbrook
TRINITY
17.5' x 6' x 7' 1200 Lbs
Painted Steel, Stainless
A-9 Hwy 70



CYCLE

12’ x 8’ x 8’

1500 lbs.

Painted Steel

A-14

Horne Square







TEAL VARIABLE

11.’ x 8’ dia. (top rotates) 1800 lbs.

Powder Coated Stainless, Aluminum, Glass, Bronze, Marble, Stone

B-7 Horne Square





WONDER

6.5’ - 9.5 ’ x 5’ x 5’ 150 lbs.

Painted Steel

B-11 Library



MR. HITHERE

7’ x 2’ x 2’ 80 lbs.

Painted Steel

B-15

Horne Square







PIXEL

6.5’ x 4.5’ x 4.5’ 400 lbs.

Powder Coated Steel

B-20 Community Center





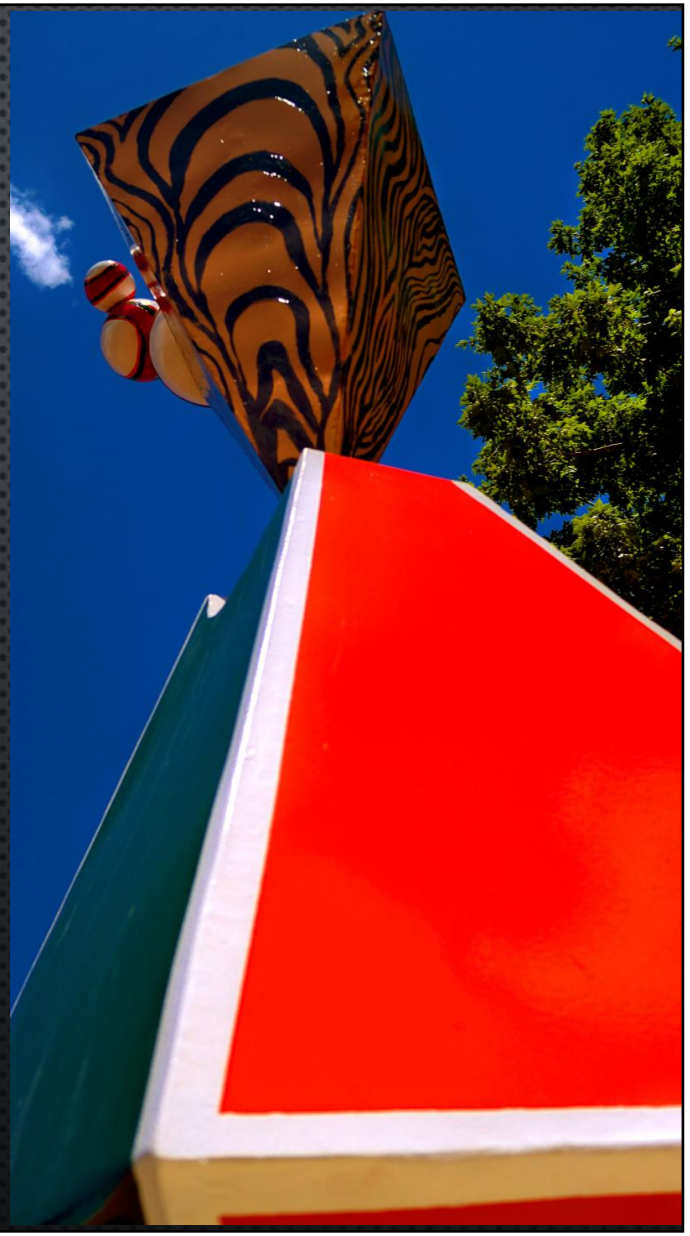
POP FLY

9.5’ x 4’ x 4’ 400 lbs.

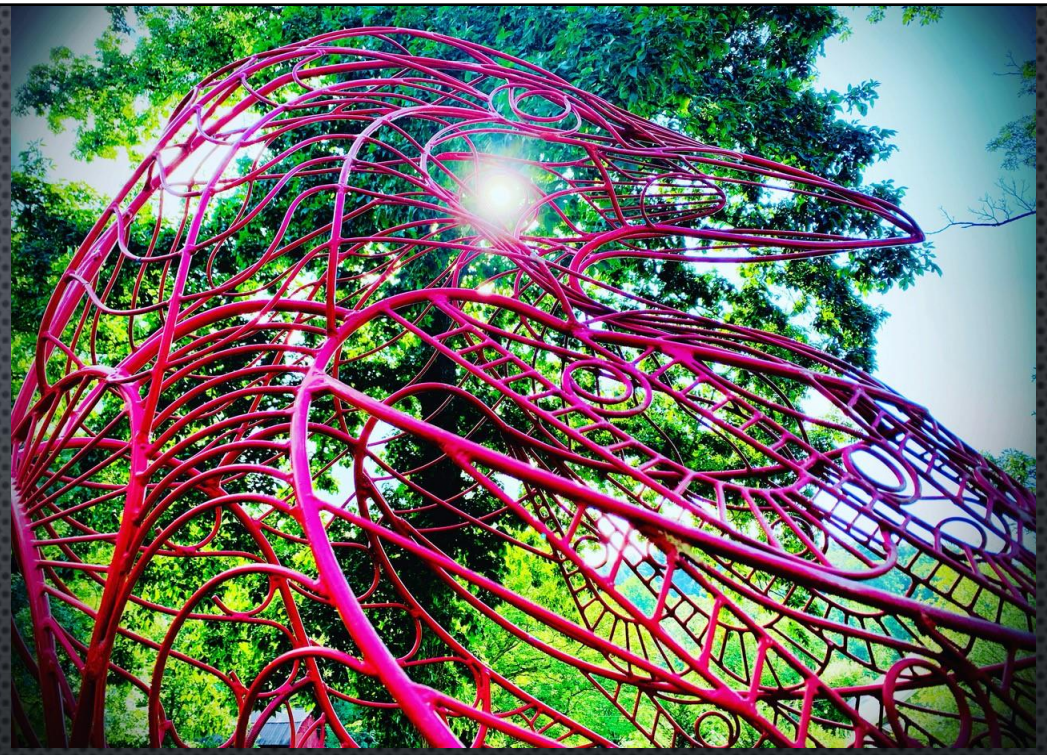
Painted Steel

B-26

Town Square







APOLLO'S SCORN

7' x 3' x 9' 150 lbs. Powder Coated Steel

B-35 Town Square

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
March 20, 2023	PUBLIC HEARINGS

Item Title

2022-215-RZ Bobby H. Hardee Rezoning

Presenter(s)

Bruce Venable, Planner 1

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☒ Think Economic Development	☒ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☒ Think Public Services & Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? No

Does This Item Require a Communication Plan?

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

Other/Special Instructions: Posted Sign Notice

Summary

The site is located to the south of Ashcroft Subdivision and is adjacent to the Caterpillar Inc testing site within the Town's ETJ. The applicant is proposing a rezoning of the above-mentioned parcel from the Residential-Estate (R-E) Zoning District to the Industrial-Heavy (I-2) Zoning District. The property is currently undeveloped and is not located along a public right of way.

Background/History

On February 27, 2023 The Planning Board voted unanimously to recommend this rezoning proposal for approval to the Town Council.

Recommendation

Approval of Zoning Ordinance 2023-03-01; 2022-215-RZ Bobby H. Hardee Rezoning

Funding Source

N/A

Corresponding Documentation

1 2022-215-RZ Bobby H Hardee

2 2022-215-RZ Hardee Rezoning Application

3 2022-215-RZ Neighborhood Meeting Materials

4 2022-215-RZ Survey

2022-215-RZ Staff Report Map

Rezoning Ordinance #2023-03-01

Meeting Timeline

6:00 p.m.

Submitted By: Bruce Venable, Planning

Reviewed By:

Ben Howell, Planning Director	Approved - Mar 08 2023
Rich Cappola, Town Manager	Approved - Mar 15 2023
Heidi Holland, Town Clerk	Approved - Mar 16 2023

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

Planning Board, 2/27/2023
Town Council Regular Meeting 3/20/2023

STAFF REPORT

Application Number: 2022-215-RZ
Project Name: Bobby H. Harding Rezoning

TAG #(s): 05I04200T
Town Limits/ETJ: ETJ
Applicant: Bobby H. Hardee
Owner: Bobby H. & Nancy O. Hardee
Location: Southeast of Sam's Branch Greenway Near Durwin Ln, Clayton, NC,27520
Project Planner: Bruce Venable, Planner I

Public Noticing Dates:

- **Neighborhood Meeting:** January 11, 2023
- **Sign posted:** February 8, 2023
- **Planning Board Meeting:** February 27, 2023
- **TC Adj. Property Owner Letters Sent:** March 9, 2023
- **Legal Ad Published on:** March 8, & 15 2023

REQUEST: Rezoning from Residential-Estate (R-E) to Industrial-Heavy (I-2)

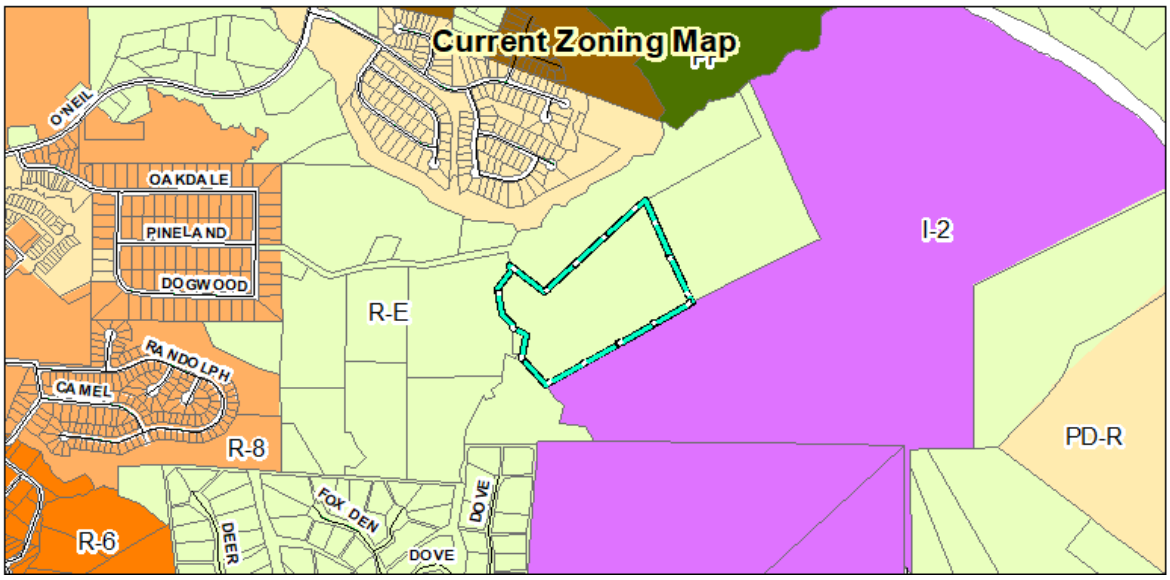


SITE DATA:

Acreage: +/- 31.07 acres
Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	VACANT
South	Industrial-Heavy (I-2)	CATERPILLAR INC RESEARCH AND DEVELOPMENT
East	Residential-Estate (R-E)	VACANT
West	Residential-Estate (R-E)	VACANT



STAFF ANALYSIS AND COMMENTARY:

Overview

The site is located to the south of Ashcroft Subdivision and is adjacent to the Caterpillar Inc testing site within the Town's ETJ. The applicant is proposing a rezoning of the above-mentioned parcel from the Residential-Estate (R-E) Zoning District to the Industrial-Heavy (I-2) Zoning District. The property is currently undeveloped and is not located along a public right of way.

REZONING APPROVAL CRITERIA

In connection with its legislative decision on a rezoning request, the Town Council may consider factors including, but not limited to, the following:

1. **Consistency with the adopted plans of the Town**

Applicant Response: The proposed rezoning is consistent with the property's Employment Center designation on the Town Future Land Use Map, which encourages industrial, recycling, warehouse, and similar uses. The proposed rezoning is also consistent overall, with the goals and policies in the Clayton 2045 Comprehensive Growth Plan, including: LU 1.1, LU 1.3, LU 1.4, ED 1.2, ED 3.3, and SI 6.1.

Staff Commentary: Staff finds that this request is consistent with the Town's 2045 Comprehensive Plan and agree that the Future Land Use Map that does designate this area as an Employment Center.

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

Applicant Response: The property is a large tract bordered to the south and southeast by existing I-2 zoning and industrial use. Given the size of the tract, its distance from existing residential uses, and the screening provided by the surrounding wooded area, the property is particularly well suited for industrial, or recycling uses which will, in turn, contribute to the continued, managed growth of the Town of Clayton.

Staff Commentary: This parcel is in close proximity to other industrial zoned property, and that does support the applicant's position on the suitability of the subject property. Staff would add that even though the undeveloped neighboring parcels do provide screening from the closest residential developments it should be noted that any future development of the land after the proposed rezoning would still trigger the perimeter screening required by the Town's Unified Development Code.

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

Applicant Response: The proposed rezoning improves the balance of uses by adding industrial and recycling uses that will both meet the need for such services and continue to support the growth and development in and around the Town of Clayton. The proposed rezoning is also consistent with the desired balance of uses outlined 2045 Comprehensive Growth Plan and Future Land Use Map.

Staff Commentary: The proposed rezoning has the potential to address a need of providing additional industrial uses such as recycling as suggested by the applicant.

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

Applicant Response: Schools and recreational facilities are not needed to serve the proposed industrial zoning or the intended recycling use on the property. The property currently has adequate access via O'Neal Street though the existing operations facility for a grading and landscaping business that is under common ownership. Existing water and wastewater capacities are sufficient to serve the intended industrial use on the property and the proposed zoning and intended use will not have a detrimental impact on public services in the area.

Staff Commentary: This rezoning should have no negative impact on public facilities and or services by this rezoning. Any new use or development after approval of this rezoning proposal shall be required to meet all of the requirements of the Town's Unified Development Code for such areas such as stormwater.

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

Applicant Response: The proposed rezoning is consistent with the 2045 Comprehensive Growth Plan, the Future Land Use Map, the Clayton Unified Development Code, and state law.

Staff Commentary: Staff does not believe that any purpose has been violated by the applicant.

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.

Applicant Response: The proposed zoning will have no adverse effect on adjoining property owners, most of which are under common ownership or are either directly related to the applicant or adjoining industrial users. The subject property is adjacent to an existing operations center for a grading and landscaping company that is under common ownership.

Staff Commentary: No adverse effect upon adjoining property owners is expected to occur from this proposed rezoning. All future development will be required to go through the Town's TRC process requiring all elements and requirements of the Town's Unified Development Code are properly met.

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.

Applicant Response: Because the proposed rezoning is consistent with the 2045 Comprehensive Growth Plan and Future Land Use Map, which have determined that the property is suitable for industrial use as proposed, and because any development of the property will comply with all requirements of the Land Development Code, the proposed rezoning does not result in any detriment to the general public. The proposed rezoning would implement the goals and policies of the Town's long-range plans, would be consistent and compatible with surrounding uses and the zoning of surrounding properties and would allow an existing grading and landscaping business to expand its operations.

Staff Commentary: Staff find this rezoning proposal to be appropriate and should not benefit any one group or property owner at the detriment of the general public. This proposal as listed before is consistent with the Town's 2045 Comprehensive Plan and FLU Map.

Comprehensive Growth Plan Goals supporting the rezoning request include:

Goal LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.

Policy LU 1.1: 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.

Strategy LU 1.1.1: Review development proposals for consistency with the Future Land Use Map.

Policy LU 1.3: Encourage non-residential land uses in areas consistent with the Future Land Use Map.

Strategy LU 1.3.1: Ensure the scale of non-residential uses are consistent with the Future Land Use Map.

Policy LU 1.4: Encourage new businesses and non-residential development in Employment Centers designated on the Future Land Use Map.

Strategy LU 1.4.1: Encourage a mix of non-residential land use in Employment Centers including industrial, warehouse, office, research and development, tech-flex, renewable energy, recycling, fabrication, assembly, and technology uses.

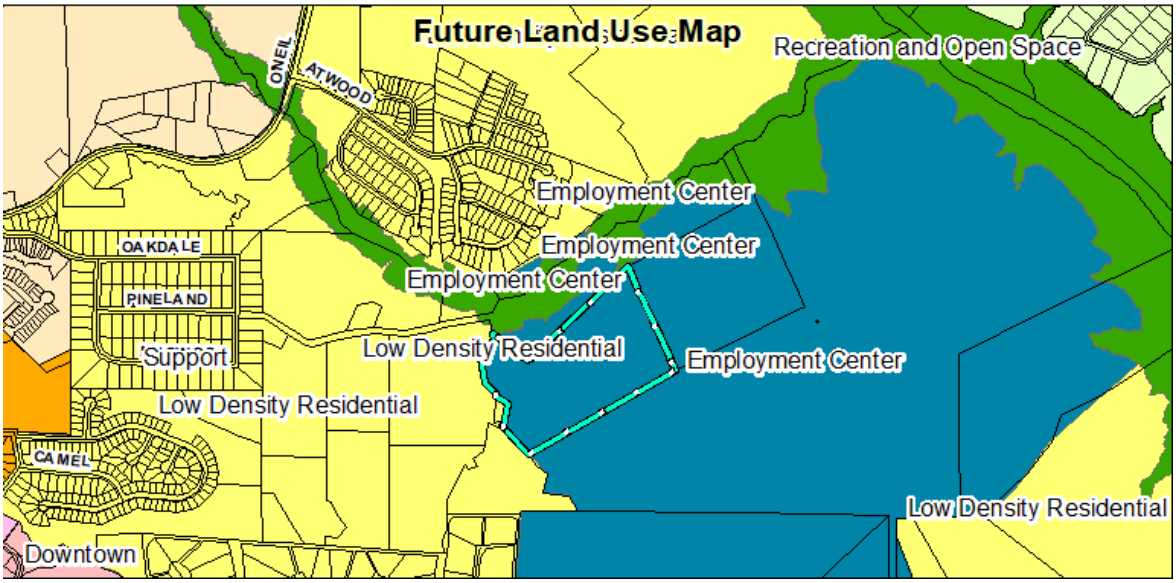
Strategy LU 1.4.3: Allow for integration of compatible uses in Employment Centers including commercial development as a supporting use.

Goal ED 1: Increase opportunities for companies that provide well-paid jobs.

Policy ED 1.5: Continue business retention efforts and support existing commercial corridors.

Strategy ED 1.5.1: Continue business retention and expansion strategies to engage with existing businesses to support existing operations and expansions.

Strategy ED 1.5.2: Increase employment and redevelopment opportunities along key corridors including 70 Bus and NC 42 and at 70 Bypass interchanges.



CONSIDERATIONS:

- Approval of the rezoning would allow any permitted use within the I-2 Zoning District to be constructed on the site. Town Council should consider all potential uses of the site when giving their recommendation for this rezoning.

PLANNING BOARD:

The Planning Board held a public meeting on February 27, 2023. A member from the community had some questions about the rezoning and how it may affect neighboring property, which was answered by staff and applicant. The Planning Board proceeded to vote unanimously for the proposed rezoning with no further recommendations. Board members made a motion using the following statement of reasonableness and consistency.

Statement of Reasonableness and Consistency:

"We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.4, Strategy LU 1.4.1 of the Comprehensive Growth Plan 2045."

and

"We find this rezoning action reasonable and in the public interest as this amendment furthers the objectives of the Zoning Ordinance and of those laid out in the Comprehensive Growth Plan 2045."

STAFF RECOMMENDATION:

- Staff recommends ***APPROVAL*** of the proposed rezoning request.
- Planning Board recommends ***APPROVAL*** of the proposed rezoning request 2022-215-RZ Bobby H. Hardee.

ATTACHMENTS:

1) Staff Report
2) Application/Owner's Consent Form
3) Neighborhood Meeting Materials
4) Survey
5) Staff Report Maps

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

REZONING APPLICATION COVER SHEET

Name of Project: Bobby Hardee Rezoning **Date:** 12/19/22

Applicant Name: Bobby Hardee

The following checklist to be completed by applicant:

[ ] Pre-Application Meeting on: 12/9/22
[ ] Review Fee
[ ] Advertisement Fee
[ ] Completed Application
[ ] Owner's Consent Form
[ ] Adjacent Property Owner's List
[ ] Neighborhood Meeting Notice Letter (1 copy)
[ ] 2 Sets of stamped, addressed, empty envelopes for adjacent property owner notification
[ ] Signed & Sealed Boundary Survey
[ ] Copy of signed & sealed boundary survey in PDF on USB

Reviewed by: _____

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

REZONING APPLICATION

■ **Rezoning Fee: $750 + $10 per acre**

SITE INFORMATION

Name of Project: Bobby Hardee Rezoning

Acreage of Property: 31.07 **Zoning District:** R-E

County Tag #: 05I04200T **NC Pin #:** 166900-74-9095

Address/Location:

Existing Zoning District: R-E **Proposed Zoning District:** I-2

APPLICANT INFORMATION

Applicant: Bobby Hardee

Mailing Address: 2019 Hardee Lane Clayton, NC 27520-9822

Phone Number: (919) 625-7507 **Fax:**

Contact Person: Drew Hardee

Email Address: DrewSHardee@gmail.com

PROPERTY OWNER INFORAMTION

Name: Bobby H. and Nancy O. Hardee

Mailing Address: 2019 Hardee Lane Clayton, NC 27520-9822

Phone Number: (919) 625-7507 **Fax:**

Email Address: DrewSHardee@gmail.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

EXPLANATION OF PROJECT

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

Rezoning request to I-2 to facilitate industrial use which will complement existing grading and landscaping business.

APPROVAL CRITERIA

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

   See attached.

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

   See attached.

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

   See attached.

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

   See attached.

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

   See attached.

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.

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.

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.

Bobby Hardee	Bobby H. Hardee	12-21-22
Print Name	***Signature of Applicant***	***Date***
Nancy O. Hardee	Nancy O. Hardee	12-21-22
Print Name	*Signature of Applicant*	*Date*

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held prior to the 1st scheduled public meeting date. It is recommended to hold the meeting at least 10 days prior to the 1st scheduled public meeting date, however, it is **not** a requirement.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

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

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a 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.

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit no later than 10 days prior to the 1st public meeting date*

ADJACENT PROPERTY OWNERS LIST

Project Name: Bobby Hardee Rezoning

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS
05H02015C	Caterpillar, Inc.	100 NE Adams Street, Peoria, IL 61629-4295
05H02199H	HARDEE, JOSEPH T	2019 Hardee Lane Clayton, NC 27520-9822
05I04199L	Rush, Gary L and Janet D	2072 Dove Lane, Clayton NC 27527
05H02199	Hardee, Bobby H. and Nancy O.	2019 Hardee Lane Clayton, NC 27520-9822
05H02200G	Caterpillar, Inc.	100 NE Adams Street, Peoria, IL 61629-4295

SAMPLE NEIGHBORHOOD MEETING LETTER
(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

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: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

_____

Upcoming public meetings for this application (Planning Board and/or 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 ***<Insert phone number of applicant>***. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

	NAME	ADDRESS
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: _____

Date of Mailing: _____

Date of Meeting: _____ Time of Meeting: _____

Location of Meeting: _____

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

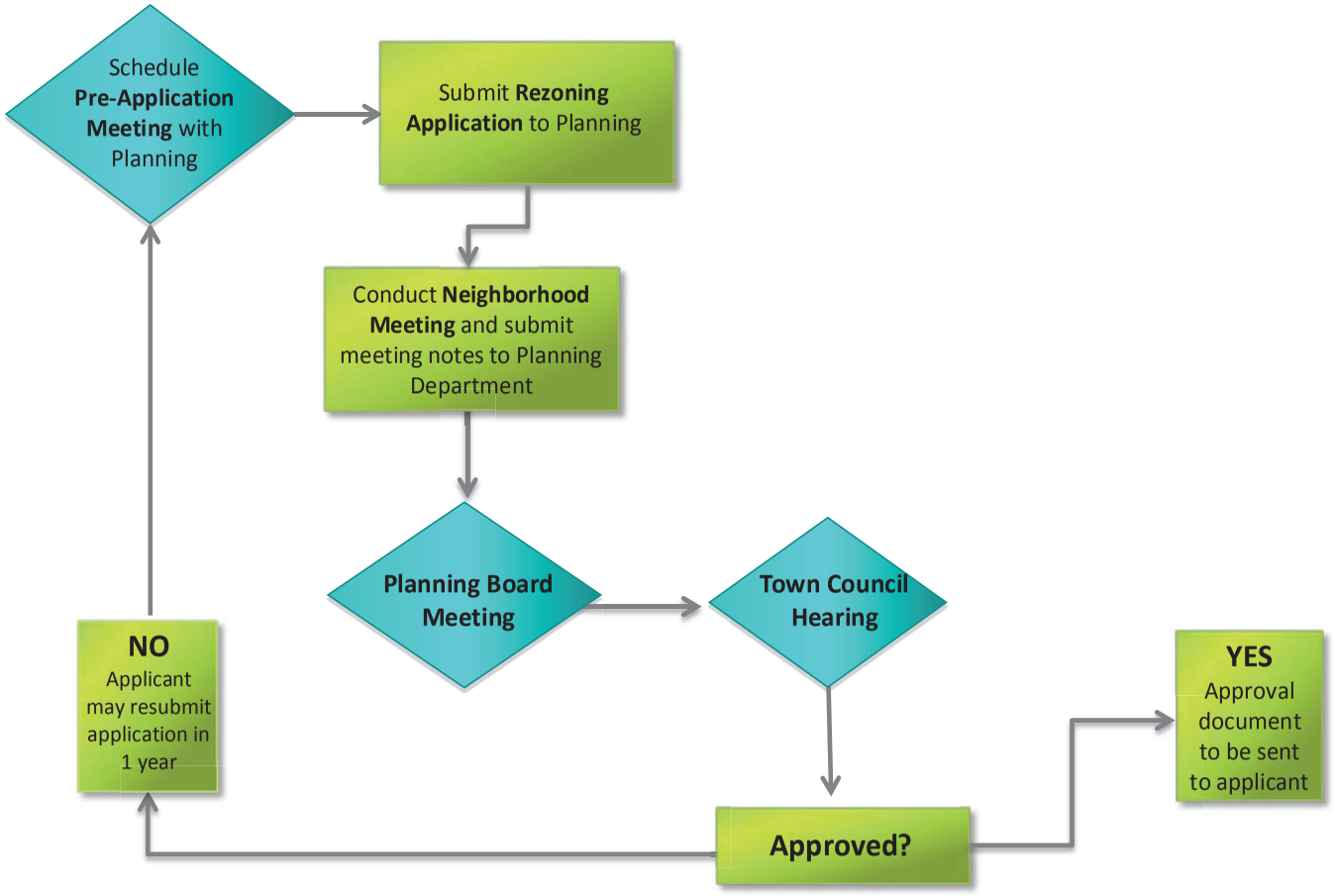
Printed Name: _____ Signature: _____

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

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

Town of Clayton Rezoning Process Flow Chart

This is the same process for a Planned Development Rezoning



Bobby Hardee Rezoning Application Supplement

NC Pin: 166900-74-9095

Approval Criteria

1. *Consistency with the adopted plans of the Town*

The proposed rezoning is consistent with the property's Employment Center designation on the Town Future Land Use Map, which encourages industrial, recycling, warehouse, and similar uses. The proposed rezoning is also consistent overall with the goals and policies in the Clayton 2045 Comprehensive Growth Plan, including: LU 1.1, LU 1.3, LU 1.4, ED 1.2, ED 3.3, and SI 6.1.

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

The property is a large tract bordered to the south and southeast by existing I-2 zoning and industrial use. Given the size of the tract, its distance from existing residential uses, and the screening provided by the surrounding wooded area, the property is particularly well suited for industrial or recycling uses which will, in turn, contribute to the continued, managed growth of the Town of Clayton.

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

The proposed rezoning improves the balance of uses by adding industrial and recycling uses that will both meet the need for such services and continue to support the growth and development in and around the Town of Clayton. The proposed rezoning is also consistent with the desired balance of uses outlined 2045 Comprehensive Growth Plan and Future Land Use Map.

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

Schools and recreational facilities are not needed to serve the proposed industrial zoning or the intended recycling use on the property. The property currently has adequate access via O'Neal Street though the existing operations facility for a grading and landscaping business that is under common ownership. Existing water and wastewater capacities are sufficient to serve the intended industrial use on the property and the proposed zoning and intended use will not have a detrimental impact on public services in the area.

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

The proposed rezoning is consistent with the 2045 Comprehensive Growth Plan, the Future Land Use Map, the Clayton Unified Development Code, and state law.

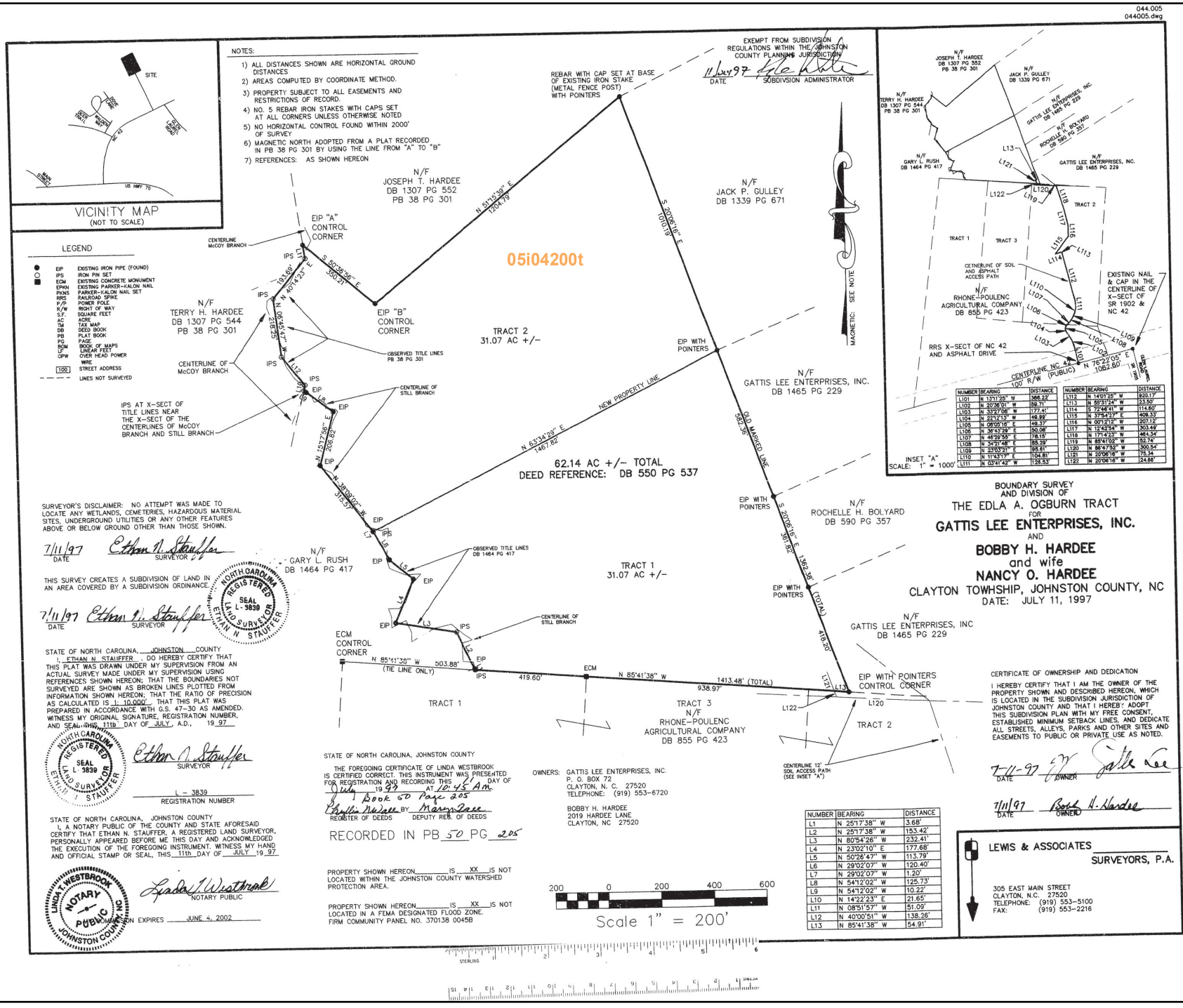
6. *It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare.*

The proposed zoning will have no adverse effect on adjoining property owners, most of which are under common ownership or are either directly related to the applicant or adjoining industrial users. The subject property is adjacent to an existing operations center for a grading and landscaping company that is under common ownership.

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.*

Because the proposed rezoning is consistent with the 2045 Comprehensive Growth Plan and Future Land Use Map, which have determined that the property is suitable for industrial use as proposed, and because any development of the property will comply with all requirements of the Land Development Code, the proposed rezoning does not result in any detriment to the general public. The proposed rezoning would implement the goals and policies of the Town's long-range plans, would be consistent and compatible with surrounding uses and the zoning of surrounding properties and would allow an existing grading and landscaping business to expand its operations.

044.005
044005.dwg



NUMBER	BEARING	DISTANCE
L1	N 25°17'38" W	3.68'
L2	N 25°17'38" W	153.42'
L3	N 80°54'26" W	232.41'
L4	N 23°02'10" E	177.68'
L5	N 50°26'47" W	113.79'
L6	N 29°02'07" W	120.40'
L7	N 29°02'07" W	1.20'
L8	N 54°12'02" W	125.73'
L9	N 54°12'02" W	10.22'
L10	N 14°22'23" E	21.65'
L11	N 08°51'57" W	51.09'
L12	N 40°00'51" W	138.26'
L13	N 85°41'38" W	54.91'

NUMBER	BEARING	DISTANCE
L101	N 13°11'25" W	366.22'
L102	N 20°36'01" W	99.71'
L103	N 33°07'06" W	177.41'
L104	N 22°12'13" W	46.99'
L105	N 08°05'16" E	49.37'
L106	N 36°43'39" E	90.06'
L107	N 46°29'55" E	78.15'
L108	N 34°21'48" E	85.39'
L109	N 23°03'31" E	95.61'
L110	N 11°43'17" E	104.81'
L111	N 03°41'42" W	128.53'
L112	N 14°01'25" W	920.17'
L113	N 55°31'24" W	23.50'
L114	S 72°46'41" W	114.60'
L115	N 37°54'27" E	409.33'
L116	N 00°12'12" W	207.12'
L117	N 12°42'54" W	303.49'
L118	N 17°14'23" W	464.34'
L119	N 85°41'02" W	52.70'
L120	N 86°47'52" W	300.54'
L121	N 20°08'16" W	75.34
L122	N 20°08'16" W	24.66'

Poyner Spruill LLP

December 29, 2022

Chad Essick
Partner
D: 919.783.2896
F: 919.783.1075
CEssick@poynerspruill.com

RE: Proposed Rezoning

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 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. Due to current social distancing resulting from COVID-19, the Town of Clayton has authorized temporary use of Virtual Neighborhood Meetings. This letter includes instructions on how to access the virtual neighborhood meeting for this application. A representative of the applicant will be present to explain the application, answer questions, and solicit comments.

Meeting Date: January 11, 2023 **Meeting Time:** 6:00-8:00 p.m.

Virtual Meeting Instructions: To participate via computer, visit www.zoom.us/join, enter the **Meeting ID (890 6584 8621)** and click "Join." The password for the meeting is **130098**.

Call-in Number (for audio only): Dial 888-475-4499. This is a toll free number. When prompted, enter the **Meeting ID (890 6584 8621).** Again, the password for the meeting is **130098**. If prompted to enter a participant ID, just press #.

Type of Application: Conventional Rezoning

Project/proposal property address: NC PIN 166900-74-9095

Description of project/proposal: The application proposes rezoning approximately 31.07 acres located at PIN 166-900-74-9095 from R-E to I-2.

Upcoming public meetings: Clayton Planning Board – January 23, 2023 or February 27, 2023; Clayton Town Council – February 20, 2023 or March 20, 2023. All public meetings will be held at 6 p.m. at the Clayton Town Hall, 111 E. Second St., Clayton, NC 27520.

