



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, January 3, 2022 @ 6:00 PM
Council Chambers**

THE PUBLIC MAY VIEW THE LIVE COUNCIL MEETING ON THE TOWN'S YOU TUBE CHANNEL:

<https://www.youtube.com/TownofClaytonNC>

BELOW PLEASE FIND ADDITIONAL INFORMATION REGARDING PROCEDURES FOR IN-PERSON MEETINGS:

- ALL persons attending must wear a mask.
- We will be following proper social distancing at all times.
- All council/board members will be socially distanced in the council chambers and wearing face masks.*
- All staff and visitors will be socially distanced while within the council chambers. Face masks will be worn.*
- Hand sanitizer will be available, both in the lobby and council chambers.
- Podium/microphone will be sanitized after each speaker.

**Masks may be lowered when speaking.*

1. CALL TO ORDER

Pledge of Allegiance and Invocation

2. ADJUSTMENT OF THE AGENDA

3. CONSENT AGENDA

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

- a. Warranty Acceptance - Phase 1 Asphalt
 - Village at Little Creek Subdivision - Phase 1 Asphalt
[Village at Little Creek Subdivision - Phase1 Asphalt](#)
- b. Draft Minutes
 - December 20, 2021
[December 20 2021 DRAFT Minutes](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Advisory Board Appointment Recommendations
Presenter: Kimberly A. Moffett, Town Clerk
[Cover](#)

POTENTIAL ACTION: Appointments as Presented

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

6. PUBLIC HEARINGS

- a. 2021-126-OA - Text Amendment - Steep Slopes
Presenter: Ben Howell, Planning Director

[Cover](#)
[Staff Report](#)
[Section 155.502 - EXISTING UDC Text 11-15-21](#)
[Section 155.502 - Text Amendment Option 1 -5000 Sq Ft](#)
[Section 155.502 - Text Amendment Option 2 - Direct Connection](#)
[Section 155.502 - Text Amendment Option 3 - 100 ft](#)
[Section 155.502 - Text Amendment Option 4 - Connected 20 ft](#)
[Map of Slope Areas in Clayton Planning Jurisdiction](#)
[Newspaper Ad](#)
[Ordinance with Option 2 - PB Rec](#)

POTENTIAL ACTION: Adoption of Ordinance #2022-01-01

- b. 2020-98-SUP - Champion East - Special Use Permit (Quasi-Judicial)
Presenter: Ben Howell, Planning Director

[Cover](#)
[Application](#)
[Staff Report](#)
[Staff Report Map](#)
[Neighborhood Meeting Material](#)
[Site Plan](#)
[Adjacent Property Owner Letter](#)
[Newspaper Ad](#)
[Recommended Conditions of Approval - Signed by Applicant](#)
[Motion Form](#)
[Approval](#)

POTENTIAL ACTION: Approval/Denial 2020-98-SUP

7. OLD BUSINESS

8. NEW BUSINESS

- a. Sole Source Exemption
Presenters: Shaun Mizell, Procurement & Contracts Manager and Louis Duffie, Assistant Program Manager

[Cover](#)
[Competitive Bidding Exceptions Chart](#)

POTENTIAL ACTION: Approval to Proceed with Sole Source Provider

9. STAFF REPORTS

- a. Town Manager
b. Town Attorney
c. Town Clerk
d. Other Staff
 - Apparatus Replacement
Presenter(s): Matt Sutphin, D/Fire Chief & Lee Barbee, Fire Chief

10. OTHER BUSINESS

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

11. CLOSED SESSION

- a. Closed Session Pursuant to NCGS 143-318.11.(a)(3) &(6)

POTENTIAL ACTION: Motion to Go Into Closed Session

12. ADJOURNMENT

- a. Adjourn the Meeting

POTENTIAL ACTION: Motion to Adjourn

Quasi-Judicial (evidentiary) – These hearings are different from other public hearings in that they resemble a court hearing where testimony is presented and the Town Council acts like a court of law. During evidentiary hearings, the Town Council receives only sworn testimony and other credible evidence. In addition, the Town Council must make findings of fact based upon the evidence presented. Citizens may give testimony in an evidentiary hearing after they have taken an oath.



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

MEMORANDUM

To: Kimberly Moffett, Town Clerk

From: Chris Rowland, Construction Project Administrator 

Copy: Keith Gettle, CAA Engineers
Jonathan Jacobs, Asst. Town Engineer
Geoff Riechelt, Mungo Homes

Date: December 17, 2021

Subject: Village at Little Creek Subdivision – Phase I Asphalt

Please place a warranty acceptance request for the referenced asphalt and right of way sections on the next available agenda subject to a one-year warranty period. The final lift of asphalt has been satisfactorily installed. Upon warranty expiration, a final inspection will be done with all deficient items corrected by the developer prior to final acceptance.



**Town of Clayton
Regular Town Council Meeting Minutes
Monday, December 20, 2021 @ 6:00 PM
Council Chambers**

COUNCIL PRESENT:

Mayor McLeod
Mayor Pro Tem Thompson
Council Member Everett
Council Member Archer
Council Member Casey
Council Member Sims

STAFF PRESENT:

Rich Cappola, Interim Town Manager
Dolores Gill, D/Town Manager
Lee Barbee, Interim D/Town Manager/Fire Chief
Jim Cauley, Town Attorney
Kimberly Moffett, Town Clerk
Ben Howell, Planning Director
Jonathan Jacobs, A/Town Engineer
Nathanael Shelton, Communications Director
Greg Tart, Police Chief
Joy Garretson, Library Director

COUNCIL ABSENT:

1 CALL TO ORDER

Pledge of Allegiance and Invocation

- a) Mayor McLeod called the meeting to order at 6:00 p.m. He led everyone in the Pledge of Allegiance as well as offering the Invocation.

2 ADJUSTMENT OF THE AGENDA

3 CONSENT AGENDA

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

- a) December 6, 2021 DRAFT Minutes

ACTION: Adoption of Consent Agenda as Presented

Motion: Mayor Pro Tem Thompson

Second: Council Member Everett

Vote: Unanimous

4 ADMINISTRATIVE ITEMS

5 INTRODUCTIONS AND SPECIAL PRESENTATIONS

a) New Employee Introduction

Presenter: Jonathan Jacobs, Asst. Town Engineer

- Michael Worner - Construction Project Administrator

Mr. Jacobs was present and introduced Michael Worner as our new Construction Project Administrator. Mr. Worner has over 20 years of experience including many years in Raleigh and another local municipality. Michael stated he was happy to be in Clayton and looked forward to working with everyone.

b) 2021 Employee of the Year

Presenters: Greg Tart, Police Chief & Rich Cappola, Interim Town Manager

A video was shared, and information provided by both Rich Cappola and Greg Tart that highlighted employees who were nominated by their peers for Employee of the Year. The 2021 Employee of the Year was awarded to Detective Jamie Brantley. Jamie offered his thanks and offered his appreciation to all other employees. He stated he was humbled by the nomination. He said this was one of the top moments in his career and again offered his thanks and appreciation.

c) FR6004 FX Robotics Team Presentation

Presenter: Joy Garretson, Library Director

Ms. Garretson proudly introduced the FR6004 FX Robotics Team. This robotics team is an all-girl team and provided details about the team and shared a Power Point and shared that the team had won 2 major competitions during the 2021 year. They also shared details about the community service they participate in. Requested council consider funding in the amount of \$2,000 for future classes to be held at the Library.

Mayor McLeod stated he was amazed by the professionalism of the presentation and the group before him. Mayor Pro Tem Thompson echoed the sentiments and offered his appreciation. He also offered the assistance of the Public Information Office. Council Member Sims offered his thanks and appreciation. He stated he can only imagine where this group would be in 5-10 years and further stated it is an outstanding organization. Council Member Casey offered his thanks and appreciation. Council Member Everett stated this was an outstanding and creative presentation and offered his thanks. Mayor McLeod stated council would love to have the girls back with a robot presentation. Mayor McLeod stated the town would not only offer funding but encouraged businesses and organizations others to assist.

d) Clayton Chamber of Commerce / Town of Clayton / Development Forum

Presenter: Jim Perricone, Clayton Chamber of Commerce - Economic Development Committee Chair

Mr. Perricone offered a formal thank you to the town from the Clayton Rotary and

as well as offering their sincere appreciation with regarding to the 2021 Christmas Parade. He offered special thanks to Chief Tart and the Police Department for all their assistance as well as a special thank you to Amy Shearin. He stated Amy is amazing to work with.

Mr. Perricone, Clayton Chamber Economic Development Committee Chair, provided details about the proposed development forum. He stated it was believed that communication was the key, and this proposed forum would assist. He stated he believed this forum was a great way for everyone to be heard. He stated this project stems from building upon former developer breakfasts. He stated it was hoped this forum would begin in January 2022.

Council Member Casey asked if there were any other municipalities that are doing something similar. Mr. Perricone stated he believed Raleigh was attempting to put something together and felt Clayton could/should be the lead. Council Member Casey asked if this forum would take the place of the Developer's Breakfast. Mr. Cappola stated yes, this event would replace that. Council Member Archer offered her appreciation for the information. She questioned if possibly there could be a 3–6-month trial period to ensure that town staff time/funding was spent wisely. She asked if there would be a moderator. Mr. Perricone stated he also agreed this would be a trial project and would be monitored for productivity and measurable results. He stated that he would be serving as the moderator for the forums. He stated we are looking for a collaborative approach.

Council Member Casey stated he liked the idea and was supportive. Council Member Sims stated he had concerns in that he didn't want to see this turn into a beat-up session and looked forward to having Mr. Perricone as the moderator and keeping it moving in a positive direction.

Council Member Everett asked who would be invited. Mr. Perricone stated there would be a large pool of invitees to include those currently developing a project and will include new and existing, within and outside of the town. Anyone who wishes to attend would be invited to attend.

Mayor McLeod stated he was excited about this project and further this would offer an opportunity for everyone to learn the challenges and opportunities.

There was consensus from council to move forward.

- e) Preview of New Town of Clayton Website
Presenter: Nathanael Shelton, Communications Director

Mr. Shelton was present and provided a preview of the new Town of Clayton website. He provided a timeline of the process. He stated it was hoped the website would be launched December 21, 2021 at 4:00 p.m. EST. It could take up to 24 hours for everything to be fully functional. He stated moving forward there

will be a monthly website training session with the Communications Department and Department Heads. This will ensure that the website remains fresh and relevant.

Council Member Archer stated she loved the website. Mayor Pro Tem Thompson offered his thanks and appreciation. Mayor McLeod stated he felt it was very user friendly and loved the colors and icons. Council Member Sims stated he loved the look. He asked if there were any test runs with citizens. Mr. Shelton stated that would take place moving forward. Council Member Everett stated he loved it and felt it was very unique to Clayton and very user friendly and easy to navigate. Mayor McLeod stated he would like to see a council workshop as well.

6 PUBLIC HEARINGS

- a) 2021-108-ANX – Sams’ Xpress - Annexation
Presenter: Ben Howell, Planning Director

Mr. Howell provided information about this requested annexation. He stated the applicant was Sams’ Xpress. This property is approximately 3.42 acres and is located at 12856 US 70 Highway Business.

The Public Hearing was opened at 6:58 p.m. With no one wishing to speak, the hearing was closed, and the item turned over to council for their deliberation.

ACTION: Adoption of Ordinance #2021-12-04

Motion: Council Member Casey
Second: Council Member Sims
Vote: Unanimous

7 OLD BUSINESS

- a) Reconsideration of 2021-126-OA - Resource Conservation Area - Steep Slopes - Text Amendment
Presenter: Ben Howell, Planning Director

Following council approval to further discuss this item, Mr. Howell provided background information regarding Resource Conservation Areas, Prohibited Uses, and Intent of Resource Conservation Areas. Also shared was information from the 2045 Growth Plan Strategy NR 1.1.1.

Mr. Baird, Town Engineer, shared additional information regarding Steep Slopes. He shared information regarding the advantages and disadvantages regarding protecting steep slopes. Also shared with various options.

