



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, October 19, 2020 @ 6:00 PM
Council Chambers**

THE TOWN OF CLAYTON WILL FOLLOW GUIDELINES FROM THE CENTERS FOR DISEASE CONTROL AND THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH REGARD TO SOCIAL DISTANCING.

BELOW PLEASE FIND CHANGES TO THE COUNCIL MEETING FORMAT:

THE OCTOBER 5, 2020 TOWN COUNCIL MEETING WILL BE HELD IN PERSON.

ANY MEMBER OF THE PUBLIC THAT WISHES TO ADDRESS THE COUNCIL, MAY DO SO IN PERSON, HOWEVER YOU ARE ASKED TO CONTACT THE TOWN CLERK IN ADVANCE OF THE MEETING.

IF YOU DO NOT WISH TO ATTEND THE MEETING IN PERSON BUT DO WISH TO SHARE ANY PUBLIC COMMENT WITH THE COUNCIL, PLEASE FORWARD YOUR COMMENT(S) TO THE TOWN CLERK NO LATER THAN NOON THE DAY OF THE MEETING. PLEASE INCLUDE YOUR NAME AND ADDRESS. PUBLIC COMMENT(S) RECEIVED WILL BE READ INTO THE RECORD BY THE TOWN CLERK.
EMAIL: KMOFFETT@TOWNOFCLAYTONNC.ORG

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.
- We will have a separate entrance door and separate exit door.
- Entrance will be main door on Horne Street.
- Exit will be rear door facing Horne Street in the council chambers.
- Any member of the public attending will be asked to wait in the lobby until item they wish to address is ready for discussion.
- Lobby will be set to encourage social distancing.
- Chairs will be at least 6' from each other.
- We will have TWO staff members attending the meeting(s) to ensure smooth transition with those attending the meeting.
- One person will serve as LOBBY staff and the other will serve as CHAMBER staff.
- The meeting will be shown on the monitor in the lobby. (YouTube)
- All council or board members will be socially distanced in the council chambers and wearing face masks.*
- Staff will be socially distanced and seated 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. DRAFT Minutes
 - October 5, 2020 - Regular Session
- b. Proclamation - Diaper Need Awareness Month
[Proclamation](#)
- c. Resolution in Support of LAPP Application
[Resolution - LAPP](#)
- d. Resolution Contract Execution Authority
[Resolution Contract Authorization](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. New Employee Introduction
Presenter: James Warren, Wastewater Treatment Plant Superintendent
 - Mattie Frazier, Laboratory Technician

6. PUBLIC HEARINGS

- a. 2020-74-RZ - O'Neil Overlook - Rezoning
Presenter: Samantha Wullenwaber, Planning Director
[Cover](#)
[Application](#)
[Staff Report](#)
[Staff Report Map](#)
[Neighborhood Mtg Packet](#)
[Survey](#)
[Adj Property Letter](#)
[TC Adj Property Letter](#)
[Newspaper Ad](#)
[Consistency & Reasonableness Statement](#)
[Motion Form](#)
[Ordinance](#)

POTENTIAL ACTION: Adoption of Ordinance # 2020-10-05

7. OLD BUSINESS

- a. RTZ Agreement Update
Presenter: JD Solomon, Interim Town Manager
[Cover](#)

- b. Wastewater Reclamation Facility Update / Acceptance State Loan
Presenter: JD Solomon, Interim Town Manager
[Cover](#)
[Resolution Accepting Loan](#)

POTENTIAL ACTION: Adoption of Resolution #2020-41

8. NEW BUSINESS

- a. Bench Donations
Presenters: Patrick Pierce, Economic Dev. Director and Scott Barnard, Park & Rec. Director
[Cover](#)
[Memorials Policy](#)
[Memorial Bench](#)

POTENTIAL ACTION: Approval to Proceed with Bench Donations

9. STAFF REPORTS

- a. Town Manager
b. Town Attorney
c. Town Clerk
d. Other Staff
- Street Blade Sign Update
Presenter: Rich Cappola, Deputy Town Manager
 - COVID/Utility Collection Update
Presenter: Ann Game, Customer Service Director
 - Harmony Playground Update
Presenter: Scott Barnard, Parks & Recreation Director
 - Downtown Crosswalks
Presenter: Patrick Pierce, Economic Development Director
 - Main Street Tree Removal
Presenter: Patrick Pierce, Economic Development Director

10. OTHER BUSINESS

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

11. ADJOURNMENT

- a. Adjourn the Meeting
POTENTIAL ACTION: Motion to Adjourn

Proclamation

DIAPER NEED AWARENESS MONTH, OCTOBER 1–31, 2020

WHEREAS, diaper need – the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy – can adversely affect the health and well-being of babies, toddlers, and their families; and

WHEREAS, national surveys and research studies report that one in three families struggles with diaper need and 48 percent delay changing a diaper to extend their supply, as children go through eight to ten diapers each day during the two to three years they wear diapers; and

WHEREAS, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

WHEREAS, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

WHEREAS, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

WHEREAS, the people of Johnston County recognize that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for the state's families and communities and to improved health for children, thus ensuring all children and families have access to the basic necessities required to thrive and reach their full potential; and

WHEREAS, community organizations in Johnston County and their staff and volunteers served on the front lines of Johnston County's COVID-19 pandemic response helping families in our communities weather the crisis; and

WHEREAS, while experiencing double, triple, or greater increase in demand for diapers due to the pandemic and economic shutdown, these diaper banks did everything in their ability to increase diaper distributions and support children and families in need of immediate assistance.

NOW, THEREFORE, the Clayton Town Council does hereby declare the month of October as, "**DIAPER NEED AWARENESS MONTH**," in the Town of Clayton, and thanks the organizations, their staff, volunteers, and donors for their courageous service during the COVID-19 crisis, and encourage the citizens of Johnston County to donate generously to diaper banks, diaper drives, and those organizations that collect and distribute diapers to those struggling with diaper need, so that all Johnston County children and families can thrive and reach their full potential.

Duly proclaimed this the 19th day of October, 2020.

Jody L. McLeod
Mayor

**A RESOLUTION SUPPORTING APPLICATION FOR CAMPO
LOCALLY ADMINISTERED PROJECTS PROGRAM (LAPP)**

WHEREAS, The Capital Area Metropolitan Planning Organization has called for applications for Locally Administered Projects Program (LAPP); and

WHEREAS, the call for application submittal will end on October 31, 2020; and

WHEREAS, The Town of Clayton wishes to submit two applications, to include the Northern Connector and the 42 East Greenway Projects; and

WHEREAS, it is required that the town match 20% of the funding for each project; and

WHEREAS, a funding commitment is required from the Town of Clayton to compete for the funding.