Poyner Spruill LLP

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 me at 919-783-2896. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Chad Essick
Partner

Enclosure
cc: Town of Clayton Planning Department

JOHNSTON COUNTY
NORTH CAROLINA

*** DISCLAIMER ***

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



Scale: 1:20469 - 1 in. = 1705.75 feet

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

Johnston County GIS
December 16, 2022

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Bobby Hardee Rezoning

Application: Bobby Hardee Rezoning (31.07 acres)

Location/Date: January 11, 2023; Virtual via Zoom

	NAME	ADDRESS
1	Chad Essick, Poyner Spruill LLP	301 Fayetteville Street, Suite 1900, Raleigh, NC 27601
2	Drew Hardee	2019 Hardee Lane, Clayton, NC 27520
3	Rusty Norris, PE, ELM Site Solutions	P.O. Box 97607, Raleigh, NC 27624
4	Stacey Smith, PE, Smith Gardner, Inc.	14 N Boylan Ave, Raleigh, NC 27603
5	Robert Miller, Caterpillar, Inc.	1167 NC 42, Clayton, NC 27527
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NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Bobby Hardee Rezoning (31.07 acres)

Date of Mailing: December 29, 2022

Date of Meeting: January 11, 2023 Time of Meeting: 6:00 p.m.

Location of Meeting: Virtual via Zoom

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Chad W. Essick Signature:

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

In addition to a general discussion of the rezoning process and request, topics of discussion included:

- Existing site conditions and proposed use of Property;
- Surrounding zoning and ownership;
- Applicant's existing grading and landscape business, including nature of on-site activity;
- Consistency of proposed rezoning with 2045 Comprehensive Growth Plan and Future Land Use Map;
- Nature of surrounding uses, including existing industrial use by Caterpillar, Inc.;
- Property access; and
- Future Town meetings regarding the proposed rezoning.

Contact information for the applicant and the applicant's consultants was also made available for future questions or concerns.

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

Poyner Spruill LLP

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.

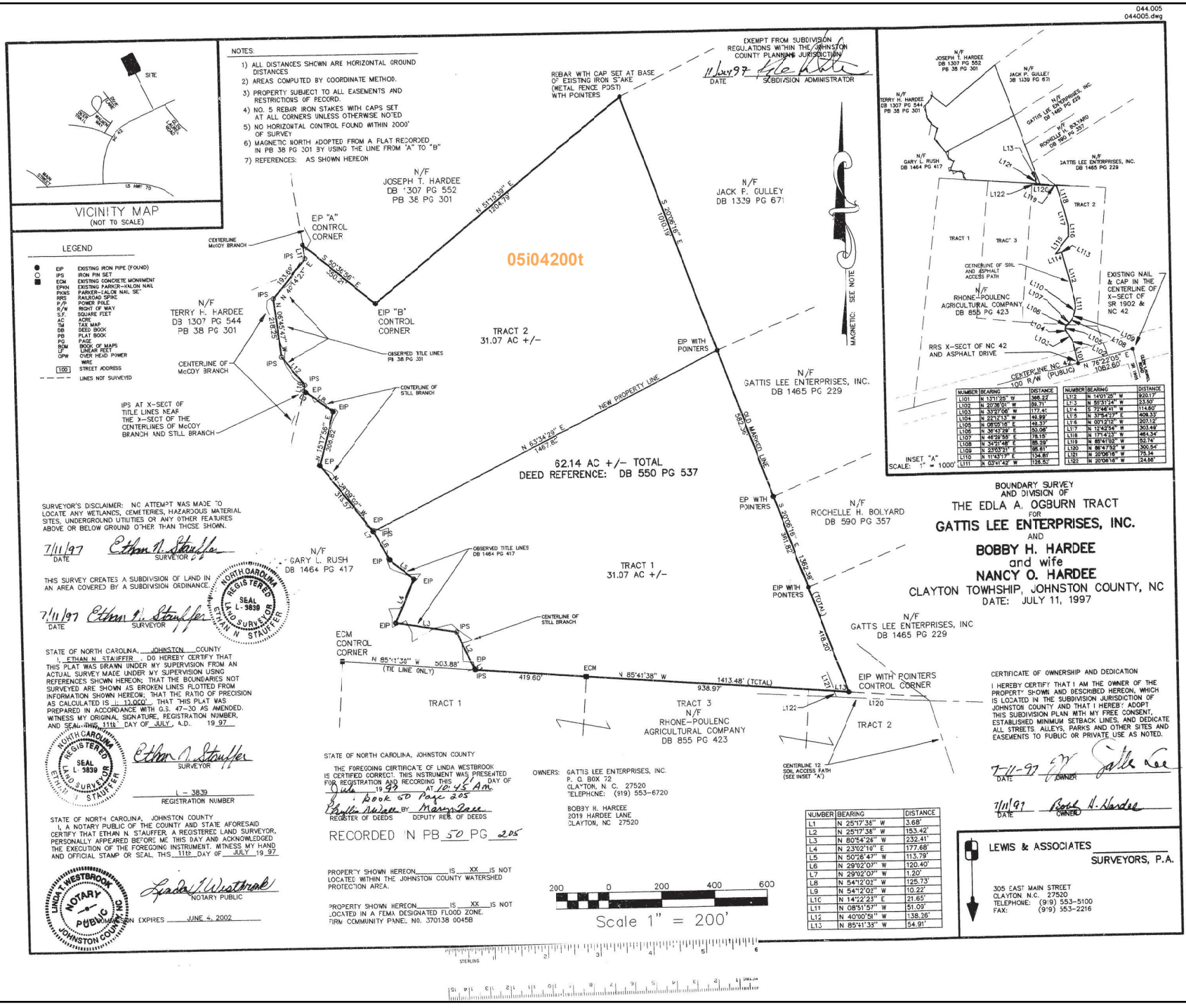
If you have any questions prior to or after this meeting, you may contact me at 919-783-2896. You may also contact the Town of Clayton Planning Department at 919-553-5002.

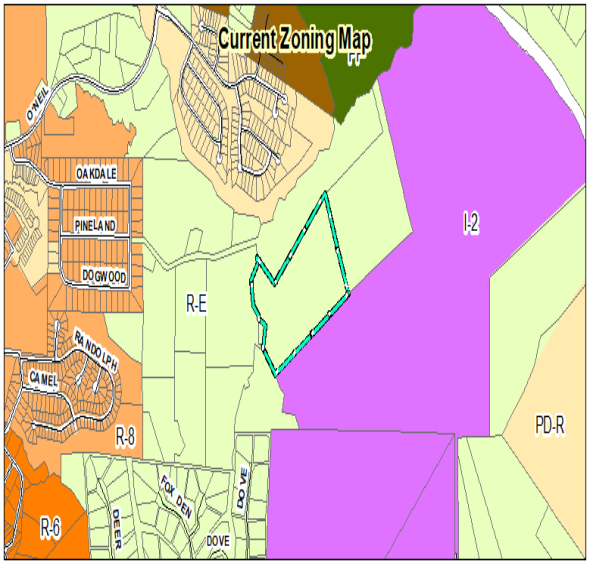
Sincerely,

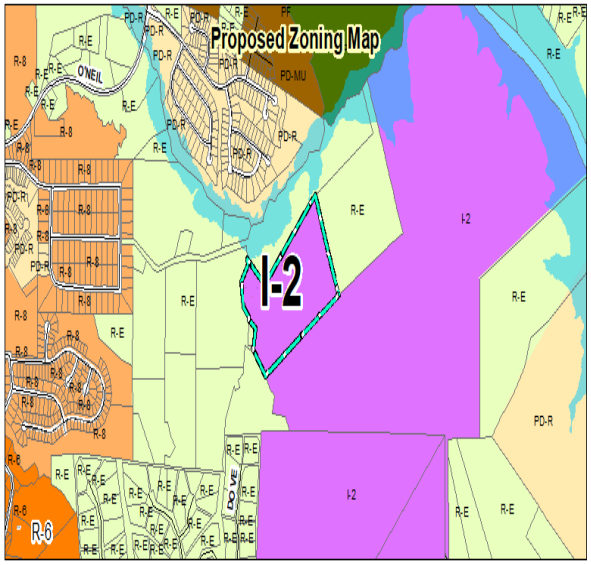


Chad Essick
Partner

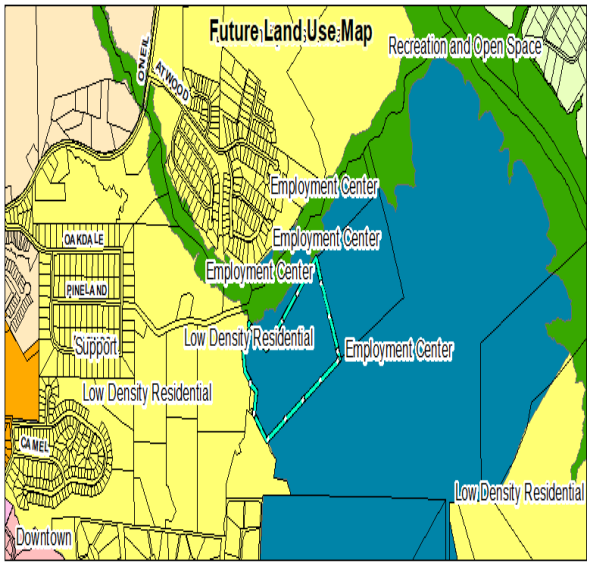
Enclosure
cc: Town of Clayton Planning Department


044005
044005.dwg
VICINITY MAP
(NOT TO SCALE)
SITE
LS HWY 70
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 CORNERS UNLESS OTHERWISE NOTED
5) NO HORIZONTAL CONTROL FOUND WITHIN 2000'
OF SURVEY
6) MAGNETIC NORTH ADOPTED FROM A PLAT RECORDED IN PB 38 PG 301 BY USING THE LINE FROM "A" TO "B"
7) REFERENCES: AS SHOWN HEREON
LEGEND
EIP EXISTING IRON PIPE (FOUND)
IPS IRON PIN SET
ECM EXISTING CONCRETE MONUMENT
EPKN EXISTING PARKER-KALON NAIL
PKNS PARKER-CALON NAIL SET
RRS RAILROAD SPIKE
P/P POWER POLE
R/W RIGHT OF WAY
S.F. SQUARE FEET
AC ACRE
TM TAX MAP
DB DEED BOOK
PB PLAT BOOK
PG PAGE
BOM BOOK OF MAPS
LF LINEAR FEET
OPW OVER HEAD POWER WIRE
100 STREET ADDRESS
LINES NOT SURVEYED
EXEMPT FROM SUBDIVISION REGULATIONS WITHIN THE JOHNSTON COUNTY PLANNING JURISDICTION
11 July 97
DATE
SUBDIVISION ADMINISTRATOR
REBAR WITH CAP SET AT BASE OF EXISTING IRON STAKE (METAL FENCE POST) WITH POINTERS
N/F JOSEPH T. HARDEE DB 1307 PG 552 PB 38 PG 301
N/F JACK F. GULLEY DB 1339 PG 671
N/F TERRY H. HARDEE DB 1307 PG 544 PB 38 PG 301
N/F GARY L. RUSH DB 1464 PG 417
N/F GATTIS LEE ENTERPRISES, INC. DB 1465 PG 229
N/F ROCHELLE H. BOLYARD DB 590 PG 357
N/F RHONE-POULENC AGRICULTURAL COMPANY DB 855 PG 423
EIP "A" CONTROL CORNER
EIP "B" CONTROL CORNER
EIP WITH POINTERS
ECM CONTROL CORNER
EIP WITH POINTERS CONTROL CORNER
CENTERLINE OF McCOY BRANCH
CENTERLINE OF STILL BRANCH
OBSERVED TITLE LINES PB 38 PG 201
OBSERVED TITLE LINES DB 1464 PG 417
IPS AT X-SECT OF TITLE LINES NEAR THE X-SECT OF THE CENTERLINES OF McCOY BRANCH AND STILL BRANCH
NEW PROPERTY LINE
S 20°26'16" E 1003.19'
N 51°13'39" E 1004.79'
S 50°36'56" E 550.21'
N 40°14'22" W 193.89'
N 05°45'47" W 218.25'
N 15°17'56" E 308.62'
N 03°34'29" E 1467.82'
N 20°06'02" W 315.57'
S 20°26'16" E 1952.28' (TOTAL)
S 20°26'16" E 381.82'
S 20°26'16" E 418.20'
N 85°41'38" W 503.88' (TIE LINE ONLY)
N 85°41'38" W 1413.48' (TOTAL)
N 85°41'38" W 938.97'
419.60'
62.14 AC +/- TOTAL
DEED REFERENCE: DB 550 PG 537
TRACT 1
31.07 AC +/-
TRACT 2
31.07 AC +/-
TRACT 3
TRACT 1
TRACT 2
MAGNETIC: SEE NOTE
50' MARKED LINE
EXISTING NAIL & CAP IN THE CENTERLINE OF X-SECT OF SR 1902 & NC 42
RRS X-SECT OF NC 42 AND ASPHALT DRIVE
CENTERLINE NC 42 100' R/W (PUBLIC)
N 76°22'05" E 1062.60'
CENTERLINE OF SOIL AND ASPHALT ACCESS PATH
CENTERLINE 12' SOIL ACCESS PATH (SEE INSET "A")
INSET "A"
SCALE: 1" = 1000'
Scale 1" = 200'
200 0 200 400 600
05i04200t
NUMBER BEARING DISTANCE
L101 N 13°11'25" W 366.27'
L102 N 20°38'01" W 89.71'
L103 N 33°27'06" W 177.41'
L104 N 22°12'13" W 49.99'
L105 N 08°03'16" E 49.37'
L106 N 36°43'39" E 50.08'
L107 N 46°39'55" E 78.15'
L108 N 34°21'48" E 85.29'
L109 N 23°03'51" E 95.61'
L110 N 11°43'17" E 134.87'
L111 N 03°41'42" W 128.53'
L112 N 14°01'25" W 920.17'
L113 N 55°31'24" W 23.50'
L114 S 77°44'41" W 114.60'
L115 N 37°54'27" E 408.33'
L116 N 00°12'12" W 207.12'
L117 N 12°42'54" W 303.48'
L118 N 17°14'23" W 464.34'
L119 N 85°41'02" W 52.76'
L120 N 88°47'52" W 300.54'
L121 N 20°06'16" W 75.34'
L122 N 20°06'16" W 24.56'
NUMBER BEARING DISTANCE
L1 N 25°17'38" W 3.68'
L2 N 25°17'38" W 153.42'
L3 N 80°54'26" W 232.41'
L4 N 23°02'10" E 177.68'
L5 N 50°26'47" W 113.79'
L6 N 29°02'07" W 120.40'
L7 N 29°02'07" W 1.20'
L8 N 54°12'02" W 125.73'
L9 N 54°12'02" W 10.22'
L10 N 14°22'23" E 21.65'
L11 N 08°51'57" W 51.09'
L12 N 40°00'51" W 138.26'
L13 N 85°41'38" W 54.91'
SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY WETLANDS, CEMETERIES, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.
7/11/97 DATE
Ethan N. Stauffer SURVEYOR
THIS SURVEY CREATES A SUBDIVISION OF LAND IN AN AREA COVERED BY A SUBDIVISION ORDINANCE.
7/11/97 DATE
Ethan N. Stauffer SURVEYOR
NORTH CAROLINA REGISTERED SEAL L-3839 LAND SURVEYOR ETHAN N STAUFFER
STATE OF NORTH CAROLINA, JOHNSTON COUNTY
I, ETHAN N. STAUFFER, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 13,000' THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 11th DAY OF JULY, A.D. 19 97
NORTH CAROLINA REGISTERED SEAL L-3839 LAND SURVEYOR ETHAN N STAUFFER
Ethan N. Stauffer SURVEYOR
L-3839 REGISTRATION NUMBER
STATE OF NORTH CAROLINA, JOHNSTON COUNTY
I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID CERTIFY THAT ETHAN N. STAUFFER, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 11th DAY OF JULY 19 97
NOTARY PUBLIC LINDA T. WESTBROOK NOTARY PUBLIC JOHNSTON COUNTY
Linda T. Westbrook NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 4, 2002
STATE OF NORTH CAROLINA, JOHNSTON COUNTY
THE FOREGOING CERTIFICATE OF LINDA WESTBROOK IS CERTIFIED CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS 11 DAY OF July 19 97 AT 10:45 AM
BOOK 50 PAGE 205
Phyllis Wilson BY Mary Jane
REGISTER OF DEEDS DEPUTY REG. OF DEEDS
RECORDED IN PB 50 PG 205
PROPERTY SHOWN HEREON IS XX IS NOT LOCATED WITHIN THE JOHNSTON COUNTY WATERSHED PROTECTION AREA.
PROPERTY SHOWN HEREON IS XX IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FIRM COMMUNITY PANEL NO. 370138 0045B
OWNERS: GATTIS LEE ENTERPRISES, INC.
P. O. BOX 72
CLAYTON, N. C. 27520
TELEPHONE: (919) 553-6720
BOBBY H. HARDEE
2019 HARDEE LANE
CLAYTON, NC 27520
BOUNDARY SURVEY AND DIVISION OF
THE EDLA A. OGBURN TRACT
FOR
GATTIS LEE ENTERPRISES, INC.
AND
BOBBY H. HARDEE
and wife
NANCY O. HARDEE
CLAYTON TOWHSHIP, JOHNSTON COUNTY, NC
DATE: JULY 11, 1997
CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF JOHNSTON COUNTY AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISHED MINIMUM SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.
7-11-97 DATE
OWNER
7/11/97 DATE
Bobby H. Hardee OWNER
LEWIS & ASSOCIATES SURVEYORS, P.A.
305 EAST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 553-5100
FAX: (919) 553-2216









Request:
2022-215-RZ, to Rezone a parcel from Residential-Estate (R-E) to Industrial-Heavy (I-2)

Applicant: Bobby Hardee
Property Bobby H. & Nancy O. Hardee
Tag #: 05I04200T

N

Staff Report Map
Prepared by: TOC Planning Department
January 31, 2023

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

Document Path: O:\PLANNING\REZONING\Rezoning\2022\2022-170-RZ Clayton Pawville Rezoning\Staff Map

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE TOWN OF CLAYTON, NORTH CAROLINA

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include Industrial-Heavy (I-2) zone to the properties described below, said property formerly being zoned Residential-Estate (R-E); and

WHEREAS said property is owned by Bobby H. Nancy O. Hardee.

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code 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 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Clayton Unified Development Code 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 155.702(D) of the Clayton Unified Development Code and by Section 160D-602 of the North Carolina General Statues; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on March 20, 2023, 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 Unified Development Code of the Town of Clayton is hereby amended to include in the Industrial-Heavy zone to of the following described properties:

General Description:

Located within the Town of Clayton's Jurisdiction and limits; south of Ashcroft subdivision and adjacent to Caterpillar Inc. Property

Specific Description:

NC Parcel TAG Number(s): 05I04200T

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include the Industrial-Heavy zone to the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Ordinance

SECTION 4. That the Town Council hereby adopts the following Statement of Consistency and Reasonableness for the proposed rezoning:

We find this rezoning action consistent with the Future Land Use Map, Goal LU 1, Policy LU 1.1, Strategy LU 1.1.1, Policy LU 1.4, Strategy LU 1.4.1 of the Comprehensive Growth Plan 2045."

and

"We find this rezoning action reasonable and in the public interest as this amendment furthers the objectives of the Zoning Ordinance and of those laid out in the Comprehensive Growth Plan 2045."

SECTION 5. That this ordinance shall become effective immediately upon its adoption

Duly adopted this 20th day of March, 2023, while in regular Session

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi Holland, CMC and NCCMC;
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
March 20, 2023	PUBLIC HEARINGS

Item Title

2022-146-CZM Academy Pointe Phase 10

Presenter(s)

Ben Howell, Planning Director

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☒ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

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

Other/Special Instructions: Sign Posted at Property

Summary

The Academy Pointe Phase 10 Conditional Zoning District is an expansion of the current Academy Pointe development. The proposed Phase 10 would consist of no more than 33 multifamily units spread across three buildings. Access to the site is proposed from Rosemary Street and from the existing Academy Pointe development. More information and the recommended conditions are included in the staff report in the agenda packet.

Background/History

The Planning Board reviewed the Conditional Zoning District request at their February 27, 2023 meeting, and unanimously recommended approval of the request to the Town Council, subject to the 16 conditions in the staff report.

Recommendation

Staff recommends approval of the Condition Zoning District, subject to the 16 conditions in the Staff Report.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

0 2022-146-CZM - Academy Pointe Phase 10 Staff Report

1 2022-146-CZM Academy Pointe Phase 10 Application

2 2022-146-CZM Academy Pointe Phase 10 Master Plan Narrative

3 2022-146-CZM Academy Pointe Phase 10 Master Plan

4 2022-146-CZM Academy Pointe Phase 10 Neighborhood Meeting Information

5 2022-146-CZM Academy Pointe Phase 10 Trip Generation Memo

6 2022-146-CZM Academy Pointe Phase 10 Wastewater Allocation Request

7 2022-146-CZM Acadmey Pointe Phase 10 Signed Recommended Conditions Document

8 2022-146-CZM Academy Pointe Phase 10 Staff Report Maps

Ordinance 2023-03-02

Meeting Timeline

Planning Board Public Comment Session - February 27, 2023
Town Council Public Hearing - March 20, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

Ben Howell, Planning Director	Approved - Mar 08 2023
Rich Cappola, Town Manager	Approved - Mar 15 2023
Heidi Holland, Town Clerk	Approved - Mar 16 2023

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

Planning Board February 27, 2023
Town Council March 20, 2023

STAFF REPORT

Application Number: 2022-146-CZM

Project Name: Academy Pointe Phase 10

Tag #: 05H2200Z
Location: Corner of N. O'Neil Street and Rosemary Street
Existing Zoning District: B-2
Proposed Zoning District: CZ-R
Applicant: Hearth Pointe Development
Owner(s): JJARR, LLC

Public Noticing Dates:

- **Neighborhood Meeting:** September 8, 2022
- **Sign posted:** February 17, 2023
- **Planning Board Meeting:** February 27, 2023
- **Legal Ad Published:** March 8, 2023 and March 15, 2023
- **Adjoining Property Owner Letters mailed:** March 9, 2023

REQUEST: Rezone the property referenced above, located on N. O'Neil Street at Rosemary Street, from the Neighborhood Business (B-2) Zoning Districts to a Conditional Zoning – Residential District. The Conditional Zoning District would allow for the development of 1.210 acres in accordance with the master plan to develop up to 33 multifamily units (a density of 27.27 units/acre for Phase 10 and an overall density of 12.81 units/acre for the Academy Pointe Subdivision). The Conditional Zoning District is accompanied by a Master Plan and Master Plan Narrative.

SITE DATA:
Acreage: 1.210 acres
Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use(s)
North	Residential-Estate (R-E)/Single-Family Residential-8 (R-8)	Existing Single-Family Residential/Vacant
South	Planned Development-Residential (PD-R)	Existing Single-Family Residential
East	Planned Development-Residential (PD-R)	Existing Multifamily Residential
West	Planned Development – Residential (PD-R)	Multifamily Residential (Under Construction)



DEVELOPMENT DATA:

Proposed Uses:	Multi-Family
Proposed Density:	Up to 33 multifamily units at a density of 27.27 units/acre for Phase 10
Fire Protection:	Town of Clayton
Access/Streets:	Access from Rosemary Street and cross-access from Academy Pointe
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

OVERVIEW:

The applicant is requesting a Conditional Zoning District with an associated Master Plan to add a Phase 10 to the Academy Pointe development, adding up to 33 multifamily units in 3 buildings, as shown on the Master Plan. The development has requested the following minimum lot dimensional standards:

Proposed Dimensional Standards	
Front	12′
Side	5′
Side Street	10′
Rear	10′
Building Coverage	50%
Max. Impervious Coverage	75%
Max. Building Height	50′
Building Separation	15′

Transportation Improvements:

The development will be accessed from Rosemary Street and internal connections from the existing Academy Pointe development. The Academy Pointe development completed improvements to Rosemary Street and N. O'Neil Street. Exult Engineering performed a trip generation study for Phase 10 to show the number of additional trips that will be generated by the proposed 33 units. The proposed trip generation is summarized below in the Table:

Land Use			Daily	AM Peak Hour			PM Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit
210: Single Family Detached**	133	d.u.	1,312	97	25	72	130	82	48
215: Single Family Attached**	12	d.u.	41	6	2	4	7	4	3
220: Multifamily Housing (Low-Rise)**	143	d.u.	992	67	16	51	82	52	30
Total			**2,345**	**170**	**43**	**127**	**219**	**138**	**81**
Trip Generation Presented in November 2018 TIA*			2,340	161	39	122	207	130	77
Change in Trip Generation			***+5***	***+9***	***+4***	***+5***	***+12***	***+8***	***+4***

References: **Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, September 2017 and*
***Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, September 2021*

The Transportation Impact Analysis was reviewed by the Town and NCDOT. No additional improvements are required from the TIA, however the development will be required to make frontage improvements along N. O'Neil Street, which are included in proposed Condition 12.

Stormwater, Water, Sewer and Electricity

Stormwater

The project area is currently occupied by a nonresidential structure that will be demolished. The proposed development will require storm water management measures for quality and quantity treatment in accordance with the Town of Clayton Stormwater Design Manual. The stormwater from the new multifamily residential buildings is proposed to be managed by a new Stormwater Control Measure (SCM) and the exiting stormwater infrastructure in the Academy Pointe development. All stormwater management will be required to meet all North Carolina Department of Environmental Quality (NCDEQ) and Town of Clayton design requirements at time of Subdivision infrastructure or Site plan submittal.

Water Service

Public water is located in the existing Phase 8 of the Academy Pointe development and Rosemary Street. Public

water will be extended to serve the development from these lines, and will be designed to meet all Town of Clayton Standards and Specifications.

Sanitary Sewer Service
In accordance with the Town's requirements, the development will be served by public utility infrastructure. There is currently sewer infrastructure in Phase 8 and Phase 2 of the Academy Pointe development, and Phase 10 will be served by extending the sewer infrastructure from one of these phases, which will be determined during Construction Drawing review. The development is subject to the Town's Wastewater Allocation Policy.

Electricity
The development is proposed to be served by Town of Clayton Electric Utility, and will provide street lighting meeting the Town's requirements.

Open Space/Amenities
The proposed development, as an additional phase of the Academy Pointe development, will have open space calculated as part of the overall Academy Pointe development, meeting the Unified Development Code requirements. The proposed Phase 10 development will provide a tot lot or other amenities that will be finalized during the site plan and construction drawing process.

Landscaping, Buffering and Screening:
No perimeter buffer is required for this development, but Phase 10 will provide a landscape buffer and 6-foot tall fence between Phase 10 and the existing single-family homes in Phase 2 to minimize the impact on the single-family homes. The development will also provide street yard trees and off-street parking screening and landscaping in accordance with the UDC.

Architectural Standards
The applicant has proposed the new multifamily buildings in Phase 10 to match the architecture of the existing multifamily buildings in Phases 5-9, including board-and-batten and brick facades.

CONDITIONAL ZONING AND MASTER PLAN APPROVAL CRITERIA

Conditional Zoning District Approval Criteria
See Master Plan Narrative for Applicant Responses
In connection with its legislative decision on a conditional zoning district request, the Town Council may consider factors including, but not limited to, the following:

1. Consistency with the adopted plans and policies of the Town.

   Staff Commentary: The 2045 Growth Plan identifies the development site as "High Density Residential." According to the 2045 Growth Plan, the "High Density Residential area provides for housing near major transportation corridors, existing commercial areas, and Downtown." The Plan calls for a gross density of up to 10 units per acre with single family detached homes, townhomes and apartments as the unit types. While the proposed density is higher than envisioned in the 2045 Growth Plan, it is consistent with the density of the existing multifamily development in the Academy Pointe development.

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

   Staff Commentary: The property is currently zoned Neighborhood Business (B-2), but is surrounded by single-family and multifamily residential units in the Academy Pointe development. The applicant is proposing to construct 3 more multifamily buildings on the property matching the existing multifamily buildings on either side of

the property along N. O'Neil Street.

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

   Staff Commentary: The surrounding area is primarily residential, with a mix of single-family detached, single-family attached and multifamily units. The proposed conditional zoning district will allow for additional suburban-style multifamily residential development. matching the existing multifamily development on either side of the property.

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

   Staff Commentary: The proposed development would be served by Johnston County schools (Cooper Academy, Clayton Middle, Clayton High), with Cooper Academy and Clayton High School on the County's "capped" list for 2022-2023. Access to the development will be provided via Rosemary Street and connections to the existing Academy Pointe development. The development will be part of the larger Academy Pointe development, utilizing the existing open space and recreation facilities in the development. The applicant has proposed a tot lot or other recreational amenity for Phase 10. The development will be required to meet the requirements in the Town's Stormwater Ordinance. The property has access to public water and public sewer through the existing Academy Pointe development. Staff believes that there is adequate capacity of public services and facilities to serve the proposed development.

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

   Staff Commentary: Staff does not believe that legal purposes for which zoning exists will be contravened by the approval of the conditional zoning district.

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

   Staff Commentary: The proposed development will consist of multifamily development matching the existing multifamily development on either side of the proposed development. The development will provide a looped water system in the Academy Pointe development and make improvements to the N. O'Neil Street frontage, mitigating potential impacts.

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.

   Staff Commentary: While the owners/developers may benefit from the development, staff believes that with the proposed conditions there will be no detriment to the general public.

Master Plan Approval Criteria

The master plan shall include, and the applicant shall be responsible for successfully addressing the following:

- Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;
- Consistency with the Clayton General Design Guidelines;
- Conformance of the proposal with the stated purpose of the requested conditional zoning district;
- Compatibility of the proposed development with the adjacent community;
- 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;
- Compatible relationships between each component of the overall project;

- Self-sufficiency of each phase of the overall project;
- The fiscal impact of the proposal and the proposed financing of required improvements;
- The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Staff Commentary: The applicant has provided a Master Plan Narrative providing details of the proposal. Through the Master Plan, Narrative and proposed conditions, staff believes that the applicant has successfully met the criteria.

CONSIDERATIONS:

- The Town Council shall consider the recommendation of the Planning Board and the Planning Director.
- The Town Council shall approve, approve with conditions, or disapprove the conditional zoning district. Any additional, revised or deleted conditions from those below must be signed or declined by the applicant prior to the Council rendering a decision.
- Concurrently with adopting, denying or remanding any conditional zoning district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.
- If the conditional zoning district is not consistent with the 2045 Growth Plan and is approved, the 2045 Growth Plan Future Land Use Map will be considered amended to match the proposed conditional zoning district.
- If approved, the conditional zoning district, master plan and narrative will be recorded with Johnston County and shall guide futuredevelopment for this land. The conditional zoning district, master plan, and narrative shall not expire, and will run with the land.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Comment Session on February 27, 2023 for the project. One citizen spoke during the Public Comment Session, voicing concerns about the impact of the increased traffic from the development and potential for additional children attending Cooper Academy. The Planning Board unanimously recommended approval of the Conditional Zoning District subject to the 16 Conditions included below and the provided Statement of Reasonableness and Consistency.

RECOMMENDED CONDITIONS OF APPROVAL:

If approved, staff is recommending the following conditions of approval be placed upon the application. The applicant has reviewed the proposed conditions and is in agreement with the conditions proposed by staff.

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) 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 master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.

4. The development of Phase 10 shall be limited to the uses and standards outlined in the Master Plan and associated narrative.
5. No landscape buffer shall be required between the existing Phase 8 and proposed Phase 10 of Academy Pointe subdivision.
6. Final architectural elevations shall be provided at Site Plan/Construction Drawing submittal. These shall match those utilized in Phases 5-9 of Academy Pointe subdivision to ensure architectural consistency along N O'Neil Street.
7. Final stormwater plans/design shall be provided at Site Plan/Construction Drawing submittal. These plans shall meet the Town's stormwater requirements at the time of Site Plan submittal.
8. Phase 10 shall provide, at minimum, 43 parking spaces to serve the proposed 33 units. The parking lot in Phase 10 shall directly connect to Phases 8 & 9. The applicant may choose to provide additional spaces as determined feasible during Site Plan/Construction Drawing design.
9. At least one dumpster shall be provided on the subject property to serve Phase 10. The dumpster(s) shall be screened entirely by view in accordance with the requirements of the Unified Development Code. The applicant may choose to provide additional dumpsters as determined feasible during Site Plan/Construction Drawing design.
10. All HVAC units shall be screened entirely from view in accordance with the requirements of the Unified Development Code.
11. A 5' sidewalk shall be provided along the property's frontage on N O'Neil Street and Rosemary Street. This sidewalk shall connect to the sidewalk provided in Phase 8 and Phase 2.
12. Frontage improvements shall be required along N O'Neil Street. This shall include curb and gutter, along with roadway widening to match the existing cross section between Oakdale and Wilson Streets. Final design of these improvements shall be reviewed and approved during Construction Drawing submittal.
13. Access to Phase 10 shall be provided by a connection to Phase 8 as well as the proposed entrance to Phase 10 from Rosemary Street, which shall be limited to right-in/right-out, unless otherwise approved by NCDOT. Phase 10 shall also include a connection to the existing alley that runs behind the homes fronting Rosemary Street in Phase 2.
14. The Town of Clayton shall be the electric provider for this project.
15. The density for this Phase of Academy Pointe shall be limited to the density reflected in this narrative.
16. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

ATTACHMENTS:

1) Application
2) Master Plan Narrative
3) Master Plan
4) Neighborhood Meeting Information
5) Trip Generation Memo
6) Wastewater Allocation Request
7) Recommended Conditions of Approval – Signed
8) Staff Report Maps

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 w/Master Plan Coversheet

Name of Project: Academy Pointe Ph 10 - Conditional Rezoning **Date:** 8/1/2022

Applicant Name: Hearth Pointe Development

The following checklist to be completed by applicant:

[☑] Pre-Application Meeting on: 6/2/2022
[☑] Review Fee
[☑] Completed Application
[☑] Owner's Consent Form
[☑] Adjacent Property Owner's List
[☑] Neighborhood Meeting Letter (one copy)
[☑] 2 sets of stamped, addressed, empty envelopes for adjacent property owner notification
[☑] Signed & sealed boundary survey
[☑] Copy of signed & sealed boundary survey in PDF on USB

[☑] Master Plan Set to include the following:
- Cover Sheet
- 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
  d. All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering

Reviewed by:_____

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

Conditional Zoning w/Master Plan Application

Conditional Rezoning w/Associated Site Plan Fee: $1000 + $5.00 per acre
Advertising Fee: $200.00

SITE INFORMATION

Name of Project: Academy Pointe Phase 10 - Conditional Rezoning

Acreage of Property: 1.210 **Zoning District:** B-2

County Tag #: 05H2200Z **NC Pin #:** 166909-25-3103

Address/Location: Corner of Rosemary Street and N O'Neil Street

Existing Zoning District: B-2 **Proposed Zoning District:** R-6 CZ

APPLICANT INFORMATION

Applicant: Hearth Pointe Development

Mailing Address: 114 W Main Street Clayton, NC 27520

Phone Number: 919-670-0704 **Fax:** _____

Contact Person: Haley Hogg, AICP, CZO - Planning Manager

Email Address: haley@hearthpointe.com

PROPERTY OWNER INFORAMTION

Name: JJARR, LLC

Mailing Address: 114 W Main Street Clayton, NC 27520

Phone Number: 919-670-0704 **Fax:** _____

Email Address: haley@hearthpointe.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

January 2021

EXPLANATION OF PROJECT

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

Our team is requesting to rezone the subject property from Neighborhood-Business (B-2) to Residential-6 Conditional Zoning (R-6 CZ). This rezoning is accompanied by a Master Plan, which outlines the proposed use of the site as well as the proposed design standards. The intention is to utilize this property to develop Phase 10 of Academy Pointe subdivision, which will include 3 new apartment buildings on the subject parcel. Additionally, on-site parking, stormwater, and amenities will be provided on this parcel to serve these units. If approved, our team will proceed with full site design and submit a Site Plan and the associated Construction Drawings. Please see the master plan narrative document attached to this submittal for further explanation of the project.

APPROVAL CRITERIA – REZONING

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

1. Consistency with the adopted plans of the Town.

   Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

   Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

   Please see attached Master Plan Narrative for our response to the Approval Criteria.

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.

   Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

   Please see attached Master Plan Narrative for our response to the Approval Criteria.

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.

   Please see attached Master Plan Narrative for our response to the Approval Criteria.

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.

Please see attached Master Plan Narrative for our response to the Approval Criteria.

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria:

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.