Sarah, who is an expert regarding Resource Conversation Areas was present to

share information as well as answers any questions. She stated though she works for NC State she was not attending the meeting in that capacity. Council Member Archer asked about best practices for ordinances at municipal level. Sarah stated best practice for steep slope is to leave them alone and preserve the vegetative areas. She stated there were additional best practices with best option being leaving the steep slope as is. Council Member Archer stated this was very good information and feels more comfortable now. She stated she appreciated all the hard work that has gone into this issue. Mr. Baird stated there is not a lot of information regarding balance of this issue. He further stated a good amount of time and effort has gone into this issue. Council Member Casey asked if there were any municipalities that did not have these stringent regulations and if there were there any issues. Mr. Baird stated there are challenges even with protections in place. He stated he was not aware of any specific failures. Mayor McLeod questioned if there were any value for using this topic as first item for developer forum. Council Member Archer stated she felt that was a great place for this group to start. She further stated she is concerned there is no protection in place and concerned how long that might take for information to be gathered. Council Member Casey asked staff for feedback regarding identified challenges. Council Member Casey confirmed most of this work can be accomplished via computer and not having to do actual site visits. Mr. Baird confirmed that was correct. Mr. Howell stated we were prepared to take this to Planning Board tomorrow night and have a Public Hearing at the January 3, 2022 council meeting. Council Member Archer would like to see additional information regarding ordinances of surrounding municipalities. Council Member Sims stated he agreed. Council Member Everett stated he appreciates the collaboration but felt it was important that we listen to folks who deal with this on a daily basis.

Council Member Archer asked what Planning Board was expected to provide tomorrow evening. Mr. Howell stated we were expecting for Planning Board to provide an option for council, however, based on what we heard this evening that action may be postponed. Mr. Howell stated should a developer come in at this time they would not be subjected to any protection of steep slopes. Mr. Cappola stated any application submitted in January or February would not be subject to any changes made to the ordinance. Mr. Howell stated it was up to council how comfortable they felt with no protection. Mr. Cappola reminded that Planning Board was recommendation only and council could still plan on holding public hearing on January 3. It was stated that Planning Board had previously recommended Option #2. It was agreed that item will go to Planning Board tomorrow evening and then back to council for a public hearing on January 3, 2022.

ACTION: Bring Back to January 3, 2022 Council Meeting for Additional Discussion

Motion: Council Member Everett
Second: Council Member Casey

Vote: Unanimous

8 NEW BUSINESS

- a) 2021 Record Retention Schedule
Presenter: Kimberly Moffett, Town Clerk

Ms. Moffett stated the 2021 Record Retention Schedule for local government agencies is now complete and is a stand-alone version for record retention related to local governments. It is requested that this new scheduled be formally adopted by town council.

ACTION: Adoption of 2021 General Record Retention Schedule for Local Government

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

9 STAFF REPORTS

- a) Town Manager
Mr. Cappola offered his thanks to staff for all the assistance with the Christmas Parade. He also offered his thanks to Nathanael and staff for the updated website. Mr. Cappola stated the COVID policy remains in place with reference to mask mandates and we will re-evaluate after the first of the year. He offered his wishes for Merry Christmas.
- b) Town Attorney
- c) Town Clerk
- d) Other Staff

- Library Fee Update

Presenter: Joy Garretson, Library Director

Ms. Garretson shared an update regarding the out-of-town resident fees. She stated she is gathering this information as well as gathering various data to include with reference to public response. She inquired if there was any additional information requested. Mayor Pro Tem Thompson offered his thanks to Ms. Garretson. He shared information about what he is hearing from citizens about concerns and having to go to Smithfield as the cost in Clayton can be prohibitive. Mayor McLeod stated he agreed with all he heard, but also wanted to add that we need to look at this from a business perspective and he wondered if the fees were disposed of what would that look like if everyone took advantage of that as far as staff resources, etc. Ms. Garretson provided information about the staff and the number currently required due to spacing requirements. Council Member Casey asked about revenue figures regarding this item. Ms. Garretson stated it was approximately \$16,000.

Chief Tart provided an update on the Shop with a Cop Program. He stated to date over 200 gifts have been purchased and wrapped and they will be delivered to 26 children tomorrow.

Mr. Pierce stated the winners of the DDA award winners included Moveology, Dylan's, Barbour Building and Three Little Birds.

10 OTHER BUSINESS

a) Informal Discussion & Public Comment

Mr. Johnny House of 2975 Covered Bridge Road was present and shared a handout of photos regarding issues with a ditch on his property. This ditch was dug out by the NCDOT with reference to the construction of Walton Farm project. He provided details about the issues he has encountered to include up to 6" of water under his house. He stated prior to this he had never had any issues with flooding or erosion. He further stated additionally the water is covering a good portion of the travel lane on Covered Bridge Road. He stated NCDOT have stated they are done, and he wanted to know what his protection was. He further stated he needed to understand why this amount of storm water was allowed to be released into his property. Mayor Pro Tem Thompson stated he was upset and regretted some of the decisions made. He stated he recently took a ride with Chief Barbee and viewed some of the recent construction. He stated he is concerned what council is being told and what is being implemented are two different things. He challenged other council members to view. Council Member Casey asked if there was a storm water retention pond. Mr. House stated there was. He again stated his property has been adversely affected. Mr. Cappola stated at the time of the approval of this project we were using Johnston County storm water services and now have in house storm water. He further provided additional details about storm water. Mr. Cappola stated he was not aware of the disconnect with NCDOT. Mr. House shared his concern about the Phase 2 of Walton Farm. Mr. Baird stated he did not believe the construction plans had been approved. Mr. House stated he had looked at the plans for Phase 2. He further stated that with what is taking place at Walton Farm he hoped that this would be re-evaluated. Mr. Cappola stated they would look into this. Mr. House stated once again the NCDOT told him they were done with him. Mr. Cappola stated we would reach out and would review all the calculations. Mr. House reminded there are opportunities to stop any more damage prior to Phase 2 being built.

Mr. House would like to understand how this will proceed. Mayor McLeod stated council will take this under advisement and have staff reach out to Mr. House.

Mr. House also raised concerns about ability to turn left into his driveway and encouraged everyone to attempt to try into his driveway. He shared his safety concerns. He stated he appreciated the opportunity to share his concerns.

Ms. Beddingfield was present and shared comments regarding steep slopes. She stated she was not sure there was a real hurry for this item. She stated that based on the map she felt there might be very little area that is not already protected by state. She stated steep slopes are a very gray area. She shared her concerns about the pressure on staff time.

Mr. Smith was present, he stated he is a neighbor of Mr. House and stated he had concerns about the area as this is the area on Loop Road that we are looking at building soccer fields at this location. He shared his concerns about right of way and people's front yards. He also shared his concerns about steep slopes and current owners property and limitations to developers. He stated he would be interested to learn the total amount of acres this would apply to. He asked that everything be considered when making decisions. He reminded there is more than just environment preservation.

b) Council Comments

11 ADJOURNMENT

a) Adjourn the Meeting

With there being nothing further the meeting was adjourned at 8:29 p.m.

ACTION: Motion to Adjourn

Motion: Council Member Casey

Second: Council Member Everett

Vote: Unanimous

Duly adopted this the 3rd day of January, 2022 while in regular session.

Jody L. McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 3, 2022

Agenda Location

Administrative

Item Title

Advisory Board Recommendations

Presenter:

Kimberly A. Moffett, Town Clerk

Summary/Description

All upcoming advisory board vacancies were advertised. Applications were received and interviews for all applicants were scheduled and conducted. Interview panel included staff liaison, board chair and town clerk.

A record number of applications were received by a group of outstanding applicants. All terms, unless otherwise noted will expire on 12/31/2024). Based on interviews, the following recommendations are presented for council consideration as appointments to the various advisory boards:

Board of Adjustment:

BOA 2 – Rebecca Berry – Term Exp. 12/31/2022

BOA 3 – John Saluppo – Term Exp. 12/31/2023*

BOA 6 – Richard Wiggins

BOA 7 – Thomas Antoine (ETJ)*

Planning Board:

PB9 – Jodie Dupree (ETJ) – Term Exp. 12/31/2022

PB4 – Ronald Williams

PB 5 – James Moore*

PB6 – Kevin Lee*

PB7 – Ethan Bennett – Term Exp. 12/31/2022

PB8 – James Lipscomb (ETJ)*

Parks & Recreation:

REC 2 – Daniel Santarsiero – Term Exp. 12/31/2023

REC 8 – Mark Turnball

REC7 – Jordan Sims

REC 9 – Karen Phinazee (ETJ)*

REC 10 – Mark Morgan (ETJ)*

Library Board:

LA4 – Katie Turnbull

LA6 – Amber Revels Stocks

LA9 – Paul Taperek*

Public Art:

PA2 – Dane Martin

PA4 – Sara Perricone*

PA7 – Carrole Dayton

*Indicates a re-appointment

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet**Meeting Timeline**



Town Council Agenda Cover Sheet

Meeting Date

January 3, 2022

Agenda Location

Public Hearings

Item Title

2021-126-OA Resource Conservation Areas Steep Slopes Text Amendment

Presenter:

Ben Howell, Planning Director

Summary/Description

Request to amend the Unified Development Code, Title XV, §155.500. This amendment seeks to revise the Resource Conservation Area section of the Unified Development Code to include steep slopes in the definition of Resource Conservation Areas. Staff has provided four options for the proposed text amendment, and the Planning Board met on December 21, 2021 and recommended one of the options.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Staff Report
Existing Unified Development Code text – Section 155.500 Resource Conservation Areas
Strikethrough Text Amendment Option 1
Strikethrough Text Amendment Option 2 – Recommended by Planning Board
Strikethrough Text Amendment Option 3
Strikethrough Text Amendment Option 4
Map of Slope Areas in Clayton Planning Jurisdiction
Town Council Public Hearing Newspaper Ad

Meeting Timeline

Planning Board – December 21, 2021



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, December 21, 2021
Town Council Public Hearing, January 3, 2022*

STAFF REPORT

Application Number: 2021-126-OA

Project Name: Resource Conservation Area – Steep Slopes Text Amendment

Applicant: Town of Clayton

Public Noticing:

Newspaper ad for Town Council Public Hearing published December 22nd and December 29th

REQUEST: Request to amend the Unified Development Code Title XV, §155.500. This amendment seeks to revise the Resource Conservation Area section of the Unified Development Code to include steep slopes in the definition of Resource Conservation Areas.

SECTIONS PROPOSED FOR AMENDMENT:

The following section of Title XV, Chapter 155, is proposed for amendment:

- Article V, Section 500 – Resource Conservation Areas

STAFF ANALYSIS AND COMMENTARY:

Overview

The proposed text amendment(s) would add a definition and require protection of Steep Slopes as Resource Conservation Areas in the Unified Development Code. The current language in the Unified Development Code does not define steep slopes as Resource Conservation Areas, so these features are not required to be protected during development. Engineering and Planning staff have reviewed the section and the requirements, and have provided several text options for amending this section to add steep slopes to the definition of Resource Conservation Areas. The Planning Board reviewed and discussed the proposed text amendment at their meeting on December 21, 2021 and recommended Option 2. All options considered by the Planning Board are provided below:

- Option 1: Steep Slopes (defined as 25% or greater) and at least 5,000 square feet of contiguous area in size considered RCAs;

- Option 2: Steep Slopes (25% or greater) directly connected to 100-year floodplain, wetlands or stream buffer(s) considered RCAs;
- Option 3: Steep Slopes (25% or greater) within 100 feet of 100-year floodplain, wetlands or stream buffer(s) considered RCAs; or
- Option 4: Stee Slopes (25% or greater) directly connected to 100-year floodplain, wetlands or stream buffer(s) by a width of at least 20 feet considered RCAs.

The four options are provided as Attachments 1-4, with changes shown in underline and ~~striketrough~~. A map has also been provided as Attachment 5 showing the areas in the Town of Clayton Planning Jurisdiction where there are 25% or greater slopes.

Approval Criteria:

- **Consistency with remainder of the Chapter**
The request is consistent with the remainder of Chapter 155.
- **Novelty of the request**
The request does not represent novel changes to the Code. The code is being revised to add requirements to protect steep slopes.

CONSIDERATIONS

The Town Council should take the following criteria into consideration when reviewing the proposed text amendment:

- The extent to which the proposed text amendment is consistent with the remainder of the chapter, including, specifically, any purpose and intent statements, and must adopt a statement describing whether the action is consistent or inconsistent with approved plans;
- The extent to which the proposed text amendment represents a new idea not considered in the existing chapter, or represents a revision necessitated by changing circumstances over time;
- Whether or not the proposed text amendment corrects an error in the chapter; and
- Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law; and
- Any adopted plans of the Town.

In deciding whether to adopt a proposed text amendment to this chapter, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this chapter.

STAFF RECOMMENDATION:

Staff recommended that the Planning Board recommend one of the 4 text amendment options to the Town Council for Public Hearing. The Planning Board reviewed and discussed the options at their meeting on December 21, 2021.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the proposed UDC text amendment options at their meeting on December 21, 2021. After discussion, the Planning Board recommended the Council approve Text Amendment Option 2: Require steep slopes to be protected if directly connected to 100-year floodplain, wetlands or stream buffer(s), provided as Attachment 2 in the Council Packet.