WHEREAS, it is anticipated the match for the town on the Northern Connector Project would be approximately \$6,000,000 - \$9,000,000 and the match for the 42 East Greenway Project would be approximately \$400,000; and

NOW, THEREFORE, BE IT RESOLVED the Clayton Town Council supports the application submittal for the above two projects.

Duly adopted this the 19th day of October, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk

**RESOLUTION AUTHORIZING REPRESENTATIVES OF THE TOWN OF
CLAYTON TO EXECUTE CONTRACTS AND AGREEMENTS AND SET POLICY**

Whereas, the Clayton Town Manager is authorized to enter into contracts and authorized to execute contracts and agreements that do not specifically require authorization and execution by the Mayor and/or Town Council; and

Whereas, the Clayton Town Council further grants authority to the Deputy Town Manager(s) to execute contracts and agreements not specifically required to be executed by the Mayor and/or Town Council; and

Whereas, the Clayton Town Council authorizes the Town Manager to establish policies regarding further designees and authority for the execution of contracts and other agreements.

Duly adopted this the 19th day of October, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 19, 2020

Agenda Location

Public Hearings

Item Title

O'Neil Overlook – Rezoning

Presenter

Samantha Wullenwaber, Planning Director

Summary/Description

Re-Zoning Property from Residential Estate (R-E) to Residential 8 (R-8)

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Application
Staff Report
Staff Report Maps
Neighborhood Meeting Materials
Site Plan
PB Adjacent Property Letter
TC Adjacent Property Letter
Newspaper Notice
Reasonableness and Consistency Statement

Meeting Timeline

Neighborhood Meeting June 18, 2020; Planning Board Meeting September 28, 2020



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

- ☒ Standard Rezoning Fee: \$500.00
☐ Planned Development Rezoning Fee: \$1,000 + \$5.00 per acre
☒ Advertisement Fee: \$200.00

SITE INFORMATION

Name of Project: O'Neil Overlook
Acreage of Property: 15.53 acres Zoning District: RE
County Tag #: 05H02199I, 05H02207W NC Pin #: 166910-35-8704, 166910-45-4651
Address/Location: South side of N O'Neil Street, just north of Rollingwood Subdivision
Existing Zoning District: RE Proposed Zoning District: R-8

APPLICANT INFORMATION

Applicant: J&B Real Estate Consultants
Mailing Address: 328 E Main Street, Clayton NC 27520
Phone Number: 321-795-7413 Fax: _____
Contact Person: Emily Beddingfield
Email Address: Emily@myHTR.com

PROPERTY OWNER INFORMATION

Name: J&B Real Estate ; Suburban Real Estate
Mailing Address: 328 E Main Street, Clayton NC 27520; PO Box 759, Smithfield NC 27577
Phone Number: 919-323-3720 Fax: _____
Email Address: James@myHTR.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.

Request to rezone approximately 15.5 acres in the ETJ from Residential Estate (RE) to Residential 8 (R-8).

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.

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

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.

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

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.

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 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

Print Name


Signature of Applicant

6/1/20
Date



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

OWNER'S CONSENT FORM

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

Project Name: O'Neil Overlook Address or PIN #: 166910-45-8700

AGENT/APPLICANT INFORMATION:

J&B Real Estate, James Lipscomb 328 E. Main St.
(Name - type, print clearly) Emily Beddingfield (Address)
Clayton, NC 27520
(City, State, Zip)

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

Preliminary Plat Final Plat
Rezoning

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

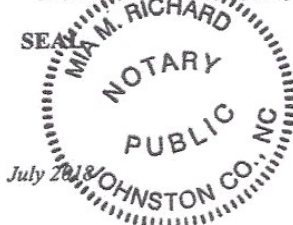
I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval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

OWNER AUTHORIZATION:

Suburban Real Estate, Whit Whitley PO Box 759
(Name - type, print clearly) (Address)
[Signature] Smithfield, NC 27577
(Owner's Signature) (City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Miam. Richard a Notary Public for the above State and County, this
the 10 day of October, 2019.



[Signature]
Notary Public

My Commission
Expires:

6-27-2021



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

OWNER'S CONSENT FORM

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

Project Name: O'Neil Overlook Address or PIN #: Parcel of 166910-35-8714

AGENT/APPLICANT INFORMATION:

Emily Beddingfield

(Name - type, print clearly)

217 W Stallings St

(Address)

Clayton, NC 27520

(City, State, Zip)

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

Preliminary Plat
Rezoning

Final Plat

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

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

OWNER AUTHORIZATION:

J & B Real Estate Consultants, LLC - James Upchurch 308 E. Main Street

(Name - type, print clearly)

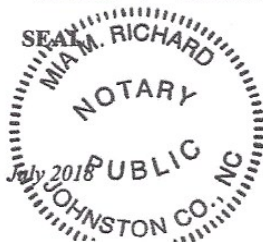
(Address)

[Signature]
(Owner's Signature)

Clayton, NC 27520
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Mia M. Richard, a Notary Public for the above State and County, this
the 1 day of October, 2019.



[Signature]
Notary Public

My Commission
Expires:

6-27-2021

O'Neil Overlook Rezoning Findings of Fact

All applications for a Rezoning must address the following findings:

1. Consistency with the adopted plans of the Town.

The proposed rezoning is consistent with adopted plans. The Future Land Use Map (Comprehensive Plan) designates the property as "Low-Density Residential." The Comprehensive Plan notes that while designated as low-density, clustering is appropriate for these areas so long as the gross residential density does not exceed 3 units per acre. In the case of this property, it is largely located within a Watershed Protection Area, which will limit density and lead to development that is consistent with the intent of the "low-density residential" classification, regardless of zoning designation. As such, the proposed rezoning is consistent with the Future Land Use Map. Town plans generally support development near the Downtown area to maximize infrastructure and to support downtown economic development. To the best of our knowledge, no provisions within any adopted plans of the town are inconsistent with the proposed zoning.

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

The current zoning is R-E, which would greatly limit residential development on this property. The topography and natural features on this site mean only a portion of it is suitable for development without mass grading and impacts to sensitive environmental features. The proposed R-8 zoning will allow for clustering of lots and associated preservation of environmental features. Further, the property is within 300 feet of existing water and sewer infrastructure, and the Town ordinances require connection to these services given the proximity. R-E is typically reserved for properties with no utilities or either water/sewer, not properties connected to both water and sewer. Thus, it can be reasonably expected that in order to develop this property, it would be rezoned.

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

The subject property is located in a "gap" – properties surrounding and further up N O'Neil Street (such as Ashcroft and the former Steeplechase site) are annexed and rezoned to higher densities. This property sits just outside the Town limits and is a natural extension of infrastructure and higher intensity zoning than R-E. The Town's plans encourage development near the core of downtown and this development will meet demand for increased residential development near the downtown area while maximizing existing infrastructure.