Please see attached Master Plan Narrative for our response to the Approval Criteria.

2. Consistency with the Clayton General Design guidelines.

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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.

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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.

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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

Please see attached Master Plan Narrative for our response to the Approval Criteria.

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.

Haley Hogg	Haley Hogg Digitally signed by Haley Hogg Date: 2022.07.20 09:29:06 -04'00'	7/20/2022
Print Name	***Signature of Applicant***	***Date***

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held at least 10 days prior to the 1st scheduled public meeting date.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

a. The applicant must contact all adjacent property owners via first class mailing (see sample letter).

b. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.

c. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- [x] Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- [x] Copy of the letter mailed *Should be submitted with original application packet*
- [x] Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- [x] Neighborhood Meeting Summary Form with minutes (see below) *Submit 10 days prior to 1st public hearing*

January 2021

ADJACENT PROPERTY OWNERS LIST

Project Name: Academy Pointe Phase 10 - Conditional Rezoning

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

See Attached List.

PARCEL NUMBER	NAME	ADDRESS

SAMPLE NEIGHBORHOOD MEETING LETTER
(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

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: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

_____

Upcoming public meetings for this application (Planning Board and/or 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 ***<Insert phone number of applicant>***. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

January 2021

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

NAME	ADDRESS
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January 2021

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

Date of Mailing:

Date of Meeting: Time of Meeting:

Location of Meeting:

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Signature:

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

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

January 2021

ACADEMY POINTE

CLAYTON • NC

PHASE 10
CONDITIONAL REZONING

MASTER PLAN NARRATIVE

Town of Clayton
2022-146-CZM
Submittal: August 15, 2022
Revised: October 30, 2022
November 28, 2022

PREPARED BY:

HEARTH POINTE
DEVELOPMENT

STEWART

RIVER WILD

ACADEMY POINTE SUBDIVISION

Academy Pointe is a mixed residential subdivision located off N O'Neil Street, Wilson Street, and Rosemary Street, just northwest of Clayton's Downtown Core and north of Cooper Academy.

The subdivision was originally approved by Town Council in 2017 as a Planned Development, modified, and approved again in 2018 by Town Council. The development is currently zoned Planned Development-Residential (PD-R). The original Master Plan was approved to include 133 single-family lots, 12 townhome lots, and 110 apartment units. All original phases are either completed or under construction. The single-family portion of the development is referred to as "Academy Pointe", and the apartment portion along O'Neil Street is referred to as "Academy Overlook".

Below is the most recent Master Plan approval for Academy Pointe subdivision, with the subject property (Proposed Phase 10) outlined in red.



CONDITIONAL REZONING REQUEST

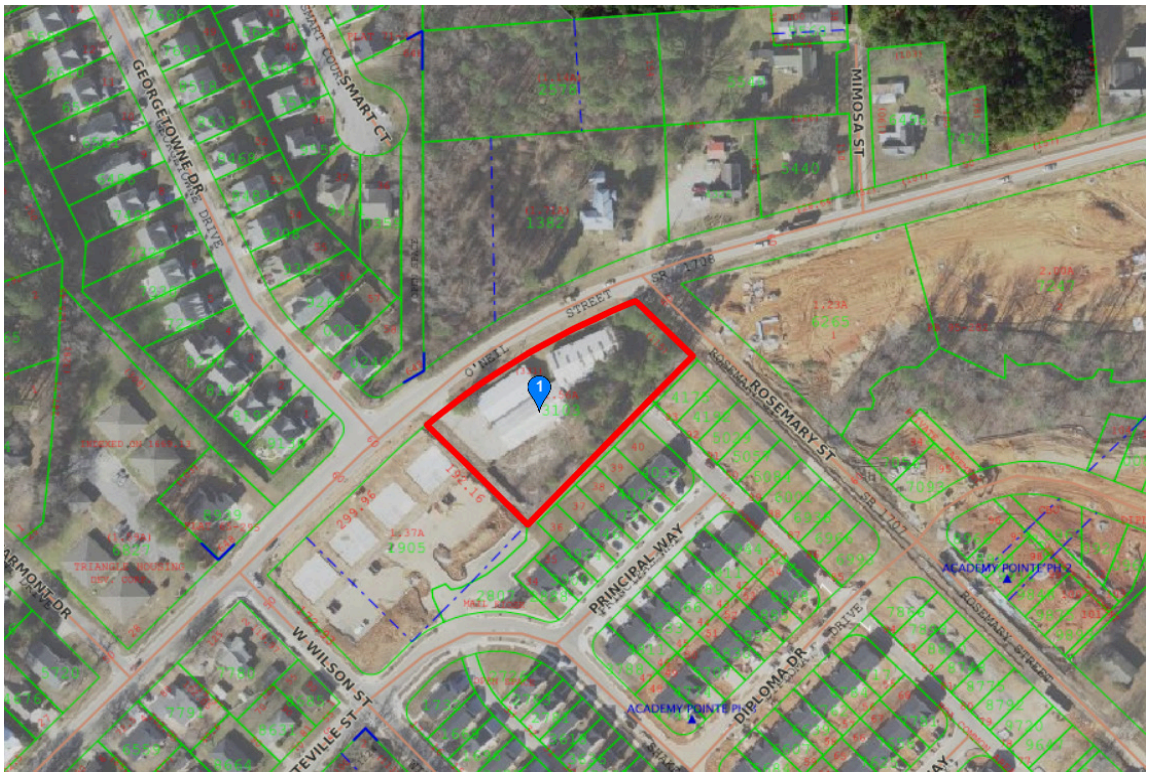
Prior to 2021, adding land to an approved Planned Development could be accomplished by submitting a new Planned Development Rezoning application, alongside a modification to the original master plan. However, in 2021 the Town of Clayton adopted new regulations within the Unified Development Code that deleted Planned Development Districts.

The code now states that all Planned Development Districts have been replaced with Conditional Zoning Districts.

As outlined in the proposed Master Plan, our team is requesting a Conditional Rezoning for 1.167 acres located at the corner of Rosemary Street and N O'Neil Street. If approved, this parcel would become part of the Academy Pointe development.

The subject parcel is adjacent to the existing Phases 3, 8, and 9 of Academy Pointe which are all constructed. Our request is to rezone the subject parcel from Neighborhood Business (B-2) to Conditional Zoning - Residential (CZ-R) in order to develop 3 apartment buildings, which equates to 33 new units, allowing for a continuation of the adjacent Academy Overlook multi-family buildings located along N O'Neil Street.

The existing Academy Pointe Master Plan was approved with a total density of 12 units/acre. The proposed Master Plan for Phase 10 would result in a new density of 12.81 units/acre for the entirety of Academy Pointe subdivision (includes existing and proposed Phase 10). Phase 10 alone has a density of 28.27 units/acre.



PROPERTY HISTORY

The subject parcel is zoned Neighborhood Business (B-2). It was acquired by Riverwild in 2021 and currently is utilized for indoor storage. Prior to that, under former ownership, it served as an auto repair center. Based on the location of the parcel, the existing similar adjacent use, and the project's proximity to Downtown, we feel that a more appropriate use of the parcel is high-density residential. The existing designation and use of the property as commercial is no longer compatible with the surrounding uses.

DIMENSIONAL STANDARDS

To maintain consistency with the existing apartments located on both sides of the subject property, the proposed dimensional standards included in the Master Plan will be utilized to match the existing approved standards in the original Academy Pointe Master Plan.

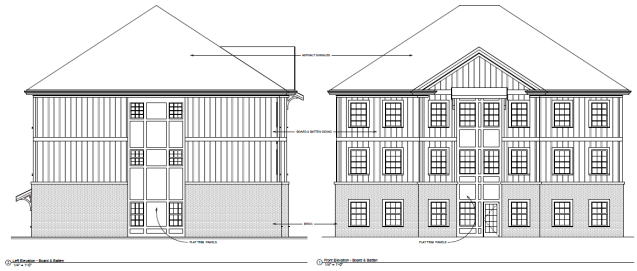
These dimensional standards ensure consistency in the setbacks and size of the new buildings in order to create a uniform frontage along North O'Neil Street. Below is a table outlining the specific standards.

Proposed Dimensional Standards	
Front	12′
Side	5′
Side Street	10′
Rear	10′
Building Coverage	50%
Max. Impervious Coverage	75%
Max. Building Height	50′
Building Separation	15′

ARCHITECTURAL REQUIREMENTS

The architectural design of the buildings proposed in Phase 10 will match the existing apartment buildings in Academy Pointe subdivision. The buildings in Phase 10 will be built in accordance with the elevations of Phases 5-9 of Academy Pointe (provided below).

This will include asphalt shingle roofs, with board & batten and brick facades. Each building will include 10 one-bedroom units, and 1 two-bedroom unit. This will result in a total of 30 one-bedroom units and 3 two-bedroom units.







OPEN SPACE AND AMENITIES

The Unified Development Code requires open space to be provided at the rate of 12.5% of the total site, with 25% of that serving as "active" recreation. Since the subject property is an addition to the existing Academy Pointe subdivision, which currently exceeds the minimum required open space, no additional open space is required for this site by code. The original intent for the subject parcel was to provide four buildings as opposed to the proposed three buildings. However, due to the increase in units it was decided to provide additional recreation on the subject property to provide more amenities for residents. The subject parcel will include an active open space area, up to .25 acres in size. A tot lot and/or other amenities will be included and finalized at Site Plan/Construction Drawing design. Final layout and design will be reviewed by the Town of Clayton Planning Department for approval. Additionally, the development will pay recreation fees required by the Town of Clayton's List of Comprehensive Fees and Charges.

LANDSCAPING

The subject property will be sufficiently landscaped to meet the requirements of the Unified Development Code. The landscaping plan will be designed at Site Plan/Construction Drawing by a licensed Landscape Architect in the state of North Carolina. The landscape plan will include terminal island plantings, interior island plantings, interior landscape buffers, mechanical screening, and street trees. The proposed apartments will become a part of the overall Academy Pointe subdivision, and therefore by code does not require any compatibility buffer alongside the single-family residential lots to the South. However, to minimize impacts on the adjacent single-family lots, a landscape buffer will be designed during the site plan/construction drawing process to be located to the south alongside those adjacent in Phase 3. This will include a 6' tall privacy fence, which will replace the existing deteriorated wooden fence currently on the subject property. Additionally, as a part of this request, our team is proposing to remove the required landscape buffer located in Phase 8 along the subject parcel's western property line. The existing Master Plan requires a Class "C" landscape buffer in this location since it was, at time of approval, considered a boundary of Academy Pointe subdivision. However, with the addition of the subject parcel into the development this no longer is a project boundary and therefore does not require a Class "C" landscape buffer to separate Phase 8 from future Phase 10.

TRASH COLLECTION

The existing apartment buildings in Academy Pointe utilize dumpsters as the trash collection for the residents. With the addition of the three new apartment buildings outlined in this Master Plan, additional dumpsters will be provided in Phase 10 to serve the 33 new units.

Our intent is to add at least one additional dumpster on-site. This will be screened entirely from view in accordance with the requirements of the Unified Development Code.

PARKING

The proposed development will, at minimum, meet the parking requirements of the Unified Development Code. In addition to the desire to add more recreation amenities for the residents, the decision to decrease the building count from four to three was also influenced by the desire to provide additional parking as feasible on-site for the residents. There will be a total of 30 one-bedroom units and 3 two-bedroom units. At minimum, parking will be provided as outlined below:

PHASE 10 Parking Table	
Parking Required	**Parking Required**
1 space/1 bedroom unit	30 spaces
1.5 space/2 bedroom unit	4.5 spaces
1 space/4 units (Guest spaces)	8.25 spaces
TOTAL	**43 spaces (minimum)**

TRAFFIC IMPACT

A Trip Generation Letter was prepared for the proposed Master Plan by Exult Engineering. The original traffic study for the overall Academy Pointe development was created in 2018, which at the time evaluated the impacts of 121 single-family units, 135 apartment units, and 15 tri-plex units. When the TIA was prepared in 2018, it included the subject parcel with 44 units proposed. However, following that study the subject property was not able to be acquired and was never included in the original master plan. Since then, the subject parcel has been reduced to now propose only 33 units instead of the original 44 proposed in the 2018 TIA.

In September 2021, the ITE Trip Generation Manual was updated to reflect the most recent nationwide data. The Trip Generation Letter submitted with this application utilized the calculations from the updated ITE Trip Generation Manual. Exult Engineering has determined that the development will result in an insignificant increase in site trips (9 during the AM peak hour and 12 during the PM peak hour). This creates a less than 6% increase in the trip generation compared to the 2018 Traffic Analysis.

This trip generation letter was submitted to NCDOT and the Town of Clayton. Per the Town of Clayton Engineering Department, frontage improvements will be required for this project along N O'Neil Street. This will include the installation of curb and gutter, as well as a roadway widening on O'Neil Street to match the existing cross section between Oakdale and Wilson Streets. These improvements will be shown and reviewed as part of the Construction Drawing submittal package.

The original Master Plan was required to complete improvements. These have all been completed and are listed below:

1. 75' left turn lane on O'Neil Street to Rosemary Street
2. Installation of 5 leg traffic circle at Rosemary Street and Mial Street

STORMWATER MANAGEMENT

Initially the plan was to utilize the overall drainage network of Academy Pointe to serve Phase 10 in the proposed Master Plan. After further evaluation, it was determined that best practice would be instead to provide an independent on-site stormwater system. This is shown on the Master Plan, but the ultimate location and design within Phase 10 will be finalized during Site Plan/Construction Drawing design by the Engineer of Record. All stormwater devices are subject to review and approval by the Town of Clayton.

INFRASTRUCTURE

The Academy Pointe Phase 10 expansion will be an extension of Phase 8 and will connect to Rosemary Street as well as the private alley from Phase 2. In order to serve Phase 10 with domestic water and fire protection, the existing 6-inch waterline in Phase 8 will be extended and will connect the existing 6-inch water main in Rosemary Street to complete the looped system. Domestic water and fire protection will be extended off of this new waterline.

In order to serve Phase 10 with sewer, there are existing sewer manholes and the edge of Phase 8 as well as in the private alley in Phase 2. Sewer from Phase 10 will be extended to either or both of these manholes depending on the final grades and depths of the existing system. Any offsite easements will be required to be recorded prior to Town approval of the Construction Drawings.

The site will be served by Town of Clayton electric service.

GROWTH PLAN 2045

The proposed Conditional Rezoning and associated Master Plan is consistent with the Growth Plan 2045. Specifically, it is consistent as outlined below:

1. **Future Land Use Map**
   The subject parcel is designated as "High Density Residential", which is envisioned to include apartments at a higher density than what is typical in other areas of Town. This designation may include development of greater than 10 units/acre as a part of a Planned Development. The proposed district is not a Planned Development district, but is rather a Conditional Zoning district which has replaced the PDDs in the UDC. Consistent with the vision of the Town, as shown in the Future Land Use Map, this property is proposed to be developed at 21.15 units/acre.

2. **Policy LU 1: Preserve Clayton's character while allowing for growth and development in appropriate areas.**
   The proposed rezoning and associated Master Plan allows for development of high density residential where deemed appropriate by the Town based upon the Future Land Use Map designation. Additionally, this modification will remove the "spot zoning" of B2 (commercial) on the subject parcel and preserve the residential character of this area while also encouraging commercial development to remain in the downtown core.

3. **Policy LU 3.1: 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.**
   The proposed rezoning and associated Master Plan propose multi-family apartments in a location that is consistent with the Town's vision for "High Density Residential". This project, Phase 10 of Academy Pointe, will be compatible with the existing development pattern in this location. Additionally, it is centrally located near the Downtown Core and to Cooper Academy which will encourage walkability.

CONDITIONAL REZONING APPROVAL CRITERIA

1. Consistency with the adopted plans and policies of the Town.

The request to rezone the subject parcel from B-2 to CZ-R is consistent with the adopted plans and policies of the Town of Clayton. Specifically, this request is consistent with the Growth Plan 2045. The proposed rezoning will also allow for the development of a more compatible use of the property and its surrounding neighborhood than what currently exists (commercial). All subsequent applications, including Site Plan and Construction Drawings, will be designed in accordance with the Unified Development Code unless specifically stated otherwise in the master plan documentation and conditions of approval.

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

The request to rezone the subject parcel from B-2 to CZ-R is consistent with the adopted plans and policies of the Town of Clayton. Specifically, this request is consistent with the Growth Plan 2045. The proposed rezoning will also allow for the development of a more compatible use of the property and its surrounding neighborhood than what currently exists (commercial). All subsequent applications, including Site Plan and Construction Drawings, will be designed in accordance with the Unified Development Code unless specifically stated otherwise in the master plan documentation and conditions of approval

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

The proposed zoning change and its associated Master Plan will allow for the site to be developed from a commercial use to a higher density multi-family residential use. This is consistent with the Future Land Use Map designation of the property, which considers this site as "High Density Residential". The location is in Downtown where higher density housing is desired. Removing the commercial designation of the site is consistent with the surrounding neighborhood (all residential) and encourages downtown commercial development to remain focused in the downtown core rather than encroaching into adjacent neighborhoods.

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

Through meetings with the Town of Clayton in preparation of our project submittal, there have been no concerns mentioned regarding the adequacy of public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply facilities, or stormwater drainage facilities.

The original Traffic Impact Analysis completed for Academy Pointe included this site within its analysis, except at that time this site was noted to include 44 apartment units instead of the 33 we are proposing as a part of this application. A Trip Generation Letter has been provided by a traffic engineer and outlines that no impacts are being made with the addition of these units that would warrant any roadway improvements. Additionally, NCDOT did not require a new traffic study or any roadway improvements as a part of this application.

In regards to recreation facilities, as part of the Master Plan, this site will include required open space to serve the residents. Additionally, recreation fees will be paid as required in the Comprehensive List of Fees and Charges.

Stormwater Control will be provided on-site and will be designed by the Engineer of Record during the Site Plan and Construction Drawing process. All stormwater control measures will be reviewed and approved by Town staff in accordance with the Town of Clayton requirements.

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

The legal purposes for which zoning exists has not been violated as a result of this request. The proposed development as presented meets all applicable requirements of the NCGS, Growth Plan, Unified Development Code, and other adopted guidelines.

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.

No adverse effect will be made upon adjoining property owners. This parcel is directly adjacent to multi-family apartment buildings on both sides, with single-family residential units located to the south. The rezoning of this property to R-6 Conditional Zoning and approval of the associated Master Plan will not negatively impact these parcels.

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

No one property owner or small group of property owners will benefit materially from the change in zoning designations to the detriment of the general public. This rezoning and associated Master Plan will not negatively impact the general public.

MASTER PLAN APPROVAL CRITERIA

1. **The Master Plan shall designate the following. This has been completed and is included within the associated plan document, and this Master Plan Narrative.**
    - Where and which uses or groups of uses will occur.
    - The proposed intensity/density of those uses.
    - The general location of the internal and external network of public rights-of-way and public infrastructure.
    - All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering.
    - 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.
        - *As an infill/redevelopment project in downtown Clayton, the subject property has access to existing water, sewer, and road frontage. These facilities have capacity to serve the existing and proposed uses.*

2. **The Master Plan shall include and the applicant shall be responsible for successfully addressing the following:**
    - **A. Compliance with 155.203(L) and all other applicable requirements of this chapter or analysis and justification if it deviates from the requirement of this chapter.**
        This section outlines specific criteria for Conditional Zoning Districts. These are outlined below, with the justification for each provided.

        - **Rezoning Criteria - In approving a rezoning for a conditional district, the Town Council shall find the district designation and master plan comply with the standards of this section and the specific criteria of 155.705.**
            The proposed conditional rezoning complies with the general standards of this section, as well as the criteria of 155.705. The specific rezoning criteria is broken down above.

        - **Master Plan - The development proposed in the master plan is compatible with the character of the surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a professionally certified landscape architect, engineer, or architect.**
            The proposed Master Plan is compatible with the character of the surrounding land uses, which include high-density residential development. The proposed development will not negatively impact surrounding properties. The Master Plan was prepared by a licensed landscape architect and/or engineer.

        - **Design Guidelines and Dimensional Standards - Each master plan shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area, and dimensional standards shall be established by the Town Council at time of approval.**
            The Master Plan includes a list of dimensional standards. This document, the Master Plan Narrative, outlines the design guidelines that this development will be subject to. The standards proposed are intended to ensure that the development will be architecturally and dimensionally consistent with the adjacent multi-family apartment buildings, to ensure uniformity and compatibility.

- **General Development Standards - Unless granted a Variance by the Board of Adjustment, all standards specified in 155.400 through 155.405 shall apply.**
  No variance is requested for any standards from these sections of the UDC. Final site design at Site Plan/Construction Drawing level will be done in accordance with 155.400 through 155.405.
- **Resource Conservation Areas - See Article 5 for restrictions on the use of resource conservation areas.**
  No Resource Conservation Area is located on the subject parcel. Therefore, this section is irrelevant.

- **Recreation and Open Space - The Master Plan shall meet or exceed the recreation and open space requirements of an open space residential subdivision (see 155.203(H)).**
  The proposed Master Plan meets the requirements of the UDC in regards to recreation and open space. The development will provide on-site recreation amenities as outlined in this document, as well as pay required recreation fees to the Town of Clayton.

- **Stormwater Management - The Master Plan shall contain a comprehensive stormwater management plan prepared by a professional engineer licensed in the state.**
  On-site stormwater control will be provided. However, since this Master Plan is simply a bubble/ conceptual plan, a detailed stormwater management plan has not been prepared. Final site design will occur during Site Plan and Construction Drawing review. Our team will submit to the Town this documentation for review and approval by the Engineering department. This is a proposed condition that our team has placed on the rezoning.

- **Phasing - If development is proposed to occur in phases, the master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents and tenants of the project, or that are of benefit to the town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.**
  This development is proposed to occur in one single phase.

- **Landscaping, buffering, and screening - As otherwise required by Article 4, with a minimum requirement of a 15 ft wide buffer meeting Class "C" perimeter buffer planting requirements.**
  This development will meet all applicable landscaping requirements of the UDC. The frontage along N O'Neil Street will include required street trees. However, a full buffer will not be provided in this location to remain consistent with the adjacent tracts that are already constructed. A 15' wide Class "C" buffer will be provided abutting the existing single-family residential portion of Academy Pointe to the South, as well as along Rosemary Street.

B. Consistency with the Clayton General Design Guidelines.

The proposed development is consistent with the Clayton General Design Guidelines. This is primarily focused on architecture, as the development will be utilizing the same product as the existing Academy Pointe buildings on both sides. This will create a cohesive appearance along this area of O'Neil Street. Additionally, pedestrian facilities will be provided in the form of sidewalk and landscaping will be provided during site plan design that meets or exceeds the requirements of the UDC.

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

The proposed development conforms with the stated purposed of the requested conditional zoning district, which is to add land to the existing Academy Pointe subdivision and develop a multi-family product in the "missing link" along O'Neil Street.

D. Compatibility of the proposed development with the adjacent community.
The proposed development will become Phase 10 of the adjacent Academy Pointe neighborhood. This development is consistent with what currently exists on both sides, which is multi-family apartment buildings. Additionally, the overall community in this area is located nearby the downtown core which is generally where higher densities are encouraged.

E. 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 development will be designed to match the existing Phases 5-9 in Academy Pointe, which includes the multi-family apartment buildings. To ensure a unified and cohesive environment at full build out, Phase 10 is proposed to match the dimensional standards and architectural standards included for the multi-family apartment buildings in the original Master Plan (Phases 5-9).

F. Compatible relationships between each component of the overall project.
The proposed development will become Phase 10 of the overall Academy Pointe subdivision. This phase will be compatible with the existing phases of Academy Pointe that include multi-family apartments, triplexes, and single-family homes.

G. Self-sufficiency of each phase of the overall project.
The proposed development will be a part of the overall Academy Pointe subdivision, which is built out with the exception of Phases 5-7. The proposed development (Phase 10) will be self-sufficient and one single phase.

H. The fiscal impact of the proposal and the proposed financing of required improvements.
The proposed project will have a positive fiscal impact on Town facilities. All required improvements will be limited to connections to existing water, sewer, and roadways. Consequently, no public financing will be necessary to support this project.

I. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community.
The proposed development will include sidewalk along N O'Neil Street, which will connect to the adjacent sidewalk at the existing Academy Pointe apartments. This will also connect to sidewalk on Rosemary Street, which ultimately connects to the single-family portion of the development and to Cooper Academy. This development will provide a missing gap in sidewalk along N O'Neil Street.

J. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.
No ecologically sensitive areas exist on the subject parcel.

CONDITIONS

1. The development of Phase 10 shall be limited to the uses and standards outlined in the Master Plan and associated narrative.
2. No landscape buffer shall be required between the existing Phase 8 and proposed Phase 10 of Academy Pointe subdivision.
3. Final architectural elevations shall be provided at Site Plan/Construction Drawing submittal. These shall match those utilized in Phases 5-9 of Academy Pointe subdivision to ensure architectural consistency along N O'Neil Street.
4. Final stormwater plans/design shall be provided at Site Plan/Construction Drawing submittal. These plans shall meet the Town's stormwater requirements at the time of Site Plan submittal.
5. Phase 10 shall provide, at minimum, 43 parking spaces to serve the proposed 33 units. The parking lot in Phase 10 shall directly connect to Phases 8 & 9. The applicant may choose to provide additional spaces as determined feasible during Site Plan/Construction Drawing design.
6. At least one dumpster shall be provided on the subject property to serve Phase 10. The dumpster(s) shall be screened entirely by view in accordance with the requirements of the Unified Development Code. The applicant may choose to provide additional dumpsters as determined feasible during Site Plan/Construction Drawing design.
7. All HVAC units shall be screened entirely from view in accordance with the requirements of the Unified Development Code.
8. A 5' sidewalk shall be provided along the property's frontage on N O'Neil Street and Rosemary Street. This sidewalk shall connect to the sidewalk provided in Phase 8 and Phase 2.
9. Frontage improvements shall be required along N O'Neil Street. This shall include curb and gutter, along with roadway widening to match the existing cross section between Oakdale and Wilson Streets. Final design of these improvements shall be reviewed and approved during Construction Drawing submittal.
10. The Town of Clayton shall be the electric provider for this project.
11. The density for this Phase of Academy Pointe shall be limited to the density reflected in this narrative.

ACADEMY POINTE PHASE 10 ADDITION

CLAYTON, NC

CONDITIONAL ZONING WITH MASTER PLAN

ISSUED DATE: JULY 22, 2022
CASE NUMBER: 2022-146-CZM
REVISED
OCTOBER 7, 2022
DECEMBER 6, 2022



VICINITY MAP
SCALE: 1" = 400'

APPLICANT:

HEARTH POINTE DEVELOPMENT

HEARTH POINTE DEVELOPMENT
114 W. MAIN STREET
CLAYTON, NC 27520

CONTACT: HALEY HOGG, AICP, CZO
PH: 919.760. 0704
EMAIL: HALEY@HEARTHPOINTE.COM

CONTACT: DAVE DeYOUNG, AICP
PH: 919.760. 0704
EMAIL: DAVE@HEARTHPOINTE.COM

OWNERS:

RIVERWILD
114 W. MAIN STREET
CLAYTON, NC 27520

JJARR, LLC
114 W. MAIN STREET STE 102
CLAYTON, NC 27520

CONSULTANTS:

STEWART
101 WEST MAIN ST,
DURHAM, NC 27701
T 919.380.8750
FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: L21046

SURVEY: JORDAN SCHOFF
jschoff@stewartinc.com
919.866,4743

LAND. ARCH: TERRY NARANJO
tnaranjo@stewartinc.com
919.866.4779

CIVIL ENG.: TIM SUMMERVILLE
tsummerville@stewartinc.com
919.866.4794

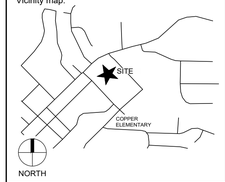
INDEX OF DRAWINGS	
Sheet #	SHEET NAME
C0.00	COVER SHEET
BM1	SEALED BOUNDARY MAP
--	BOUNDARY SURVEY-641 NORTH O'NEIL STREET
C3.00	MASTER PLAN

L:\Projects\2021\L21046 - Academy Pointe Expansion\DWGS\01 Conditional Zoning\3-Sheets\L21046-C0.00 Cover.dwg, Dec 09, 2022 - 3:57pm

STEWART
223 S. WEST ST., #1100
RALEIGH, NC 27603
T 919.380.8750
FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: L21046

Client:
HEARTH POINTE DEVELOPMENT
114 W. MAIN STREET
CLAYTON, NC 27520

Vicinity map:



Seal:
PRELIMINARY - DO NOT USE FOR CONSTRUCTION

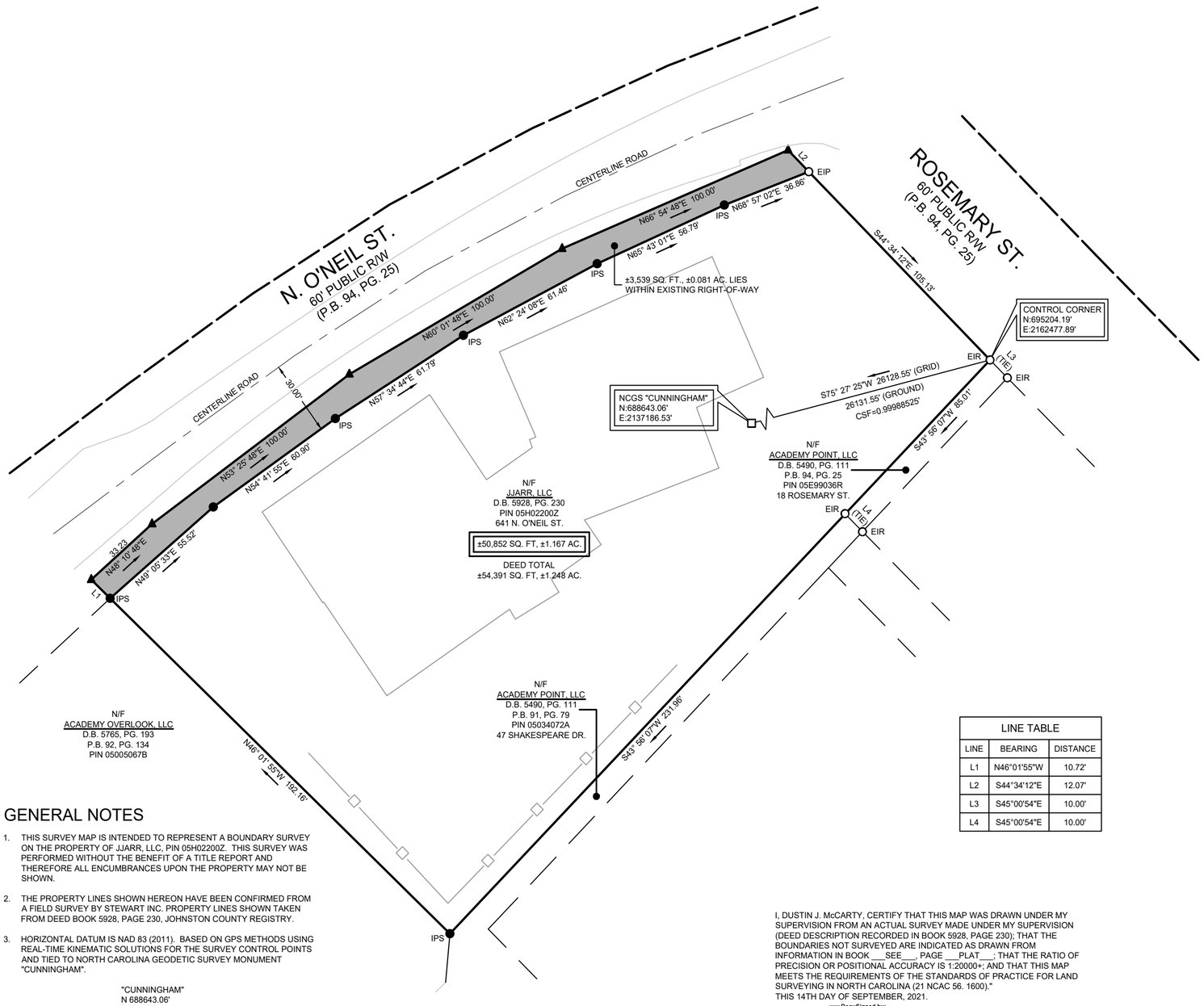
Project:
ACADEMY POINTE PHASE 10 ADDITION

Issued for:
CONDITIONAL ZONING WITH MASTER PLAN

No.	Date	Description
1	10.07.2022	TOWN COMMENT RESPONSE

Title:
COVER SHEET

Project number: L21046
Issued Date: 7.22.22
Drawn by: HJ
Approved by: TN
Sheet #: C0.00



GENERAL NOTES

1. THIS SURVEY MAP IS INTENDED TO REPRESENT A BOUNDARY SURVEY ON THE PROPERTY OF JJARR, LLC, PIN 05H02200Z. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE ALL ENCUMBRANCES UPON THE PROPERTY MAY NOT BE SHOWN.
2. THE PROPERTY LINES SHOWN HEREON HAVE BEEN CONFIRMED FROM A FIELD SURVEY BY STEWART INC. PROPERTY LINES SHOWN TAKEN FROM DEED BOOK 5928, PAGE 230, JOHNSTON COUNTY REGISTRY.
3. HORIZONTAL DATUM IS NAD 83 (2011). BASED ON GPS METHODS USING REAL-TIME KINEMATIC SOLUTIONS FOR THE SURVEY CONTROL POINTS AND TIED TO NORTH CAROLINA GEODETIC SURVEY MONUMENT "CUNNINGHAM".

   "CUNNINGHAM"
   N 688643.06'
   E 2137186.53'

4. THE INITIAL STATE PLANE POSITIONS FOR THIS SURVEY WERE SCALED FROM GRID TO GROUND FROM A PROJECT LOCATION OF N:694959.42' E:2162251.16, AN ELEVATION OF 324.43, USING A COMBINED FACTOR OF 0.99988525'.
5. THE SUBJECT PROPERTY IS ZONED "B-2" (PER JOHNSTON COUNTY GIS).
6. THE SUBJECT PROPERTY LIES IN ZONE X (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE AND FUTURE CONDITIONS 1% ANNUAL CHANCE FLOODPLAIN). BASED ON THE FLOOD INSURANCE RATE MAP COMMUNITY MAP NUMBER 3720166900K DATED 06/20/2018.
7. SITE ADDRESS: 641 N. O'NEIL ST.
8. AREA COMPUTED BY COORDINATE GEOMETRY.
9. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N46°01'55"W	10.72'
L2	S44°34'12"E	12.07'
L3	S45°00'54"E	10.00'
L4	S45°00'54"E	10.00'

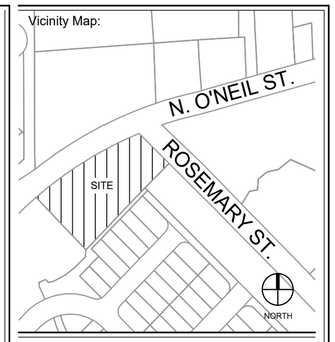
I, DUSTIN J. McCARTY, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5928, PAGE 230); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK ___SEE___, PAGE ___PLAT___; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:20000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)."
THIS 14TH DAY OF SEPTEMBER, 2021.