ATTACHMENTS:

- 1) Existing UDC Text: 155.500 – Resource Conservation Areas
- 2) Strikethrough Text Amendment Option 1
- 3) Planning Board Recommended Text Amendment Option 2
- 4) Strikethrough Text Amendment Option 3
- 5) Strikethrough Text Amendment Option 4
- 6) Strikethrough Text Amendment Option 5
- 7) Map of Slope Areas in Clayton Planning Jurisdiction
- 8) Town Council Public Hearing Newspaper Ad

ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS..... 1

§ 155.501 WATERSHED PROTECTION Error! Bookmark not defined.

§ 155.502 STREAM BUFFERS..... Error! Bookmark not defined.

§ 155.500 RESOURCE CONSERVATION AREAS

(A) DETERMINATION OF RESOURCE CONSERVATION AREAS

The following are considered resource conservation areas and shall be unoccupied by buildings or other impervious surfaces unless permitted below.

- (1) The 100-year floodplain;
- (2) Stream buffer areas; and
- (3) Jurisdictional wetlands under federal law that meet the definition applied by the United States Army Corps of Engineers.

(B) DEFINED

- (1) Resource conservation areas shall be identified on plats as being permanently set aside from development, except passive uses pursuant to this Ordinance. No resource conservation area shall be counted towards lot area required by §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of §§ 155.200 through 155.204.
- (2) No resource conservation area shall be counted towards the recreation and open space requirements as set forth in §§ 155.200 through 155.204, with the exceptions for stream buffers pursuant to G.S. §143-214.23A; developed greenway, greenway-access or water-access facilities may be counted provided they are developed to the standards of this Ordinance.

(C) RESOURCE CONSERVATION AREAS SHOWN ON PLAT

All resource conservation areas shall be shown on any preliminary or final plat approved after January 1, 2006.

(D) PERMITTED USES OF RESOURCE CONSERVATION AREAS

Uses of resource conservation areas may include the following:

- (1) Conservation areas for natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- (4) Walking or bicycle trails;
- (5) Easements for drainage, access, and underground utility lines;
- (6) Other conservation-oriented uses compatible with the purposes of this chapter;
- (7) Public infrastructure projects and supporting facilities.

(E) **PROHIBITED USES OF RESOURCE CONSERVATION AREAS**

Use of resource conservation areas may not include the following:

- (1) Stormwater Control Measures
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized through the appropriate governing body (DEQ, USACE, ect); and
- (3) Golf courses, agricultural and forestry activities not conducted according to accepted best management practices.

(F) **OWNERSHIP AND MAINTENANCE**

(1) **Ownership**

Resource conservation areas shall be accepted and owned by one of the following entities:

- (a) Land conservancy or land trust. The responsibility for maintenance shall be borne by a land conservancy or land trust.
- (b) Homeowners association. A homeowners association representing residents of the subdivision shall own the resource conservation areas. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintenance shall be borne by the homeowner's association.
- (c) Private landowner. A private landowner may retain ownership of the resource conservation areas. The responsibility for maintenance shall be borne by the private landowner.

(2) Maintenance

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(Ord. 2005-11-02, passed 11-21-05)

ARTICLE 5: NATURAL RESOURCE PROTECTION

CONTENTS:

§ 155.500 RESOURCE CONSERVATION AREAS..... 1

§ 155.501 WATERSHED PROTECTION Error! Bookmark not defined.

§ 155.502 STREAM BUFFERS..... Error! Bookmark not defined.

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- (3)(4) Natural steep slopes defined as slopes 25% (4:1) or greater of at least 5,000 square feet contiguous area.

(B) DEFINED

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(C) RESOURCE CONSERVATION AREAS SHOWN ON PLAT

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- (4) Walking or bicycle trails;
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- (7) Public infrastructure projects and supporting facilities.

(E) **PROHIBITED USES OF RESOURCE CONSERVATION AREAS**

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- (1) Stormwater Control Measures
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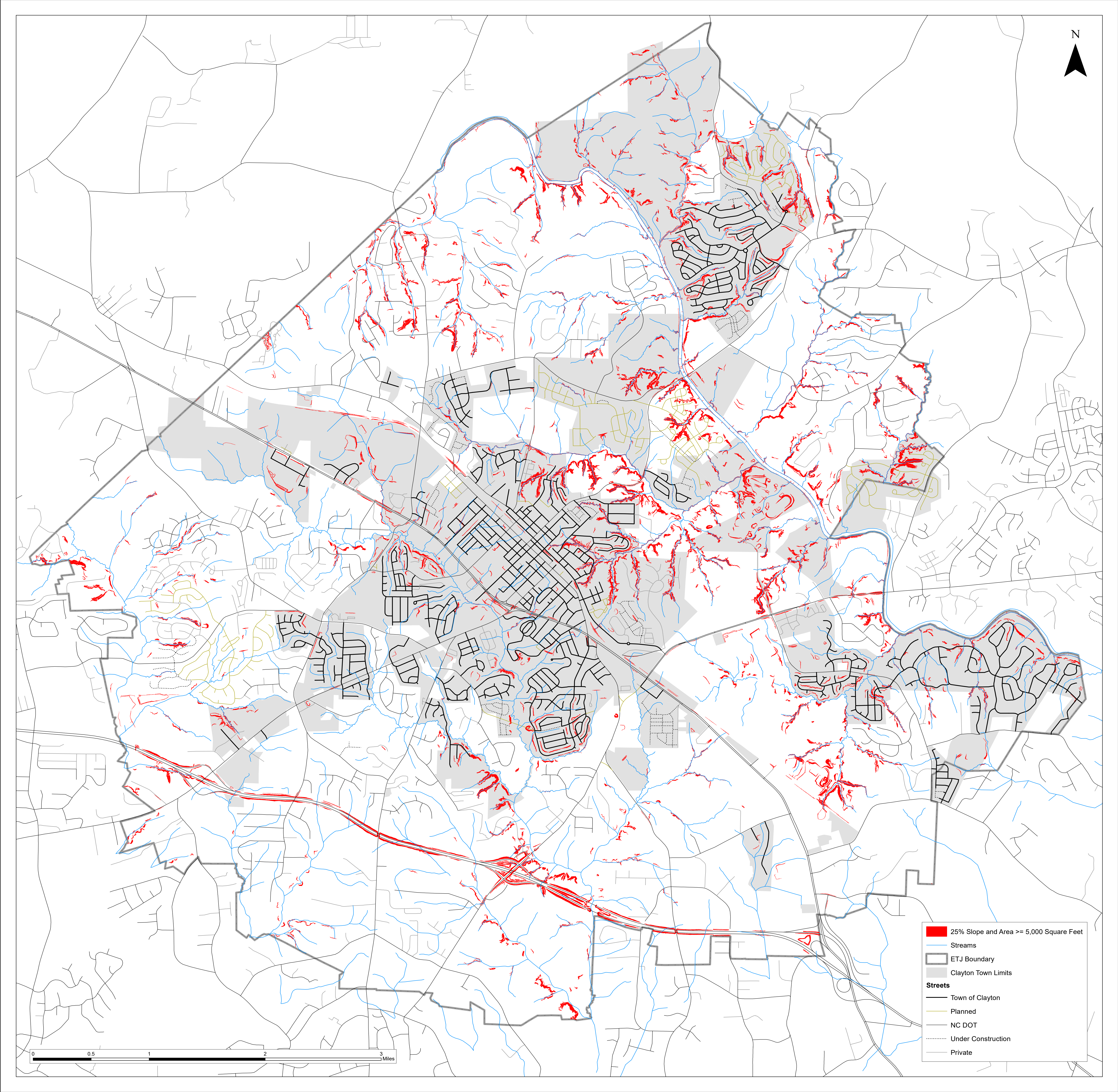
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PUBLIC NOTICE

In accordance with NC GS 160D-601(a), the Clayton Town Council will hold a public hearing on Monday, January 3, 2022, at 6:00 PM in the Council Chambers at the Clayton Center, 111 E Second Street, to consider the following amendment to the Unified Development Code:

- 2021-126-OA Resource Conservation Areas Ordinance Amendment, proposed to amend Title XV, Chapter 155, Section 500 – Resource Conservation Areas. Copies of the proposed amendment are available in the Planning office, the Town Clerk's office, and on the Town's website for review by the public.

The public is invited to attend.

Ben Howell, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
December 22, 2021
December 29, 2021

Affidavit of publication required.

**TOWN OF CLAYTON
AMENDMENT TO THE CODE OF ORDINANCES
AMENDING CHAPTER 155**

BE IT HEREBY ADOPTED THAT THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA amend the Clayton Code of Ordinances Chapter 155.500 to read as follows:

§ 155.500 RESOURCE CONSERVATION AREAS

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Duly adopted this the 3rd day of January, 2022 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 3, 2022

Agenda Location

Public Hearings

Item Title

2020-96-SUP Champion East Special Use Permit

Presenter:

Ben Howell, Planning Director

Summary/Description

The applicant is requesting approval of a Special Use Permit with five (5) conditions for a 6-unit townhome development on Champion Street near Amos Street. Special Use Permits follow a quasi-judicial process for review and approval, requiring evidentiary testimony and swearing-in of anyone providing testimony.

Requested Action

Approval with Conditions

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Staff Report
Application
Staff Report Maps
Neighborhood Meeting Materials
Site Plan
Adjacent Property Letter
Newspaper Ad
Recommended Conditions of Approval – Signed by Applicant

Meeting Timeline

Click or tap here to enter text.



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

SPECIAL USE PERMIT APPLICATION COVER SHEET

Name of Project: Champion East Date: 10/13/21
Applicant Name: Adasm& Hodge Engineering, PC

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: 1/12/2020
[☒] Application Review fee
[☒] Advertisement Fee

11 copies of the following:

- [☒] Completed Application
[☒] Owner's Consent Form
[☒] Adjacent Property Owner's List
[☒] Neighborhood Meeting Notice Letter (1 copy)
[☒] Wastewater Allocation Request Form (if applicable)
[☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification
[☒] Associated Site Plan (separate application required for major site plans, must be submitted concurrently)

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

SPECIAL USE PERMIT APPLICATION

Application Fee: \$400.00
Advertisement Fee: \$200.00

☒ New Special Use Permit

☐ Major Modification to an approved SUP
Permit Modified: _____

SITE INFORMATION

Name of Project: Champion East
Acreage of Property: 0.849 Zoning District: R-6
County Tag #: 05003003 NC Pin #: 166806-38-1375
Address/Location: 310 Champion Street
Existing Use: Vacant Proposed Use: Single Family Townhomes
Is project within a Planned Development? ☐ Yes ☒ No If yes, which: _____
Is project within an Overlay District? ☐ Yes ☒ No If yes, which: _____

APPLICANT INFORMATION

Applicant: Adams & Hodge Engineering, PC
Mailing Address: 314 E Main St., Clayton, NC 27520
Phone Number: 919-243-1332 Fax: N/A
Contact Person: Donnie Adams / Amy Stancil
Email Address: donnies@adamsandhodge.com / amy@adamsandhodge.com

OFFICE USE ONLY

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

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

See Exhibit B

3. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

See Exhibit B

4. That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

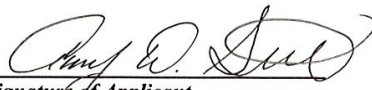
See Exhibit B

APPLICANT AFFIDAVIT

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

Amy D. Stancil

Print Name


Signature of Applicant

10/13/21
Date

Exhibit B

Explanation of Project Required Findings of Fact



Explanation of Project

Champion East townhomes are proposed to be constructed on 0.849 acres of land located on Champion Street and zoned R-6. The development is comprised of 6 two story townhomes located on a shared access road that will be constructed to Town of Clayton standards.

The adjacent zonings are a mixture of R-6, R-8 and B-3. The uses range from single family houses and medical offices. The townhomes will require a special use permit that request a maximum density of 12 units per acre (7.07 units/ac actual).

Water, sewer and electric will be provided by the Town of Clayton.

There are no active or passive recreational facilities proposed on-site. The project is proposed that a fee in lieu of on-site recreational facilities will be paid to the Town of Clayton.



Item No. 1 That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approval.

The distribution of traffic has been given much consideration when laying out the site access point and the internal shared access road that serve the townhomes. Additional considerations were given to simplifying the traffic pattern in the vicinity of Champion Street in order to focus on safety. Care has been exercised in the townhome subdivision to protect the environment by prudent use of buffers and landscaping. The public's safety and health have been addressed by providing public water and sewer that meet the Town and State requirements. The shared access road is designed as to be safe for pedestrians and vehicles alike by providing adequate separation, traffic control and lighting. The public's health and welfare are further addressed by the townhome subdivision providing passive and active recreation opportunities offsite utilizing municipal recreation facilities via recreation assessment fees.