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.

Adequate public facilities and services exist for this development, including adequate water and sewer capacity, based on conversations with Town staff. The County schools representative is part of the Technical Review process and will have an opportunity to comment on development of this property, as with all residential development, though with just 30 lots impacts on schools would be minimal. North O'Neil Street is a NCDOT roadway and a driveway permit from NCDOT will be required before development can begin. This permit will address roadway capacity, safety, and associated

O'Neil Overlook Findings of Fact pg. 1

requirements such as turn lanes. A traffic impact analysis will not be required for single family development on a property of this size. Stormwater features will be addressed as part of the engineering plans for development.

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

All future development will be required to conform to the zoning ordinance standards in effect at that time; therefore, legal purposes for which zoning exists will not be violated.

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.

There is no adverse effect upon adjoining property owners from the proposed rezoning. The rezoning will make the property consistent with surrounding residential land uses.

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

The proposed rezoning will facilitate development which logically extends Clayton's water and sewer services and tax base while creating residential opportunities near the downtown area. Given the presence of the watershed protection overlay, the rezoning effectively allows clustering of homes while preserving environmental features. There is no detriment to the general public.



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, 09/29/2020
Town Council, 10/19/2020*

STAFF REPORT

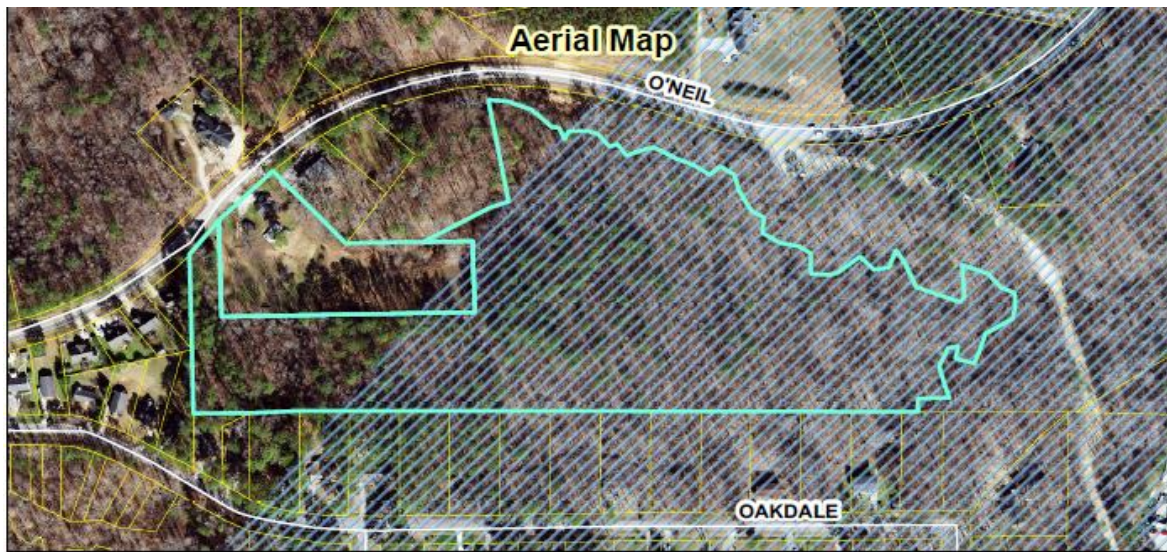
Application Number: 2020-74-RZ Project Name: O'Neil Overlook – Rezoning

TAG #(s): 05H02199I & 05H02207W
Town Limits/ETJ: ETJ
Applicant: J&B Real Estate Consultants
Owner: J&B Real Estate / Suburban Real Estate
Location: South Side of North O'Neil Street; North and abutting the Rollingwood Subdivision
Project Planner: Jeff Caines, Planner

Public Noticing Dates:

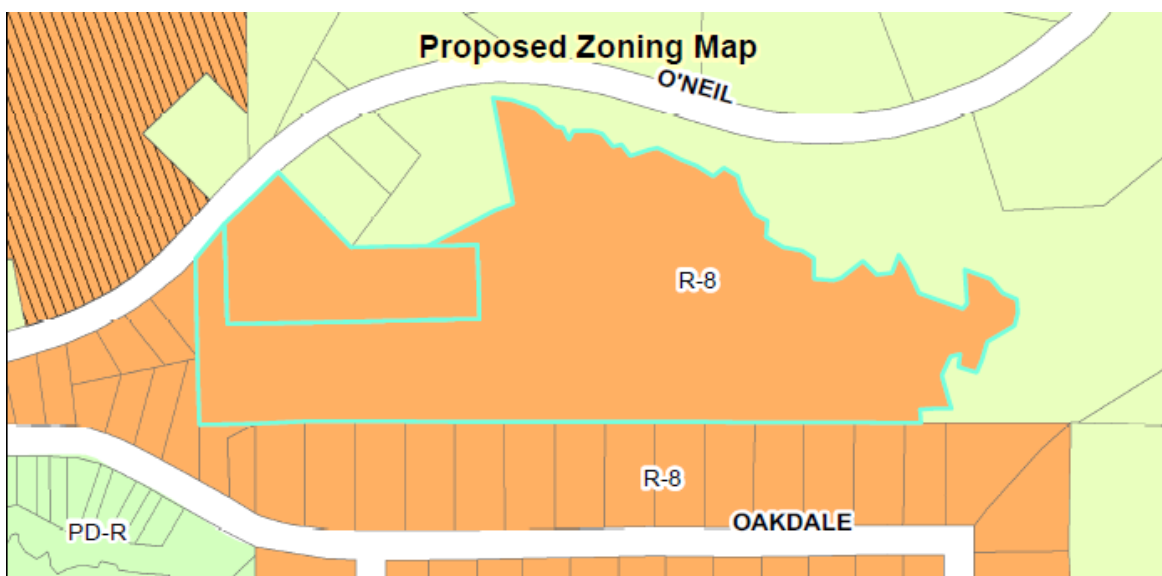
- **Neighborhood Meeting:** June 18, 2020
- **Sign posted:** September 18, 2020; October 9, 2020
- **PB Adjacent Property Letters Mailed:** September 18, 2020
- **TC Adjacent Property Letters Mailed:** October 9, 2020
- **Newspaper Notice:** October 7, 2020 ; October 14, 2020

REQUEST: Rezoning from Residential Estate (R-E) to Single-Family Residential-8 (R-8)



SITE DATA:**Acreage:** +/- 15.54 acres**Existing Use:** Vacant**ADJACENT ZONING AND LAND USES:**

Direction	Zoning	Existing Use
North	R-E	Vacant
South	R-8	Residential
East	R-E	Vacant
West	R-E / R-8-SUD	Vacant

**STAFF ANALYSIS AND COMMENTARY:****Overview**

The site is located east of O'Neil Street north of the Rollingwoods Subdivision; it is currently vacant. The applicant is requesting to re-zone the property from Residential Estate (R-E) to Residential-8 (R-8) to allow for the development of single family homes. The development has been filed under a separate application and will be reviewed independently under Case File # 2020-75-SD. The R-8 district is established to provide for orderly suburban residential development and redevelopment and is intended to maintain residential areas at suburban densities characterized predominantly by owner-occupied, single-family detached units. The intent of this zoning district is encourage higher quality development and to ensure greater environmental protection, open space (cluster) subdivisions are permitted. As stated above, the applicant has submitted an application for a subdivision for the development of single family homes at suburban densities under a separate land use application.