DocuSigned by:
Dustin J. McCarty
827CA5A45EC2471...
9/14/2021

DUSTIN J. McCARTY, NC PLS L-5213

NORTH CAROLINA PROFESSIONAL SEAL L-5213 LAND SURVEYOR DUSTIN J. McCARTY

Vicinity Map:



LEGEND

- EIP — EXISTING IRON PIPE
- EIR — EXISTING IRON ROD
- NCGS — GEODETIC MONUMENT
- IPS — SET IRON PIPE
- COMPUTED POINT
- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
- RIGHT-OF-WAY LINE
- WOOD FENCE
- EXISTING RIGHT-OF-WAY

NORTH
NAD83(2011)

0 15 30 60

SCALE: 1" = 30'

Title:

BOUNDARY SURVEY FOR:

641 NORTH O'NEIL STREET

CLAYTON TOWNSHIP, TOWN OF CLAYTON
JOHNSTON COUNTY, NORTH CAROLINA
DATE: 08/18/2021 SCALE: 1"=30'

STEWART

5410 OLD POOLE ROAD
RALEIGH, NC 27610
T 919.380.8750

FIRM LICENSE #: C-1051
www.stewartinc.com
PROJECT #: G21114

G:\Projects\2021\G21114 - Academy Land Boundary\DWG\G21114PL 641 ONEIL.dwg Sep 14, 2021 - 1:05pm

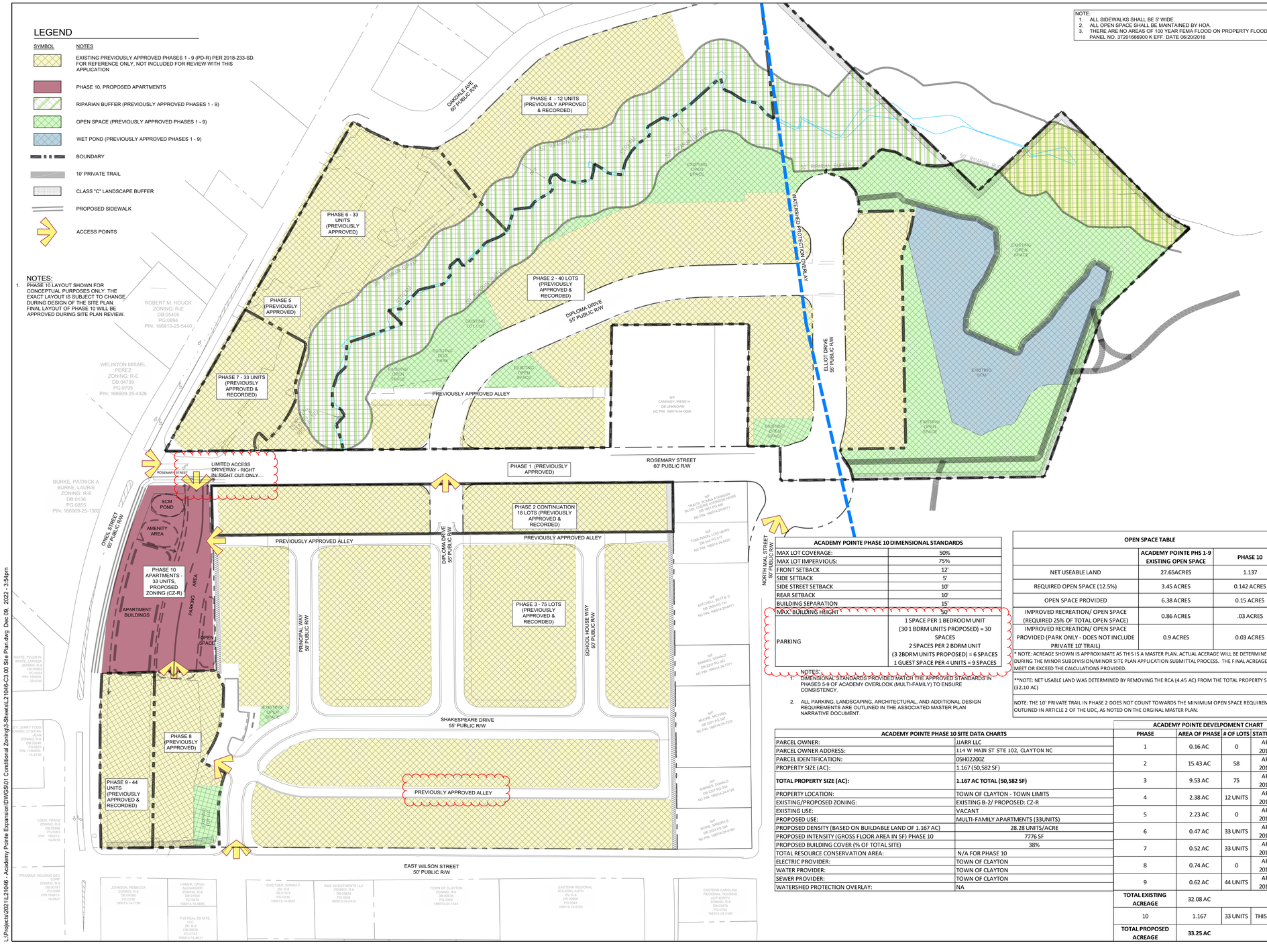
LEGEND

SYMBOL	NOTES
	EXISTING PREVIOUSLY APPROVED PHASES 1 - 9 (PD-R) PER 2018-233-SD. FOR REFERENCE ONLY, NOT INCLUDED FOR REVIEW WITH THIS APPLICATION
	PHASE 10, PROPOSED APARTMENTS
	RIPARIAN BUFFER (PREVIOUSLY APPROVED PHASES 1 - 9)
	OPEN SPACE (PREVIOUSLY APPROVED PHASES 1 - 9)
	WET POND (PREVIOUSLY APPROVED PHASES 1 - 9)
	BOUNDARY
	10' PRIVATE TRAIL
	CLASS "C" LANDSCAPE BUFFER
	PROPOSED SIDEWALK
	ACCESS POINTS

NOTES:

1. PHASE 10 LAYOUT SHOWN FOR CONCEPTUAL PURPOSES ONLY. THE EXACT LAYOUT IS SUBJECT TO CHANGE DURING DESIGN OF THE SITE PLAN. FINAL LAYOUT OF PHASE 10 WILL BE APPROVED DURING SITE PLAN REVIEW.

NOTE:
1. ALL SIDEWALKS SHALL BE 5' WIDE.
2. ALL OPEN SPACE SHALL BE MAINTAINED BY HOA.
3. THERE ARE NO AREAS OF 100 YEAR FEMA FLOOD ON PROPERTY FLOOD PANEL NO. 3720166900 K EFF. DATE 06/20/2018


OAKDALE AVE
60' PUBLIC R/W
PHASE 4 - 12 UNITS (PREVIOUSLY APPROVED & RECORDED)
PHASE 6 - 33 UNITS (PREVIOUSLY APPROVED)
PHASE 5 (PREVIOUSLY APPROVED)
PHASE 7 - 33 UNITS (PREVIOUSLY APPROVED & RECORDED)
PHASE 2 - 40 LOTS (PREVIOUSLY APPROVED & RECORDED)
DIPLOMA DRIVE
55' PUBLIC R/W
WATERSHED PROTECTION OVERLAY
ELLIOT DRIVE
55' PUBLIC R/W
PREVIOUSLY APPROVED ALLEY
ROSEMARY STREET
60' PUBLIC R/W
PHASE 1 (PREVIOUSLY APPROVED)
LIMITED ACCESS DRIVEWAY - RIGHT IN/RIGHT OUT ONLY
PHASE 2 CONTINUATION 18 LOTS (PREVIOUSLY APPROVED & RECORDED)
PHASE 10 APARTMENTS - 33 UNITS, PROPOSED ZONING (CZ-R)
APARTMENT BUILDINGS
PARKING AREA
OPEN SPACE
AMENITY AREA
SCM POND
PHASE 3 - 75 LOTS (PREVIOUSLY APPROVED & RECORDED)
PRINCIPAL WAY
55' PUBLIC R/W
SCHOOL HOUSE WAY
50' PUBLIC R/W
NORTH MAL STREET
50' PUBLIC R/W
SHAKESPEARE DRIVE
55' PUBLIC R/W
PHASE 8 (PREVIOUSLY APPROVED)
PHASE 9 - 44 UNITS (PREVIOUSLY APPROVED & RECORDED)
EAST WILSON STREET
50' PUBLIC R/W
O'NEIL STREET
60' PUBLIC R/W
ROBERT M. HOUCK
ZONING: R-E
DB:05405
PG:0894
PIN: 166910-25-5440
WELINTON MISAEL PEREZ
ZONING: R-E
DB:04739
PG:0795
PIN: 166909-25-4326
BURKE, PATRICK A
BURKE, LAURIE
ZONING: R-E
DB:9136
PG:0855
PIN: 166909-25-1382
EXISTING OPEN SPACE
EXISTING SCM
EXISTING OPEN SPACE
EXISTING OPEN SPACE
EXISTING OPEN SPACE

HEARTH POINTE
DEVELOPMENT

August 26, 2022

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 Rezoning request 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 request. A representative of the applicant will be present to explain their application, answer questions, and solicit comments. The following provides details for the Neighborhood Meeting:

Meeting Date:	September 8, 2022
Meeting Time:	6:00 - 8:00 PM*
Meeting Location:	Virtual Meeting - Use the link below to join!
Type of Application:	Conditional Rezoning with Master Plan
Project Address:	Corner of O'Neil Street and Rosemary Street
Property TAG ID:	05H02200Z

**Please note that if there are no attendees on the call by 6:30 PM then the meeting will be closed. If a neighbor is unable to attend until after 6:30 pm please contact Becca Mountz at becca@hearthpointe.com with the anticipated time to join so that our team can ensure the call remains open.*

Project Description: This application pertains to property located at the corner of O'Neil Street and Rosemary Street (see attached map). This parcel is currently zoned Neighborhood-Business (B-2) and is utilized for commercial purposes. Our team is requesting to rezone this parcel to Residential-6 Conditional Zoning (R-6 CZ). Alongside this rezoning, our team has also submitted a required Master Plan that outlines the proposed use for the site. We are requesting to develop 3 multi-family apartment buildings (33 total units) on the property, which will become a part of the Academy Pointe development. Based on the property's proximity to downtown and the surrounding neighborhood, we feel that this a more appropriate zoning designation and use than what is currently existing on the site. The apartments will match in design with the existing apartments adjacent to this property. Please note that this rezoning is only for the subject parcel, shown on the attached map. No other parcels are to be rezoned as a part of this request.

Public Meeting: This Rezoning request will be heard at a public meeting by the Clayton Planning Board, at which time the Planning Board will provide a recommendation to Town Council on this request. Following Planning Board, the request will proceed to Town Council for a final public hearing and decision. Based on direction from the Town, it is anticipated that this application will adhere to the following schedule. However, please note that this schedule is tentative and subject to change based upon the Town's schedule.

1) Submittal: August 15, 2022
2) Planning Board (Recommendation): November 28, 2022
3) Town Council (Decision): December 19, 2022

HEARTHPOINTE.COM
114 W. Main Street, Clayton, NC 27520 | 919.670.0704

HEARTH POINTE
DEVELOPMENT

How to join the meeting: Use the Zoom link below to access the meeting. You can also call in via the phone number provided using the access code.

https://us02web.zoom.us/j/82138271585?pwd=emRYeWM4TmR2cnVZTzVwUVNvRmMwdz09

Meeting ID: 821 3827 1585
Passcode: 008422
One tap mobile
+19292056099,,82138271585#,,,,*008422# US (New York)
+13017158592,,82138271585#,,,,*008422# US (Washington DC)

The following documents will be provided at the neighborhood meeting as a part of the presentation:

- A copy of the project application.
- A map that shows the location of the subject property.

If you have any questions prior to or after this meeting, please contact Becca Mountz at 919-670-0704. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

Haley Hogg, AICP, CZO
Planning Manager

Cc: Town of Clayton Planning Department

HEARTH POINTE
DEVELOPMENT



HEARTHPOINTE.COM
114 W. Main Street, Clayton, NC 27520 | 919.670.0704

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Academy Pointe Phase 10

Application: Conditional Rezoning - B-2 to R-6CZ

Location/Date: Held via Zoom on 9/8/2022 at 6:00 pm

	NAME	ADDRESS
1	Becca Mountz	Hearth Pointe Development
2	David DeYoung	Hearth Pointe Development
3	Yajaira Lopez	31 Principal Way Clayton NC 27520
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
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20		

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Academy Pointe Phase 10 Rezoning

Date of Mailing: 8/24/2022

Date of Meeting: 9/8/2022 Time of Meeting: 6:00 pm

Location of Meeting: Meeting held via Zoom

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Rebecca Mountz Signature: Rebecca L. Mountz

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

1 attendee participating. Meeting officially started at 6:03 pm. Hearth Pointe Development went through the prepared presentation. Attendee disconnected from the meeting at 6:16, but reconnected at 6:23 pm. She was able to ask questions and wanted to know more about the upcoming planning board and town council meetings. We told her about the anticipated dates, but also that she would be notified via mail from the Town of Clayton about those meetings once they were officially scheduled. She then left the meeting at 6:28 and the meeting was ended at 6:35 due to no more participants.

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

TECHNICAL MEMORANDUM

Date: Tuesday, August 2, 2022

To: Benjamin Howell, AICP
Town of Clayton
Planning Director

From: Brittany Chase, P.E.
Traffic Engineer
Exult Engineering

Subject: Academy Pointe (Barbour Tract) – TIA Addendum
Trip Generation Comparison Letter for Parcel ID 05H02200Z

BACKGROUND

A Traffic Impact Analysis (TIA) was submitted for the proposed Barbour Tract (Academy Pointe) in November 2018. The proposed development is located in Clayton, North Carolina along O'Neil Street and Rosemary Street. At the time of the TIA submittal, the development consisted of 121 single family dwelling units and 150 residential multi-family units (15 tri-plex units and 135 apartments). When the TIA was prepared, 44 apartment units were planned for Parcel ID 05H02200Z. Since the November 2018 submittal of the TIA, this number of apartment units has been reduced to 33 units. This addendum includes the updated trip generation to account for the revisions to the land uses associated with Parcel ID 05H02200Z as well as other modifications to the proposed uses (approved in the Master Plan) that have occurred following the submittal of the November 2018 TIA.

TRIP GENERATION COMPARISON

At the time of the TIA submittal, the proposed Academy Pointe development consisted of 121 single family dwelling units and 150 residential multi-family units (15 tri-plex units and 135 apartments). Parcel ID 05H02200Z is located on the southwest quadrant of O'Neil Street and Rosemary Street in Clayton, North Carolina as shown on Figure 1 (Vicinity Map). At the time the TIA was performed, the parcel consisted of 44 apartment units as shown on Figure 2 (Site Plan). The revised land use for Parcel ID 05H02200Z consists of 33 apartment units. The approved Master Plan, which was finalized after submittal of the November 2018 TIA and did not include Parcel ID 05H02200Z, includes 133 single family homes and 121 multi-family units (12 townhomes and 110 apartments). Therefore, with the addition of the subject parcel, the revised land uses for the entire Academy Pointe site currently consist of 133 single family dwelling units and 155 residential multi-family units (12 townhomes and 143 apartments). It is important to note that the apartment buildings currently constructed and those that are proposed within Academy Pointe consist of three floors.

After the submittal of the November 2018 TIA, the ITE *Trip Generation Manual* was updated in September 2021 to reflect the most recent nationwide data. The expected trip generation of the site with the revised

uses for Parcel ID 05H02200Z was updated based on rates and equations published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition (September 2021). NCDOT Congestion Management Rates vs. Equations spreadsheet was used for guidance.

While this submittal is to address the revisions to Parcel ID 05H02200Z, the trip generation shown in Table 1 includes the land uses for Academy Pointe to determine a fair comparison between what was analyzed in the TIA and what is currently proposed. The purpose of comparing these trips is to ensure the site trips analyzed in the TIA account for the recent modifications to Parcel ID 05H02200Z. Furthermore, because equations, not rates, are used to calculate site trips for these residential land uses, more realistic estimations are determined when considering the entire site rather than smaller portions of the site. To remain conservative, the average rate was used for Single Family Attached Housing (LUC 215) because it results in a more realistic number of site trips.

As shown in Table 1, the proposed development (entire site) is expected to generate 2,345 daily trips, 170 AM peak hour trips (43 entering, 127 exiting), and 219 PM peak hour trips (138 entering, 81 exiting). The difference in peak hour trips due to the proposed land use changes from what was presented in the November 2018 TIA is minimal.

Table 1: Revised Trip Generation

Land Use			Daily	AM Peak Hour			PM Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit
210: Single Family Detached**	133	d.u.	1,312	97	25	72	130	82	48
215: Single Family Attached**	12	d.u.	41	6	2	4	7	4	3
220: Multifamily Housing (Low-Rise)**	143	d.u.	992	67	16	51	82	52	30
Total			**2,345**	**170**	**43**	**127**	**219**	**138**	**81**
Trip Generation Presented in November 2018 TIA*			2,340	161	39	122	207	130	77
Change in Trip Generation			***+5***	***+9***	***+4***	***+5***	***+12***	***+8***	***+4***

References: **Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, September 2017 and*
***Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, September 2021*

As requested by the North Carolina Department of Transportation (NCDOT), to remain consistent with the trip generation methodology presented in the November 2018 TIA, an additional trip generation comparison was performed utilizing the previous *Trip Generation Manual*, 10th Edition. It is important to note that the apartment buildings currently constructed and those that are proposed within Academy Pointe consist of three floors. Although the 11th Edition classifies "Mid-Rise Apartments" as apartment buildings that have between four and ten floors, the 10th Edition classifies "Mid-Rise Apartments" as apartment buildings that have between three and ten floors.

As shown in Table 2, when utilizing the 10th Edition *Trip Generation Manual*, the proposed development (entire site) is expected to generate 2,180 daily trips, 156 AM peak hour trips (40 entering, 116 exiting), and 206 PM peak hour trips (128 entering, 78 exiting). The updated trip generation for the proposed site is less than the trip generation analyzed in the November 2018 TIA for the daily, AM peak hour, and PM peak hour.

Table 2: Revised Trip Generation (10th Edition)

Land Use			Daily	AM Peak Hour			PM Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit
210: Single Family Detached	133	d.u.	1,352	100	25	75	134	84	50
220: Multifamily Housing (Low-Rise)	12	d.u.	50	7	2	5	9	6	3
221: Multifamily Housing (Mid-Rise)	143	d.u.	778	49	13	36	63	38	25
Total			**2,180**	**156**	**40**	**116**	**206**	**128**	**78**
Trip Generation Presented in November 2018 TIA			2,340	161	39	122	207	130	77
Change in Trip Generation			***-160***	***-5***	***+1***	***-6***	***-1***	***-2***	***+1***

References: *Trip Generation Manual, 10th Edition, Institute of Transportation Engineers, September 2017*

RESULTS

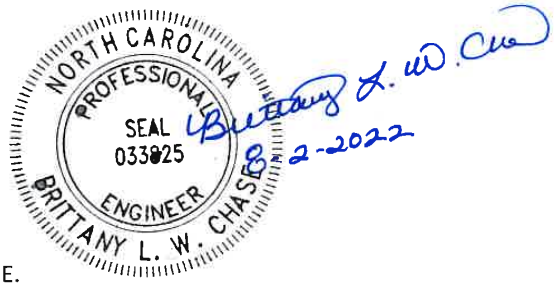
The proposed land use changes to Parcel ID 05H02200Z (and the other land use modifications to Academy Pointe) are not expected to impact the overall results and recommendations presented in the 2018 TIA. As shown in Table 1, the land use changes result in an insignificant increase in site trips (9 during the AM peak hour and 12 during the PM peak hour) when generating trips with the most recent edition of the *Trip Generation Manual*. The capacity analysis included in the November 2018 TIA is based on the peak hour trip generation. The percent increase in site trips due to the site plan revision is less than 6% when compared to the peak hour site trips analyzed in the November 2018 TIA.

As shown on the attached "Figure 8: Site Traffic Distribution" prepared by Ramey Kemp & Associates and submitted in the November 2018 TIA, the highest percentage assigned to any given movement is 52% for entering and exiting site trips. When these assignment percentages are applied to the estimated additional peak hour site trips shown in Table 1, the highest calculated increase in trips assigned to a given movement is 4 vehicles per hour. Furthermore, the additional 4 trips are to be assigned to a movement that is projected to have 631 vehicles per hour at project buildout (based on previously analyzed site plan) as shown on the attached "Figure 10: Combined (2023) Peak Hour Traffic." This equates to an increase of less than 1% in vehicles per hour for the given movement. This slight increase in site trips is not expected to impact the overall results and recommendations presented in the November 2018 TIA.

Furthermore, if the 10th Edition *Trip Generation Manual* is used, the total AM and PM peak hour site trips would be reduced from the site trips analyzed in the November 2018 TIA. The increase of one AM entering site trip and one PM exiting site trip is expected to have negligible impact on the overall results and recommendations. Therefore, an updated traffic impact analysis is not necessary to determine further impacts of the proposed site.

Please let me know if you have any questions or comments.

Sincerely,



Brittany Chase, P.E.
Exult Engineering

cc: Jonathan Jacobs, P.E., Town of Clayton
Samuel Lawhorn, P.E., Division 4, District 3
Haley Hogg, AICP, CZO, Hearth Pointe Development

Attachments: Figure 1: Vicinity Map
Figure 2: Site Plan (November 2018 TIA)
November 2018 TIA (RKA) Figure 8: Site Traffic Distribution
November 2018 TIA (RKA) Figure 10: Combined (2023) Peak Hour Traffic

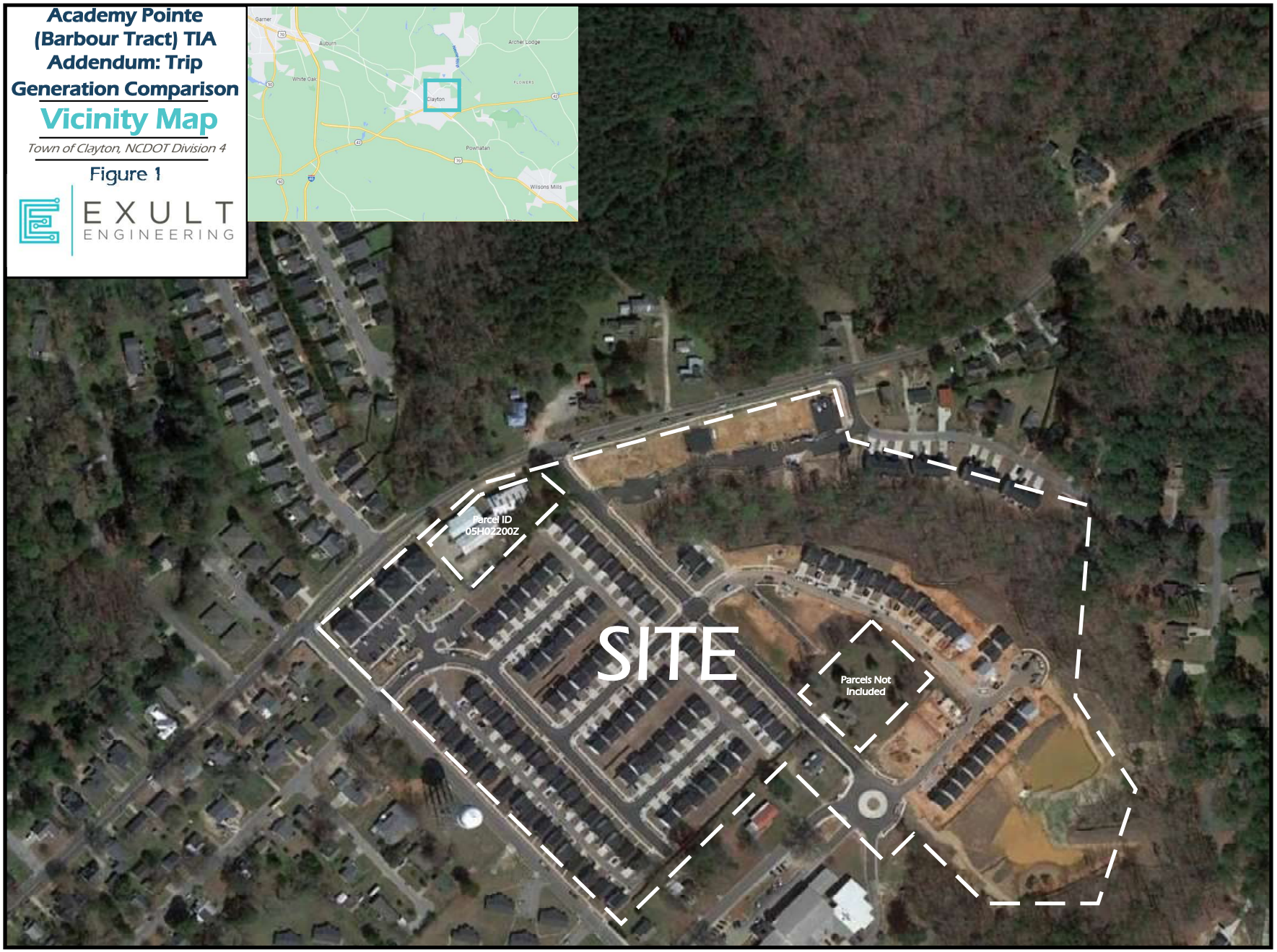
Academy Pointe (Barbour Tract) TIA Addendum: Trip Generation Comparison

Vicinity Map

Town of Clayton, NCDOT Division 4

Figure 1

EXULT ENGINEERING



Academy Pointe (Barbour Tract) TIA Addendum: Trip Generation Comparison

Site Plan from TIA

Prepared by
Adams and Hodge

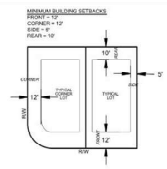
Town of Clayton, NCDOT Division 4

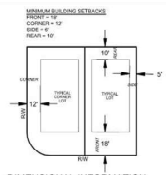
Figure 2

EXULT ENGINEERING

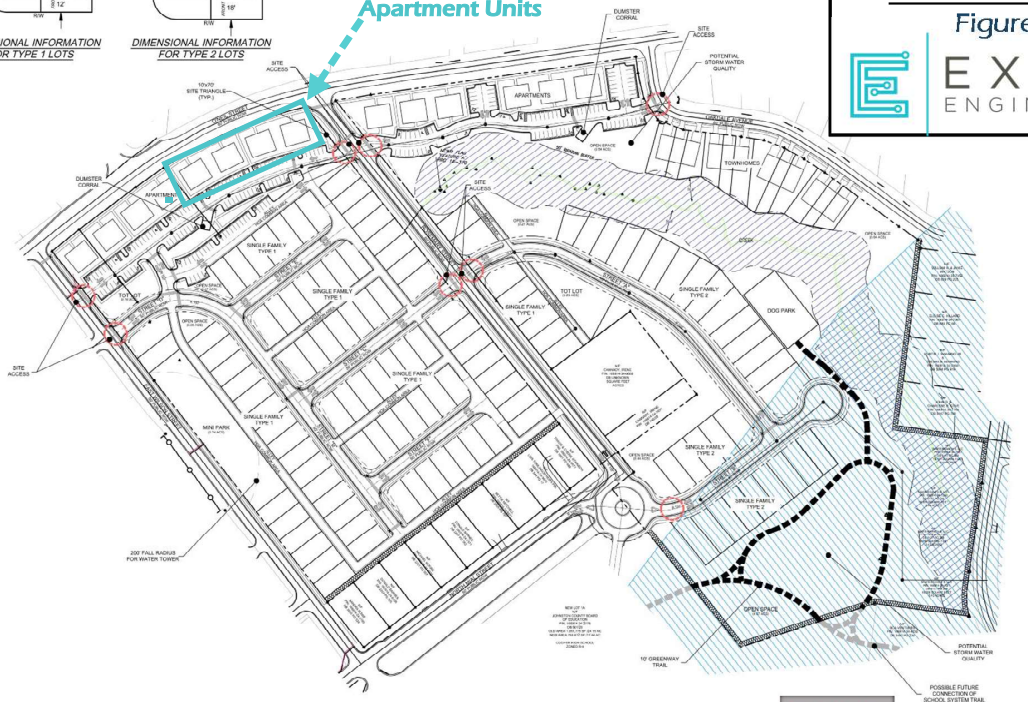








PARCEL ID: 05H02200Z: Previously 44 Apartment Units



THE VILLAGE AT PARKVIEW PH 9-16 SITE DATA CHART		
PARCEL OWNER	S&M'S BRANCH II, LLC	JOHN BARBOUR
PARCEL OWNER ADDRESS	114 W. MAIN ST, SUITE 102 CLAYTON, NC 27520	8013 OLD STAGE RD RALEIGH, NC 27603
PARCEL IDENTIFICATION	166913-24-0827, 166914-34-7661, 166914-34-7560, 166914-34-7451 & 166914-34-7371	166914-24-5585
PROPERTY SIZE (SF)	2.75 ACS / 119,790 SF	20.27 ACS / 882,982 SF
PARCEL OWNER	JAMES & RUTH HARRIS	Johnston Co. Board of Education
PARCEL OWNER ADDRESS	837 BROADHURST RD, SEVEN SPRINGS, NC 28578	PO BOX 1336, SMITHFIELD, NC 27577
PARCEL IDENTIFICATION	166914-24-8945 & 166914-24-9850	166914-34-2175
PROPERTY SIZE (SF)	2.28 ACS / 99,421.24 SF	6.71 AC / 292,169 SF
PARCEL OWNER	BLONDELL JOHNSON	HARVEY & MILDRED GORDON
PARCEL OWNER ADDRESS	706 FERNWOOD DR, CLAYTON, NC 27520	133 PLANTATION CIR S, PONTE VEDRA BEACH, FL 32082
PARCEL IDENTIFICATION	166913-14-9727	166909-25-2086
PROPERTY SIZE (SF)	0.36 ACS / 15,057.70 SF	1.17 ACS / 50,817.28 SF
PARCEL OWNER	ROY & LOIS BARBOUR	
PARCEL OWNER ADDRESS	124 BOBBITT RD, CLAYTON, NC 27520	
PARCEL IDENTIFICATION	166909-25-2086	
PROPERTY SIZE (SF)	0.17 ACS / 7,366.85	
PROPERTY SIZE (SF) TOTAL	35.71 ACS / 1,468,407.6 SF	
PROPERTY LOCATION	TOWN OF CLAYTON/CLAYTON TOWNSHIP	
EXISTING/PROPOSED ZONING	R-8/PD-R	
EXISTING USE	LIMITED COMMERCIAL ON O'NEIL ST & UNDEVELOPED RESIDENTIAL AND /OR SCHOOL PROPERTY	
PROPOSED USE	SINGLE FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, RECREATION /OPEN SPACE & RESOURCE CONSERVATION	
PROPOSED INTENSITY (GROSS FLOOR AREA IN SF)	APARTMENTS 0.77 ACS / 33,698 SF TOWNHOMES 0.43 ACS / 18,792 SF SINGLE FAMILY 3.37 ACS / 147010 SF	
PROPOSED NUMBER OF HOUSING UNITS	118 SINGLE FAMILY HOMES, 12 TOWNHOMES & 126 APARTMENT UNITS (42 2 BDRM UNITS & 84 1 BDRM UNITS)	
PROPOSED DENSITY(BASED ON BUILDABLE LAND OF 21.57 AC)	256 UNITS / 21.57 ACS = 11.87 UNITS PER AC (12 UNITS)	
PROPOSED IMPERVIOUS AREA (% OF TOTAL SITE)	46%	
PROPOSED IMPERVIOUS AREA PER LOT	75%	
TOTAL RESOURCE CONSERVATION AREA	4.73 ACS / 206,038.8 SF	
PROPOSED BUILDING HEIGHT (NUMBER OF STORIES & FEET)	APARTMENTS 3 STORIES / 44'-6" , TOWNHOMES 1 & 2 STORY / 28'-8"	
ELECTRIC PROVIDER	TOWN OF CLAYTON	
WATER PROVIDER	TOWN OF CLAYTON	
SEWER PROVIDER	TOWN OF CLAYTON	

PARKING CALCULATIONS				
	NUMBER OF 1 BDRM UNITS	NUMBER OF 2 BDRM UNITS	PARKING SPACE REQUIREMENTS	TOTAL NUMBER OF SPACES
PHASES 8-13	36	18	2 SPACES/ 2 BDRM UNIT 1 SPACE / 1 BDRM UNIT	72
GUEST PARKING PHASES 1-8			1 SPACE/4 UNITS	14
REQUIRED ADA PARKING SPACES PHASES 1-8			1 SPACE/25 SPACES	4
TOTAL REQUIRED SPACES INCLUDING ADA				86
TOTAL PROPOSED SPACES				87
REQUIRED BICYCLE PARKING PHASES 8-13	6 BLDGS		1 RACK/BLDG	6
TOTAL PROPOSED SPACES PHASES 17-18, 22-23 & 26-29	48	24	2 SPACES/ 2 BDRM UNIT 1 SPACE / 1 BDRM UNIT	96
GUEST PARKING PHASES 9-16			1 SPACE/4 UNITS	18
REQUIRED ADA PARKING SPACES PHASES 9-16			1 SPACE/25 SPACES	5
TOTAL REQUIRED SPACES INCLUDING ADA				114
TOTAL PROPOSED SPACES				122
REQUIRED BICYCLE PARKING PHASES 8-13	8 BLDGS		1 RACK/BLDG	8
ALL PHASES TOTAL REQUIRED SPACES				200
ALL PHASES TOTAL PROPOSED SPACES				209

* NOTE: PARKING CALCULATIONS ARE BASED ON SECTION 155.401, TABLE 4-2 OF THE TOWN OF CLAYTON UNIFIED DEVELOPMENT CODE

IMPERVIOUS AREA CALCULATIONS*				
	TOTAL AREA (SQUARE FEET)	% OF TOTAL SITE	IMPERVIOUS AREA (SQUARE FEET)	% IMPERVIOUS AREA
RESIDENTIAL LOTS	692,604	4.75%	504,037	72.77%
RIGHT-OF-WAYS**	172,498	11.75%	128,502	74.49%
RESOURCE CONSERVATION AREAS***	206,039	14.03%	0	0.00%
TOTAL OPEN SPACE****	322,780	21.98%	38,713	11.99%
LANDSCAPING BUFFERS	24,350	1.66%	200	0.82%
TOTAL AREA	1,418,270	54.17%	671,452	47.34%

*NOTE: AREAS AND CALCULATIONS SHOWN ARE APPROXIMATE AS THIS IS A MASTER PLAN. ACTUAL ACREAGE WILL BE DETERMINED DURING THE MINOR SUBDIVISION/MINOR SITE PLAN APPLICATION SUBMITTAL PROCESS.

**NOTE: RIGHTS-OF-WAY INCLUDES STREETS AND SIDEWALKS.

***NOTE: RESOURCE CONSERVATION AREAS INCLUDE RIPARIAN BUFFER AREAS, OPEN WATER BODIES AND 100 YEAR FLOOD PLAIN

****NOTE: OPEN SPACE INCLUDES CLUBHOUSE, AMENITIES, GREENWAYS, INTERNAL SIDEWALKS, FEATURES IN PARKS PARKS, ACTIVE AND PASSIVE SPACES, ETC.