Item No. 2 That the application meets all required specifications and conforms to the standards and practices of sound land use planning and the Town Code of Ordinances and other applicable regulations.

The subdivision meets or exceeds all applicable development standards that are established in the Subdivision Regulations and the Unified Development Code. The shared access road is designed so as to provide a development with safe streets for both vehicles and pedestrians. Public utilities are designed so as to provide adequate water for consumption as well as fire protection while the sewer collection system is designed to protect the health and welfare of the public. Area lighting is provided so as to provide a safe environment for the residents. Passive and active recreation opportunities have been provided through open space, and indirectly through recreational assessment fees. By incorporating buffers, open space and landscaping the aesthetic quality of the development and as well as adjacent properties is maintained.

Item No. 3 That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

The Champion East development will be a development of single family townhomes and will continue to address the high-density residential component envisioned in the Comprehensive Plan 2040 and will complement the surrounding areas on Champion Street.



Item No. 4 That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

The proposed townhome development meets the requirements of the UDO. The property is currently zoned R-6. Townhomes are an allowable use in R-6 by special use permit. In the Plan, the area of the townhome subdivision is designated as High Density Residential (HDR) land use. The HDR land use encourages higher density residential development by using multifamily developments (apartments and townhomes) that have high density (up to 12 units/ac). The proposed development has a total acreage of 0.849 acres with 0.36 acres of open space. When the density is calculated at build out using 6 units, the density ration is 7.07 units per acre of developable land. The proposed townhome development will continue to address the high-density residential component envisioned in the Comprehensive Plan 2040 and will complement the surrounding areas on Champion Street.



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

*Town Council
January 3, 2022*

STAFF REPORT

Application Number: 2020-98-SUP
Project Name: Champion East – Special Use Permit

Tag #: 05003003
Location: Located east of Champion Street near the intersection of Amos Street, south of US HWY 70
Business
Overlay: N/A
Applicant: Adams & Hodge, PC
Owner: Cloudbreak Investments, LLC
Project Planner: Ben Howell, AICP, CZO

Public Noticing Dates:

- **Neighborhood Meeting:** July 21, 2020
- **Sign Posted:** December 16, 2021
- **Newspaper Ad Published:** December 22, 2021 & December 29, 2021
- **Letters Mailed:** December 16, 2021

REQUEST: Construct 6 townhomes in the R-6 zoning district. This SUP request is to allow the use of townhomes on the subject properties. It is running alongside a Major Subdivision (Preliminary Plat) application.

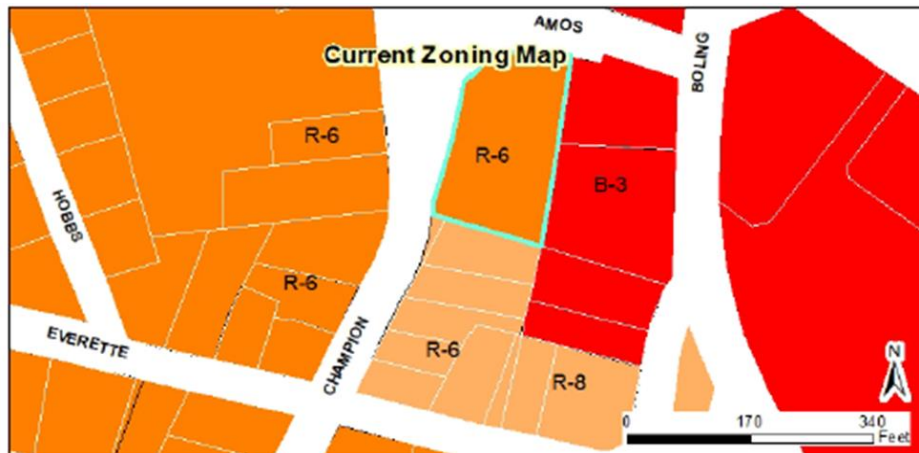
SITE DATA:

Acreage: 0.849 acres in total
Zoning: R-6
Existing Use: Vacant Land



ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	B-3	Commercial/Restaurant (Burger King)
South	R-6	Vacant
East	B-3	Commercial (Doctor Office)
West	R-6	Residential



DEVELOPMENT DATA:

Proposed Uses: Townhomes
Lot Count: 6 units
Impervious Surface: 36% (13,242 sf / 0.849 ac)
Required Parking: 2 spaces per unit (12 spaces total)

Proposed Parking: 3 spaces per unit (18 spaces total)

Access/Streets: The site will be accessed via a private shared access road off of Champion Street near the intersection of Champion and Amos Streets.

STAFF ANALYSIS AND COMMENTARY:

Overview

The applicant is requesting a Special Use Permit to allow the use of townhomes on the site. Per UDC requirements, townhomes are only permitted in R-6 via issuance of a Special Use Permit. This Special Use Permit also sets the proposed dimensional standards for the proposed townhome development. There is an associated Preliminary Plat application running alongside this request to develop a 6 unit townhome subdivision. The site is located east of Champion Street near the intersection of Amos Street and is vacant.

See Proposed Dimensional Standards below, as outlined on the associated subdivision plan:

CHAMPION EAST LOT STANDARDS											
ZONING	UNIT TYPE	LOT STANDARDS				MINIMUM SETBACKS (FT.)				BUILDING STANDARDS	
		Min. Lot Area (sq.ft.)	Min. Lot Width (LF)	Max. Lot Coverage (%)	Max. Lot Impervious Surface (%)	Front	Side	Side Interior	Rear	BUILDING SEPARATION	Max. Height (ft.)
R-6	TOWNHOMES	2,000	22	55	90	25	3	0	5	20	30
NOTE: 1. GARAGE TO SET BACK 25' FROM BACK OF CURB 2. DRIVEWAYS ON PROPERTY LINE - 0' SETBACK 3. DRIVEWAYS TO BE 18' WIDE.											

PARKING REQUIREMENTS

1. § 155.401(C)(2) FOR TOWNHOMES, (2) SPACES REQUIRED PER UNIT.
2. PROVIDED (2) SPACES IN DRIVEWAY, (1) SPACE IN GARAGE, TOTAL OF (3) SPACES PROVIDED PER UNIT.

REQUIRED SPACES = 12
PROPOSED SPACES = 18

Associated Site Plan

Pursuant to §155.711(D)(1), concurrent with a request for a Special Use Permit, an applicant is required to submit a subdivision plan for review and approval. This plan is processed as any other subdivision plan (in this case as a

Major Subdivision file # 2020-96-SD Champion East), with a final decision made by the applicable reviewing body. The details of the subdivision plan are outlined partially herein.

Consistency with Adopted Plans:

- **Comprehensive Plan 2040**

The Future Land Use Map (below) shows that this area is designated as High density Residential. This designation may include townhome development. The applicant has proposed a density of 7.07 units/acre. This is consistent with the note in the comprehensive plan identifying High Density Residential designations to have densities up to 12 dwelling units/acre.

- **Unified Development Code**

If the Special Use Permit is approved, the townhome development will meet the code requirements as outlined in the Unified Development Code. The site meets landscape buffer requirements and general design requirements including parking, stormwater, and open space. The dimensional standards for the townhomes is set via this SUP.



CONSIDERATIONS

- The Town Council shall make final decisions regarding Special Use Permits.
- Special Use Permits shall address specific Findings of Fact. The burden of proof is on the applicant. These Findings all must be met for a Special Use Permit to be approved.
- Staff does not make recommendations on Quasi-Judicial applications in regards to approval/denial.

FINDINGS OF FACT

Special Use Permits shall address the following findings. The burden of proof is on the applicant. Please see below for the applicant's response to each finding, as well as staff's commentary.

1. *That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.*

Applicant Response:

The distribution of traffic has been given much consideration when laying out the site access point and the internal shared access road that serve the townhomes. Additional considerations were given to simplifying the traffic pattern in the vicinity of Champion Street in order to focus on safety. Care has been exercised in the townhome subdivision to protect the environment by prudent use of buffers and landscaping. The public's safety and health have been addressed by providing public water and sewer that meet the Town and State requirements. The shared access road is designed as to be safe for pedestrians and vehicles alike by providing adequate separation, traffic control and lighting. The public's health and welfare are further addressed by the townhome subdivision providing passive and active recreation opportunities offsite utilizing municipal recreation facilities via recreation assessment fees.

Staff Commentary:

The proposed development will be accessed via a private, shared access with one access point onto Champion Street. With only 6 townhomes proposed, the density of the proposed project is the same that would be allowed if single-family detached dwelling units were proposed.

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

Applicant Response:

The subdivision meets or exceeds all applicable development standards that are established in the Subdivision Regulations and the Unified Development Code. The shared access road is designed so as to provide a development with safe streets for both vehicles and pedestrians. Public utilities are designed so as to provide adequate water for consumption as well as fire protection while the sewer collection system is designed to protect the health and welfare of the public. Area lighting is provided so as to provide a safe environment for the residents. Passive and active recreation opportunities have been provided through open space, and indirectly through recreational assessment fees. By incorporating buffers, open space and landscaping the aesthetic quality of the development and as well as adjacent properties is maintained.

Staff Commentary:

The proposed development does comply with the Unified Development Code. The design of the proposed townhome project meets landscaping requirements, including all buffer and street tree requirements. The proposed private access will meet engineering standards as well as fire standards. Adequate public utilities are available to serve the site.

3. *That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

Applicant Response:

The Champion East development will be a development of single family townhomes and will continue to address the high-density residential component envisioned in the Comprehensive Plan 2040 and will complement the surrounding areas on Champion Street.

Staff Commentary:

The proposed development complies with the existing zoning and future land use plan, and is the same density that would be permitted for single-family detached dwellings.

4. *That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.*

Applicant Response:

The proposed townhome development meets the requirements of the UDO. The property is currently zoned R-6. Townhomes are an allowable use in R-6 by special use permit. In the Plan, the area of the townhome subdivision is designated as High Density Residential (HDR) land use. The HDR land use encourages higher density residential development by using multifamily developments (apartments and townhomes) that have high density (up to 12 units/ac). The proposed development has a total acreage of 0.849 acres with 0.36 acres of open space. When the density is calculated at build out using 6 units, the density ration is 7.07 units per acre of developable land. The proposed townhome development will continue to address the high-density residential component envisioned in the Comprehensive Plan 2040 and will complement the surrounding areas on Champion Street.

Staff Commentary:

The proposed development meets the recommendations in the Future Land Use map in the 2040 Comprehensive Growth Plan, and is the same density that would be permitted for single-family detached dwellings in this zoning district.

RECOMMENDED CONDITIONS OF APPROVAL:

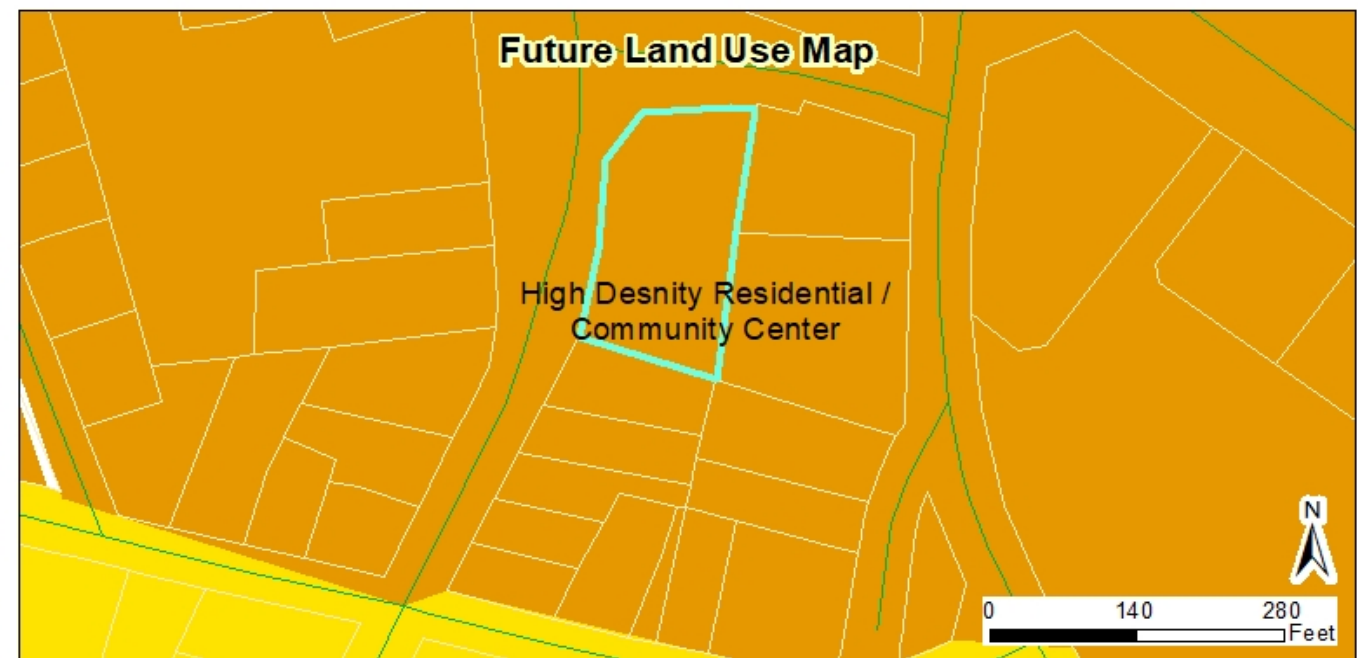
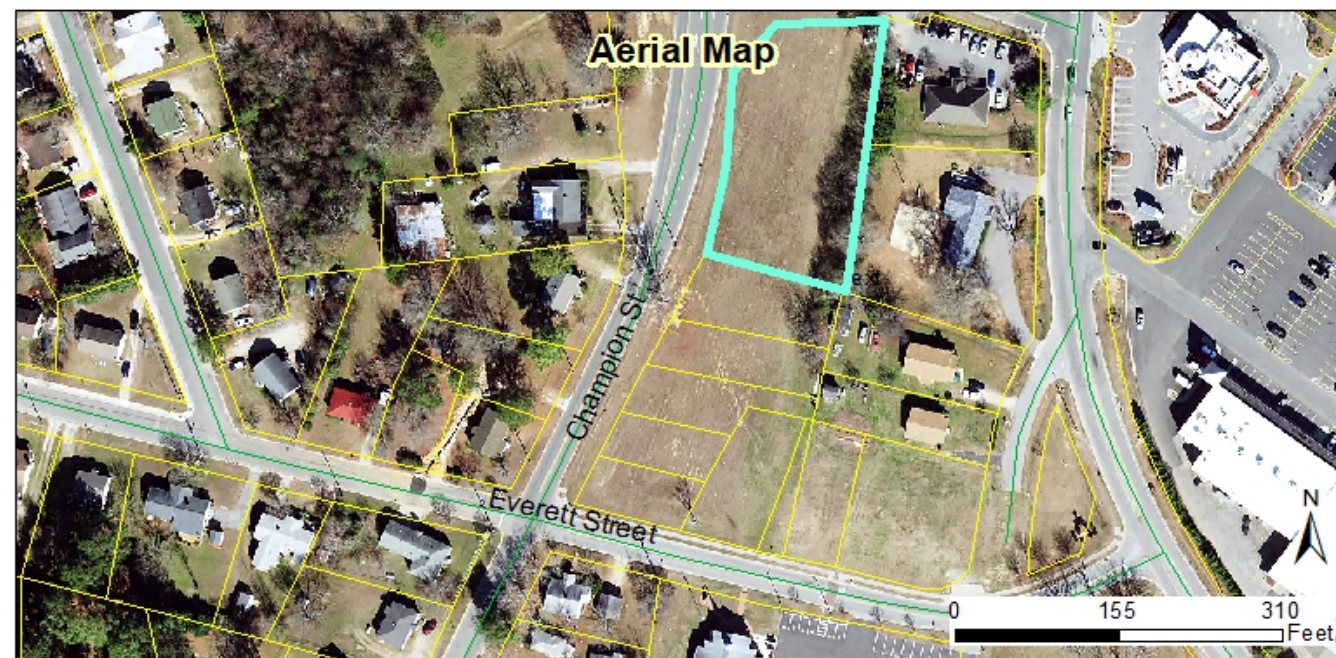
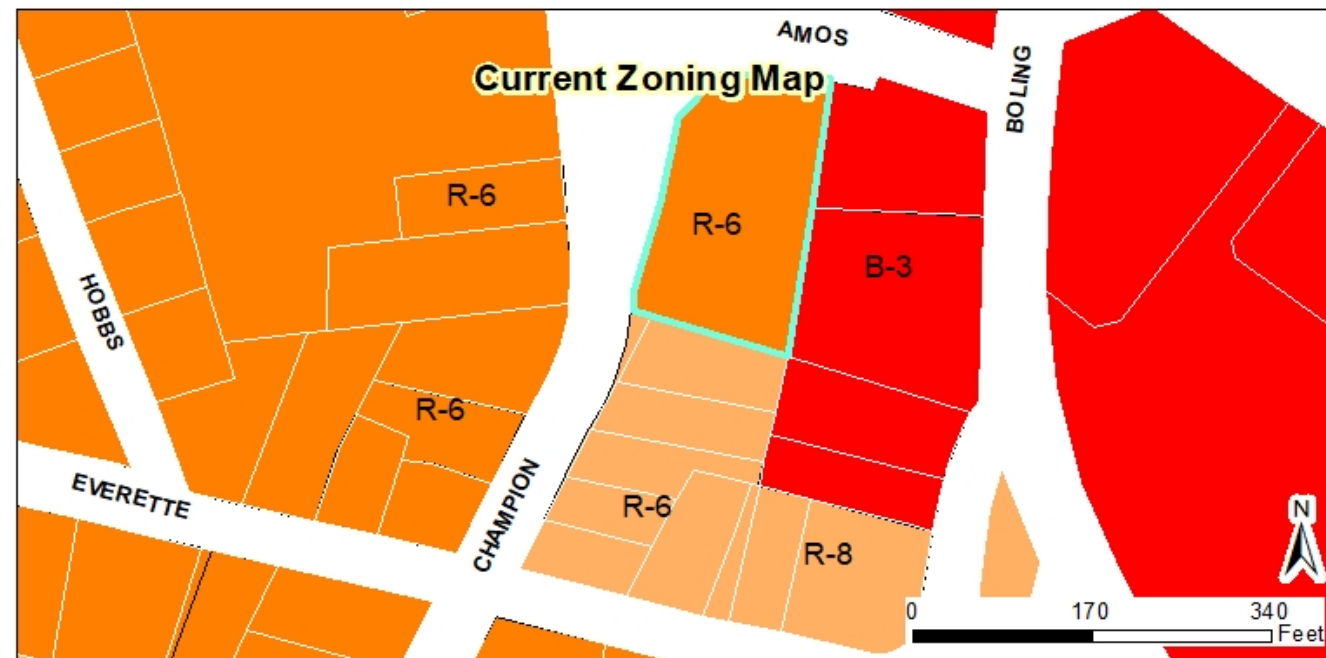
If approved, staff is recommending conditions of approval be placed upon the application. The recommended conditions are listed below, and the applicant's signed acceptance of the recommended conditions is provided as an attachment.

1. These Conditions of Approval, and any others included with the associated Preliminary Plat (2020-96-SD) shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and final approval.
2. Dimensional standards shall be set by those indicated on the associated preliminary plat (2020-96-SD). Any deviations from these standards are pursuant to modifications as outlined in Section 155.711 of the Unified Development Code.
3. A revised Wastewater Allocation Application shall be submitted and approved prior to approval of Construction Drawings.
4. Language shall be included on the Construction Drawings and Final Plat stating that electric facilities may be installed and maintained within the 30-foot wide shared access easement.
5. The 10-foot wide Class A buffer adjacent to Lot 6 (on the south side of the proposed development) shall not be planted until electric service lines have been installed at the site. If the electric service lines have not been installed prior to Final Plat, a performance guarantee shall be submitted and approved for the Class A buffer, and the buffer shall be planted prior to Certificate of Occupancy of Lot 6.

ATTACHMENTS:

- 1) Application

- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Site Plan
- 5) Adjacent Property Letter
- 6) Newspaper Ad
- 7) Recommended Conditions of Approval – Signed by Applicant



Staff Report Map

Request:
2020-98-SUP, Champion East, Special Use Permit

Applicant: Adams & Hodge Engineering, PC
 Property Owners: Cloudbreak Investments, LLC
 Tag #: 05003003



Document Path: O:\PLANNING\SPECIAL USE\2020-98-SUP Champion East\Staff Report Maps\Staff Report Map-2020-98-SUP-Champion Street East.mxd

Legend

100-yr Flood Zone

07/30/2020
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal
 responsibility for the quality of the data
 represented here.



July 10, 2020

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 nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: **Tuesday, July 21, 2020**

Meeting Time: **7:00 p.m.**

Meeting Location: **314 E. Main St. (Adams & Hodge Engineering – Entrance and Parking in the back of building) We will meet outside.**

Type of Application: **New Major Subdivision Plan Application, Rezoning Application and Special Use Application**

Project/proposal property location: **This project location is 310 Champion Street Clayton, NC 27520**

Description of project/proposal: **Champion East townhomes are proposed to be constructed on 1.853 acres of land located on Champion Street. The development is comprised of 20 two story townhomes located on private one-way alley that will be constructed to Town of Clayton standards.**

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 application.
3. A map at scale that is appropriate to the project and shows neighboring properties and roads.
4. A map, drawing, or other depiction of the proposed land use change or development proposal.

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

If you have any questions prior to or after this meeting, you may contact us at **(919)763-7278**.

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

Sincerely,

Donald C. Adams, Jr., PE

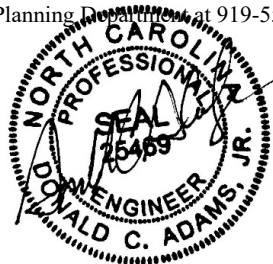


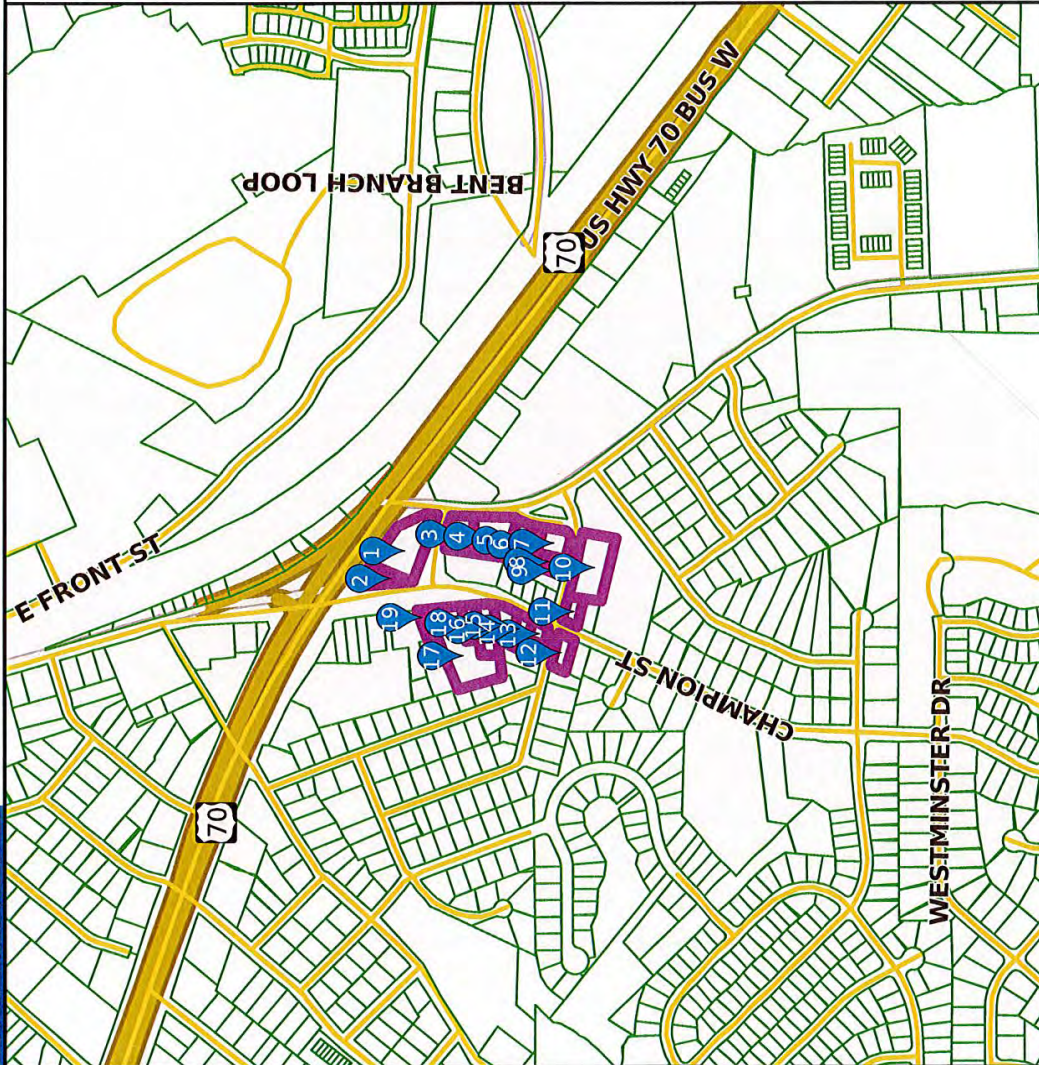
Exhibit C

Adjacent Property Owners List



*** DISCLAIMER ***

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



Result 1

id: 05003001A
Tag: 05003001A
NCPin: 166806-38-2666
Mapsheet No: 166806
Owner Name 1: 101 BOLING STREET LLC
Owner Name 2:
Mail Address 1: 1241 NE 83RD ST
Mail Address 2:
Mail Address 3: MIAMI, FL 33138-4140
Site Address 1: 101 S BOLING ST
Site Address 2: CLAYTON, NC 27520-
Book: 05032
Page: 0129
Market Value: 1680120
Assessed Acreage: 1.040
Calc. Acreage: 1.050
Sales Price: 2050000
Sale Date: 2017-09-25