Consistency with the Comprehensive Plan 2040

Although the proposed zone of R-8 is not consistent with the Comprehensive Plan designation of Low Density Residential (LDR), the properties to the north and west of the site are classified as Medium Density Residential. Currently the property to the west is under development with a higher density which may be more compatible with the proposed R-8 zoning designation. Finally, the property to the south is already developed with single-family residential homes and is currently zoned R-8, which corresponds with the Medium Density Residential Comprehensive Plan Designation.

The Compatible Zoning Districts, in the Comprehensive Plan, identifies LDR as not a compatible Land Use with the R-8 zoning district, however due to the current development pattern of the area, the R-8 zoning designation would reasonable giving the existing development pattern and surrounding zoning. The Future Land Use Map (shown below) highlights the subject property as well as surrounding properties being identified as Low Density Residential and Medium Density Residential.

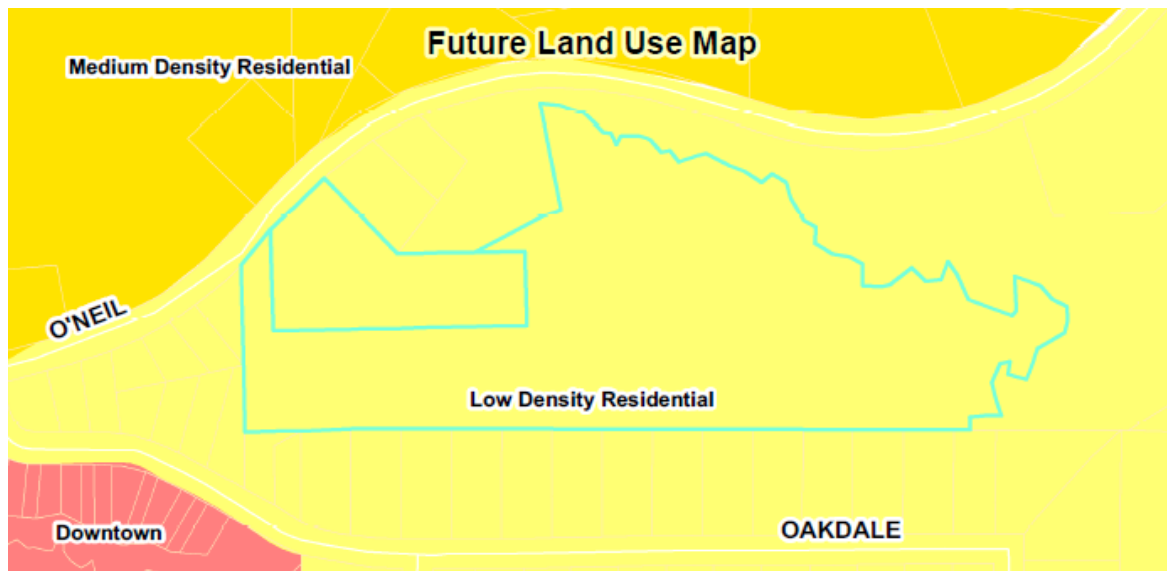
Comprehensive Plan Goals supporting the rezoning request include:

Goal LU1: Preserve Clayton's small-town character while allowing for growth and development in appropriate areas.

Objective LU1.1: 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 Town Council. Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.

Strategy LU1.1.1: Review development proposals for consistency with the Future Land Use Map.

Strategy LU1.1.2: Support residential development at varying densities based on the Future Land Use Map.



CONSIDERATIONS:

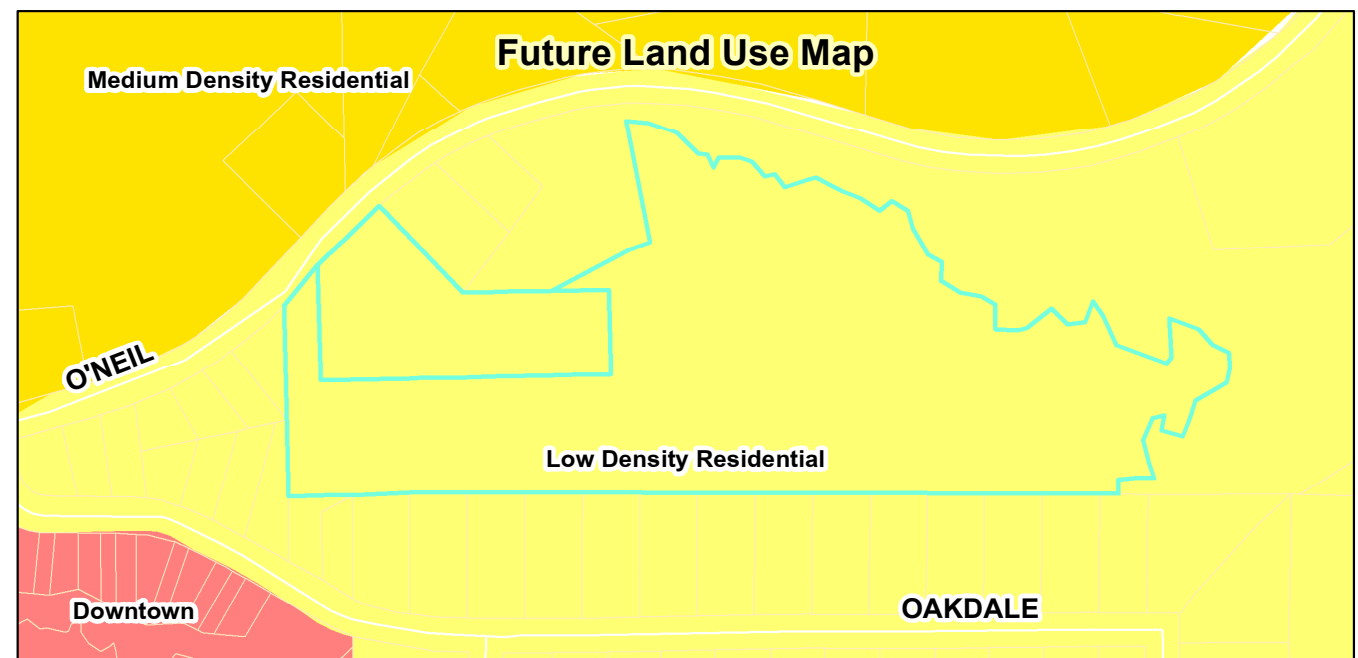
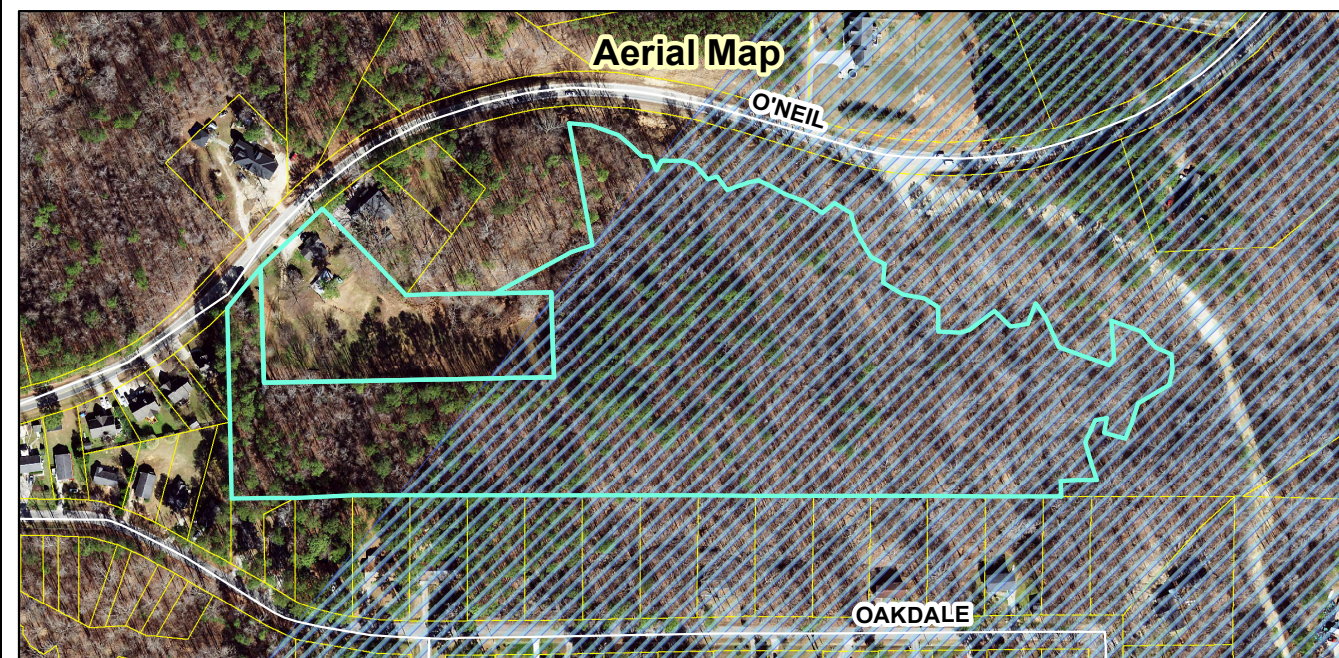
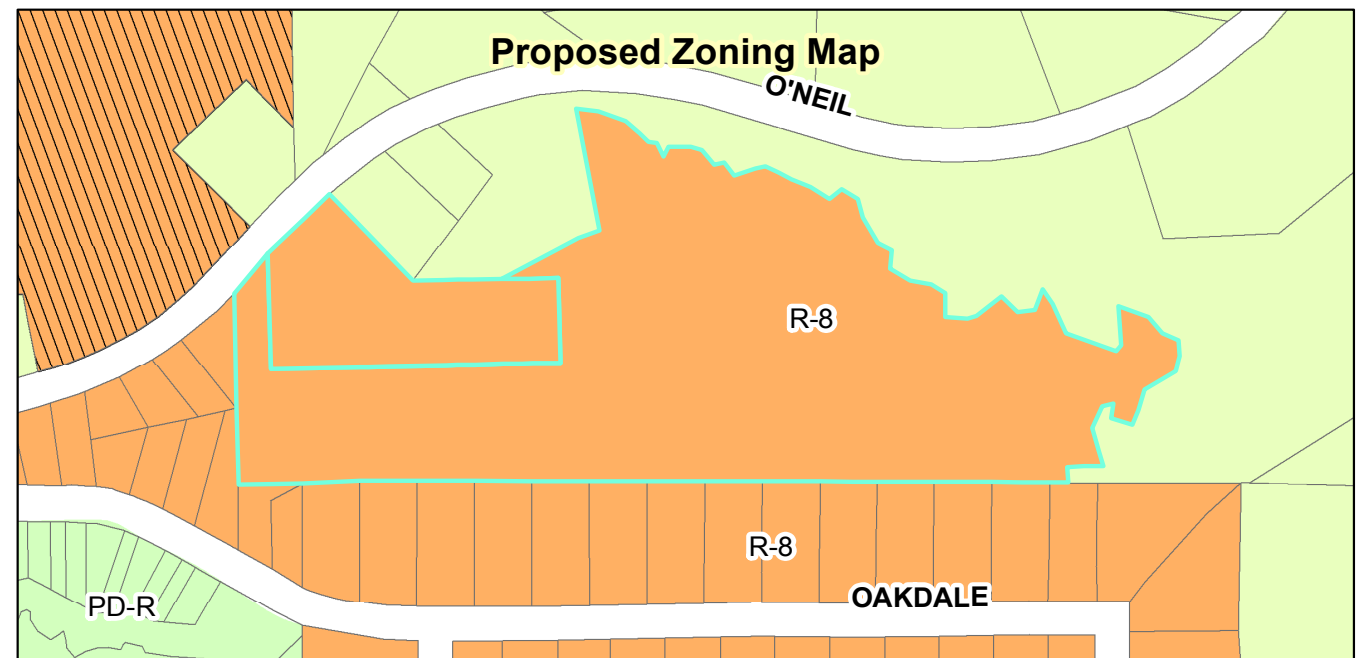
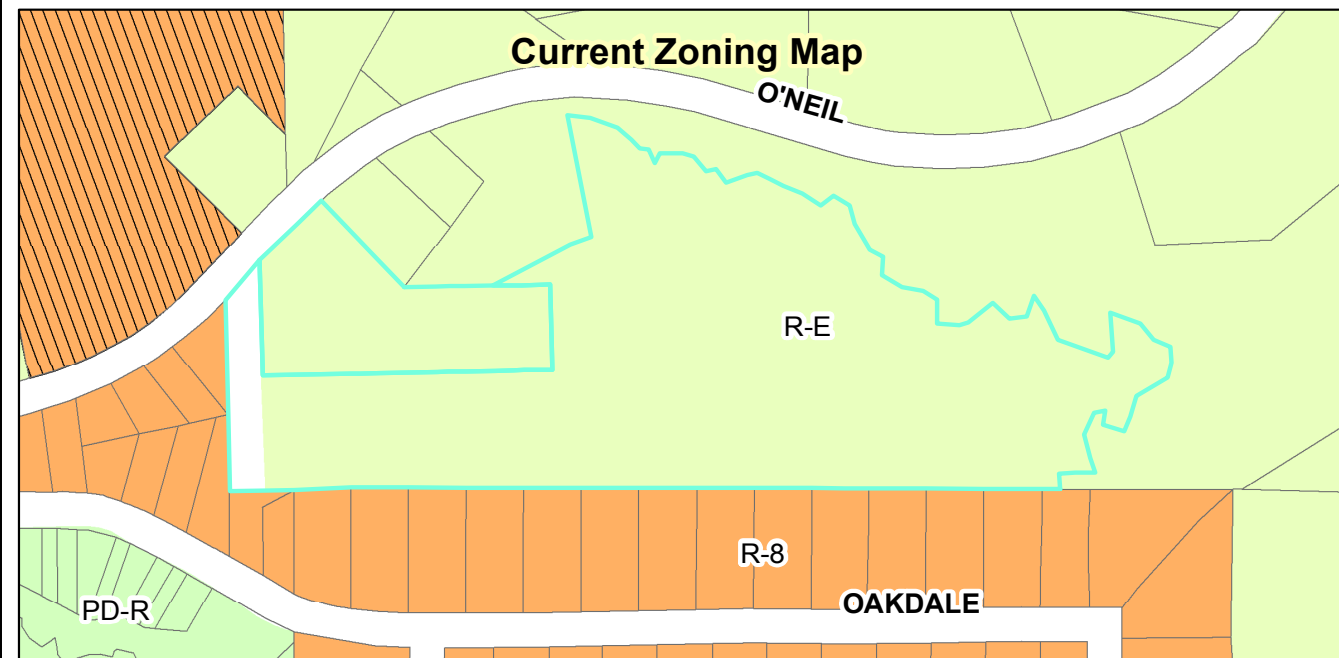
- Rezoning applications are decided by the Town Council. The Planning Board shall make a recommendation to the Town Council.
 - When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with adopted plans and/or policies of the Town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