OPEN SPACE TABLE	
	ACRES
NET USEABLE LAND	28.98
REQUIRED OPEN SPACE (12.5%)	3.62
OPEN SPACE PROVIDED	7.41
IMPROVED RECREATION / OPEN SPACE (REQ'D 25% OF TOTAL OPEN SPACE)	1.85
IMPROVED RECREATION/OPEN SPACE PROVIDED (INCLUDES GREENWAY TRAIL)	3.13

*NOTE: ACREAGE SHOWN IS APPROXIMATE AS THIS IS A MASTER PLAN. ACTUAL ACREAGE WILL BE DETERMINED DURING THE MINOR SUBDIVISION/MINOR SITE PLAN APPLICATION SUBMITTAL PROCESS

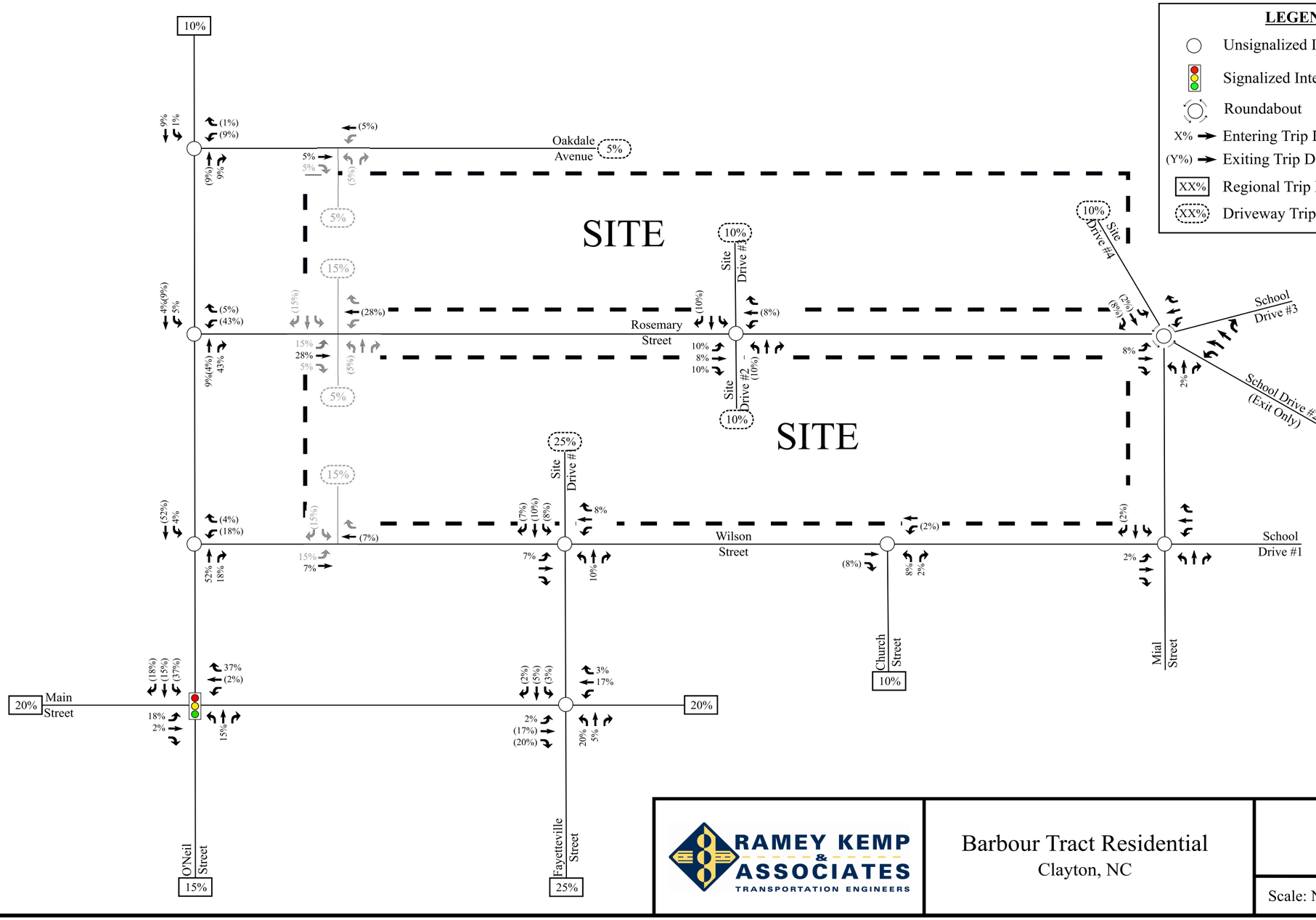
NOTE: PER TOWN OF CLAYTON DEVELOPMENT STANDARDS, GREENWAYS MUST HAVE A MINIMUM OF 2.5' OF CLEARED, GRADED GRASS ON EACH SIDE. THIS AREA DOES NOT COUNT TOWARD ACTIVE RECREATION AREA AND IS NOT IN THE CALCULATIONS ABOVE. IN ACTUALITY, GREENWAYS ARE AN ACTIVE RECREATION LAND USE.

PRELIMINARY

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 036462 RONALD C. ADAMS, JR.

REVISED 1:19 pm, Nov 28, 2018

GRAPHIC SCALE

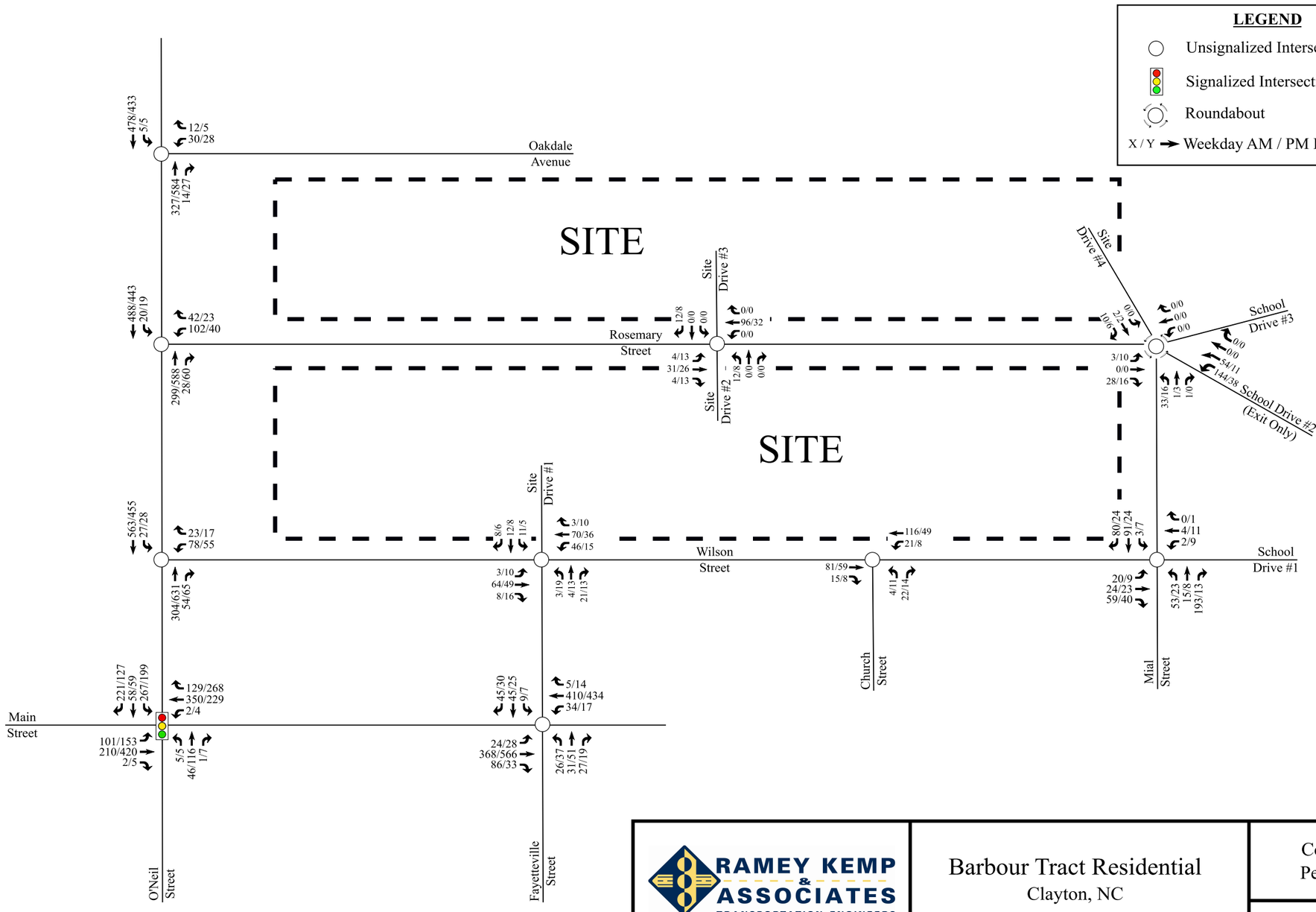


RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Barbour Tract Residential
Clayton, NC

Site Trip Distribution

Scale: Not to Scale | Figure 8



RAMEY KEMP & ASSOCIATES
TRANSPORTATION ENGINEERS

Barbour Tract Residential
Clayton, NC

Combined (2023)
Peak Hour Traffic

Scale: Not to Scale | Figure 10

	TOWN OF CLAYTON POLICY	
	Department: Public Services	**Effective:** January 21, 2020
Policy Title: Water & Wastewater Allocation Policy Version #02 (V.02)		**Supersedes:** TC Action 2010-026 **Prepared By:** Richard D. Cappola Jr., PE Public Services Director **Approved By:** Town Council **Date: January 21,2020**

I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families." This policy is intended to manage the remaining capacity available until additional capacity is developed through construction of a new Water Reclamation Facility, and should be reviewed periodically to ensure it is achieving the intended purpose.

II. Scope

The Town Council for the Town of Clayton has adopted the Comprehensive Plan 2040 which is a useful tool to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans. In accordance with the "Town of Clayton Strategic Growth Plan", utility allocation reservations should support and maximize the concept of increasing the Town's property tax based revenues by the expansion and improvement of higher valued land use development, emphasizing a balance of Residential, commercial, and industrial uses.

III. Policy

The Town of Clayton seeks to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is practical to achieve the intent of the Strategic Growth Plan, and seeks to increase the diversity of the customer base by increasing the percentage of resources devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity should generally be allocated based on the following parameters:

- No more than fifty percent (50%) of the total available capacity may be allocated to projects that include solely residential development.
- At least thirty percent (30%) of the total available capacity shall be reserved for allocation to commercial/industrial projects.
- Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use. Note: These percentages may be reviewed and adjusted by the Town Council at their discretion.

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

The following hierarchy shall apply to evaluation of utility allocation requests:

- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Industrial projects and other major employer entities
- Additional phases attached to residential projects with a proven record of quality product and economic success
- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects not otherwise described above

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant offering to provide items listed on the rubric as part of their development proposal. Examples of these items may include such things as additional amenities (fire pits, community gardens, etc.) or offering to provide "Minimum of 25% of building façades will be made of masonry materials."

The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

IV. Procedure

The owner or developer of any project requiring water or wastewater utility service from the Town of Clayton shall submit a written application, in the application form provided by Town Staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton. In the case of Industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the Town.

- The Town Council shall review for approval all allocations which require or may require a daily flow allocation of ten thousand gallons or more (> 10,000 GPD)
    - The Town Council shall incorporate the evaluation of utility allocation requests into the decision-making process associated with Subdivisions, Mixed-use Planned Developments, and Special Use Permits. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
    - For allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals, the applicant shall provide a full description of how their project supports the goals and priorities established within this and related policies and plans in their application for allocation reservation.

- The Town Manager or their designee shall review for approval all applications for utility capacity which require a daily flow allocation of less than ten thousand gallons (< 10,000 GPD).
    - In addition to the scoring rubric, the Town Manager or their designee shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

V. General Conditions

- This policy shall replace any previous policies on water and wastewater allocations adopted by the Town Council.
- An allocation will expire if a project has not progressed in construction plan approval, building permit approval, or on-site construction within 12 months of award of the allocation.
- Upon request by the applicant and at the discretion of the Town Engineer, an allocation may be extended for one twelve (12) month period.
- If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the reservation shall be retracted. The Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter.
- Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained a water allocation through the Town.
- This policy shall be reviewed annually and, when appropriate, readjusted by the Town Council. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

V. Appeals Process

- Appeal of any provision of this policy shall be made to the Town Council.
- Appeal of any decision on a utility allocation by the Town Manager or their designee shall be made to the Town Council for final decision. Any such appeal shall be placed on the agenda of a regularly scheduled Town Council meeting.

WATER & WASTEWATER ALLOCATION CRITERIA

TOTAL POINTS = 55 *MINIMUM 50 POINTS REQUIRED*

	Category	Points	Calc.	Notes
DEVELOPMENT TYPE[1] (Choose 1 from this category)	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15		
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Existing Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.- Single Family Attached (> 1,500 SF Heated Space)	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.- Single Family Attached (< 1,500 SF Heated Space)	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Residential	25		Mix of various lot sizes of Single-family, Townhomes, and Apartments
	Mixed-Use Commercial & Residential	30		Mix of Residential and Non-residential (Commercial) uses
	Downtown Redevelopment	30		
	Infill Development	25	25	Utilities already exist within 300 Feet of property
FUTURE TAX STATUS (Choose 1 from this category)	Exempt	0		
	Residential	5	5	
	Non-residential	10		
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS (Choose All that apply from this category)	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20	20	
	Expansion of existing non-residential use	10		
	Re-development of an existing property	5	5	Must result in increased property value
	Residential Subdivision - Additional amenities included	5 - 15		Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 10 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15		
	Job creation - Jobs created will have salaries at or above median income	5		Must be greater than 50% of jobs added with documentation to confirm
	Residential - Multiple-Car Garages provided	5		
	Residential - Overflow Parking provided	5		Subject to Planning and Engineering support
	Masonry Elements included in Building Construction	10		
	Sustainable/High Efficiency Products and appliances used	5 - 15		5 pts per, max 15 pts
	Private trail connection to Public Greenway	10		
COMMUNITY IMPACT DEDUCT POINTS (Choose All that apply from this category)	Pump Station Improvements required[2]	-10		Subject to Town policy and standards
	New Pump Station Required[2]	-20		Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Outside Fire District	-5		
	Inconsistent with Comp Plan	-5		

CLARIFICATIONS

1 Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.

2 The Town Engineer may waive these deductions if the improvments are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town.

TOWN OF CLAYTON
Engineering & Inspections Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

WASTEWATER ALLOCATION REQUEST

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: $250

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Academy Pointe Ph 10 **Acreage of Property:** 1.167

County Tag Number: 05h02200z **NC PIN:** 166909-25-3103

Address/Location: Corner of N O'Neil Street and Rosemary Street

Zoning District: B-2 (R-6 CZ Proposed)

Town Limits / ETJ: ■ Town Limits ☐ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: Stewart Engineering

Mailing Address: 101 W Main Street Durham, NC 27701

Phone Number: 919-380-8750 **Fax:**

Contact Person: Tim Summerville, PE

Email Address: tsummerville@stewartinc.com

PROPERTY OWNER INFORMATION

Name: JJARR, LLC

Mailing Address: 114 W Main Street Clayton, NC 27520

Phone Number: 919-670-0704 **Fax:**

Email Address: haley@hearthpointe.com

FOR OFFICE USE ONLY

Date Received: _____ File Number: _____ Associated Project Number: _____

PROJECT INFORMATION

Use: ☒ **New** ☐ **Expanded** ☐ **Change** **Use Type:** ☒ **Residential** ☐ **Non-Residential**

Proposed Use(s): Multi-Family Apartments **Existing Use(s):** Commercial Storage

Invoice shall be mailed to the following:

Developer Name: JJARR, LLC

Mailing Address: 114 W Main Street Clayton, NC 27520

Phone Number: 919-670-0704 **Fax Number:**

Email Address: haley@hearthpointe.com

ALLOCATION REQUEST

The following is required:

- **For non-residential construction, submit a floor plan of proposed building.**
- **Use additional sheets if necessary.**
- **Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).**
- **If a phasing / take-down schedule is proposed, include as an attachment.**

Residential:

Gross Acreage: 1.167 acres

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
Total		------	

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units	33	240	7,920
3 Bedroom Units			
>3 Bedroom Units			
Total		------	

Non-Residential: ***(Design Flow Guideline provided as Appendix A)****

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage:

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Total			------	

TOTAL REQUESTED GALLONS PER DAY: 7,920

NOTE TO APPLICANT:

Invoicing:
Invoices are generated on the following schedule:

Non-Residential:
Generated with the application for a Zoning Compliance Permit.

Residential:
Multi-Family / Apartments:
Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:
Generated at Final Plat submittal.

Fee Development:
Development Fees are calculated and invoiced based on the Town of Clayton adopted Comprehensive List of Fees and Charges. Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

Approval:
Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.

Tim Summerville		11.28.2022
Print Name	***Signature of Applicant***	***Date***

Engineer Seal:



TOWN OF CLAYTON OFFICE USE ONLY:

Approved by: ☐ Town Manager

☐ Town Council (*requests of 10,000 GPD or more require Council approval by resolution)*

The **Town Manager / Town Council (circle one)** has authorized the allocation of _____

gallons per day for project # _____.

Date of Approval: _____

Signed:

_____
Town Manager

If approved by Town Council:
Attach a copy of the resolution and any associated documentation.

APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
Barber and Beauty Shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, Offices and Factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, Rescue and Emergency Response	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and Drink Facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
Medical, Dental and Veterinary Facilities	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, Pre-school and Day Care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service Stations and Car Wash Facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
Sports Centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, Shopping Centers, Malls and Flea Markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
Transportation Terminals	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

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

February 17, 2023

Hearth Pointe Development
Attn: David DeYoung, AICP
114 W. Main Street
Clayton, NC 27520
david@hearthpointe.com

Re: 2022-146-CZM Academy Pointe Phase 10 Conditional Zoning District and Master Plan

To Whom It May Concern,

The Town of Clayton Planning staff is recommending to the Planning Board and Town Council that conditions of approval be placed upon the above referenced application, which proceeds to the Planning Board on February 27, 2023 and Town Council on March 20, 2023. These recommended conditions of approval are outlined on the back of this letter.

Please read through these potential conditions of approval, and sign below if you are in agreement with the conditions as proposed. If you are not in agreement please respond accordingly in writing. This will be included within the agenda packet for Planning Board and Town Council review.

Thank you.

Sincerely,

Ben Howell, AICP, CZO
Planning Director

Recommend Conditions of Approval (2022-146-CZM, Academy Pointe Phase 10 Conditional Zoning District and Master Plan):

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) 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 master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The development of Phase 10 shall be limited to the uses and standards outlined in the Master Plan and associated narrative.
5. No landscape buffer shall be required between the existing Phase 8 and proposed Phase 10 of Academy Pointe subdivision.
6. Final architectural elevations shall be provided at Site Plan/Construction Drawing submittal. These shall match those utilized in Phases 5-9 of Academy Pointe subdivision to ensure architectural consistency along N O'Neil Street.
7. Final stormwater plans/design shall be provided at Site Plan/Construction Drawing submittal. These plans shall meet the Town's stormwater requirements at the time of Site Plan submittal.
8. Phase 10 shall provide, at minimum, 43 parking spaces to serve the proposed 33 units. The parking lot in Phase 10 shall directly connect to Phases 8 & 9. The applicant may choose to provide additional spaces as determined feasible during Site Plan/Construction Drawing design.
9. At least one dumpster shall be provided on the subject property to serve Phase 10. The dumpster(s) shall be screened entirely by view in accordance with the requirements of the Unified Development Code. The applicant may choose to provide additional dumpsters as determined feasible during Site Plan/Construction Drawing design.
10. All HVAC units shall be screened entirely from view in accordance with the requirements of the Unified Development Code.
11. A 5' sidewalk shall be provided along the property's frontage on N O'Neil Street and Rosemary Street. This sidewalk shall connect to the sidewalk provided in Phase 8 and Phase 2.
12. Frontage improvements shall be required along N O'Neil Street. This shall include curb and gutter, along with roadway widening to match the existing cross section between Oakdale and Wilson Streets. Final design of these improvements shall be reviewed and approved during Construction Drawing submittal.
13. Access to Phase 10 shall be provided by a connection to Phase 8 as well as the proposed entrance to Phase 10 from Rosemary Street, which shall be limited to right-in/right-out, unless otherwise approved by NCDOT. Phase 10 shall also include a connection to the existing alley that runs behind the homes fronting Rosemary Street in Phase 2.
14. The Town of Clayton shall be the electric provider for this project.
15. The density for this Phase of Academy Pointe shall be limited to the density reflected in this narrative.

16. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

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

David L DeYoung	David L DeYoung David L DeYoung (Feb 20, 2023 10:31 EST)	Feb 20, 2023
Print Name	*Signature of Applicant*	*Date*

Recommended Conditions Document_Academy Pointe Ph 10 Conditional Zoning District_2-17-23

Final Audit Report 2023-02-20

Created:	2023-02-20
By:	Benjamin Howell (bhowell@townofclaytonnc.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAqU4A9b2qVVc0ZnNOQRsknQnJ3cOSsRCg

"Recommended Conditions Document_Academy Pointe Ph 10 Conditional Zoning District_2-17-23" History

Document created by Benjamin Howell (bhowell@townofclaytonnc.org)
2023-02-20 - 3:22:47 PM GMT

Document emailed to dave@hearthpointe.com for signature
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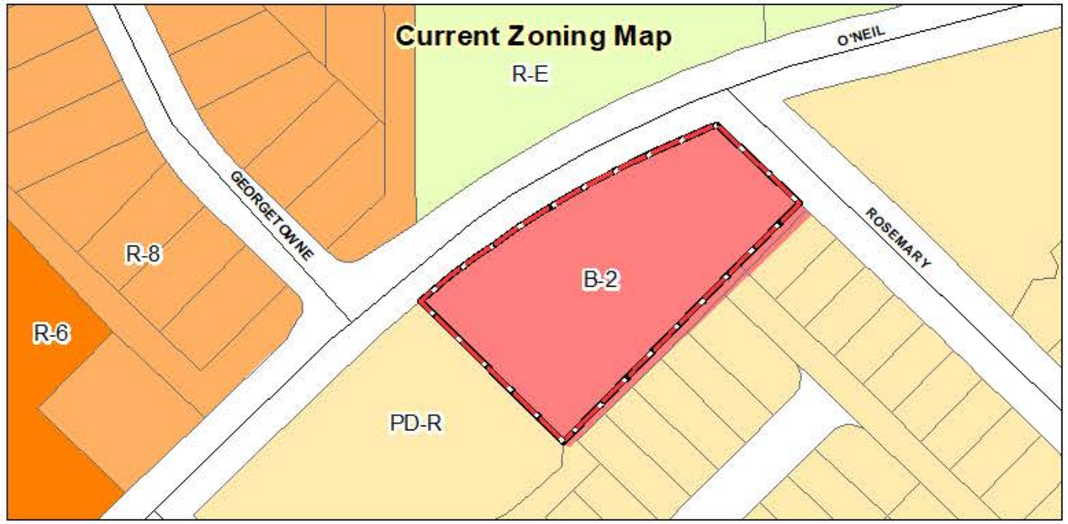
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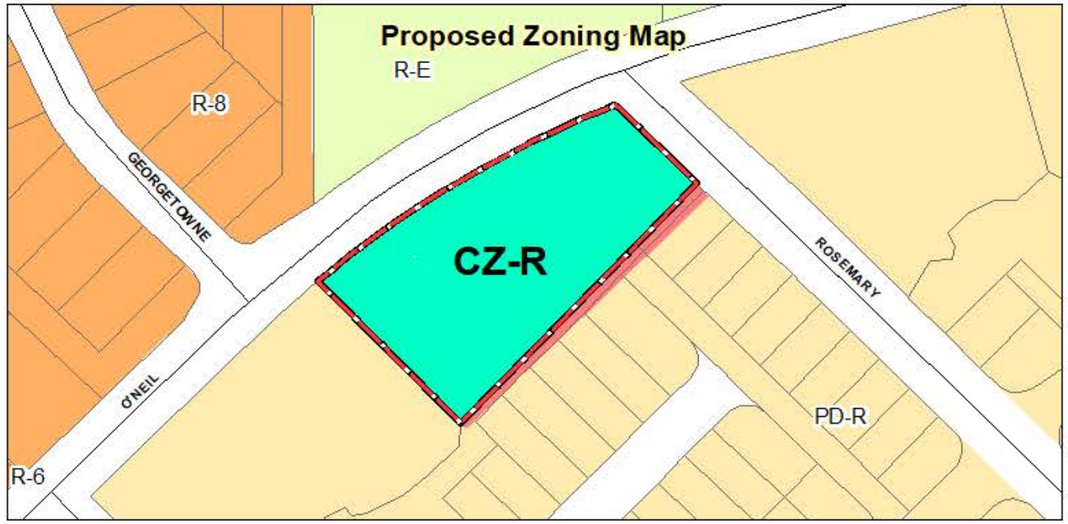
Signer dave@hearthpointe.com entered name at signing as David L DeYoung
2023-02-20 - 3:31:15 PM GMT

Document e-signed by David L DeYoung (dave@hearthpointe.com)
Signature Date: 2023-02-20 - 3:31:17 PM GMT - Time Source: server

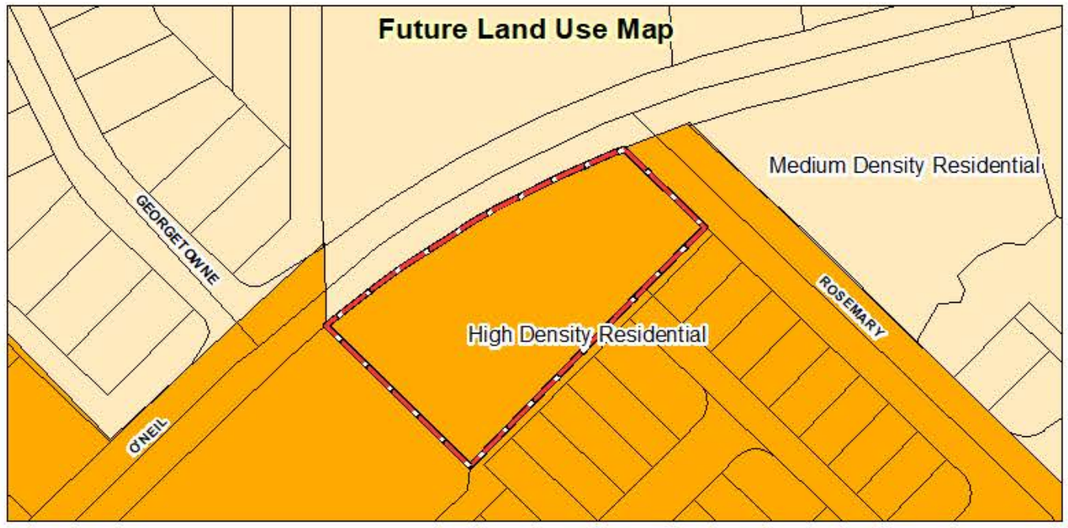
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Adobe Acrobat Sign









Request: Rezoning from B-2 to CZ-R
Project Name:Academy Pointe Ph 10
Project Number: 2022-146-CZM

Applicant:Hearth Pointe Development
Property Owner:JJARR, LLC
Tag #: 05H02200z

Site

0 0.04 0.08 Miles

N

NORTH CAROLINA CLAYTON 1869

Staff Report Map
Prepared by: TOC Planning Department
February 8, 2023

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

Document Path: O:\PLANNING\CONDITIONAL ZONING w_MASTER\2022\2022-146-CZM Academy Pointe Phase 10\Staff Report Map\Staff Report Maps - 2022-146-CZM Academy Pointe ph 10.mxd

Ordinance #2023-03-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE TOWN OF CLAYTON, NORTH CAROLINA

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Conditional Zoning – Residential (CZ-R) zone the property described below, said property formerly being zoned Neighborhood Business (B-2); and

WHEREAS said property is owned by JJARR, LLC; and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS the requested Zoning Map Amendment was advertised in accordance with all requirements of the law; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160D-602 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on March 20, 2023, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments; and

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Conditional Zoning – Residential (CZ-R) zone the following described property:
General Description:
Southeast corner of N. O'Neil Street and Rosemary Street

Specific Description:
NC Parcel TAG Number: 05H2200Z

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Conditional Zoning – Residential (CZ-R) zone the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The applicant is requesting these recommended conditions of approval (2022-146-CZM, Academy Pointe Phase 10 Conditional Zoning District and Master Plan):

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) 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 master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. The development of Phase 10 shall be limited to the uses and standards outlined in the Master Plan and associated narrative.
5. No landscape buffer shall be required between the existing Phase 8 and proposed Phase 10 of Academy Pointe subdivision.
6. Final architectural elevations shall be provided at Site Plan/Construction Drawing submittal. These shall match those utilized in Phases 5-9 of Academy Pointe subdivision to ensure architectural consistency along N O'Neil Street.
7. Final stormwater plans/design shall be provided at Site Plan/Construction Drawing submittal. These plans shall meet the Town's stormwater requirements at the time of Site Plan submittal.
8. Phase 10 shall provide, at minimum, 43 parking spaces to serve the proposed 33 units. The parking lot in Phase 10 shall directly connect to Phases 8 & 9. The applicant may choose to provide additional spaces as determined feasible during Site Plan/Construction Drawing design.
9. At least one dumpster shall be provided on the subject property to serve Phase 10. The dumpster(s) shall be screened entirely by view in accordance with the requirements of the Unified Development Code. The applicant may choose to provide additional dumpsters as determined feasible during Site Plan/Construction Drawing design.

10. All HVAC units shall be screened entirely from view in accordance with the requirements of the Unified Development Code.
11. A 5' sidewalk shall be provided along the property's frontage on N O'Neil Street and Rosemary Street. This sidewalk shall connect to the sidewalk provided in Phase 8 and Phase 2.
12. Frontage improvements shall be required along N O'Neil Street. This shall include curb and gutter, along with roadway widening to match the existing cross section between Oakdale and Wilson Streets. Final design of these improvements shall be reviewed and approved during Construction Drawing submittal.
13. Access to Phase 10 shall be provided by a connection to Phase 8 as well as the proposed entrance to Phase 10 from Rosemary Street, which shall be limited to right-in/right-out, unless otherwise approved by NCDOT. Phase 10 shall also include a connection to the existing alley that runs behind the homes fronting Rosemary Street in Phase 2.
14. The Town of Clayton shall be the electric provider for this project.
15. The density for this Phase of Academy Pointe shall be limited to the density reflected in this narrative.
16. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 20th day of March 2023, while in regular session.

_____
Jody L. McLeod
Mayor

ATTEST:

_____
Heidi L. Holland, CMC and NCCMC
Town Clerk

APPROVED AS TO FORM:

_____
Jim Cauley
Town Attorney

Regular Town Council Meeting
Agenda Cover Sheet

Meeting Date	Agenda Location
March 20, 2023	PUBLIC HEARINGS

Item Title

2022-163-CZM Highland Park Conditional Zoning District

Presenter(s)

Ben Howell, Planning Director

Suggested Action

Adoption of Ordinance

Strategic Priorities Alignment

☐ Think Clayton (Administrative)	☐ Think Arts & Culture	☐ Think Downtown	☐ Think Economic Development	☒ Think Land Use & Housing	☐ Think Mobility	☐ Think Parks, Recreation & Natural Resources	☐ Think Public Services & Infrastructure

Public Hearing: Yes - Legislative

If Approved, Will Document Require Recordation? Yes

Does This Item Require a Communication Plan?

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

Other/Special Instructions: Sign Posted on Property

Summary

The Highland Park development is proposed to consist of up to 30 townhomes and up to 100 apartments on 31.70 acres, located on N. O'Neil Street. The development will have access to N. O'Neil Street, and is proposed to include a greenway connection to the Sams Branch Greenway. More information is available in the staff report included in the agenda packet.

Background/History

The Planning Board reviewed the Conditional Zoning District request at their February 27, 2023 meeting, and voted unanimously to recommend approval of the request to the Town Council subject to the 21 conditions in the staff report.

Recommendation

Staff recommends the Town Council approve the Highland Park Conditional Zoning District with the 21 recommended conditions.

Funding Source

N/A

Cost

N/A

Corresponding Documentation

0 2022-163-CZM Highland Park Staff Report

1 2022-163-CZM Highland Park Application

2 2022-163-CZM Highland Park Master Plan Narrative

3 2022-163-CZM Highland Park Master Plan

4 2022-163-CZM Highland Park Neighborhood Meeting Information

5 2022-163-CZM Highland Park Trip Generation Memo

6 2022-163-CZM Highland Park Wastewater Allocation Request

7 2022-163-CZM Highland Park Recommended Conditions of Approval - Signed

8 2022-163-CZM Highland Park Staff Report Maps

Ordinance 2023-03-03

Meeting Timeline

Planning Board Public Comment Session - February 27, 2023
Town Council Public Hearing - March 20, 2023

Submitted By: Ben Howell, Planning

Reviewed By:

Ben Howell, Planning Director	Approved - Mar 08 2023
Rich Cappola, Town Manager	Approved - Mar 15 2023
Heidi Holland, Town Clerk	Approved - Mar 16 2023

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

Planning Board February 27, 2023
Town Council March 20, 2023

STAFF REPORT

Application Number: 2022-163-CZM

Project Name: Highland Park

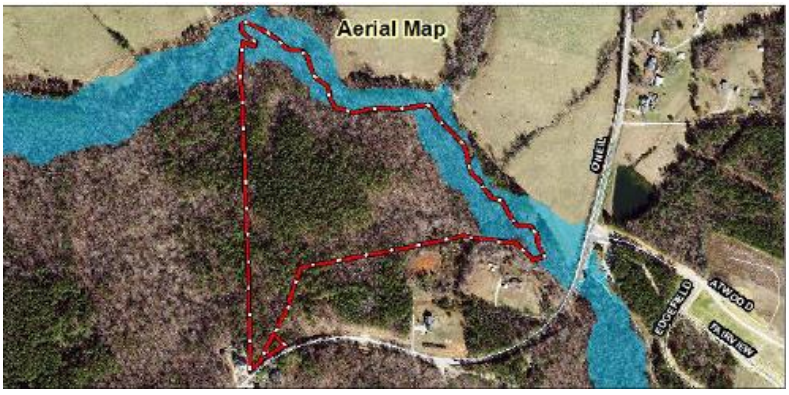
Tag #: 05H02013B, 05E99027Y
Location: North side of N. O'Neil Street, between Oakdale Avenue and Atwood Drive
Existing Zoning District: R-E
Proposed Zoning District: CZ-R
Applicant: Lipscomb Development, LLC
Owner(s): John W. Massey

Public Noticing Dates:

- **Neighborhood Meeting**: February 2, 2023
- **Sign posted**: February 17, 2023
- **Planning Board Meeting**: February 27, 2023
- **Legal Ad Published**: March 8, 2023 and March 15, 2023
- **Adjoining Property Owner Letters mailed:** March 9, 2023

REQUEST: Rezone the property referenced above, located on N. O'Neil Street, from the Residential Estate (R-E) Zoning District to a Conditional Zoning – Residential District. The Conditional Zoning District would allow for the development of 31.70 acres in accordance with the master plan to develop up to 30 single-family detached units and up to 100 multifamily units (for a maximum density of 4.10 units/acre). The Conditional Zoning District is accompanied by a Master Plan and Master Plan Narrative.

SITE DATA:
Acreage: 31.70 acres
Existing Use: Vacant



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use(s)
North	Planned Development-Residential (PD-R)	Single-Family Residential (Under Construction)
South	Residential-Estate (R-E) and Single-Family Residential-8 (R-8)	Existing Single-Family Residential/Single-Family Residential (Under Construction)
East	Planned Development-Residential (PD-R)	Single-Family Residential (Under Construction)
West	Single-Family Residential-8 (R-8)	Vacant



DEVELOPMENT DATA:

Proposed Uses:	Single-Family Attached and Multifamily
Proposed Density:	Up to 30 single-family attached units and up to 100 multifamily units
Fire Protection:	Town of Clayton
Access/Streets:	Access from N. O'Neil Street
Water/Sewer Provider:	Town of Clayton
Electric Provider:	Town of Clayton

OVERVIEW:

The applicant is requesting a Conditional Zoning District with an associated Master Plan to permit up to 30 single-family attached units and up to 100 multifamily units on no more than 30 total lots. The total acreage of the proposed Conditional Zoning District is 31.70 acres, located on N. O'Neil Street adjacent to the Sams Branch Greenway. The development has requested the following minimum lot dimensional standards:

Townhome Type	Front Setback Min.	Rear Setback Min.	Side Interior Setback Min.	Site Street Setback Min.	Max Height
Front-Loaded	25′	10′	0′	10′	45′
Rear/Alley Loaded or Common Parking Area	10′	5′	0′	10′	45′

Land Use	Front Setback Min.	Rear Setback Min.	Side Interior Setback Min.	Site Street Setback Min.	Max Height
Apartment Building	10′	15′	10′	10′	50′

Transportation Improvements:
The development will be accessed from N. O'Neil Street, and will make improvements to N. O'Neil Street along the development frontage in accordance with the Town Transportation Plan. According to the trip generation memo provided by Kimley-Horn, a Transportation Impact Analysis is not required, as the proposed development will not generate more than 1,000 trips per day or 100 trips in the peak hour. The proposed trip generation is summarized below in the Table:

Table 1
ITE Trip Generation (Vehicles)

Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single-Family Attached Housing (LUC 215)	30 d.u.	89	89	3	7	8	6
Low-Rise Multifamily Housing (LUC 220)	100 d.u.	358	358	13	41	40	24
Total Net New Trips		**447**	**447**	**16**	**48**	**48**	**30**

Stormwater, Water, Sewer and Electricity

Stormwater
The project area is currently vacant. The proposed development will require storm water management measures for quality and quantity treatment in accordance with the Town of Clayton Stormwater Design Manual. The stormwater from the proposed development will be managed by new Stormwater Control Measures (SCMs). All stormwater management will be required to meet all North Carolina Department of Environmental Quality (NCDEQ) and Town of Clayton design requirements at time of Subdivision infrastructure or Site plan submittal.

Water Service
A Public Water Main is located within the existing N. O'Neil Street Right-of-Way. Public water will be extended to serve the development from this main, and will be designed to meet all Town of Clayton Standards and Specifications.