Scale: 1:8827 - 1 in. = 735.55 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
May 28, 2020



*** DISCLAIMER ***

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Result 2

id: 05003001
Tag: 05003001
NCPin: 166806-38-1736
Mapsheet No: 166806
Owner Name 1: IRONWOOD DEVELOPERS,
LLC
Owner Name 2:
Mail Address 1: 442 1/2 EAST MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Site Address 1:
Site Address 2:
Book: 04726
Page: 0573
Market Value: 29400
Assessed Acreage: 0.270
Calc. Acreage: 0.270
Sales Price: 0
Sale Date: 2016-03-01

Result 4

id: 05003004
Tag: 05003004
NCPin: 166806-38-3206
Mapsheet No: 166806
Owner Name 1: KHUSAYEM, MAZEN
Owner Name 2:
Mail Address 1: 205 S BOLING ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Site Address 1: 205 S BOLING ST
Site Address 2: CLAYTON, NC 27520-
Book: 05329
Page: 0604
Market Value: 366940
Assessed Acreage: 0.680
Calc. Acreage: 0.680
Sales Price: 240000
Sale Date: 2019-04-16

Result 3

id: 05003002
Tag: 05003002
NCPin: 166806-38-3411
Mapsheet No: 166806
Owner Name 1: KHUSAYEM, MAZEN DR
Owner Name 2:
Mail Address 1:
Mail Address 2: P O BOX 997
Mail Address 3: CLAYTON, NC 27528-0000
Site Address 1:
Site Address 2:
Book: 01870
Page: 0885
Market Value: 403960
Assessed Acreage: 0.400
Calc. Acreage: 0.430
Sales Price: 88000
Sale Date: 1999-09-22

Result 5

id: 05003005
Tag: 05003005
NCPin: 166806-38-2195
Mapsheet No: 166806
Owner Name 1: BYRD, TERESSA P.
Owner Name 2: JARMIN, DONNA P.
Mail Address 1: 204 FREEDOM RD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-8123
Site Address 1: 209 S BOLING ST
Site Address 2: CLAYTON, NC 27520-
Book: 02224
Page: 0199
Market Value: 90020
Assessed Acreage: 1.000
Calc. Acreage: 0.300
Sales Price: 0
Sale Date: 2002-04-30



*** DISCLAIMER ***

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

Result 6

id: 05003006
Tag: 05003006
NCPin: 166806-38-2079
Mapsheet No: 166806
Owner Name 1: BYRD, TERESSA P.
Owner Name 2: JARMIN, DONNA P.
Mail Address 1: 204 FREEDOM RD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-8123
Site Address 1: 211 S BOLING ST
Site Address 2: CLAYTON, NC 27520-
Book: 02224
Page: 0199
Market Value: 63480
Assessed Acreage: 1.000
Calc. Acreage: 0.200
Sales Price: 0
Sale Date: 2002-04-30

Result 7

id: 05003007
Tag: 05003007
NCPin: 166806-37-2979
Mapsheet No: 166806
Owner Name 1: EVERETT'S CHAPEL FWB
CHURCH
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Site Address 1:
Site Address 2:
Book: 00598
Page: 0584
Market Value: 28500
Assessed Acreage: 1.000
Calc. Acreage: 0.360
Sales Price: 0
Sale Date: 1962-01-01

Result 8

id: 05003009
Tag: 05003009
NCPin: 166806-38-1091
Mapsheet No: 166806
Owner Name 1: BYRD, TERESSA P.
Owner Name 2: JARMIN, DONNA P.
Mail Address 1: 204 FREEDOM RD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-8123
Site Address 1:
Site Address 2:
Book: 02224
Page: 0199
Market Value: 28500
Assessed Acreage: 1.000
Calc. Acreage: 0.160
Sales Price: 0
Sale Date: 2002-04-30

Result 9

id: 05010199
Tag: 05010199
NCPin: 166806-37-1959
Mapsheet No: 166806
Owner Name 1: DONALD KEITH POLLARD
TRUST
Owner Name 2: BYRD, TERESA P. TRUSTEE
Mail Address 1: 204 FREEDOM RD
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-8123
Site Address 1:
Site Address 2:
Book: 00771
Page: 0302
Market Value: 2850
Assessed Acreage: 1.000
Calc. Acreage: 0.050
Sales Price: 0
Sale Date: 1974-01-01



*** DISCLAIMER ***

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Result 10

id: 05004012A
Tag: 05004012A
NCPin: 166806-37-0775
Mapsheet No: 166806
Owner Name 1: EVERETT CHAPEL CHURCH
Owner Name 2:
Mail Address 1: 420 BARBOUR ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 00731
Page: 0002
Market Value: 57000
Assessed Acreage: 1.030
Calc. Acreage: 0.973
Sales Price: 0
Sale Date: 1972-01-01

Result 11

id: 05004011
Tag: 05004011
NCPin: 166806-27-9971
Mapsheet No: 166806
Owner Name 1: IRONWOOD DEVELOPERS, LLC
Owner Name 2:
Mail Address 1: 442 1/2 EAST MAIN ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520
Site Address 1: 309 EVERETTE AVE
Site Address 2: CLAYTON, NC 27520-
Book: 04726
Page: 0573
Market Value: 87910
Assessed Acreage: 0.200
Calc. Acreage: 0.190
Sales Price: 0
Sale Date: 2016-03-01

Result 12

id: 05004009
Tag: 05004009
NCPin: 166806-27-7808
Mapsheet No: 166806
Owner Name 1: WALTHOM GROUP
Owner Name 2:
Mail Address 1: 442 1/2 EAST MAIN STREET
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 403 CHAMPION ST
Site Address 2: CLAYTON, NC 27520-
Book: 02989
Page: 0776
Market Value: 109740
Assessed Acreage: 1.000
Calc. Acreage: 0.243
Sales Price: 95000
Sale Date: 2005-10-04

Result 13

id: 05003018
Tag: 05003018
NCPin: 166806-28-8076
Mapsheet No: 166806
Owner Name 1: LEE, JAMES W JR
Owner Name 2: LEE, BRAXTON A
Mail Address 1: 401 PATE ST
Mail Address 2:
Mail Address 3: APEX, NC 27520-0000
Site Address 1: 315 CHAMPION ST
Site Address 2: CLAYTON, NC 27520-
Book: 02647
Page: 0212
Market Value: 71660
Assessed Acreage: 0.140
Calc. Acreage: 0.150
Sales Price: 0
Sale Date: 2004-03-05



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Result 14

id: 05003018A
Tag: 05003018A
NCPin: 166806-28-8184
Mapsheet No: 166806
Owner Name 1: LEE, BRAXTON A
Owner Name 2: LEE, JAMES W JR
Mail Address 1: 401 PATE ST
Mail Address 2:
Mail Address 3: APEX, NC 27502-0000
Site Address 1:
Site Address 2:
Book: 02840
Page: 0590
Market Value: 11240
Assessed Acreage: 0.190
Calc. Acreage: 0.200
Sales Price: 37000
Sale Date: 2005-02-07

Result 16

id: 05003021
Tag: 05003021
NCPin: 166806-28-8299
Mapsheet No: 166806
Owner Name 1: COATS, MAYNARD MAURICE
Owner Name 2: COATS, VIRGINIA O
Mail Address 1: 307 CHAMPION ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 307 CHAMPION ST
Site Address 2: CLAYTON, NC 27520-
Book: 00745
Page: 0524
Market Value: 155990
Assessed Acreage: 1.000
Calc. Acreage: 0.430
Sales Price: 0
Sale Date: 1973-01-01

Result 15

id: 05003017
Tag: 05003017
NCPin: 166806-28-8143
Mapsheet No: 166806
Owner Name 1: COATS, MAYNARD MAURICE
Owner Name 2: COATS, VIRGINIA O
Mail Address 1: 307 CHAMPION ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1: 313 CHAMPION ST
Site Address 2: CLAYTON, NC 27520-
Book: 01273
Page: 0439
Market Value: 70320
Assessed Acreage: 1.000
Calc. Acreage: 0.302
Sales Price: 35000
Sale Date: 1992-08-01

Result 17

id: 05003022
Tag: 05003022
NCPin: 166806-28-8410
Mapsheet No: 166806
Owner Name 1: STEPHENSON, THOMAS ALAN
Owner Name 2: STEPHENSON, ELIZABETH KING
Mail Address 1: 2013 SMITH DR
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-8253
Site Address 1: 305 CHAMPION ST
Site Address 2: CLAYTON, NC 27520-
Book: 05438
Page: 0549
Market Value: 71250
Assessed Acreage: 1.400
Calc. Acreage: 1.380
Sales Price: 0
Sale Date: 2019-10-02



*** DISCLAIMER ***

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Result 18

id: 05003021A
Tag: 05003021A
NCPin: 166806-28-9326
Mapsheet No: 166806
Owner Name 1: COATS, MAYNARD MAURICE
Owner Name 2: COATS, VIRGINIA O
Mail Address 1: 307 CHAMPION ST
Mail Address 2:
Mail Address 3: CLAYTON, NC 27520-0000
Site Address 1:
Site Address 2:
Book: 00745
Page: 0523
Market Value: 28500
Assessed Acreage: 0.220
Calc. Acreage: 0.220
Sales Price: 0
Sale Date: 1973-02-20

Result 19

id: 05003035
Tag: 05003035
NCPin: 166806-28-9515
Mapsheet No: 166806
Owner Name 1: JOHNSTON LEE COMMUNITY
ACTION
Owner Name 2:
Mail Address 1:
Mail Address 2:
Mail Address 3:
Site Address 1:
Site Address 2:
Book:
Page:
Market Value: 28500
Assessed Acreage: 1.000
Calc. Acreage: 0.150
Sales Price: 0
Sale Date:



July 21, 2020

Lori Bryant
Development Services Coordinator
Town of Clayton
111 E. Second Street
Clayton, NC 27527

Subject: Champion East
Neighborhood Meeting

Dear Ms. Bryant,

The neighborhood meeting for Champion East was held last night, July 21, 2020. Please find attached the attendance Roster the Meeting Minutes for the Champion East Project, and a letter that we received in the mail from an adjacent property owner.

Please let me know if you need anything else.

Sincerely,

Holland Adams
919-763-2780
holland@adamsandhodge.com

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Champion East

Application: New Major Subdivision, Rezoning, + Special Use

Location/Date: Adams & Hodge Engineering 314 E. Main St - Clayton 7-21-2020
7:00pm

	NAME	ADDRESS
1	Donnie Adams	404 Swann Trail Clayton
2	Holland Adams	404 Swann Trail Clayton
3	Teresa Byrd	204 Freedom Rd Smithfield 27577
4	Donna Jarmar	108 Wilimack DR / Benson, NC 27504
5	Shirley Brett	90 Shawy Exch. Ln Smithfield NC 27577
6		
7		
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9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

Champion East Neighborhood Meeting Minutes**Date:** July 21, 2020**Time:** 7:00pm**Location:** 314 E. Main Street (Adams & Hodge Engineering – outside parking lot due to Covid 19)

The Meeting began at 7:10. There were 5 people total at the meeting (see attendance roster).

The plans and applications were on a table for the attendees to view.

Donnie Adams began by explaining the application process with the Town of Clayton and discussing the zoning.

The two adjacent property owners, Teresa Byrd and Donna Jarman and their realtor Shirley Brett asked about the zoning areas. Donnie explained what the different zoning areas meant and showed them where they were on the set of plans. Donnie went through the plans with the ladies and showed them the proposed 20 townhome units, what they would look like, the private access from the back, the mail cluster units, and proposed 1 car garage. He also showed them the utilities, stormwater, erosion control and landscape plan. Donna Jarman asked what kind of landscape would be along her property? Donnie showed Donna the buffer area adjacent to her property. Shirley Brett asked if there were going to be any amenities like a clubhouse or pool? Donnie said they had not planned any amenities. Shirley also asked if there was going to be an HOA? Donnie said yes. Shirley wanted to know if the developer would be pre-selling any of these units. Donnie responded that would be a developer question.