STAFF RECOMMENDATION:

Adopt Planning Board's recommendation of **APPROVAL** of the proposed rezoning request.

ATTACHMENTS:

- 1) Application / Owner's Consent Form
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials
- 4) Survey
- 5) PB Adjacent Property Letter
- 6) TC Adjacent Property Letter
- 7) Newspaper Notice
- 8) Reasonableness and Consistency Statement



Request:
2020-074-RZ, to Rezone a parcel from
Residential Estage (R-E)
to R-8 (Residential-8).

Applicant: J & B Real Estate Consultants
 Property Owners: J & B Real Estate; Suburban Real Estate
 Tag #: 05H02199I & 05H02207W

0 500 1,000 Feet

- Site
- 100-yr Flood Zone
- Thoroughfare Overlay
- Watershed Protection Overlay



Staff Report Map
 Prepared by: TOC Planning Department
 September 1, 2020

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

Document Path: O:\PLANNING\REZONING\Rezoning\2020\2020-74-RZ O'Neil Overlook Rezoning\Staff Report Maps\5Staff Report Map-2020-74-RZ-O'Neil Overlook4.mxd

June 01, 2020

Re: Proposed Rezoning and Major Subdivision on O'Neil Street

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 must 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 coordinate this meeting and explain the application, answer questions, and solicit comments.

Meeting Date: June 18th, 2020

Meeting Time: 6:00 PM

Virtual Zoom Meeting Instructions:

Computer or Smartphone:

Join Zoom Meeting <https://us02web.zoom.us/j/87656720306>

Meeting ID: 876 5672 0306

Phone Instructions:

One tap mobile

+13126266799 US (Chicago) +16465588656 US (New York)

Dial by your location

+1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown) +1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma)

Meeting ID: **876 5672 0306**

Find your local number: <https://us02web.zoom.us/j/87656720306>

Information about the proposal:

Type of Application: Two separate proposals are under review: 1) Rezoning and 2) Preliminary Plat (Major Subdivision)

Parcel identification number: 166910-35-8714, portion of 166910-45-8700

Project/proposal property location: Just north of Rollingwood Subdivision, on the southeast side of N. O'Neil Street

Developer: J & B Real Estate Consultants

Description of project/proposal and action requested: Rezoning of approximately 16 acres from Residential-Estate to Residential-8 (R-8). R-8 is the same zoning district as the adjacent Rollingwood Subdivision and much of the downtown residential area.

A second, concurrent proposal is requested to develop a 30-lot single family residential subdivision on 15 acres, at a density of 2 units per acre. This property sits just outside of Town limits and if approved, will be annexed into Town Limits and public water/sewer utilities will service the lots. (continued next page)

Approximately 3.25 acres will remain forested/open space.

Note that O'Neil Street is a NC Department of Transportation (NCDOT) street. To develop new roads off of NCDOT streets, a "driveway permit" is required – the purpose of this permit is to assess safety and congestion impacts to O'Neil Street. Based on the NCDOT assessment, they may require turn lanes, deceleration lanes, clear sight distance, and other safety features in order to build the new road. This Driveway Permit will be acquired prior to any construction.

Upcoming public meetings for this application:

Rezoning: Planning Board: June 22nd, 6pm
Town Council (decision): July 20th, 6pm

Subdivision: Town Council: to be determined (notice will be mailed by the Town to adjacent property owners in advance of the hearing)

The following is enclosed with this letter and will be discussed during the virtual Neighborhood Meeting:

1. Map of the property
2. Copy of Application
4. Proposed Site Plan

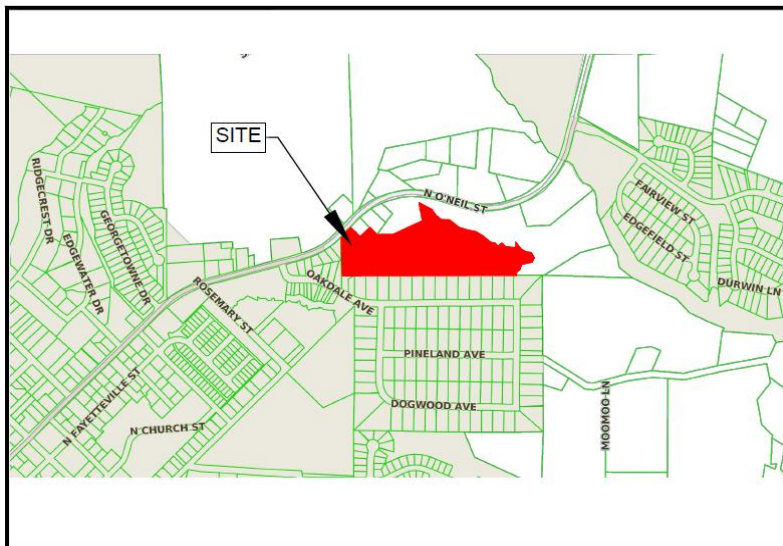
If you have any questions prior to or after this meeting, you may contact us at Emily@myHTR.com or 321-795-7413. Please feel free to email me in advance if you want me to send you the meeting link, would like more detailed information emailed to you, or if you prefer to discuss the project outside of the meeting. You may also contact the Planning Department at 919-553-5002.

Sincerely,

Emily Beddingfield

Emily Beddingfield, AICP

Cc: Town of Clayton Planning Department



Adjacent Property Owners 100'

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

HILL, JAMES K
HILL, SARAH M
930 N ONEIL STREET EXT
CLAYTON, NC 27520-6241

HAITHCOCK, EMMUNEL ALBERTO
945 N ONEIL STREET EXT
CLAYTON, NC 27520-6242

MURPHY, WILLIAM
MURPHY, ELIZABETH
910 N ONEIL STREET EXT
CLAYTON, NC 27520-6241

PEEDIN, EDNA S
2721 US 70 EAST
SELMA, NC 27576-8174

ASHCROFT PARTNERS, LLC
114 W MAIN ST STE 102
CLAYTON, NC 27520-2397

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

WILLIAMS, LAVERNE
PO BOX 307
CLAYTON, NC 27528-0307

FEREZ, NICHOLAS J
780 LIGHTFOOT DR
CLAYTON, NC 27520-2136

C2 STRATEGIC NC LLC
512 CAMEL ST
CLAYTON, NC 27520-1815

CORRAL, LAURA
CORRAL, JOSE
192 OAKDALE AVE
CLAYTON, NC 27520-0000

GRAHAM, MICHAEL T
892 N ONEIL STREET EXT
CLAYTON, NC 27520-6282

LAMBETH, CHERYL M
154 OAKDALE AVE
CLAYTON, NC 27520-1837

NEWKIRK, SONYA Y
150 OAKDALE AVE
CLAYTON, NC 27520-1837

HARDEE, BOBBY HINTON
2019 HARDEE LANE
CLAYTON, NC 27520-9822

HARDEE, BOBBY
2019 HARDEE LN
CLAYTON, NC 27520-9822

HARDEE, BOBBY H
HARDEE, NANCY O
2019 HARDEE LANE
CLAYTON, NC 27520-9822

IXIM ROSA LLC
201 MEADOW LN
CLAYTON, NC 27520-1822

TOWN OF CLAYTON
P O BOX 879
CLAYTON, NC 27528-0000

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

KABASELE, FOFO F
KABASELE, JOYCE R
102 ROWAN DR
CLAYTON, NC 27520-2980

QUINTERO, BENJAMIN
QUINTERO, JENNIFER VALIMONT
1059 N ONEIL ST
CLAYTON, NC 27520-9507

JONES, JASON
999 N ONEIL STREET EXT
CLAYTON, NC 27520-6242

MASSEY, JOHN W.
8041 ST ANDREWS DR
LAURINBURG, NC 28352-2155

FU, XIAOXING
2670 JANE DR
CREEDMOOR, NC 27522-8650

LINDSEY, THOMAS B JR
234 OAKDALE AVE
CLAYTON, NC 27520-0000

GARNER INVESTMENT COMPANY, LLC
2664 TIMBER DR #330
GARNER, NC 27529-2571

GARCIA, MANUEL
GARCIA, MARIA
164 OAKDALE AVENUE
CLAYTON, NC 27520-0000

J & B REAL ESTATE CONSULTANTS, LLC
328 E MAIN ST
CLAYTON, NC 27520-2464

ELLIOTT, ESMOND
108 CREEKSTONE DR
BENSON, NC 27504-0000

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

CHAMBERS, SYNTHIA H
238 OAKDALE AVE
CLAYTON, NC 27520

JACOBS, ADAM
JACOBS, KELLIE
246 OAKDALE AVE
CLAYTON, NC 27520

JONES, HELENA
DAVIS, NATASHA M
202 OAKDALE AVE
CLAYTON, NC 27520-1839

SMITH, KIMBERLY E.
SMITH, JASMINE S.
210 KENTUCKY DR
GARNER, NC 27529-4275

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

SUBURBAN REAL ESTATE
P O BOX 759
SMITHFIELD, NC 27577-0000

KABASELE, FOFO F
KABASELE, JOYCE R
102 ROWAN DR
CLAYTON, NC 27520-2980

GIBBS, EDWARD JOE JR
111 JASMIN DR
CLAYTON, NC 27520-0000

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

Label Type: AV5160
40 label(s) printed

Massey, John
8041 St. Andrews Dr.
Laurinburg, NC 28352-2155

Neighborhood Meeting for 2020-75-SD and 2020-74-RZ O'Neil Overlook

Date: June 18, 2020 via Zoom virtual meeting (web link and call-in number were both available)

Time: 6:00pm – 8:00pm

Attendance:

CHAMBERS, SYNTHIA H
238 OAKDALE AVE
CLAYTON, NC 27520

ELLIOTT, ESMOND
108 CREEKSTONE DR
BENSON, NC 27504-0000

LAMBETH, CHERYL M
154 OAKDALE AVE
CLAYTON, NC 27520-1837

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: 2020-75-SD and 2020-74-RZ O'Neil Overlook

Date of Mailing: June 1, 2020

Date of Meeting: June 18, 2020 Time of Meeting: 6pm-8pm

Location of Meeting: Virtual Zoom 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: Emily Beddingfield

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.

Three neighbors attended the virtual meeting. An overview of the project was provided and the following questions were discussed:

Q: When will construction start? A: Expected Spring 2021

Q: Why has Academy Pointe taken so long? A: That is a large project with a lot of site work required

Q: Is there a buffer between this project and adjacent properties? A: No, none required

Q: When will home building start? A: Late Summer/Early Fall 2021

Q: Will the housing market slow down home construction? A: We can't predict the market, but we expect to build 6-10 houses immediately, with the others following subject to the market.