Sanitary Sewer Service
In accordance with the Town's requirements, the development will be served by public utility infrastructure. An existing Sanitary Sewer Main is located adjacent to the Sams Branch Greenway, running along the edge of the proposed development site. Sewer service will be provided by extending sewer infrastructure from this main, with the final connection point, size and specification of the sewer infrastructure to be determined during Construction Drawing review. The development is subject to the Town's Wastewater Allocation Policy.

Electricity
The development is proposed to be served by Town of Clayton Electric Utility, and will provide street lighting meeting the Town's requirements.

Open Space/Amenities
The proposed development will include at least 50 percent (15.85 acres) of resource conservation area and open space. The development will also provide one or more of the following amenities:

- Dog Park
- Mini Park
- Neighborhood Green/Square
- Unpaved Nature Trails

In addition to the amenities mentioned above, the development will provide a greenway connection to the Sams Branch Greenway, including a pedestrian bridge. The open space and amenities are included in conditions 7, 8, 9, and 17.

Landscaping, Buffering and Screening:
A 15-foot-wide Class C perimeter buffer will be required along the entire perimeter of the development. The Class C buffer also includes opaque screening in the form of a fence, wall, hedge, berm or combination thereof. Due to the topography and existing vegetation on the site, some areas meet or exceed the buffer requirements, and will be preserved as the development buffer, as allowed in the Unified Development Code. The development will also provide street yard trees and off-street parking screening and landscaping in accordance with the UDC.

Architectural Standards
The applicant has proposed architectural standards in Sections 6.1.3 (Townhomes) and 6.2.3 (Multifamily) for the development. The architectural standards include the following requirements for the proposed townhomes:

Front Door:

- Front doors shall have at least one of the following features:
  - Window(s) in door
  - Transom window above the door
  - Side-light window(s)

Siding Materials:

Wall/Siding Materials may include the following materials, which may be mixed to create the final façade appearance:

- Fiber cement siding (vinyl horizontal siding is prohibited)
- Brick (natural or synthetic)
- Stone (natural or synthetic)
- Wood (i.e. clapboard, shake, or shingle)
- Vinyl shake or shingle

The architectural standards include the following requirements for the proposed multifamily units:

Siding Materials:

Wall Materials may include the following materials:

- Fiber cement siding (vinyl horizontal siding is prohibited)
- Brick (natural or synthetic)
- Stone (natural or synthetic)
- Wood (i.e. clapboard, shake, or shingle)
- Vinyl shake or shingle

CONDITIONAL ZONING AND MASTER PLAN APPROVAL CRITERIA

Conditional Zoning District Approval Criteria

See Master Plan Narrative for Applicant Responses

In connection with its legislative decision on a conditional zoning district request, the Town Council may consider factors including, but not limited to, the following:

1. Consistency with the adopted plans and policies of the Town.

   Staff Commentary: The 2045 Growth Plan Future Land Use Map designates this area as "Medium-Density Residential," which provides for a gross density of 3-5 units per acre, with generally less than 50% of the area being used for single-family attached units. The Plan states that this land use classification is meant to provide a transition from more suburban areas of the Town to more developed areas. Staff considers the proposed development to be generally consistent with the 2045 Growth Plan.

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

   Staff Commentary: The property is currently zoned Residential Estate (R-E), but is adjacent to a large Planned Development (Carolina Overlook), as well as several properties zoned R-8. The proposed zoning and development is generally consistent with the surrounding area.

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

   Staff Commentary: The surrounding area is primarily residential, with a mix of single-family detached, single-family attached and multifamily units. The proposed conditional zoning district will allow for additional suburban-style residential development.

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

   Staff Commentary: The proposed development would be served by Johnston County schools (Cooper Academy, Clayton Middle, Clayton High), with Cooper Academy and Clayton High School on the County's "capped" list for 2022-2023. Access to the development will be provided from N. O'Neil Street. The development will preserve at least 50% of the land as Resource Conservation Areas and Open Space, as well as provide one or more recreational amenities and a greenway connection to the Sams Branch Greenway. The development will be required to meet the requirements in the Town's Stormwater Ordinance. The property has access to public water and public sewer from N. O'Neil Street (Water) and the Sams Branch Greenway (Sewer). Staff believes that there is adequate capacity of public services and facilities to serve the proposed development.

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

   Staff Commentary: Staff does not believe that legal purposes for which zoning exists will be contravened by the approval of the conditional zoning district.

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

   Staff Commentary: The proposed development will consist of townhomes and multifamily units, generally matching the density and unit type of other developments in the area, and will make improvements to the N. O'Neil Street frontage, mitigating potential impacts.

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.

   Staff Commentary: While the owners/developers may benefit from the development, staff believes that with the proposed conditions there will be no detriment to the general public.

Master Plan Approval Criteria

The master plan shall include, and the applicant shall be responsible for successfully addressing the following:

- Compliance with § 155.203(L) and all other applicable requirements of this chapter, or analysis and justification if it deviates from the requirements of this chapter;
- Consistency with the Clayton General Design Guidelines;
- Conformance of the proposal with the stated purpose of the requested conditional zoning district;
- Compatibility of the proposed development with the adjacent community;
- 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;
- Compatible relationships between each component of the overall project;
- Self-sufficiency of each phase of the overall project;
- The fiscal impact of the proposal and the proposed financing of required improvements;
- The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
- The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

Staff Commentary: The applicant has provided a Master Plan Narrative providing details of the proposal. Through the Master Plan, Narrative and proposed conditions, staff believes that the applicant has successfully met the criteria.

CONSIDERATIONS:

- The Town Council shall consider the recommendation of the Planning Board and the Planning Director.
- The Town Council shall approve, approve with conditions, or disapprove the conditional zoning district. Any additional, revised or deleted conditions from those below must be signed or declined by the applicant prior to the Council rendering a decision.
- Concurrently with adopting, denying or remanding any conditional zoning district, the Town Council shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Council considers the action taken to be reasonable and in the public interest.
- If the conditional zoning district is not consistent with the 2045 Growth Plan and is approved, the 2045 Growth Plan Future Land Use Map will be considered amended to match the proposed conditional zoning district.
- If approved, the conditional zoning district, master plan and narrative will be recorded with Johnston County and shall guide futuredevelopment for this land. The conditional zoning district, master plan, and narrative shall not expire, and will run with the land.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Comment Session on February 27, 2023 for the project. One citizen spoke during the Public Comment Session, voicing concerns about the impact of the increased traffic from the development and potential for additional children attending Cooper Academy. The Planning Board also voiced

concern about ensuring the development preserve the natural aesthetics of the property as mentioned in the Master Plan Narrative and by the applicant during the meeting. The Planning Board unanimously recommended approval of the Conditional Zoning District subject to the 21 Conditions included below and the provided Statement of Reasonableness and Consistency.

RECOMMENDED CONDITIONS OF APPROVAL:

If approved, staff is recommending the following conditions of approval be placed upon the application. The applicant has reviewed the proposed conditions and is in agreement with the conditions proposed by staff.

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) 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 master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. All parcels subject to the rezoning and master plan shall be annexed into the Town prior to any additional development approvals.
5. No more than 30 total lots are permitted to be created through subdivision for this property, with the total unit count limited to 30 townhomes and/or 100 apartments.
6. The development shall be limited to the uses and standards outlined in the Master Plan and Master Plan Narrative.
7. The development shall provide one or more of the following amenities:
    a. Dog Park
    b. Mini Park
    c. Neighborhood Green/Square
    d. Unpaved Nature Trails
8. The development shall construct a minimum 10-foot-wide paved greenway, including a pedestrian bridge and connection to the off-site Sam's Branch Greenway, constructed and designed to Town of Clayton Engineering Design Manual Specifications. The greenway may be located as shown on the Master Plan, or may be located in a different location the development site with approval of a Minor Modification/Administrative Adjustment to the Master Plan. The greenway shall be located in a public easement at least 30 feet wide, unless a narrower width for the easement is approved by Town Staff during Construction Drawing Review. The proposed greenway shall be constructed prior to the Certificate of Occupancy for the 100th unit in the development, and all required permitting and approvals for impacts associated with floodplain, stream, and/or stream buffer impacts shall be acquired by the developer.
9. Public Recreation and Open Space Land Dedication Fee-in-Lieu shall apply to the subdivided townhome lots. The Fee-in-Lieu may be offset by dedication and acceptance by the Town of the greenway trail connection required in Condition 8. The calculation of the fee offset shall be as specified in Section 9.1 of the Master Plan Narrative.
10. A Class C buffer with opaque screening shall be provided along the entire perimeter of the project boundary as shown on the Master Plan. The Buffer requirements may be met through alternative compliance as permitted in the Unified Development Code utilizing existing vegetation and conservation areas.

11. Final stormwater plans/design shall be provided at Site Plan/Construction Drawing submittal. These plans shall meet the Town's stormwater requirements at the time of Site Plan submittal.
12. Public Water and Sewer service shall be provided by the Town of Clayton. The public water and sewer service design shall be approved by Town staff during the Construction Drawing process.
13. The Town of Clayton shall be the electric provider for this project.
14. Guest parking for both townhomes and apartments shall be provided at a rate of 1 space per 4 units.
15. Townhomes and Apartments shall meet the architectural standards in Sections 6.1.3 and 6.2.3 of the Master Plan Narrative.
16. Two future cross-access street stubs shall be provided and constructed to the property line as shown on the Master Plan. If the stubs cannot be constructed to the property line due to topography, a permanent right-of-way or easement shall be provided to allow for the future construction of the street stub(s).
17. A minimum of 50% (15.85 acres) of the total site area shall be preserved as resource conservation area and open space.
18. The internal roadways shall be constructed to Town Standards, and either privately owned and maintained by a Homeowners Association (HOA) or accepted by the Town as public roads.
19. All alleys within the development shall be clearly marked as one-way using signage approved by the Town during the Construction Drawing review, unless designed and approved by the Town for two-way operation during the Construction Drawing review.
20. Improvements to the O'Neil Street frontage of the development shall be constructed prior to approval of the first Final Plat for the development, or the first Certificate of Occupancy, whichever comes first.
21. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

ATTACHMENTS:

1) Application
2) Master Plan Narrative
3) Master Plan
4) Neighborhood Meeting Information
5) Trip Generation Memo
6) Wastewater Allocation Request
7) Recommended Conditions of Approval – Signed
8) Staff Report Maps

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 w/Master Plan Coversheet

Name of Project: Highland Park **Date:** 09-12-22

Applicant Name: Lipscomb Development

The following checklist to be completed by applicant:

[☑] Pre-Application Meeting on: July 12, 2022
[☑] Review Fee
[☑] Completed Application
[☑] Owner's Consent Form
[☑] Adjacent Property Owner's List
[☑] Neighborhood Meeting Letter (one copy)
[☑] 2 sets of stamped, addressed, empty envelopes for adjacent property owner notification
[☑] Signed & sealed boundary survey Included in plan set
[☑] Copy of signed & sealed boundary survey in PDF on USB via email as part of plan set

[☑] Master Plan Set to include the following:
- Cover Sheet
- 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
  d. All required elements for establishment of a zoning district including but not limited to dimensional standards, open space network, natural resource preservation, and landscaping or buffering

Reviewed by:_____

31.7 ac = $1000 + (31.7 ac*5.00) = $1,158.50

+ $200.00 advertising fee =

$1,358.50 total fee

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 w/Master Plan Application

Conditional Rezoning w/Associated Site Plan Fee: $1000 + $5.00 per acre
Advertising Fee: $200.00

SITE INFORMATION

Name of Project: Highland Park Conditional Zoning District

Acreage of Property: 31.70 acres **Zoning District:** RE

County Tag #: 05H02013B, 05E99027Y **NC Pin #:** 166910-47-5025, 166910-36-8056

Address/Location: N O'Neil Street, approx 0.17 mile past Oakdale Drive

Existing Zoning District: RE **Proposed Zoning District:** Conditional Zoning

APPLICANT INFORMATION

Applicant: Lipscomb Development, LLC

Mailing Address: 328 E Main Street, Clayton NC 27520

Phone Number: 919-422-4704 **Fax:** _____

Contact Person: Emily Beddingfield (321-795-7413)

Email Address: Emily@LipscombDevelopment.com

PROPERTY OWNER INFORAMTION

Name: John W. Massey

Mailing Address: 8041 St Andrews Dr, Laurinburg NC 28352

Phone Number: _____ **Fax:** _____

Email Address: _____

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: _____

January 2021

EXPLANATION OF PROJECT

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

Please see attached.

APPROVAL CRITERIA – REZONING

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

1. Consistency with the adopted plans of the Town.

   Please see attached.

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

   Please see attached.

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

   Please see attached.

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.

   Please see attached.

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

   Please see attached.

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.

   Please see attached.

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.

Please see attached.

APPROVAL CRITERIA- MASTER PLAN

All associated Master Plans must address the following Approval Criteria:

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.

Please see attached.

2. Consistency with the Clayton General Design guidelines.

Please see attached.

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

Please see attached.

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

Please see attached.

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.

Please see attached.

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

Please see attached.

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

Please see attached.

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.

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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.

Emily Beddingfield	Emily Beddingfield Digitally signed by Emily Beddingfield Date: 2022.09.12 15:19:36 -04'00'	091222
Print Name	***Signature of Applicant***	***Date***

NEIGHBORHOOD MEETING INFORMATION

Purpose:

The purpose of the Neighborhood Meeting is to inform the surrounding property owners of the nature of the proposed land use and/or development features, answer questions, respond to concerns, and solicit comments.

Meeting Date:

The neighborhood meeting must be held at least 10 days prior to the 1st scheduled public meeting date.

Meeting Time & Location:

The meeting must be held no earlier than 6:00 pm Monday through Friday, and must be held in a location generally accessible to residents within close proximity of the request. The meeting space must be able to comfortably accommodate everyone that receives an invitation.

Meeting Notice Mailing requirements:

a. The applicant must contact all adjacent property owners via first class mailing (see sample letter).

b. The mailing must include all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the subject property. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property.

c. The notice must be mailed at least ten (10) calendar days but not more than twenty-five (25) days prior to the date of the Neighborhood Meeting.

Information required to be provided at the Neighborhood Meeting:

At a minimum, the following materials must be present and discussed at a Neighborhood Meeting:

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined.

Deliver the following items to the Planning Department at least ten (10) calendar days prior to the 1st scheduled public meeting in electronic or hard copy format:

- ☐ Adjacent Property Owner's List (aka "mailing list") *Should be submitted with original application packet*
- ☐ Copy of the letter mailed *Should be submitted with original application packet*
- ☐ Attendance Roster (aka "sign-in sheet") *Submit no later than 10 days prior to 1st public meeting date*
- ☐ Neighborhood Meeting Summary Form with minutes (see below) *Submit 10 days prior to 1st public hearing*

January 2021

ADJACENT PROPERTY OWNERS LIST

Project Name: _____

The following are all the persons, firms, or corporations owning property within 100 feet and immediately adjacent to the property (including across street rights of way) subject to this request. Where the subject property immediately adjoins a public or private right-of-way, landscape or riparian buffer, commonly-owned private area, public property, or homeowners' association property, then letters of notification shall be sent to adjoining property owners as if they directly abut the subject property. Please use a separate sheet if necessary

It is the responsibility of the applicant to correctly identify the current owner, based upon records in the Johnston County GIS Office, for all property owners of land within the required public notice radius.

PARCEL NUMBER	NAME	ADDRESS

SAMPLE NEIGHBORHOOD MEETING LETTER
(PLACE ON AGENT'S OR OWNER'S LETTERHEAD)

<Date>

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: _____ Meeting Time: _____

Meeting Location: _____

Type of Application: _____

Project/proposal property address: _____

Description of project/proposal: _____

_____

Upcoming public meetings for this application (Planning Board and/or 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 ***<Insert phone number of applicant>***. You may also contact the Town of Clayton Planning Department at 919-553-5002.

Sincerely,

<Applicant>

Cc: Town of Clayton Planning Department

January 2021

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: _____

Application: _____

Location/Date: _____

NAME	ADDRESS
1	
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January 2021

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application:

Date of Mailing:

Date of Meeting: Time of Meeting:

Location of Meeting:

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Signature:

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

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

January 2021

HIGHLAND PARK

Conditional Zoning District
Master Plan Narrative

Prepared for:
The Town of Clayton, North Carolina

Submitted: September 12, 2022
1st Resubmittal: December 06, 2022

Applicant:

LIPSCOMB DEVELOPMENT

Lipscomb Development, LLC
328 E Main Street, Clayton NC 27520

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ARTICLE 1: OVERVIEW

Highland Park is a proposed 130-unit townhome and apartment/condominium community, located just one mile from historic downtown Clayton on North O'Neil Street. Highland Park's design creates a small residential village surrounded by and overlooking natural resources. A landscaped entrance will lead to attractive buildings set well back from O'Neil Street, and residents will be able to enjoy a direct connection to Sam's Branch Greenway.

Designed with conservation in mind, approximately 50 percent of the property is set aside as open space and conservation. This provides enhanced buffers and preservation of ecologically valuable forestland along the streams that flank the north, east, and southeast property boundaries. The compact community layout and design of buildings will minimize grading and maximize views of the landscape.

This Highland Park Master Plan Development Standards ("Highland Park Standards") document outlines development standards for and is a component of the Highland Park Master Plan. When detailed designs for the site are provided to the Town as part of the development permitting process, staff will review them for consistency with the approved Master Plan.

Imagery: Images used in the Master Plan are illustrative only. They reflect the overall quality of design and aesthetic that is proposed. Final designs may vary in size, materials, and placement from the photos but will otherwise be bound by standards stated in writing in this document.

ARTICLE 2: TOWN CODE APPLICABILITY

The standards laid out in this document are consistent with the Town of Clayton Unified Development Code (UDC) and other adopted standards as they exist at the time of the Highland Park Conditional Zoning application. This document also sets standards that deviate from the Town's standards as permitted by the UDC.

Where the Highland Park Master Plan does not address a particular standard, the applicable standard as adopted by the Town at the time of the Highland Park Master Plan application will apply. However, if the Town adopts or acquires new standards, the developer may choose to utilize the new rule (applicable for any standard not expressly addressed in the Highland Park Standards).

If there is any conflict between the adopted Master Plan Map and the Highland Park Standards, the requirements set in this Highland Park Standards document shall apply.

ARTICLE 3: MODIFICATIONS TO THE APPROVED MASTER PLAN

Modifications to the approved Master Plan shall be permitted as allowed by the Town's Unified Development Code.

ARTICLE 4: TERMS AND DEFINITIONS

For the purposes of this Master Plan, the following definitions are applied. Please note that these definitions only apply with regards to interpretation of the terms used within this Master Plan and do not have bearing on definitions for the same terms as defined and applied by other agencies (i.e. Building or Fire Code).

"**Apartments**" is defined as three or more dwelling units within a single building. Apartments may be developed as a condominium (individual ownership) or held under common ownership for lease.

"**Development Permitting Process**" is defined as the site plan, subdivision plan, and construction design review and approval process. These submittals are reviewed and approved by Town of Clayton staff and other applicable state or federal agencies as applicable. Submittals must be consistent with the approved Master Plan.

"**Master Plan**" is defined as the document which includes both the approved visual plan of the property and its design, this Highland Park Development Standards document, and any other documents that may be adopted as part of the approved Master Plan for Highland Park.

"**Townhome**" is defined as a single family dwelling unit constructed in a group of two or more attached dwelling units. Townhomes are located on individual subdivided lots and may be individually owned (either as a condominium or by lot subdivision) or held under common ownership for lease.

ARTICLE 5: PERMITTED USES AND PHASING

5.1 ALLOWED USES

Proposed Uses:

- Townhomes (maximum of 30 units, as noted in Section 5.2 below)
- Apartments
- Recreational Amenities

5.2 NUMBER OF UNITS

Maximum Number of Units: 130 units

Mix of Uses: A maximum of 30 units may be townhomes.

A maximum of 100 units may be apartments.

Phasing: One phase is proposed.

ARTICLE 6: ARCHITECTURAL & DIMENSIONAL STANDARDS

6.1 TOWNHOMES

Townhomes shall be constructed using the following standards:

6.1.1 TOWNHOME DIMENSIONAL STANDARDS

The dimensional standards for townhomes in the Highland Park Conditional Zoning District are outlined below.

Townhome Type	Front Setback Min.	Rear Setback Min.	Side Interior Setback Min.	Site Street Setback Min.	Max Height
Front-Loaded	25’	10’	0’	10’	45’
Rear/Alley Loaded or Common Parking Area	10’	5’	0’	10’	45’

6.1.2 TOWNHOME PARKING

Each unit shall include parking for at least two (2) vehicles or as required by the Unified Development Code.

Guest Parking:

- Guest parking shall be provided at a rate of one (1) space per four (4) units.

All parking may be met by provision of a garage, driveway, on-street, or common/shared parking (or a mix thereof).

6.1.3 TOWNHOME ARCHITECTURAL STANDARDS

Front Door:

- Front doors shall have at least one of the following features:
  - Window(s) in door
  - Transom window above the door
  - Side-light window(s)

Siding Materials:

Wall/Siding Materials may include the following materials, which may be mixed to create the final façade appearance:

- Fiber cement siding (vinyl horizontal siding is prohibited)
- Brick (natural or synthetic)
- Stone (natural or synthetic)
- Wood (i.e. clapboard, shake, or shingle)
- Vinyl shake or shingle

Examples of townhomes that would meet the standards are provided below. These photos are illustrative only and represent the standard of quality proposed for Highland Park. Final design will vary.







6.2 APARTMENTS

6.2.1 APARTMENT DIMENSIONAL STANDARDS

The dimensional standards for apartments in the Highland Park Conditional Zoning District are as follows:

Land Use	Front Setback Min.	Rear Setback Min.	Side Interior Setback Min.	Site Street Setback Min.	Max Height
Apartment Building	10’	15’	10’	10’	50’

6.2.2 APARTMENT PARKING

All parking shall be provided as required by the UDC.

Parking may be satisfied by provision of on-street parking, shared/common parking, or garage.

6.2.3 APARTMENT ARCHITECTURAL STANDARDS

Siding Materials:

Wall Materials may include the following materials:

- Fiber cement siding (vinyl horizontal siding is prohibited)
- Brick (natural or synthetic)
- Stone (natural or synthetic)
- Wood (i.e. clapboard, shake, or shingle)
- Vinyl shake or shingle

Examples of apartments that would meet the standards for Highland Park are provided below. These photos are illustrative only and represent the standard of quality proposed for Highland Park. Final design will vary.







ARTICLE 7: ROADS

7.1 OVERVIEW AND GENERAL LAYOUT

Highland Park will include a single entrance off of O'Neil Street and two connection ("stub") streets to the undeveloped properties to the west and east as shown on the Master Plan. The internal network will

be comprised of private streets and parking areas serving the proposed residential development. Further discussion follows.

7.2 OWNERSHIP

All streets will be privately owned and maintained by a Homeowner's Association (HOA), unless otherwise accepted by the Town as noted below:

If agreeable to both the developer and the Town, streets may be publicly owned subject to Town of Clayton standards and acceptance.

7.3 TRAFFIC IMPACTS

.

A traffic generation memo was prepared for the project:

Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single-Family Attached Housing (LUC 215)	30 d.u.	89	89	3	7	8	6
Low-Rise Multifamily Housing (LUC 220)	100 d.u.	358	358	13	41	40	24
Total Net New Trips		**447**	**447**	**16**	**48**	**48**	**30**

These volumes fall below the thresholds of 1,000 daily or 100 peak hour trips for requiring a traffic impact analysis in the Town of Clayton and well below the 3,000 daily trip threshold for the North Carolina Department of Transportation (NCDOT). Therefore, no further traffic analysis should be needed for this development.

Additionally, a site distance certification has been completed for the driveway location, ensuring that the driveway meets NCDOT standards. All applicable permits and approvals from NCDOT will be acquired prior to construction.

7.4 O'NEIL STREET IMPROVEMENTS

The portion of the project that abuts O'Neil Street, as well as required improvements to O'Neil Street, is subject to the standards set by the Town of Clayton Transportation Plan and the North Carolina Department of Transportation (NCDOT).

ARTICLE 8: NATURAL RESOURCE PROTECTION

Highland Park will retain at least 50 percent of property as resource conservation area and open space.

A determination and delineation of federally jurisdictional and potentially isolated wetlands, streams, open water features (i.e. ponds) and riparian buffers on the subject property was completed on March 15, 2022. Two unnamed jurisdictional streams and associated riparian buffers were identified. No wetlands or other isolated waters are present. A 100 year floodplain is also present on the site. Additionally, an analysis was completed to determine "steep slopes" as defined by the UDC. All conservation areas are mapped and shown on the Master Plan.

No impacts to resource conservation areas as defined by the Town of Clayton are proposed except those allowed by the Unified Development Code and other regulatory agencies, including but not limited to greenway trail construction and utility infrastructure (i.e. sewer connection).

ARTICLE 9: RECREATIONAL AMENITIES

Highland Park will provide a minimum of the following:

- Minimum 1,000 linear feet of paved greenway meeting the standards below and as set by the Town of Clayton, including a pedestrian bridge and connection to the off-site Sam's Branch greenway trail. Greenway will be placed in a minimum 30 foot wide public easement, though it may be narrower if needed due to site-specific locations (subject to approval by staff).
    - The proposed greenway connection will be constructed prior to the Certificate of Occupancy for the 100th unit within the development.
    - All required permitting and approvals for impacts associated with floodplain, stream, and/or stream buffer impacts shall be acquired.

- One or more of the following:
    - Dog park
    - Mini Park
    - Neighborhood Green/Square
    - Unpaved nature trails

9.1 DEDICATION TO THE TOWN AND RECREATION FEES

Recreation fees only apply to subdivided townhome lots. These fees may be offset by way of dedication to and acceptance by the Town at the following rate and standards:

- 1,245 sf of dedicated easement/land will offset the recreation fee of one lot.
- Recreation fees per lot shall be calculated at the legally applicable rate set by the fee schedule for the Town of Clayton.

- The calculation for dedicated greenway trail will include the entire square footage within the easement (for example, 100 linear feet of an asphalt greenway within a 30 foot easement would equal 3,000 square feet of dedicated land).
- Calculations for the offset of fees shall not be rounded up or down but shall be prorated. For example, 3,000 square feet of dedicated & accepted land with a recreation fee of $2,000 per lot would be calculated as:
    - 3,000 sf / 1,245 sf = 2.4 units of recreation fees
    - $2,000 * 2.4 = $4,800.00 of recreational fee offset

ARTICLE 10: LANDSCAPING

10.1 OVERVIEW

Site landscaping shall be consistent with the standards of the Unified Development Code. Where applicable and as authorized by the Unified Development Code, existing vegetation may be utilized to meet landscaping requirements.

10.2 PERIMETER BUFFER

A Class 'C' landscape buffer meeting UDC standards for Conditional Zoning districts will be provided along the entire perimeter of the project boundary as shown on the master. Class C buffer requirements may be met by way of alternative compliance as outlined in section 155.402(e)(10) of the Unified Development Code.

Per the UDC, authorization of alternative compliance may be granted by the Planning Director; proposed alternative compliance is noted in 10.2.1 below.

10.2.1 ALTERNATIVE COMPLIANCE

Alternative Compliance is proposed:

1. For those portions of the project boundary that abut resource conservation areas, which largely includes the entire north, east, and portions of the western and property boundary. These undeveloped project boundaries are encumbered by steep slopes, streams, stream buffers, and 100-year floodplain, making a man-made buffer unnecessary and ineffective.
2. Where existing vegetation is left undisturbed and meets the standards of the Class C buffer.

ARTICLE 11: UTILITIES AND SERVICES

11.1 STORMWATER

The proposed development will require storm water management measures for quality and quantity treatment in accordance with the Town of Clayton Stormwater Design Manual. Preliminary location and size of Stormwater Control Measures are shown on the Master Plan, though final design will be

determined during construction design stages. All stormwater management will be required to meet all North Carolina Department of Environmental Quality (NCDEQ) and Town of Clayton design requirements.

11.2 WATER SERVICE

Public Water services exist within the N. O'Neil Street right of way. Water services are anticipated to be connected to the existing main O'Neil Street and looped through the property via extension of a public main. The size and specification of public water infrastructure shall be determined during final design and will conform to Town of Clayton Public Works and Utilities Department requirements.

11.3 SANITARY SEWER SERVICE

Sanitary sewer service will be provided by connection to an existing sanitary sewer line that runs along the Sam's Branch greenway, operated by the Town of Clayton. The final connection point, size, and specification of public sewer infrastructure shall be determined during final design and will conform to Town of Clayton Public Works and Utilities Department requirements.

A wastewater allocation request has been submitted to the Town of Clayton.

11.4 ELECTRIC SERVICE

Electric service shall be provided by the Town of Clayton. The specifications and design shall be determined during final design and will conform to the Town of Clayton requirements.

11.5 SOLID WASTE SERVICE

Individual lots may be served by private residential collection provided by the Town. Multi-family development will require private trash collection. Streets will be designed to accommodate solid waste vehicles.

HIGHLAND PARK CONDITIONAL ZONING REQUEST

WRITTEN RESPONSES TO CONDITIONAL ZONING APPLICATION APPROVAL CRITERIA

- **Explanation of Project**
- **Approval Criteria – Rezoning**
- **Approval Criteria – Master Plan**

EXPLANATION OF PROJECT:

This request is for the rezoning of two parcels totaling 31.70 acres to a Conditional Zoning District with an associated Master Plan. The rezoning would allow a mix of 130 apartment and townhome units (4.10 units/acre), as well as a connection to the existing Sam's Branch Greenway trail. Over 50% of the property will be set aside as preserved conservation area and open space.

APPROVAL CRITERIA – REZONING REQUEST

1. **Consistency with the adopted plans of the Town.**

Response: The proposed rezoning is consistent with the following adopted plans and policies of the Town of Clayton:

2045 Growth Plan:

- Future Land Use Map: The Future Land Use Map identifies this property as a portion of the "Medium Density Residential" category. The Growth Plan notes that the maximum density in this category is 5 units per acre and that the housing units are "more urban in character." It also notes that "this area provides a transition from the more suburban areas of the Town to more developed areas."
    - The proposed rezoning would allow a maximum of 4.10 units per acre, well below the maximum 5 units per acre specified in the Growth Plan. The close proximity to downtown makes the property is ideal for providing a transition from suburban style development to Clayton's downtown.
- Strategy LU 1.2.2 "Encourage quality design in residential projects." This Strategy includes notes that new development should include street trees and sidewalks and that new developments should be designed to preserve a significant amount of open space.
    - The proposal includes street trees throughout the project, with trees in a planting strip between the sidewalk and street where appropriate. The proposal also includes over 50 percent of preserved land and open space, all of which is connected and adjacent to a stream which creates a significant buffer which provides habitat connectivity and enhanced water quality preservation. Residential design will be high quality and visually attractive.

- Strategy LU 1.6.2 “Require vehicular connectivity between existing and future adjacent development.”
    - The proposed Master Plan provides a connection to the large undeveloped property to the west, as well as a connection to two undeveloped properties to the east. No opportunities for connections to existing development exist.
- Strategy LU 1.6.3 “Require development to integrate sidewalks internally and provide pedestrian connections to existing and future adjacent development and/ or destinations.”
    - This proposal includes the development of a 10 foot asphalt greenway connection from the internal sidewalk and road network to the existing Sam’s Branch Greenway, including a new pedestrian bridge. This will provide greenway connectivity to downtown (via Municipal Park connectivity) and to the extensive Triangle Area Greenway network. This new greenway connection will be dedicated to the Town if the Town wishes to accept it. The Town’s adopted Pedestrian Plan also includes plans for shared use path connectivity between this property and the downtown sidewalk network. The development will include internal sidewalk connectivity throughout. The frontage along O’Neil Street will be developed per the Town’s Transportation Plan.
- Policy PR 1.1 “Increase the number of safe connections to Downtown and surrounding neighborhoods from the Mountains-to-Sea Trail (MST) / East Coast Greenway (ECG).”
    - The proposal includes a constructed greenway connection from this neighborhood to the MST/East Coast Greenway (Sam’s Branch Greenway).
- Strategy PR 1.3.2 “Ensure that new greenways that are part of the public greenway system or are used to meet minimum recreation and open space standards are built to Town standards.”
    - The proposed greenway will be constructed to Town standards.
- Policy NR 1.1 “Preserve key natural areas while accommodating new development.”
    - The proposed Master Plan protects over 50% of the 31.70 acres as either protected resource conservation areas or open space adjacent to those protected areas. The conservation areas are a mix of stream, stream buffer, 100-year flood zone, and steep slopes, all covered by dense forest. The combination makes for an ecologically valuable wildlife habitat and connects green infrastructure corridor along the creek. These protected conservation areas will only be impacted as authorized by the Town for construction of sewer line and greenway infrastructure. The development clusters housing on the high points of the property, allowing preservation of land and enjoyment of future residents of the natural setting that will surround them.
- Policy NR 1.3 Preserve high quality, connected open space.
    - As noted above, over 50% of the property is preserved as open space or protected conservation area. These lands are part of a larger riparian corridor, an interconnected habitat system. No conservation areas are impacted except as explicitly authorized by the Unified Development Code for sewer infrastructure and greenway development.

- Policy M 1.2 “Plan for the construction of priority road improvements, sidewalks, greenways, bike facilities, and transit facilities.”
    - The development includes a greenway spur and pedestrian bridge connecting this development to the East Coast Greenway and Mountains-to-Sea Trail (MST). A greenway connection in this area is shown on the draft Pedestrian Plan for the Town.
- Strategy M 2.1.2 “Require new developments to include: Stub streets for future connections to adjacent parcels where there is potential for future development that is compatible with the developing uses.”
    - Two stub streets are provided: one to the large vacant property to the west and one to undeveloped properties to the east.

Clayton General Design Guidelines:

- Site Planning: General Considerations: “Cluster development in order to maintain continuity of open space, to shape more usable outdoor areas, and to avoid more hazardous areas such as floodplains.”
    - Highland Park development is clustered to preserve the most ecologically valuable lands. The design allows for an expansive habitat corridor along the creek. Further, rather than taking a “one size fits all” approach, each building will be individually designed to best fit with the land, reducing grading needs as much as possible while taking advantage of optimal views.
- Mobility: General Considerations: “Developments located along potential urban pathways, bikeways or trails as shown in the Community Plan or Clayton Recreation and Park Master Plan should provide suitable linkages to Clayton’s neighborhoods.”
    - Highland Park will provide a linkage from the Sam’s Branch Greenway to the neighborhood. This is a difficult but important connection – difficult because it including navigation of steep slopes, connection to an off-site greenway, and construction of a new bridge – and important because of the benefits to the future residents and future potential for greenway connections to O’Neil Street.
- Mobility: Pedestrian Ways: “Provide access to creeks or other natural features such as viewpoints where suitable for public enjoyment.”
    - A minimum 10 foot asphalt greenway will be constructed on the north end of the development and including a bridge across the stream, connecting the internal sidewalk network of Highland Park to the existing Sam’s Branch Greenway.
- Mobility: Pedestrian Ways: “Interconnect neighborhoods with commercial and employment centers by utilizing greenways, paths, parks and other areas.”
    - Highland Park is designed with current and future connectivity in mind. The proposed greenway will provide access to the existing greenway network, which provides access to Municipal Park and the downtown sidewalk/street network. The Town of Clayton’s adopted plans show shared use path connections along O’Neil Street from this property into Downtown Clayton, which will one day provide a safe and direct route to the downtown area.

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

   Response:

   The property is currently zoned Residential Estate, which according to the UDC is intended for "low density, rural" character. This is inconsistent with the Future Land Use Map of the adopted 2045 Growth Plan, which calls for the property to be "Medium Density Residential" which is 3-5 units per acre. The proposed uses and plan create consistency with the Future Land Use Map, while providing desirable housing in close proximity to the Downtown area and along the greenway. Further, increasing density along our greenways will increase safe access for more residents to this important asset, furthering Clayton's identity as a "trail town."

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

   Response:

   As noted in Response #2, the Future Land Use Map identifies this property as Medium Density Residential. This Conditional Zoning request will allow development of the property to be consistent with the density identified in the Future Land Use Map. It will also serve to meet the demand for residential development close to Clayton's thriving historic downtown, while providing access to the popular greenway system.

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.**

   Response:

   Schools: Like all developments in Clayton, the Johnston County School District will be alerted to the proposed units to allow for anticipation of school needs.