The ladies continued to look over the plans. Donnie asked for any other questions and there were none. The meeting adjourned at 7:45.

Ironwood Developers
442 ½ East Main Street
Clayton, NC 27520

July 17, 2020

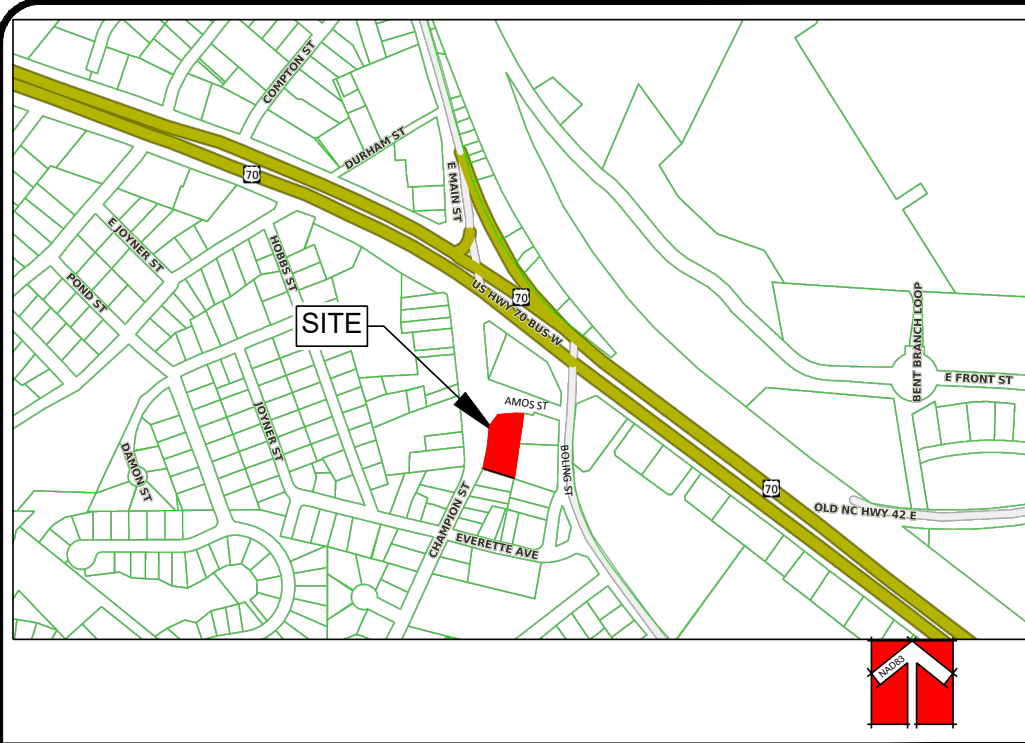
Donald C Adams, Jr
Adams & Hodge
314 E Main Street
Clayton, NC 27520

Donald,

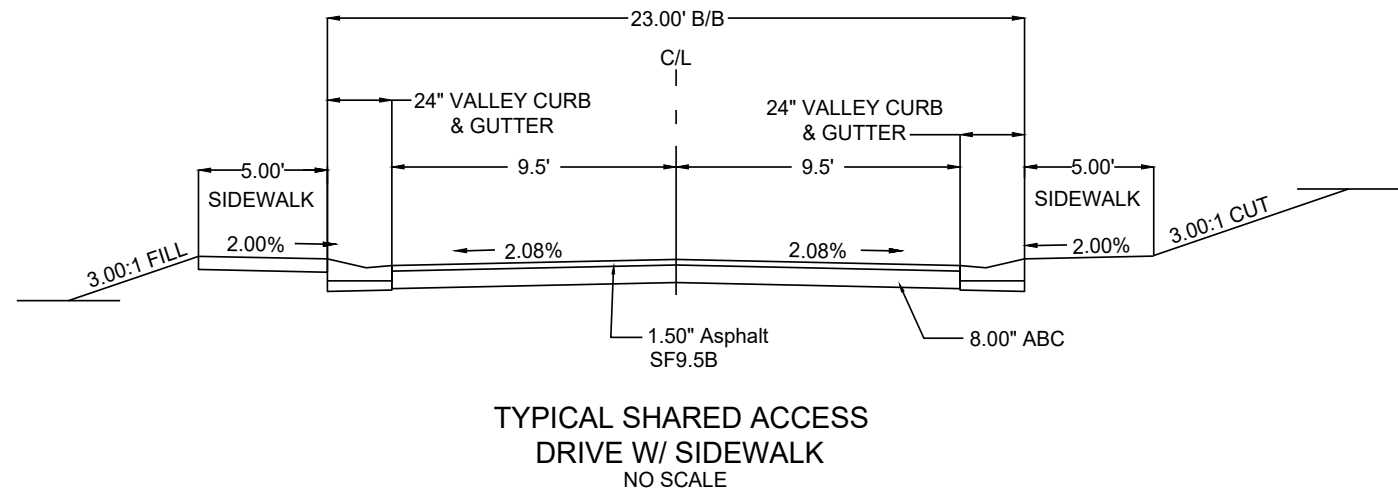
We approve of the project for Champion East Townhomes.

A handwritten signature in black ink, appearing to read "Norwood Thompson". The signature is written in a cursive, somewhat stylized script.

Norwood Thompson



VICINITY MAP
NTS



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	834.50'	14.75'	14.75'	N20°28'02\"/>
C2	834.50'	177.87'	177.53'	N13°51'16\"/>
C3	318.10'	42.29'	42.26'	S85°33'09\"/>
C4	318.10'	10.86'	10.86'	S80°45'58\"/>

L7	N43°05'49\"/>	57.22'
L8	S89°21'39\"/>	54.39'

CHAMPION EAST DATA CHART	
PARCEL OWNER	CLOUDBREAK INVESTMENTS, LLC
PARCEL OWNER ADDRESS	PO BOX 189, CLAYTON, NC 27528
PARCEL IDENTIFICATION / TAG NO.	166806-38-1375, 05003003
PROPERTY SIZE (SF)	TOTAL 0.849 AC
TOTAL PROPERTY SIZE (SF)	0.849 AC/36,998 SF
PROPERTY LOCATION	TOWN OF CLAYTON / CLAYTON TOWNSHIP
EXISTING/PROPOSED ZONING	O-1/R-6
EXISTING USE	VACANT
PROPOSED USE	TOWNHOMES
EXISTING DENSITY	VACANT
PROPOSED DENSITY	(6)-3 BDRM UNITS /7.07 UNITS PER AC
PROPOSED INTENSITY (GROSS FLOOR AREA IN SF)	EACH UNIT 1010 SF/(6 UNITS = 6,060 SF)
FLOOR AREA RATIO	6,060 /36,998 = 0.16
PROPOSED BUILDING COVER (PERCENTAGE OF TOTAL SITE)	6,060 SF/16%
MAX ALLOWABLE IMPERVIOUS AREA (%OF TOTAL SITE)	75%
PROPOSED IMPERVIOUS AREA (% OF TOTAL SITE)	13,242 SF/ 36%
PROPOSED PERVIOUS AREA (% OF TOTAL SITE)	23,756 SF/ 64%
PROPOSED BUILDING HEIGHT (NUMBER OF STORIES & FEET)	2 STORIES / 30'-0\"/>
ELECTRIC PROVIDER	TOWN OF CLAYTON
WATER PROVIDER	TOWN OF CLAYTON
SEWER PROVIDER	TOWN OF CLAYTON
WATERSUPPLY WATERSHED PROTECTION AREA	NO

- NOTE:
1. THERE ARE NO AREAS OF 100 YEAR FEMA FLOOD ON PROPERTY FLOOD PANEL NO. 3720168800 K at DATE 06/20/2018
 2. ROLL-OUT TRASH BINS TO BE LOCATED IN THE REAR OF EACH UNIT AND SHALL BE SCREENED FROM VIEW FROM ADJACENT PROPERTIES AND/OR PUBLIC RIGHTS-OF-WAY. OR TRASH BINS MAY BE PUT INTO GARAGES OUT OF SIGHT.
 3. HOA TO MAINTAIN OPEN SPACE AND BUFFERS
 4. RETAINING WALL AND CBU REQUIRE A BUILDING PERMIT FROM TOWN OF CLAYTON

CHAMPION EAST LOT STANDARDS											
ZONING	UNIT TYPE	LOT STANDARDS				MINIMUM SETBACKS (FT.)				BUILDING STANDARDS	
		Min. Lot Area (sq.ft.)	Min. Lot Width (LF)	Max. Lot Coverage (%)	Max. Lot Impervious Surface (%)	Front	Side	Side Interior	Rear	BUILDING SEPARATION	Max. Height (ft.)
R-6	TOWNHOMES	2,000	22	55	90	25	3	0	5	20	30

NOTE:

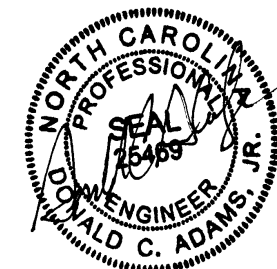
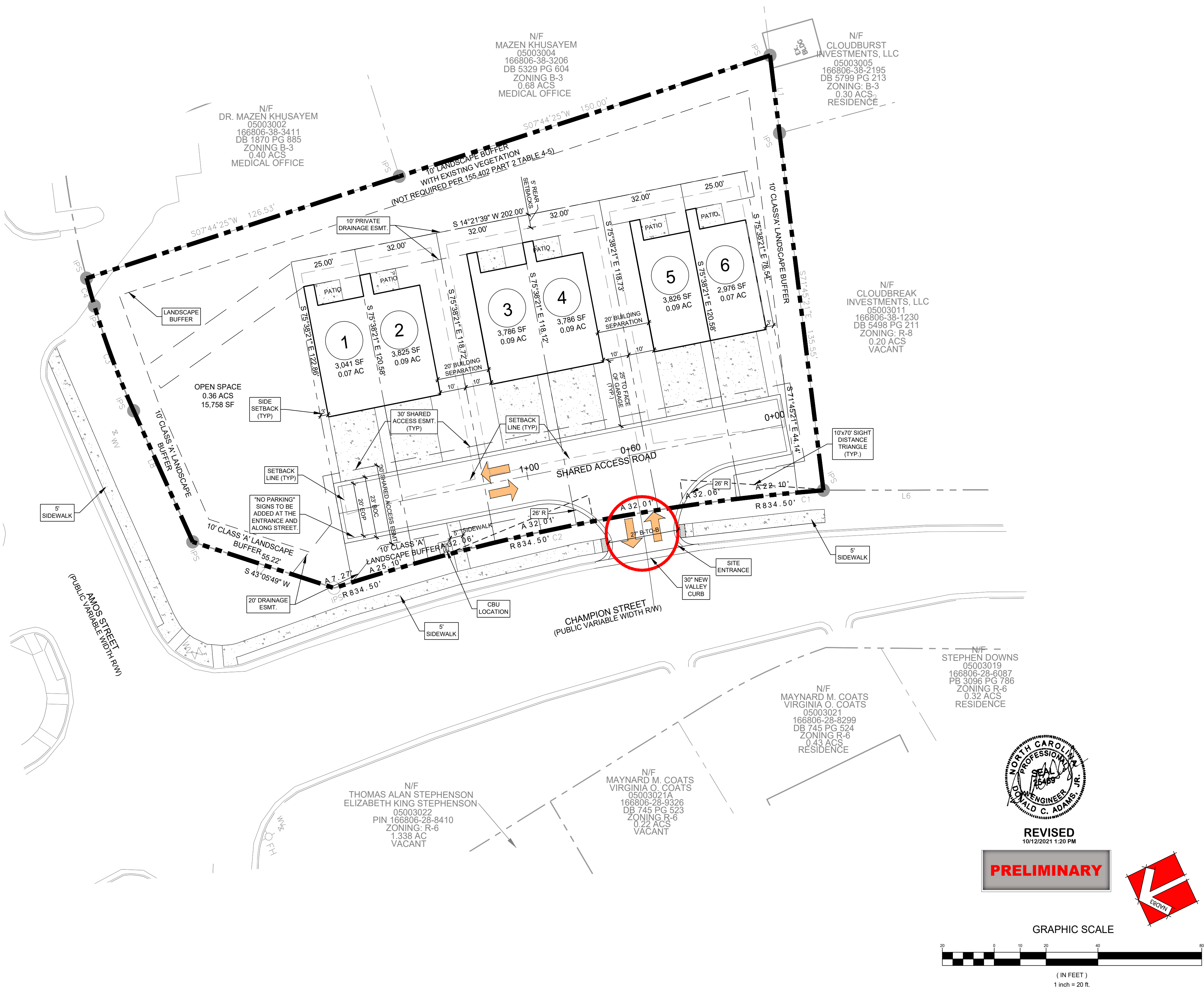
1. GARAGE TO SET BACK 25' FROM BACK OF CURB