   Current assigned schools for this project include:

   - Elementary: Cooper Academy
   - Middle: Riverwood Middle School
   - High: Clayton High School

   Cooper Academy and Clayton High School are both capped schools per the Johnston County 2022-2023 Capped School list.

   Roads: A trip generation memo was prepared by Kimley-Horne and Associates, which demonstrates that the development does not warrant a Traffic Impact Analysis. Turn lanes will be required along O'Neil Street per NCDOT. A site distance certification has been completed to

ensure the driveway location meets NCDOT standards. Permits and approvals from NCDOT will be acquired.

Recreation Facilities: Highland Park is across the stream from the existing Sam's Branch Greenway. This greenway leads into downtown Clayton and connects into the large Triangle-area greenway network. The proposal takes advantage of this proximity by proposing a greenway spur to Sam's Branch Greenway, which will include a crossing of the creek and navigation across significant. While this is a costly measure, the benefits to the community and Clayton at large are great. The greenway trail/spur will be presented for dedication to the Town.

Further, the project will be located roughly equidistant by trail from the new Municipal Park in downtown Clayton in one direction (or a quick 1.5 mile drive), and a one-mile trail connection to the future River Park property on Covered Bridge Road.

Wastewater Treatment: Adequate wastewater treatment capacity will be available to this project following the completion of the Town's new wastewater treatment plan. A wastewater allocation request has been submitted to the Town. Sewer connection feasibility has been evaluated and viable connections are available to the existing sewer line that runs along Sam's Branch Greenway.

Water Supply Facilities: Adequate water supply is available for this project. Public water connection is available along N. O'Neil Street.

Stormwater Drainage Facilities: Stormwater Control Measures have been preliminary noted on the Master Plan and were sited based on assumptions of future grading and existing topography. Site design will be required to comply with the standards of the Town's Stormwater Ordinance as well as all applicable State standards.

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

   Response:

   This request does not violate the legal purposes for which zoning exists. The request is consistent with state laws and the Town's ordinances.

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.**

   Response:

   Properties to the north, east, and southeast are effectively buffered from this proposal due to the preservation of the stream, stream buffers, floodplain, and steep slopes along these property boundaries. The combination results in a wide swath of land that will far exceed the minimum buffer provided by a Class C buffer, which is required for all Conditional Zoning Districts. The property to the west will be buffered by a Class C buffer. The properties to the

west and east are also benefited by “stub” streets as shown on the Master Plan, which could provide future development of that property with an additional access point.

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.**

   Response:

   No detriment to the general public will result as a result of the Highland Park development. The project preserves significant natural resources while providing a new greenway spur which would be open to the public and could allow for future greenway connections to O’Neil Street. The development is consistent with the Future Land Use Map of the 2045 Growth Plan, which identified future land use patterns based on expected benefit to Clayton and projections of appropriate growth.

APPROVAL CRITERIA – MASTER PLAN

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.**

   Response:

   The Master Plan is compliant with all applicable standards of Chapter 155 of the Unified Development Code.

2. **Consistency with the Clayton General Design guidelines.**

   Response:

   The Master Plan was designed for consistency with the applicable components of the Clayton General Design guidelines. Consistencies are noted below:

   - Site Planning: General Considerations: “Cluster development in order to maintain continuity of open space, to shape more usable outdoor areas, and to avoid more hazardous areas such as floodplains.”
     - Highland Park development is clustered to preserve the most ecologically valuable lands. The design allows for an expansive habitat corridor along the creek. Further, rather than taking a “one size fits all” approach, each building will be individually designed to best fit with the land, reducing grading needs as much as possible while taking advantage of optimal views.
   - Mobility: General Considerations: “Developments located along potential urban pathways, bikeways or trails as shown in the Community Plan or Clayton Recreation and Park Master Plan should provide suitable linkages to Clayton’s neighborhoods.”

- Highland Park will provide a linkage from the Sam's Branch Greenway to the neighborhood. This is a difficult but important connection – difficult because it including navigation of steep slopes, connection to an off-site greenway, and construction of a new bridge – and important because of the benefits to the future residents and future potential for greenway connections to O'Neil Street.

- Mobility: Pedestrian Ways: "Provide access to creeks or other natural features such as viewpoints where suitable for public enjoyment."
  - A minimum 10 foot asphalt greenway will be constructed on the north end of the development and including a bridge across the creek, connecting the internal sidewalk network of Highland Park to the existing Sam's Branch Greenway.
- Mobility: Pedestrian Ways: "Interconnect neighborhoods with commercial and employment centers by utilizing greenways, paths, parks and other areas."
  - Highland Park is designed with current and future connectivity in mind. The proposed greenway will provide access to the existing greenway network, which provides access to Municipal Park and the downtown sidewalk/street network. The Town of Clayton's adopted plans shown shared use path connections along O'Neil Street from this property into Downtown Clayton, which will one day provide a direct route to the downtown area.

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

Response:

Unified Development Code Section 155.200(C) notes that "[c]onditional districts provide the opportunity for developments that do not fit easily into existing zoning district(s) even when divided into component parts, and that also demonstrate excellence in site design, circulation, use coordination, and compatibility with neighboring properties such that it is in the public interest to create a new and novel zoning district to accommodate them."

The proposed project includes a mix of townhomes and apartments/condominiums. The mix is intended to provide a variety of housing choices to residents. The range in building sizes also allows the site to be developed based on existing topographical variation and natural features. The Unified Development Code does not have a specific process by which to request a development with mixed housing types – the Conditional Zoning District is thus the only process by which this development pattern can be approved. The site has been developed to maximize preservation of natural resources and will include high quality building design as noted in the Master Plan. Further, the site will be designed to work with the existing topography as much as possible, limiting grading where able by using techniques such as buildings individually designed and placed based on unique site conditions.

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

   Response:

   Properties to the north, east, and southeast are effectively buffered from this proposal due to the preservation of the stream, stream buffers, floodplain, and steep slopes along these property boundaries. The combination results in a wide swath of land that will far exceed the minimum buffer provided by a Class C buffer, which is required for all Conditional Zoning Districts. The property to the west will be buffered by a Class C compatibility buffer. The properties to the west and east are also benefited by a two "stub" streets as shown on the Master Plan, which could provide future development of those properties with an additional access point.

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.**

   Response:

   The townhomes and apartments/condominiums proposed will be of a high quality design – a mix of materials will be used to create visual interest, and horizontal vinyl siding will be prohibited. The final architectural designs will also ensure that the elevations of the townhomes and apartments are complementary, so the mix of residential unit types will be seamless. An architectural firm will work closely with the engineering firm to ensure building placement is optimate to create flow between building and that the buildings are placed to optimize views of the surrounding landscape. The greenway will be designed to tie into the existing sidewalk network so all residents can easily access the trail. The entrance will include a landscaped, divided entrance (unless prohibited by Town or NCDOT standards), which will set the tone for the quality of the development as residents enter the community, and landscaping will be cohesive throughout.

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

   Response:

   The design anticipates that townhomes and apartments will be interspersed through the development based on existing conditions. As noted in response #5, the final architectural designs will also ensure that the elevations of the townhomes and apartments are complementary, so the mix of residential unit types will be seamless. An architectural firm will work closely with the engineering firm to ensure building placement is optimate to create flow between building and that the buildings are placed to optimize views of the surrounding landscape. The greenway will be designed to tie into the existing sidewalk network so all residents can easily access the trail. The entrance will include a landscaped, divided entrance which will set the tone for the quality of the development as residents enter the community, and landscaping will be cohesive throughout.

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

   Response:

   One phase is proposed in the Master Plan. The project will be constructed to include all required infrastructure, and self-sufficiency which would be ensured by staff as part of the development review process.

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.**

   Response:

   Water: The project will tie into a public water line that runs along N. O'Neil Street.

   Sewer: The project will tie into the existing public sewer line that runs along the Sam's Branch greenway to the north. A wastewater allocation request has been submitted to the Town, and when the new wastewater treatment system is completed there will be adequate capacity for this project. Per conversations with staff allocation is being scheduled for mid-2025.

   Roads: A Traffic Generation Memo was completed which demonstrated the project does not require a Traffic Impact Analysis. The project has been discussed with NCDOT staff, who indicated that turn lanes would be required on N. O'Neil Street to prevent traffic delays, but that the project was otherwise acceptable as proposed. Permits and approval from NCDOT will be required prior to construction.

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

   Response:

   The development would financially benefit the Town by providing new homes in an area with existing infrastructure. Development will create additional property tax revenue vs the existing vacant land property tax revenue seen today. Clustering the development also means that infrastructure is minimized, with the Town getting both the dual benefit of new homes and significant preservation of natural resources. Financing and costs will be incurred by the developer.

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

    Response:

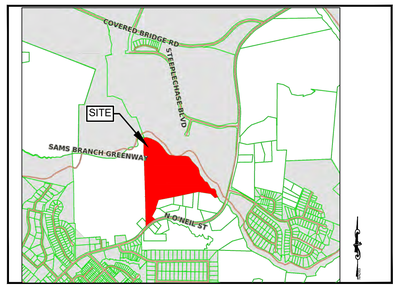
    A highlight of the Highland Park community will be the direct connection to the Sam's Branch Greenway, which will provide trail access to Downtown and to the large Triangle area greenway network. A minimum 1,000 linear feet of asphalt greenway and pedestrian bridge across the creek will be constructed. The greenway will be offered for dedication to the Town as part of the

greenway system. Sidewalks will be provided internally throughout the development and to O'Neil Street. The frontage along O'Neil Street will include pedestrian accommodations in the form of either a sidewalk or shared use path, whichever is required per the Transportation Plan (as interpreted by staff). Bicycle racks will be provided at the apartment buildings. The Town's long-range plans call for sidewalk or shared use path connections from this property to the downtown sidewalk network, so both now and in the future there will be ample bicycle and pedestrian facilities.

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

    Response:

    No impacts to resource conservation areas are proposed as part of this development, except for those authorized by the Unified Development Code. Over 50% of the site is set aside as open space and preservation area. Development is clustered to maximize these areas and avoid impacts. Open space is provided alongside identified resource conservation areas, providing additional buffer to sensitive areas. Design of the site and placement of all site elements will be done in such a way as to reduce grading and site impacts.



VICINITY MAP
NTS

CONDITIONAL ZONING DISTRICT WITH MASTER PLAN

FOR

HIGHLAND PARK

IN

TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

SHEET INDEX

SHEET TITLE	SHEET No.
SEALED BOUNDARY	C1.00
EXISTING CONDITIONS	C1.01
MASTER PLAN	C2.01
STREET CROSS SECTIONS	C2.02

DEVELOPER/APPLICANT:

LIPSCOMB DEVELOPMENT, LLC
328 E. MAIN STREET
CLAYTON, NC 27520

CONTACT: JAMES LIPSCOMB
(919) 422-4704

NORTH CAROLINA PROFESSIONAL SEAL 25469 ENGINEER RONALD C. ADAMS, JR.

REVISED
1/5/2023 11:13 AM

PRELIMINARY

SOURCES OF INFORMATION:
1. EXISTING SURVEY AND TOPO OF SITE PROVIDED BY TRUE LINE SURVEYING, P.C., 205 W. MAIN STREET, CLAYTON, NC 27520, DATED NOVEMBER 5, 2021
2. PARCEL INFORMATION OUTSIDE OF SURVEYED BOUNDARY FROM JOHNSTON COUNTY GIS DATED 2021
3. PRELIMINARY WETLAND INFORMATION PROVIDED BY NATURAL RESOURCE CONSULTANTS,10212 CREEDMOOR, RALEIGH, NC 27615, DATED 3/18/2022

ADAMS & HODGE ENGINEERING, PC
314 EAST MAIN STREET
CLAYTON, NC 27520
919-243-1332 info@adamsandhodge.com
FIRM # C-4187

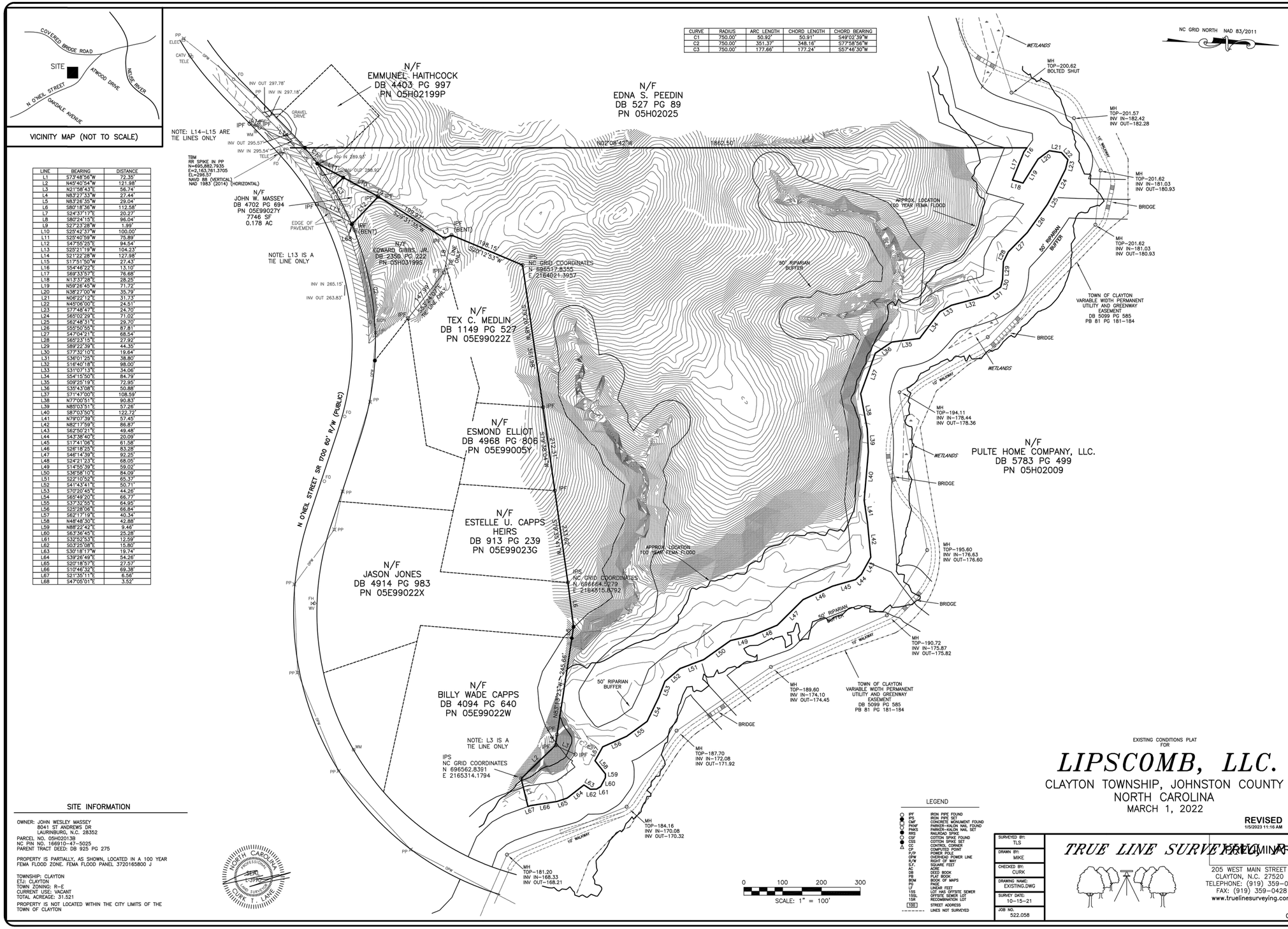
HIGHLAND PARK

TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

SEPTEMBER 6, 2022

DECEMBER 02, 2019 TRC 1ST COMMENTS
JANUARY 05, 2019 TRC 2ND COMMENTS

T.O.C. PROJECT: 2022-163-CZM



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	750.00'	50.92'	50.91'	S49°02'39"W
C2	750.00'	351.37'	348.16'	S77°58'56"W
C3	750.00'	177.66'	177.24'	S57°46'30"W

LINE	BEARING	DISTANCE
L1	S73°48'56"W	72.35'
L2	N45°40'54"W	121.98'
L3	N21°58'43"E	56.74'
L4	N83°27'33"W	27.44'
L5	N83°28'35"W	29.04'
L6	S80°18'36"W	112.58'
L7	S24°37'17"E	20.27'
L8	S80°24'15"E	96.04'
L9	S27°23'28"W	1.99'
L10	S25°42'37"W	100.00'
L11	S25°40'59"W	75.89'
L12	S47°55'25"E	94.54'
L13	S25°21'19"W	104.23'
L14	S21°22'28"W	127.98'
L15	S17°51'50"W	27.43'
L16	S54°46'22"E	13.10'
L17	S69°33'57"E	76.68'
L18	N13°37'28"E	28.25'
L19	N59°26'45"W	71.72'
L20	N38°27'00"W	35.79'
L21	N06°22'12"E	31.73'
L22	N45°06'00"E	24.51'
L23	S77°48'47"E	24.70'
L24	S65°02'29"E	71.02'
L25	S62°48'31"E	29.70'
L26	S55°50'55"E	87.81'
L27	S47°04'21"E	68.54'
L28	S65°23'15"E	27.92'
L29	S89°22'39"E	44.35'
L30	S77°32'10"E	19.64'
L31	S36°01'25"E	38.80'
L32	S16°40'18"E	98.00'
L33	S31°07'13"E	34.06'
L34	S54°15'50"E	84.79'
L35	S09°25'19"E	72.95'
L36	S35°43'08"E	50.88'
L37	S71°47'00"E	108.59'
L38	N77°00'51"E	90.83'
L39	N85°03'51"E	57.26'
L40	S87°03'50"E	122.72'
L41	N79°07'39"E	57.45'
L42	N82°17'59"E	86.87'
L43	S62°50'21"E	49.48'
L44	S43°38'40"E	20.09'
L45	S17°41'06"E	61.58'
L46	S26°18'25"E	83.28'
L47	S46°14'39"E	92.25'
L48	S24°21'23"E	68.05'
L49	S14°55'39"E	59.02'
L50	S36°58'10"E	84.09'
L51	S22°10'52"E	65.37'
L52	S41°43'41"E	50.71'
L53	S70°20'45"E	44.26'
L54	S65°49'20"E	66.77'
L55	S37°32'55"E	64.95'
L56	S25°28'06"E	66.84'
L57	S62°17'19"E	40.34'
L58	N48°48'30"E	42.88'
L59	N88°22'42"E	9.46'
L60	S63°36'45"E	25.28'
L61	S32°52'53"E	12.59'
L62	S03°25'08"E	15.80'
L63	S30°18'17"W	19.74'
L64	S39°26'49"E	54.26'
L65	S20°18'57"E	27.57'
L66	S10°46'32"E	69.38'
L67	S21°35'11"E	6.56'
L68	S47°05'01"E	3.52'

SITE INFORMATION

OWNER: JOHN WESLEY MASSEY
8041 ST ANDREWS DR
LAURINBURG, N.C. 28352
PARCEL NO. 05H02013B
NC PIN NO. 166910-47-5025
PARENT TRACT DEED: DB 925 PG 275

PROPERTY IS PARTIALLY, AS SHOWN, LOCATED IN A 100 YEAR FEMA FLOOD ZONE. FEMA FLOOD PANEL 3720165800 J

TOWNSHIP: CLAYTON
ETJ: CLAYTON
TOWN ZONING: R-E
CURRENT USE: VACANT
TOTAL ACREAGE: 31.521

PROPERTY IS NOT LOCATED WITHIN THE CITY LIMITS OF THE TOWN OF CLAYTON

NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-3990

LEGEND

IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
CMF	CONCRETE MONUMENT FOUND
PKNF	PARKER-KALON NAIL FOUND
PKNS	PARKER-KALON NAIL SET
RRS	RAILROAD SPIKE
CSF	COTTON SPIKE FOUND
CSS	COTTON SPIKE SET
CP	CONTROL CORNER
CP	COMPUTED POINT
P/P	POWER POLE
OPW	OVERHEAD POWER LINE
R/W	RIGHT OF WAY
S.F.	SQUARE FEET
AC	ACRES
DB	DEED BOOK
PB	PLAT BOOK
BOM	BOOK OF MAPS
PG	PAGE
LF	LINEAR FEET
1SS	LOT HAS ORYSITE SEWER
1SL	OFFSITE SEWER LOT
1SR	RECOMBINATION LOT
100	STREET ADDRESS
	LINES NOT SURVEYED

EXISTING CONDITIONS PLAT
FOR

LIPSCOMB, LLC.

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
MARCH 1, 2022

REVISED
11/5/2023 11:16 AM

SURVEYED BY:	TLS
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	EXISTING.DWG
SURVEY DATE:	10-15-21
JOB NO.	522.058

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

C-1859

05/01/2024	REVISED PER 1st TRC COMMENTS
12/01/2023	REVISED PER 2nd TRC COMMENTS

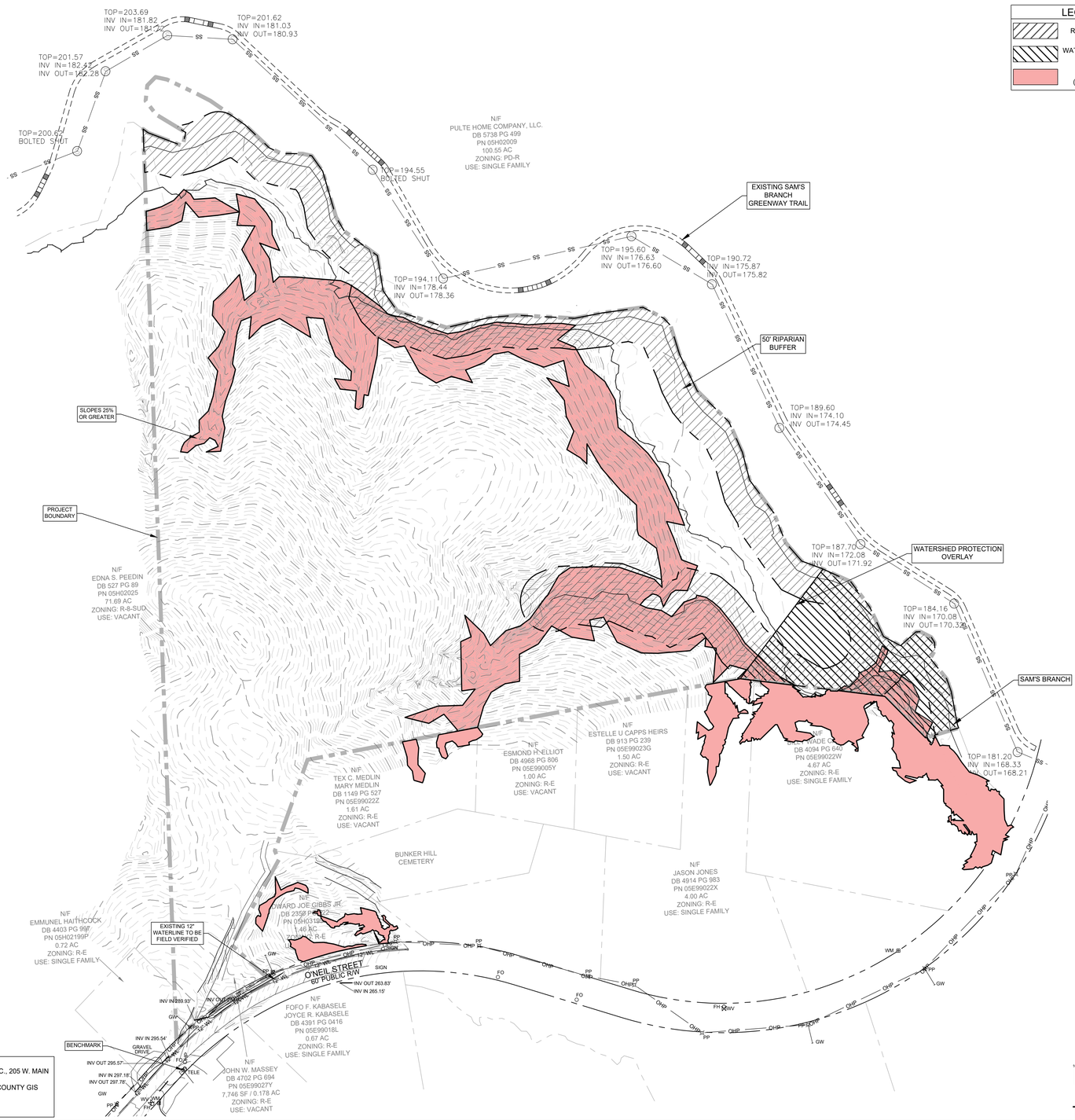
314 EAST MAIN STREET
CLAYTON, NC 27520
info@adamsandhodge.com
(919) 553-5182
FIRM # C-4187

ADAMS & HODGE ENGINEERING, PC

HIGHLAND PARK
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

SEALED BOUNDARY

DESIGN	DCA
DRAWN	KDS
CHECKED	DCA
HORIZONTAL SCALE	SEE GRAPHIC SCALE
VERTICAL SCALE	N/A
DATE	08/24/2022
JOB NO.	
SHEET	C1.00



LEGEND

- RIPARIAN BUFFERS
- WATERSHED PROTECTION OVERLAY
- STEEP SLOPES (25% OR GREATER)

LEGEND

EXISTING

- PROJECT BOUNDARY
- ROW
- MAJOR CONTOUR — 295
- MINOR CONTOUR — 294
- 12" WATERLINE — 12" WL
- HYDRANT
- SEWER PIPE — SS
- MANHOLE
- STORM PIPE
- OVERHEAD POWERLINE — OHP
- POWER POLE

BENCHMARK INFO:

TBM:
CSS IN PP
N=705,509.3850
E=2,208,891.6710
EL=243.19
NAVD 88 (VERTICAL)
NAD 1983 (2011) (HORIZONTAL)

SOURCES OF INFORMATION:

1. EXISTING SURVEY AND TOPO OF SITE PROVIDED BY TRUE LINE SURVEYING, P.C., 205 W. MAIN STREET, CLAYTON, NC 27520, DATED NOVEMBER 5, 2021
2. PARCEL INFORMATION OUTSIDE OF SURVEYED BOUNDARY FROM JOHNSTON COUNTY GIS DATED 2021
3. PRELIMINARY WETLAND INFORMATION PROVIDED BY NATURAL RESOURCE CONSULTANTS,10212 CREEDMOOR, RALEIGH, NC 27615, DATED 3/18/2022

NORTH CAROLINA PROFESSIONAL SEAL 15469 ENGINEER DONALD C. ADAMS, JR.

REVISED
1/5/2023 12:55 PM

PRELIMINARY

GRAPHIC SCALE
NAD83
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

T.O.C. PROJECT: 2022-163-CZM

REVISIONS
1/5/2023 PER 1st TRC COMMENTS
2/23/2023 PER 2nd TRC COMMENTS

314 EAST MAIN STREET
CLAYTON, NC 27520
info@adamshodge.com
919-243-1332
FIRM # C-4187

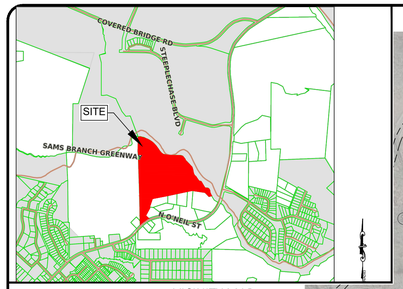
ADAMS & HODGE ENGINEERING, PC

HIGHLAND PARK

TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

EXISTING CONDITIONS

DESIGN	DCA
DRAWN	ADS
CHECKED	DCA
HORIZONTAL SCALE	SEE GRAPHIC SCALE
VERTICAL SCALE	N/A
DATE	08/24/2022
JOB NO.	
SHEET	C1.01



VICINITY MAP
NTS

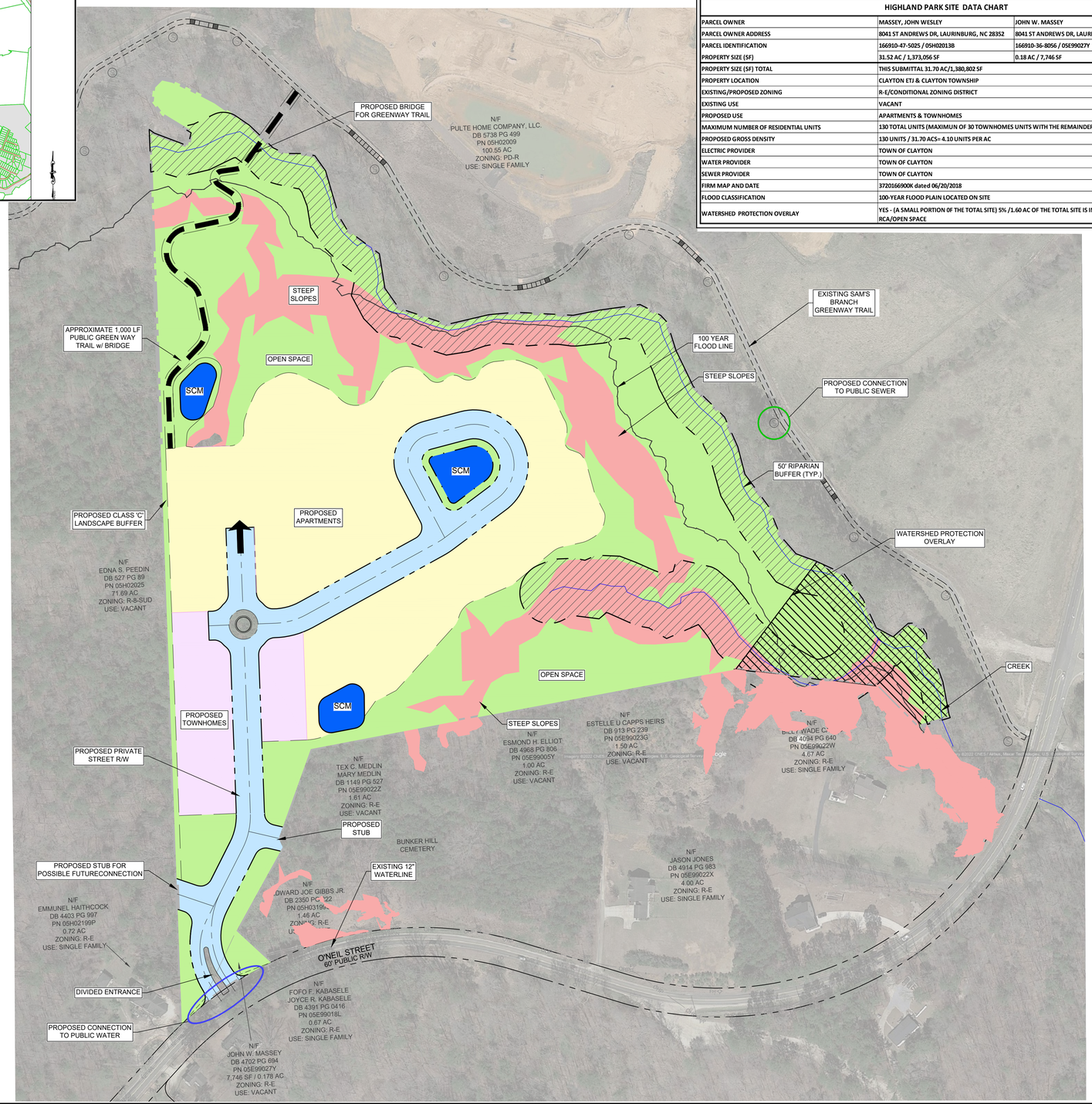
HIGHLAND PARK SITE DATA CHART		
PARCEL OWNER	MASSEY, JOHN WESLEY	JOHN W. MASSEY
PARCEL OWNER ADDRESS	8041 ST ANDREWS DR, LAURINBURG, NC 28352	8041 ST ANDREWS DR, LAURINBURG, NC 28352
PARCEL IDENTIFICATION	166910-47-5025 / 05H02013B	166910-36-8056 / 05E990027Y
PROPERTY SIZE (SF)	31.52 AC / 1,373,056 SF	0.18 AC / 7,746 SF
PROPERTY SIZE (SF) TOTAL	THIS SUBMITTAL 31.70 AC/1,380,802 SF	
PROPERTY LOCATION	CLAYTON ETJ & CLAYTON TOWNSHIP	
EXISTING/PROPOSED ZONING	R-E/CONDITIONAL ZONING DISTRICT	
EXISTING USE	VACANT	
PROPOSED USE	APARTMENTS & TOWNHOMES	
MAXIMUM NUMBER OF RESIDENTIAL UNITS	130 TOTAL UNITS (MAXIMUN OF 30 TOWNHOMES UNITS WITH THE REMAINDER OF THE UNITS BEING APARTMENTS)	
PROPOSED GROSS DENSITY	130 UNITS / 31.70 ACS= 4.10 UNITS PER AC	
ELECTRIC PROVIDER	TOWN OF CLAYTON	
WATER PROVIDER	TOWN OF CLAYTON	
SEWER PROVIDER	TOWN OF CLAYTON	
FIRM MAP AND DATE	3720166900K dated 06/20/2018	
FLOOD CLASSIFICATION	100-YEAR FLOOD PLAIN LOCATED ON SITE	
WATERSHED PROTECTION OVERLAY	YES - (A SMALL PORTION OF THE TOTAL SITE) 5% /1.60 AC OF THE TOTAL SITE IS IN THE OVERLAY, BUT IS SET ASIDE AS RCA/OPEN SPACE	

LEGEND

- RIPARIAN BUFFERS
- WATERSHED PROTECTION OVERLAY
- PROPOSED APARTMENTS
- PROPOSED TOWNHOMES
- PROPOSED PRIVATE RIGHT-OF-WAY
- PROPOSED STORMWATER CONTROL MEASURE
- PROPOSED OPEN SPACE
- STEEP SLOPES (25% OR GREATER)

AREA CALCULATIONS

31.70 AC TOTAL SITE
+/- 11.00 AC PROPOSED APARTMENTS
+/- 2.00 AC PROPOSED TOWNHOMES
+/- 3.20 AC PROPOSED PRIVATE RIGHT-OF-WAY
+/- 18.10 AC PROPOSED OPEN SPACE AND RESOURCE CONSERVATION AREA



NOTE:

1. PROPOSED DEVELOPMENT: A MAXIMUM OF 130 UNITS CONSISTING OF A MIX OF TOWNHOMES AND APARTMENTS. SEE MASTER PLAN NARRATIVE FOR FURTHER INFORMATION REGARDING MIX OF USES AND DESIGN CONTROLS.
2. WATER SERVICE FOR THIS PROJECT WILL BE PROVIDED VIA CONNECTION TO THE TOWN OF CLAYTON PUBLIC WATER MAIN AT O'NEIL STREET.
3. SEWER SERVICE FOR THIS PROJECT WILL BE PROVIDED VIA CONNECTION TO EXISTING TOWN OF CLAYTON SEWER MAIN ADJACENT NORTH AND NORTHEAST OF THE SITE.
4. LIMITS OF NEUSE RIPARIAN BUFFERS SHOWN ON THIS LAYOUT ARE APPROXIMATE IN NATURE. A PRIOR BUFFER DETERMINATION LETTER FOR THIS SITE WAS ISSUED BY NCDEQ AUGUST 9,2022 DWR PROJECT #20221016. THE START POINTS SHOWN ON THIS PLAN ARE ESTIMATED AND WILL REQUIRE FIELD VERIFICATION.
5. A CLASS 'C' LANDSCAPE BUFFER WILL BE PROVIDED ALONG THE ENTIRE PERIMETER OF THE PROJECT BOUNDARY AS REQUIRED BY THE UNIFIED DEVELOPMENT CODE. CLASS 'C' BUFFER REQUIREMENTS MAY BE MET BY WAY OF ALTERNATIVE COMPLIANCE AS OUTLINED IN SECTION 155.402(E)(10) OF THE UNIFIED DEVELOPMENT CODE.
6. IMPROVEMENTS AND RIGHT-OF-WAY DEDICATION ALONG O'NEIL STREET FRONTAGE SHALL BE DETERMINED BASED ON REQUIREMENTS OF THE TOWN OF CLAYTON TRANSPORTATION PLAN.
7. RECREATIONAL AMENITIES WILL BE FINALIZED DURING THE DEVELOPMENT PLAN PROCESS. AMENITIES WILL INCLUDE AN APPROXIMATE 1,000 LINEAR FOOT GREENWAY WITH BRIDGE AND CONNECTIONS TO THE EXISTING SAM'S BRANCH GREENWAY TRAIL. ADDITIONAL AMENITIES WILL INCLUDE AT LEAST ONE OF (BUT ARE NOT LIMITED TO) THE FOLLOWING: DOG PARK, MINI PARK, NEIGHBORHOOD GREEN/SQUARE, AND UNPAVED NATURE TRAILS.
8. PROPERTY WILL BE ANNEXED INTO TOWN OF CLAYTON PRIOR TO FINAL PLAT RECORDATION.
9. RESOURCE CONSERVATION AREAS (RCAS) INCLUDE THOSE AREAS DEFINED AS RCAS IN THE UNIFIED DEVELOPMENT CODE AND MAY ONLY BE IMPACTED AS PERMITTED BY REGULATORY STANDARDS.
10. THIS LAND USE DIAGRAM IS PRELIMINARY IN NATURE AND IS SUBJECT TO CHANGE, HOWEVER SUBSTANTIAL CHANGES TO THE STREET NETWORK AS DETERMINED BY THE PLANNING DIRECTOR, WILL BE SUBJECT TO REVIEW BY TOWN COUNCIL VIA MASTER PLAN AMENDMENT.