2. DRIVEWAYS ON PROPERTY LINE - 0' SETBACK

3. DRIVEWAYS TO BE 18' WIDE.

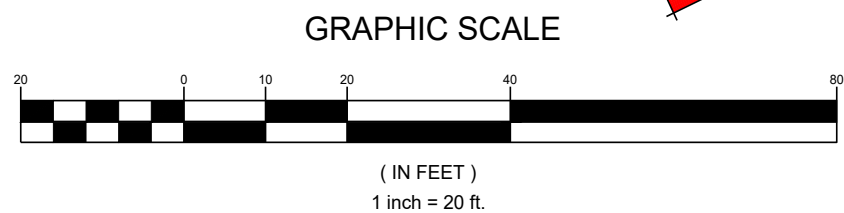
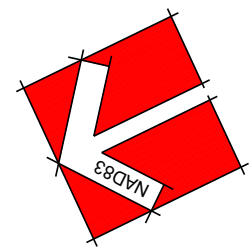
- PARKING REQUIREMENTS
1. § 155.401(C)(2) FOR TOWNHOMES, (2) SPACES REQUIRED PER UNIT.
 2. PROVIDED (2) SPACES IN DRIVEWAY, (1) SPACE IN GARAGE; TOTAL OF (3) SPACES PROVIDED PER UNIT.
- REQUIRED SPACES = 12
PROPOSED SPACES = 18

OPEN SPACE TABLE	
	SQUARE FEET
REQUIRED OPEN SPACE 1,245 SF/LOT (6 LOTS)	7,470
OPEN SPACE PROVIDED	15,758
*NOTE: ACREAGE SHOWN IS APPROXIMATE AS THIS IS A MAJOR SITE PLAN.	



REVISED
10/12/2021 1:20 PM

PRELIMINARY



314 EAST MAIN STREET
CLAYTON, NC 27520
info@adamsandhodge.com
824-1332
FROM C-157

ADAMS & HODGE
ENGINEERING, PC

CHAMPION EAST
TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

SITE PLAN &
PRELIMINARY PLAT

DESIGN DCA
DRAWN ADS
CHECKED DCA
HORIZONTAL SCALE 1/8\"/>

SHEET
C2.01



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

December 15, 2021

NOTICE

SUBJECT: **Project:** 2020-98-SUP Champion East Special Use Permit
 Address: 310 Champion Street
 TAG #: 05003003
 Applicant: Adams & Hodge Engineering, PC

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold a public meeting on **Monday, January 3rd** **at 6:00 PM** at Town Hall, 111 E Second Street, to consider the following land use applications: 2020-98-SUP Champion East Special Use Permit.

The Special Use Permit (2020-98-SUP) is to request the ability to develop 6 townhomes on a property 0.849 acres in size and zoned Residential-6 (R-6). The subject property is located at 310 Champion Street (TAG #: 05003003). Per UDC requirements, townhomes are permitted via issuance of a Special Use Permit in the R-6 zoning district.

Please see the map on the back of this letter.

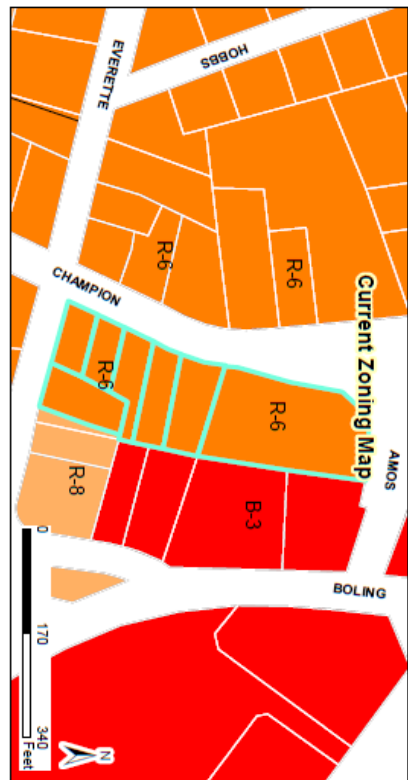
During an evidentiary hearing, the Clayton Town Council must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

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

If you should need additional assistance or information, please contact the Planning Department at (919) 553-5002 or email at bhowell@townofclaytonnc.org.

Sincerely,

Ben Howell, AICP, CZO
Planning Director



Request:

**2020-96-SD, Champion East, Subdivision
2020-98-SUP, Champion East, Special Use Permit**

Applicant: Adams & Hodge Engineering, PC
Property Owners: Cloudbreak Investments, LLC
Tag #: 05003003, 05003011, 05003012, 05003014,
05003015, 05003016, 05003010

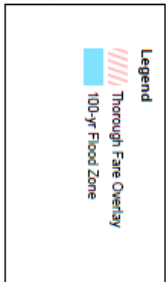
Staff Report Map



Document Path: C:\JAN\IN\GIS\DATA\USE\2020-96-SD-Sub Champion East\Staff Report Map\2020-98-SUP-Champion Street East.mxd

Produced by: TSC
Responsible for the quality of the data
represented on this map

07/20/2020



PUBLIC NOTICE

In accordance with NCGS 160D-406, the Clayton Town Council will hold a public hearing on Monday, January 3, 2022, at 6:00 PM, to consider the following request:

- 2020-98-SUP Champion East Special Use Permit; request to develop 6 townhomes on a property 0.849 acres in size zoned Single-Family Residential-6 (R-6). The subject property is located at 310 Champion Street (TAG #: 05003003). Per UDC requirements, townhomes are permitted via issuance of a Special Use Permit in the R-6 zoning district.

For the Special Use Permit, the Town Council will hold an evidentiary hearing and must make findings of fact based upon sworn testimony and other credible evidence. Citizens may give testimony in an evidentiary hearing after they have taken an oath.

Ben Howell, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:

December 22, 2021

December 29, 2021

Affidavit of publication required.

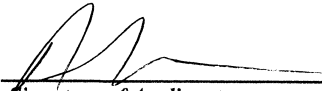
Recommend Conditions of Approval (2020-98-SUP, Champion East Special Use Permit):

1. These Conditions of Approval, and any others included with the associated Preliminary Plat (2020-96-SD) shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and final approval.
2. Dimensional standards shall be set by those indicated on the associated preliminary plat (2020-96-SD). Any deviations from these standards are pursuant to modifications as outlined in Section 155.711 of the Unified Development Code.
3. A revised Wastewater Allocation Application shall be submitted and approved prior to approval of Construction Drawings.
4. Language shall be included on the Construction Drawings and Final Plat stating that electric facilities may be installed and maintained within the 30-foot wide shared access easement.
5. The 10-foot wide Class A buffer adjacent to Lot 6 (on the south side of the proposed development) shall not be planted until electric service lines have been installed at the site. If the electric service lines have not been installed prior to Final Plat, a performance guarantee shall be submitted and approved for the Class A buffer, and the buffer shall be planted prior to Certificate of Occupancy of Lot 6.

APPLICANT AFFIDAVIT

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

Nathan Evers
Print Name


Signature of Applicant

12-22-21
Date

**Town of Clayton
Town Council
SUP Motion Sheet**

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

- ☐ Approve
- ☐ Deny
- ☐ Approve with Conditions

SUP Application 2020-98-SUP Champion East – Special Use Permit

This motion is based on the following findings:

1. The application **WILL NOT** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

OR

The application **WILL** materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved. (State evidence supporting finding.)

2. The application **MEETS** all required specifications and **CONFORMS** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations.

OR

The application **DOES NOT MEET** all required specifications and **DOES NOT CONFORM** to the standards and practices of sound land use planning and the Town Code of Ordinances, or other applicable regulations. (State evidence supporting finding.)

Motion Form
Item 6b
2020-98-SUP
Champion East

3. The application **WILL NOT** substantially injure the value of adjoining or abutting property, and **WILL NOT** be detrimental to the use or development of adjacent properties or other neighborhood uses.

OR

The application **WILL** substantially injure the value of adjoining or abutting property, and **WILL** be detrimental to the use or development of adjacent properties or other neighborhood uses. (State evidence supporting finding).

4. The application **WILL NOT** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

OR

The application **WILL** adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties. (State evidence supporting finding.)

[If approved with conditions] The applicant meets the above findings subject to the following conditions:

Motion Form
Item 6b
2020-98-SUP
Champion East

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2020-98-SUP
Champion East
GRANTED**

On the date listed below, the Town Council for the Town of Clayton met and held an evidentiary hearing to consider the following application:

Applicant:	Adams & Hodge, PC
Property Owner:	Cloudbreak Investments, LLC
Property Location:	Located east of Champion Street near the intersection of Amos Street, south of US Highway 70 Business
Brief Property Description:	.0849 acres
Tax Parcel Number:	05003003
Proposed Use of Property:	6 Townhomes
Hearing Date:	January 3, 2022

Having heard all the evidence and argument presented at the hearing, the Town Council makes the following findings:

(1) That the application will not materially endanger the public health or safety if located where proposed, and developed according to the plans as submitted and approved.

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

(3) That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

(4) That the application will not adversely affect the adopted plans and policies of the Town, or violate the character of existing standards for development of the adjacent properties.

ADDITIONAL CONDITIONS:

1. These conditions of approval, and any others included with the associated Preliminary Plate (2020-96-SD) shall be recorded upon the final plan set, which must be delivered to the Planning Department for review and final approval.
2. Dimension standards shall be set by those indicated on the associated preliminary plate (2020-96-SD). Any deviations from these standards are pursuant to modifications as outlined in Section 155.711 of the Unified Development Code.
3. A revised Wastewater Allocation Application shall be submitted and approved prior to approval of Construction Drawings.
4. Language shall be included on the Construction Drawings and Final Plat stating that electric facilities may be installed and maintained within the 30-foot wide shared access easement.
5. The 10-foot wide Class A buffer adjacent to Lot 6 (on the south side of the proposed development) shall not be planted until electric service lines have been installed at this site. If the electric service lines have not been installed prior to Final Plat, a performance guarantee shall be submitted and approved for the Class A buffer, and the buffer shall be planted prior to Certificate of Occupancy.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

TOWN OF CLAYTON

BY: _____
Jody McLeod
Mayor

DATE: _____ [Note:
within 14 days of decision per Code Section
155.702(G)]

ATTEST:

_____(SEAL)
Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

January 3, 2022

Agenda Location

New Business

Item Title

Sole Source Exemption

Presenter:

H. Louis Duffie, Shaun Mizell

Summary/Description

The Town's Project Team and Design-Builder (Gannett Fleming) are proposing to procure various equipment and services under the Competitive Bidding Exception outlined in General Statute 143-129 (e) (6), which is labeled as "Sole Source" in the chart located in the agenda packet. The equipment includes standby emergency generators, blowers, UV tertiary treatment, and SCADA system integration. The manufacturers and service providers for the aforementioned items were used to provide equipment and services for the Biggs Pretreatment Facility, which is a major utility asset for the Town. With the construction of the Neuse River Water Reclamation Facility (NRWRF), the Project Team believes procuring equipment from these same manufacturers is advantageous for compatibility and ease of service. Standardization will greatly benefit the Town and the employees who will be operating the NRWRF.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Competitive Bidding Chart

Meeting Timeline

Click or tap here to enter text.



Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

Exception	Applies To:	Description	Board Approval Required?	Other Requirements
Purchases				
Purchase from other units of Government G.S. 143-129(e)(1)	Informal and formal purchases and leases	Purchase directly from another unit of federal, state, or local government anywhere in the U.S.	No	None
Emergency G.S. 143-129(e)(2)	Informal and formal purchases and construction/repair	Present, immediate, and existing special emergency involving public health and safety of people or property	No	None
Fuel Purchase G.S. 143-129(e)(5)	Informal and formal purchases	Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas	No	Informal bidding requirements apply to purchases costing \$30,000 or more (including purchases over \$90,000)
Sole Source G.S. 143-129(e)(6)	Informal and formal purchases	Available when (1) performance or price competition is not available; (2) product is available from only one source; or (3) standardization or compatibility is the overriding consideration	Yes	None
Group Purchasing Program G.S. 143-129(e)(3)	Informal and formal purchases	Competitive bidding process by a formally organized program offering discount prices to at least 2 public agencies	No	None