NORTH CAROLINA PROFESSIONAL SEAL 25489 ENGINEER DONALD C. ADAMS, JR

REVISED
1/5/2023 1:39 PM

PRELIMINARY

GRAPHIC SCALE
500 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

T.O.C. PROJECT: 2022-163-CZM

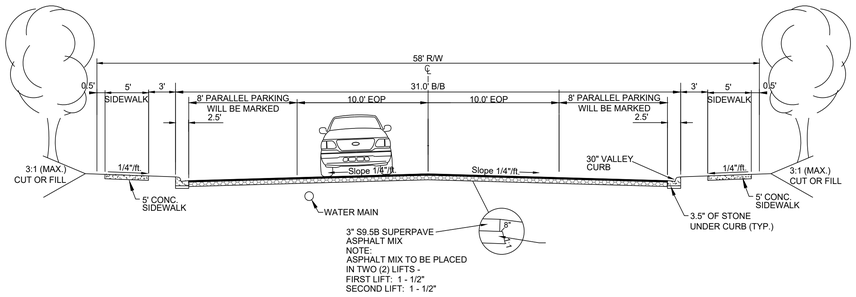
ADAMS & HODGE ENGINEERING, PC
314 EAST MAIN STREET
CLAYTON, NC 27520
info@adamshodge.com
919-243-1332
FIRM # C-4187

REVISIONS PER TRC COMMENTS 2023-01-05 PER 1st TRC COMMENTS

HIGHLAND PARK
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

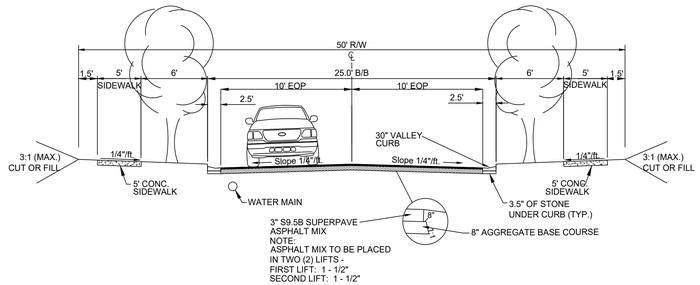
MASTER PLAN

DESIGN	DCA
DRAWN	ADS
CHECKED	DCA
HORIZONTAL SCALE	SEE GRAPHIC SCALE
VERTICAL SCALE	N/A
DATE	08/24/2022
JOB NO.	
SHEET	C2.01



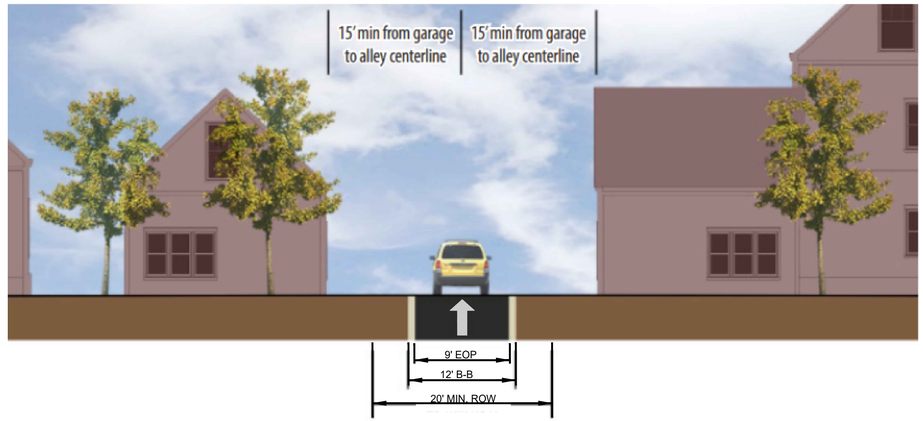
NEIGHBORHOOD STREET w/ PARALLEL PARKING
(PRIVATE STREET SECTION)
NOT TO SCALE

NOTE:
BUMPOUTS WILL BE PROVIDED AT INTERSECTIONS.



RESIDENTIAL STREET SECTION w/ NO ON-STREET PARKING
(PUBLIC OR PRIVATE)
(NO PARKING SIGNS)

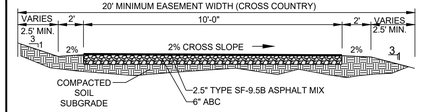
NOTE:
THE ABOVE IS A MINIMUM DESIGN. CBR TESTING TO BE PERFORMED AND STONE/PAVING SECTION TO BE SUPPORTED BY RESULTS. GEOTECHNICAL FIRM TO PROVIDE ALL DATA AND TESTING. (TOWN MAINTAINED ROADWAYS)



ALLEY SECTION
(ALLEY HOMES ON EITHER SIDE)
NOT TO SCALE

NOTE:
1. 15 FT MINIMUM FROM GARAGE TO ALLEY CENTERLINE.
2. PARKING PAD MUST BE SET BACK A MINIMUM OF 5' FROM RIGHT-OF-WAY.
3. 12' B-B ALLEYWAYS TO BE MARKED AS ONE-WAY ALLEYS.

TYPICAL GREENWAY PAVEMENT SECTION
NOT TO SCALE



1. SUBGRADE MUST PASS LOADED TANDEM TRUCK PROOF ROLL.
2. SOFT/YIELDING AREAS WILL BE UNDERCUT AND REPLACED WITH COMPACTED ABC AS NEEDED.

NORTH CAROLINA PROFESSIONAL SEAL 15489 ENGINEER DONALD C. ADAMS, JR.

REVISED
1/5/2023 11:40 AM

PRELIMINARY

T.O.C. PROJECT: 2022-163-CZM

314 EAST MAIN STREET
CLAYTON, NC 27520
info@adamshodge.com
910-243-1332
FIRM # C-4187

REVISIONS
1st TRC COMMENTS
2023/01/05
2nd TRC COMMENTS
2023/01/05
PRR

ADAMS & HODGE ENGINEERING, PC

HIGHLAND PARK
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

STREET CROSS SECTIONS

DESIGN	DCA
DRAWN	ADS
CHECKED	DCA
HORIZONTAL SCALE	SEE GRAPHIC SCALE
VERTICAL SCALE	N/A
DATE	08/24/2022
JOB NO.	
SHEET	C2.02

January 17, 2023

Re: Rezoning Request

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 Rezoning request involving property adjacent to, or in close proximity to, property shown in your ownership by Johnston County tax records. Information about the request is provided in this letter.

Per Town of Clayton regulations (Unified Development Code Section 155.702(B)), a Neighborhood Meeting must be held to provide information to area residents about the proposal. The goal of this meeting is to inform residents of the proposal to the Town Council to rezone the subject property. This letter is sent to those property owners within 100 feet of the subject property, as required by the Town of Clayton, but is open for anyone in the neighborhood to attend.

Due to current social distancing resulting from COVID-19, the Town of Clayton has authorized temporary use of Virtual Neighborhood Meetings. This letter includes instructions on how to access the virtual neighborhood meeting for this application. A representative of the applicant will coordinate this meeting and explain the application, answer questions, and solicit comments.

Alternatively, if you would like to ask questions or share feedback outside of the virtual meeting please contact Emily Beddingfield at **Emily@LipscombDevelopment.com**. You may also contact the Town Planning Department at 919-553-5002 for information on the process/request.

Meeting Date: Thursday February 2, 2023 **Meeting Time**: 6:00 PM

Virtual Zoom Meeting Instructions:

Computer Instructions:

Join Zoom Meeting: **https://us02web.zoom.us/j/84565775876**

Meeting ID: 845 6577 5876

Phone Instructions: For phone, dial by your location and enter meeting ID noted above

+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)

+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 9128 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US

Find your local number: https://us02web.zoom.us/u/kcxviHUEnG

Information about the proposal:

Type of Application:	Rezoning to Conditional Zoning District
Applicant:	Lipscomb Development, LLC
Project/proposal property location:	See attached map. The project is located off of N. O'Neil Street approximately one mile from Main Street or 0.17 mile north of Oakdale Drive.
Parcel identification numbers:	05H02013B, 05E99027Y
Description of project/proposal and action requested:	The application requests the rezoning 31.70 acres from RE (Residential Estate) to Conditional Zoning District. The Conditional Zoning District approval request is accompanied by a Master Plan which would allow for the development of a maximum of 130 apartment/condominium and townhome units (4.10 units/acre). At least 50% of the land, including the streams and steep slopes, will be set aside as conservation area and undeveloped open space. Turn lanes off of O'Neil Street will be required to accommodate increased traffic.
Upcoming public meetings for this application:	Planning Board – anticipated for February 27, 2023 at 6pm (makes a recommendation to the Town Council) Town Council – anticipated for March 20, 2023 at 6pm (decision) **The dates of these meetings are preliminary; final dates will be set by staff and public meeting information will be made available on the Town's website or can be obtained by calling the Planning Department at 919-553-5002.*

The following is enclosed with this letter and will be discussed during the virtual Neighborhood Meeting:

1. Aerial image of property
2. Zoning Map
3. Copy of Applications
4. Copy of proposed Master Plan

Again, if you would like to ask questions or share feedback outside of the meeting please contact Emily Beddingfield at **Emily@LipscombDevelopment.com**. You may also contact the Town Planning Department at 919-553-5002 for information on the process/request.

Regards,

Emily Beddingfield

Emily Beddingfield, AICP
Emily@LipscombDevelopment.com
Cc: Town of Clayton Planning Department


CAROLINA OVEROOK PH 1A
N O'NEIL ST
1
2
OAKDALE
ACADEMY POINT PH 4

Existing Zoning:



Highland Park Adjacent Property Owners within 100 feet

CAPPS, ESTELLE U HEIRS
2299 MEDLIN RD
CLAYTON, NC 27520-9647

CAPPS, BILLY WADE
1119 N ONEIL STREET EXT
CLAYTON, NC 27520-6240

BUNKER HILL CEMETERY

KABASELE, FOFO F KABASELE, JOYCE R
102 ROWAN DR
CLAYTON, NC 27520-2980

JONES, JASON
999 N ONEIL STREET EXT
CLAYTON, NC 27520-6242

ELLIOTT, ESMOND H.
108 CREEKSTONE DR
BENSON, NC 27504-9169

MEDLIN, TEX C MEDLIN, MARY
2299 MEDLIN RD
CLAYTON, NC 27527-0000

HAITHCOCK, EMMUNEL ALBERTO
945 N ONEIL STREET EXT
CLAYTON, NC 27520-6242

O'NEIL OVERLOOK, LLC
114 W MAIN ST
CLAYTON, NC 27520-2396

GIBBS, EDWARD JOE JR
111 JASMIN DR
CLAYTON, NC 27520-0000

PEEDIN, EDNA S
2721 US 70 EAST
SELMA, NC 27576-8174

PULTE HOME COMPANY, LLC
1225 CRESCENT GREEN STE 250
CARY, NC 27518-8119

RAYMOND ELMORE EARP JR FAMILY TRUST EARP, NANCY CREWS TRUSTEE
1109 SUMTER CT
SALISBURY, NC 28144-2868

J & B REAL ESTATE CONSULTANTS, LLC
328 E MAIN ST
CLAYTON, NC 27520-2464

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2022-163-CZM Highland Park Conditional Zoning

Date of Mailing: January 17, 2023

Date of Meeting: February 02, 2023 Time of Meeting: 6pm

Location of Meeting: Virtual (zoom)

I hereby attest that letters were mailed to the addresses listed on the Adjacent Property Owners List (attached) ten days prior to the Neighborhood Meeting, and that all required information was presented at the Meeting:

Printed Name: Emily Beddingfield Signature: [signature]

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

No one attended the meeting. My contact information was provided in the letter and noone contacted me outside of the meeting either.

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

Kimley»Horn

KIMLEY-HORN AND ASSOCIATES, INC
NC License #F-0102

November 29, 2022

Emily Beddingfield, AICP
Lipscomb Development
704 E Main Street
Clayton, NC 27520

NORTH CAROLINA PROFESSIONAL SEAL 034394 ENGINEER TRAVIS FLUITT
DocuSigned by: E9D3268B1C3E429...
11/29/2022

RE: *Highland Park Residential, Clayton, NC - Trip Generation Analysis*

Kimley-Horn has prepared an analysis of the trip generation potential of the proposed Highland Park residential development on N O'Neil Street in Clayton, NC. The site proposes to construct up to 30 townhome units and 100 apartment units.

Traffic for the development has been generated using ITE 11th Edition rates. To present a conservative analysis, the townhomes were generated as single family attached units (ITE LUC 215), and the apartments were generated as low-rise multifamily housing (ITE LUC 220). The trip generation is summarized in Table 1 below, and trip generation calculations are also attached.

Table 1
ITE Trip Generation (Vehicles)

Land Use	Size	Daily		AM		PM	
		In	Out	In	Out	In	Out
Single-Family Attached Housing (LUC 215)	30 d.u.	89	89	3	7	8	6
Low-Rise Multifamily Housing (LUC 220)	100 d.u.	358	358	13	41	40	24
Total Net New Trips		**447**	**447**	**16**	**48**	**48**	**30**

Table 1 shows that the proposed development is projected to generate approximately 894 new daily trips on a typical weekday, 64 new trips in the AM peak hour, and 78 new trips in the PM peak hour. These volumes fall below the thresholds of 1,000 daily or 100 peak hour trips for requiring a traffic impact analysis in the Town of Clayton and well below the 3,000 daily trip threshold for the North Carolina Department of Transportation (NCDOT). Therefore, no further traffic analysis should be needed for this development.

Please let me know if you have any questions or require any further information. We appreciate the opportunity to provide these services to you.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Senior Project Manager

Highland Park Residential Development

Table 1 - Trip Generation

Land Use	Intensity		Daily			AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out	Total	In	Out
215 Single Family Attached Housing	30	d.u.	178	89	89	10	3	7	14	8	6
220 Multifamily Housing (Low-Rise)	100	d.u.	716	358	358	54	13	41	64	40	24
Total Net New External Trips			**894**	**447**	**447**	**64**	**16**	**48**	**78**	**48**	**30**

K:\RAL_TPTO_Traffic\016056000 O'Neil Massey Site\[Trip Generation Worksheet (11th Edition).xls]Trip Gen 11/29/22

WATER & WASTEWATER ALLOCATION CRITERIA

TOTAL POINTS = 65 *MINIMUM 50 POINTS REQUIRED*

	Category	Points	Calc.	Notes
DEVELOPMENT TYPE[1] (Choose 1 from this category)	Government/Public Admin./Public Safety	50		
	Non-residential (Commercial) - Retail & Restaurant	30		
	Non-residential (Commercial) - Office	20		
	Non-residential (Commercial) - Warehouse	15		
	Non-residential (Commercial) - Medical	25		
	Non-residential (Commercial) - Hotel/Motel	35		
	Industrial/Manufacturing	30		
	Institutional	15		
	Residential Existing Lot- Single Family Detached	40		Individual Existing Lot construction
	Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)	20		Single Family Homes on Individual Lots greater than 0.25 acres
	Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)	15		Single Family Homes on Individual Lots less than 0.25 Acres
	Residential Subd.- Single Family Attached (> 1,500 SF Heated Space)	10		Townhomes with heated square-footage greater than 1,500 SF
	Residential Subd.- Single Family Attached (< 1,500 SF Heated Space)	5		Townhomes with heated square-footage less than 1,500 SF
	Residential - Multifamily (Apartments)	10		
	Mixed-Residential	25	25	Mix of various lot sizes of Single-family, Townhomes, and Apartments
	Mixed-Use Commercial & Residential	30		Mix of Residential and Non-residential (Commercial) uses
	Downtown Redevelopment	30		
	Infill Development	25		Utilities already exist within 300 Feet of property
FUTURE TAX STATUS (Choose 1 from this category)	Exempt	0		
	Residential	5	5	
	Non-residential	10		
	Industrial	10		
COMMUNITY BENEFIT BONUS POINTS (Choose All that apply from this category)	Cultural Arts/Entertainment for Public	10		
	Sports/Recreation for Public	10		
	Town Electric Customer	20	20	
	Expansion of existing non-residential use	10		
	Re-development of an existing property	5		Must result in increased property value
	Residential Subdivision - Additional amenities included	5 - 15	5	Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts
	Job Creation - 10 to 25 new jobs	5		
	Job Creation - 26 to 100 new jobs	10		
	Job Creation - 100+ new jobs	15		
	Job creation - Jobs created will have salaries at or above median income	5		Must be greater than 50% of jobs added with documentation to confirm
	Residential - Multiple-Car Garages provided	5		
	Residential - Overflow Parking provided	5		Subject to Planning and Engineering support
	Masonry Elements included in Building Construction	10		
	Sustainable/High Efficiency Products and appliances used	5 - 15		5 pts per, max 15 pts
	Private trail connection to Public Greenway	10	10	
COMMUNITY IMPACT DEDUCT POINTS (Choose All that apply from this category)	Pump Station Improvements required[2]	-10		Subject to Town policy and standards
	New Pump Station Required[2]	-20		Subject to Town policy and standards
	Out-of Town Status (After construction)	-10		
	Outside Fire District	-5		
	Inconsistent with Comp Plan	-5		

CLARIFICATIONS

1 Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.

2 The Town Engineer may waive these deductions if the improvments are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town.

TOWN OF CLAYTON
Engineering & Inspections Department
111 E. Second Street, Clayton, NC 27520
P.O. Box 879, Clayton, NC 27528
Phone: 919-553-5002
Fax: 919-553-1720

WASTEWATER ALLOCATION REQUEST

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: $250

Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.

SITE INFORMATION

Name of Project: Highland Park **Acreage of Property:** 31.70 AC

County Tag Number: 05H02013B/05E99027Y **NC PIN:** 166910-47-5025/166910-36-8056

Address/Location: North side of O'Neil Street approx. 800 feet from Oakdale Ave

Zoning District: R-E

Town Limits / ETJ: ☐ Town Limits ■ ETJ (Extra-Territorial Jurisdiction)

APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer

Applicant: Adams & Hodge Engineering, PC

Mailing Address: 314 East Main Street, Clayton, NC 27520

Phone Number: 919-243-1332 **Fax:** N/A

Contact Person: Donnie Adams

Email Address: info@adamsandhodge.com

PROPERTY OWNER INFORMATION

Name: John Massey

Mailing Address: 8041 St Andrews Drive, Laurinburg, NC 28352

Phone Number: _____ **Fax:** _____

Email Address: _____

FOR OFFICE USE ONLY

Date Received: _____ File Number: _____ Associated Project Number: _____

PROJECT INFORMATION

Use: ■ **New** ☐ **Expanded** ☐ **Change** **Use Type:** ■ **Residential** ☐ **Non-Residential**

Proposed Use(s): Townhomes and Apartments **Existing Use(s):** Vacant

Invoice shall be mailed to the following:

Developer Name: Lipscomb Development, LLC

Mailing Address: 328 East Main Street, Clayton, NC 27520

Phone Number: 919-422-4704 **Fax Number:** N/A

Email Address: james@myhtr.com

ALLOCATION REQUEST

The following is required:

- **For non-residential construction, submit a floor plan of proposed building.**
- **Use additional sheets if necessary.**
- **Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).**
- **If a phasing / take-down schedule is proposed, include as an attachment.**

Residential:

Gross Acreage: 31.70 AC

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units	30	250	7,500
>3 Bedroom Units			
Total	30	------	7,500 GPD

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units	100	360	36,000
>3 Bedroom Units			
Total	100	------	36,000 GPD

Non-Residential: *(Design Flow Guideline provided as Appendix A)**

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: _____

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
Total			-----	

TOTAL REQUESTED GALLONS PER DAY: 43,500 GPD

NOTE TO APPLICANT:

Invoicing:
Invoices are generated on the following schedule:

Non-Residential:
Generated with the application for a Zoning Compliance Permit.

Residential:
Multi-Family / Apartments:
Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:
Generated at Final Plat submittal.

Fee Development:
Development Fees are calculated and invoiced based on the Town of Clayton adopted Comprehensive List of Fees and Charges. Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

Approval:
Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. 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.

Donald C. Adams, JR.
Print Name

Signature of Applicant

2/1/2023
Date

Engineer Seal:



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

February 20, 2023

Lipscomb Development, LLC
Attn: Emily Beddingfield
328 E. Main Street
Clayton, NC 27520
emily@lipscombdevelopment.com

Re: 2022-163-CZM Highland Park Conditional Zoning District and Master Plan

To Whom It May Concern,

The Town of Clayton Planning staff is recommending to the Planning Board and Town Council that conditions of approval be placed upon the above referenced application, which proceeds to the Planning Board on February 27, 2023 and Town Council on March 20, 2023. These recommended conditions of approval are outlined on the back of this letter.

Please read through these potential conditions of approval, and sign below if you are in agreement with the conditions as proposed. If you are not in agreement please respond accordingly in writing. This will be included within the agenda packet for Planning Board and Town Council review.

Thank you.

Sincerely,

Ben Howell, AICP, CZO
Planning Director

Recommend Conditions of Approval (2022-163-CZM, Highland Park Conditional Zoning District and Master Plan):

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
2. The Development shall meet all adopted Town of Clayton Unified Development Code (UDC) 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 master plan.
3. The Development shall be constructed in substantial conformance with the Master Plan and Master Plan Narrative as approved by the Clayton Town Council.
4. All parcels subject to the rezoning and master plan shall be annexed into the Town prior to any additional development approvals.
5. No more than 30 total lots are permitted to be created through subdivision for this property, with the total unit count limited to 30 townhomes and/or 100 apartments.
6. The development shall be limited to the uses and standards outlined in the Master Plan and Master Plan Narrative.
7. The development shall provide one or more of the following amenities:
    - Dog Park
    - Mini Park
    - Neighborhood Green/Square
    - Unpaved Nature Trails
8. The development shall construct a minimum 10-foot-wide paved greenway, including a pedestrian bridge and connection to the off-site Sam's Branch Greenway, constructed and designed to Town of Clayton Engineering Design Manual Specifications. The greenway may be located as shown on the Master Plan, or may be located in a different location the development site with approval of a Minor Modification/Administrative Adjustment to the Master Plan. The greenway shall be located in a public easement at least 30 feet wide, unless a narrower width for the easement is approved by Town Staff during Construction Drawing Review. The proposed greenway shall be constructed prior to the Certificate of Occupancy for the 100th unit in the development, and all required permitting and approvals for impacts associated with floodplain, stream, and/or stream buffer impacts shall be acquired by the developer.
9. Public Recreation and Open Space Land Dedication Fee-in-Lieu shall apply to the subdivided townhome lots. The Fee-in-Lieu may be offset by dedication and acceptance by the Town of the greenway trail connection required in Condition 8. The calculation of the fee offset shall be as specified in Section 9.1 of the Master Plan Narrative.
10. A Class C buffer with opaque screening shall be provided along the entire perimeter of the project boundary as shown on the Master Plan. The Buffer requirements may be met through alternative compliance as permitted in the Unified Development Code utilizing existing vegetation and conservation areas.

11. Final stormwater plans/design shall be provided at Site Plan/Construction Drawing submittal. These plans shall meet the Town's stormwater requirements at the time of Site Plan submittal.
12. Public Water and Sewer service shall be provided by the Town of Clayton. The public water and sewer service design shall be approved by Town staff during the Construction Drawing process.
13. The Town of Clayton shall be the electric provider for this project.
14. Guest parking for both townhomes and apartments shall be provided at a rate of 1 space per 4 units.
15. Townhomes and Apartments shall meet the architectural standards in Sections 6.1.3 and 6.2.3 of the Master Plan Narrative.
16. Two future cross-access street stubs shall be provided and constructed to the property line as shown on the Master Plan. If the stubs cannot be constructed to the property line due to topography, a permanent right-of-way or easement shall be provided to allow for the future construction of the street stub(s).
17. A minimum of 50% (15.85 acres) of the total site area shall be preserved as resource conservation area and open space.
18. The internal roadways shall be constructed to Town Standards, and either privately owned and maintained by a Homeowners Association (HOA) or accepted by the Town as public roads.
19. All alleys within the development shall be clearly marked as one-way using signage approved by the Town during the Construction Drawing review, unless designed and approved by the Town for two-way operation during the Construction Drawing review.
20. Improvements to the O'Neil Street frontage of the development shall be constructed prior to approval of the first Final Plat for the development, or the first Certificate of Occupancy, whichever comes first.
21. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

APPLICANT AFFIDAVIT

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

Emily Beddingfield	Emily Beddingfield Emily Beddingfield (Feb 23, 2023 07:05 EST)	Feb 23, 2023
Print Name	*Signature of Applicant*	*Date*

Recommended Conditions Document_Highland Park Conditional Zoning District_2-20-23

Final Audit Report 2023-02-23

Created:	2023-02-22
By:	Benjamin Howell (bhowell@townofclaytonnc.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA4UjHRZBnd28T-V0elebbl7lEzF4CLxk3

"Recommended Conditions Document_Highland Park Conditional Zoning District_2-20-23" History

Document created by Benjamin Howell (bhowell@townofclaytonnc.org)
2023-02-22 - 8:53:28 PM GMT

Document emailed to emily@lipscombdevelopment.com for signature
2023-02-22 - 8:53:46 PM GMT

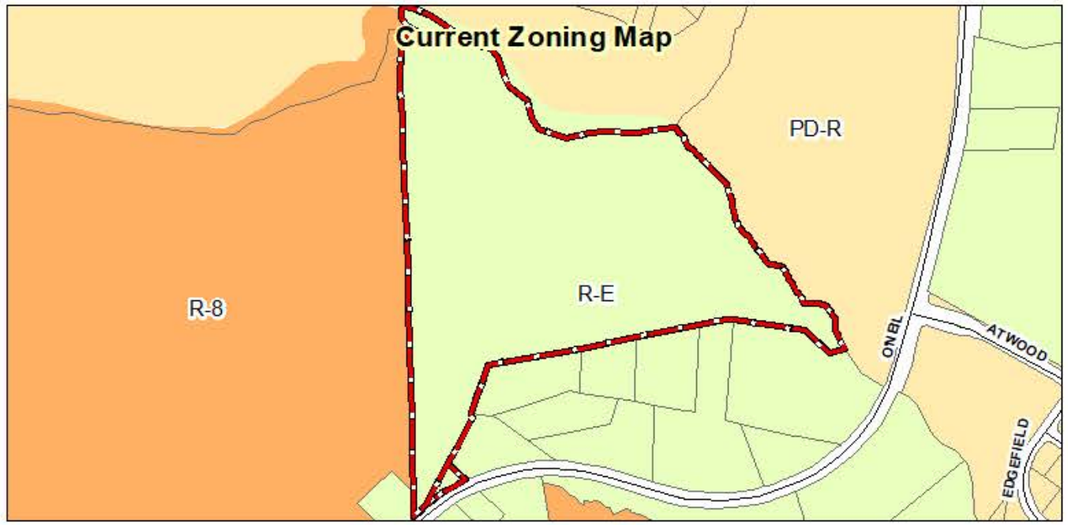
Email viewed by emily@lipscombdevelopment.com
2023-02-22 - 8:55:59 PM GMT

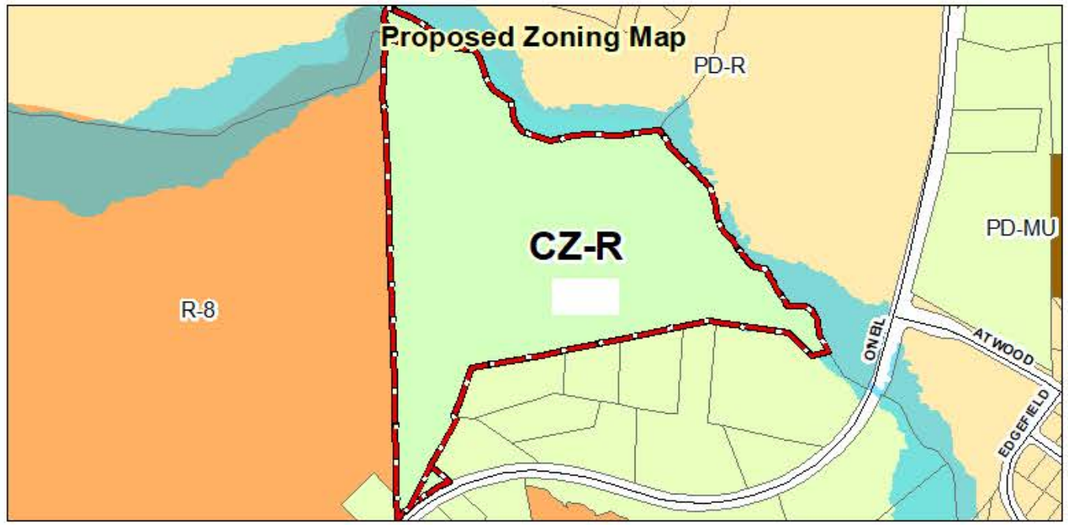
Signer emily@lipscombdevelopment.com entered name at signing as Emily Beddingfield
2023-02-23 - 12:05:44 PM GMT

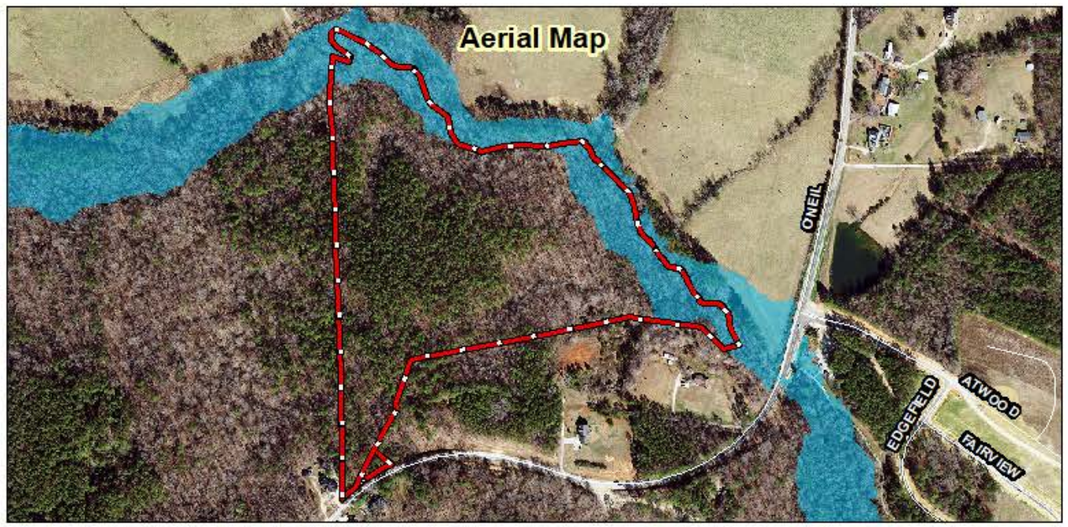
Document e-signed by Emily Beddingfield (emily@lipscombdevelopment.com)
Signature Date: 2023-02-23 - 12:05:46 PM GMT - Time Source: server

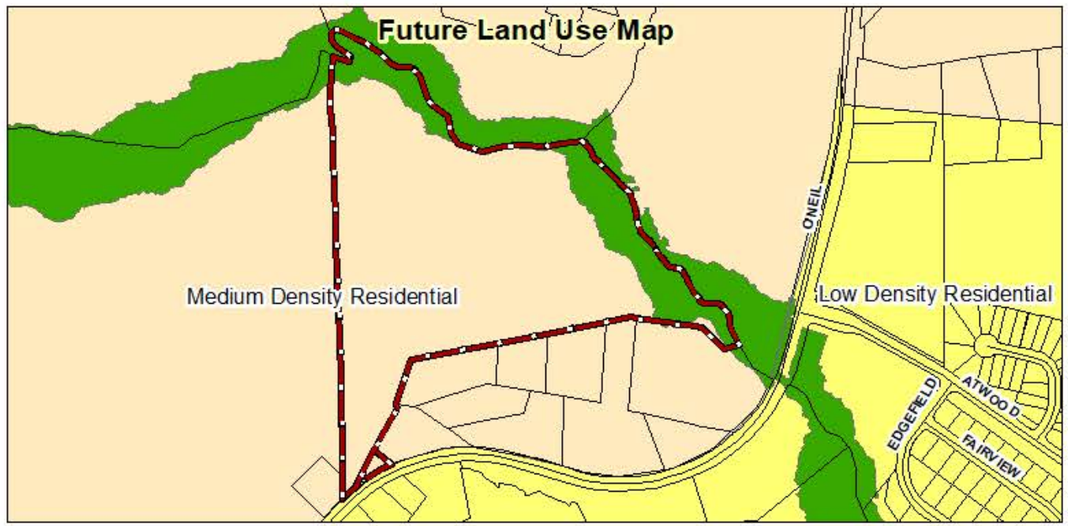
Agreement completed.
2023-02-23 - 12:05:46 PM GMT

Adobe Acrobat Sign









Request: Rezoning from R-E to CZ-R
Project Name: Highland Park
Project Number: 2022-163-CZM

Applicant: Lipscomb Development, LLC
Property Owner: John W. Massey
Tag #: 05H02013B & 05E99027Y

Site

0 0.2 0.4 Miles

N

Staff Report Map
Prepared by: TOC Planning Department
February 8, 2023

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

Document Path: O:\PLANNING\CONDITIONAL ZONING w_MASTER\2022\2022-163-CZM Highland Park\Staff Report Map\Staff Report Maps - 2022-163-CZM Highland Park.mxd

Ordinance #2023-03-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE TOWN OF CLAYTON, NORTH CAROLINA

WHEREAS a petition has been filed with the Town Council of the Town of Clayton requesting an amendment to the Zoning Ordinance and Zoning Map of the Town of Clayton to include in the Conditional Zoning – Residential (CZ-R) zone the property described below, said property formerly being zoned Residential Estate (R-E); and

WHEREAS said property is owned by John W. Massey; and

WHEREAS the Planning Board of the Town of Clayton has reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS the requested Zoning Map Amendment was advertised in accordance with all requirements of the law; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160D-602 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on March 20, 2023, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments; and

THEREFORE, after duly considering the matter, THE TOWN COUNCIL OF THE TOWN OF CLAYTON DOES HEREBY ORDAIN:

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Conditional Zoning – Residential (CZ-R) zone the following described property:
General Description:
North side of N. O'Neil Street, between Oakdale Avenue and Atwood Drive

Specific Description:
NC Parcel TAG Numbers: 05H02013B and 05E99027Y

SECTION 2. That the official Town of Clayton Zoning Map is hereby amended to include in the Conditional Zoning – Residential (CZ-R) zone the above-described property and will be so marked.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The applicant is requesting these recommended conditions of approval (2022-163-CZM, Highland Park Conditional Zoning District and Master Plan):

1. Following Town Council approval, an electronic copy of the Master Plan and Narrative including the Conditions of Approval shall be submitted to the Planning Department for final approval.
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21. To the extent of any conflict between the Master Plan, Master Plan Narrative and these conditions, these conditions shall control.

SECTION 5. That this ordinance shall become effective immediately upon its adoption.

Duly adopted this 20th day of March 2023, while in regular session.

_____

Jody L. McLeod
Mayor

ATTEST:

_____

Heidi L. Holland, CMC and NCCMC
Town Clerk

APPROVED AS TO FORM:

_____

Jim Cauley
Town Attorney