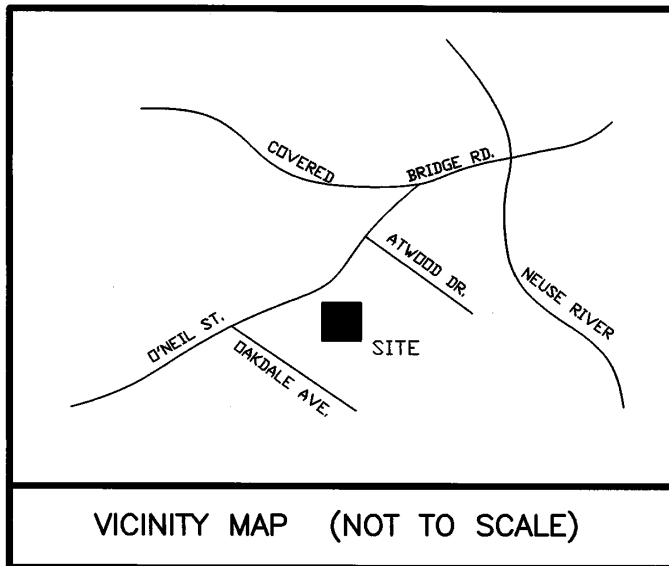
Q: How is it decided what lots are built on first? A: The Builders make that decision

Q: Is this the same developer as Ashcroft? A: Yes, James is a minority partner in Ashcroft.

Q: Any ideas which builders? A: No contracts have been signed yet.

Q: Any immediate impact to neighbors' taxes? A: No, neighbor's taxes are not directly impacted by development of this property.

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



VICINITY MAP (NOT TO SCALE)

THIS SURVEY:

- ☒ A. CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☐ B. IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ☐ C. IS ONE OF THE FOLLOWING:
- 1) IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2) IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - 3) IS A CONTROL SURVEY
 - 4) IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 6-3
- ☐ D. IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- ☐ E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

08-07-20
DATE

SURVEYOR

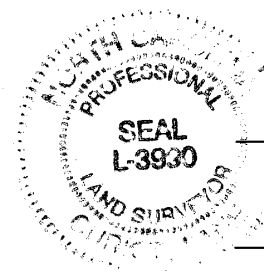
SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

08-07-20
DATE

SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 731, PAGE 20, ETC.), THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 731, PAGE 20, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THE GLOBAL POSITIONING ACCURACY (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11 -A, WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 7th DAY OF AUG., A.D. 2020



SURVEYOR

L - 3990
LICENSE NUMBER

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC AND PRIVATE USE AS NOTED. FURTHERMORE, I DEDICATE ALL ELECTRICAL SYSTEMS AND ALL SEWER AND WATER LINES TO THE TOWN OF CLAYTON.

8/12/2020
DATE

OWNER

DATE

OWNER

TOWN OF CLAYTON TOWN MANAGER CERTIFICATION FOR A FINAL PLAT

I HEREBY CERTIFY THAT THE TOWN OF CLAYTON, N.C. HAS APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE JOHNSTON COUNTY REGISTER OF DEEDS, AND ACCEPTS THE DEDICATION OF STREETS, EASEMENTS, RIGHTS-OF-WAY, AND PUBLIC LANDS SHOWN THEREON, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME UNTIL, IN THE OPINION OF THE CLAYTON TOWN COUNCIL, IT IS IN THE PUBLIC INTEREST TO DO SO.

8-20-2020
DATE

TOWN MANAGER

I, HEREBY CERTIFY THAT THIS RECORDED PLAT HAS BEEN FOUND TO COMPLY WITH THE UNIFIED DEVELOPMENT CODE OF CLAYTON, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE REGISTER OF DEEDS OF JOHNSTON COUNTY.

8-20-2020
DATE

PLANNING DIRECTOR

THIS PLAT IS EXEMPT FROM THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF CLAYTON, NORTH CAROLINA AND THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE REGISTER OF DEEDS OF JOHNSTON COUNTY, NORTH CAROLINA.

8-20-2020
DATE

PLANNING DIRECTOR
TOWN OF CLAYTON, N.C.

NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
- 2) AREAS COMPUTED BY COORDINATE METHOD.
- 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 5) NO HORIZONTAL CONTROL WAS FOUND WITHIN 2000 FEET OF THIS SURVEY.
- 6) PARENT TRACT PIN: 166910-45-8700
- 7) PARENT TRACT DEED: DB 731 PG 20
- 8) PARENT TRACT PN: 05H021995
- 9) GRID TIE BY GPS.
- 10) ZONING: R-E
- 11) GLENN AVENUE SHOWN ON PARENT TRACT IN PB 71 PG 87 IS HERE ON ABANDONED. ABANDONMENT DOCUMENT IS RECORDED IN DB 5638 PAGES 412-413.

REFERENCES:

DB 731 PG 20	PB 71 PG 87
DB 4448 PG 320	PB 82 PG 203
DB 4391 PG 416	PB 43 PG 333
DB 1186 PG 128	PB 73 PG 404
DB 4969 PG 742	PB 12 PG 29
DB 1879 PG 51	
DB 1307 PG 563	
DB 5537 PG 727	

SITE DATA TABLE

OLD TRACT PIN 166910-45-8700.....	1129589 SF	25.932 AC
NEW LOT 1.....	579757 SF	13.309 AC
NEW LOT 2.....	549832 SF	12.623 AC

LOT STANDARDS FOR R-E ZONING

MIN. LOT AREA.....	20000 SF
MIN. LOT WIDTH.....	80 FEET
MAX. LOT COVERAGE %.....	35%
MAX. IMPERVIOUS SURFACE %.....	50%

BUILDING SETBACKS FOR R-E ZONING

FRONT.....	35 FEET
SIDE INTERIOR.....	15 FEET
SIDE STREET.....	25 FEET
REAR.....	30 FEET

EXEMPT SUBDIVISION PLAT FOR

SUBURBAN REAL ESTATE, INC

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA

JULY 14, 2020
SHEET 1 OF 2

2020-84-PME

SURVEYED BY:

FERNANDO

DRAWN BY:

KAMAL

CHECKED BY:

CURK

DRAWING NAME:

4LOTSUBD.DWG

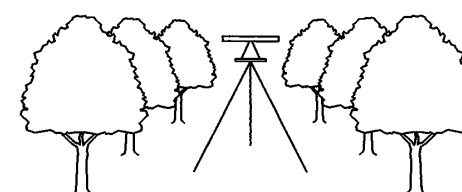
SURVEY DATE:

3/5/2020

JOB NO.

522.041

TRUE LINE SURVEYING, P.C.



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

C-1859

REVIEW OFFICER'S CERTIFICATE

I, Stephani Richter, REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

8/24/2020
DATE

REVIEW OFFICER

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS DAY OF 20 AT

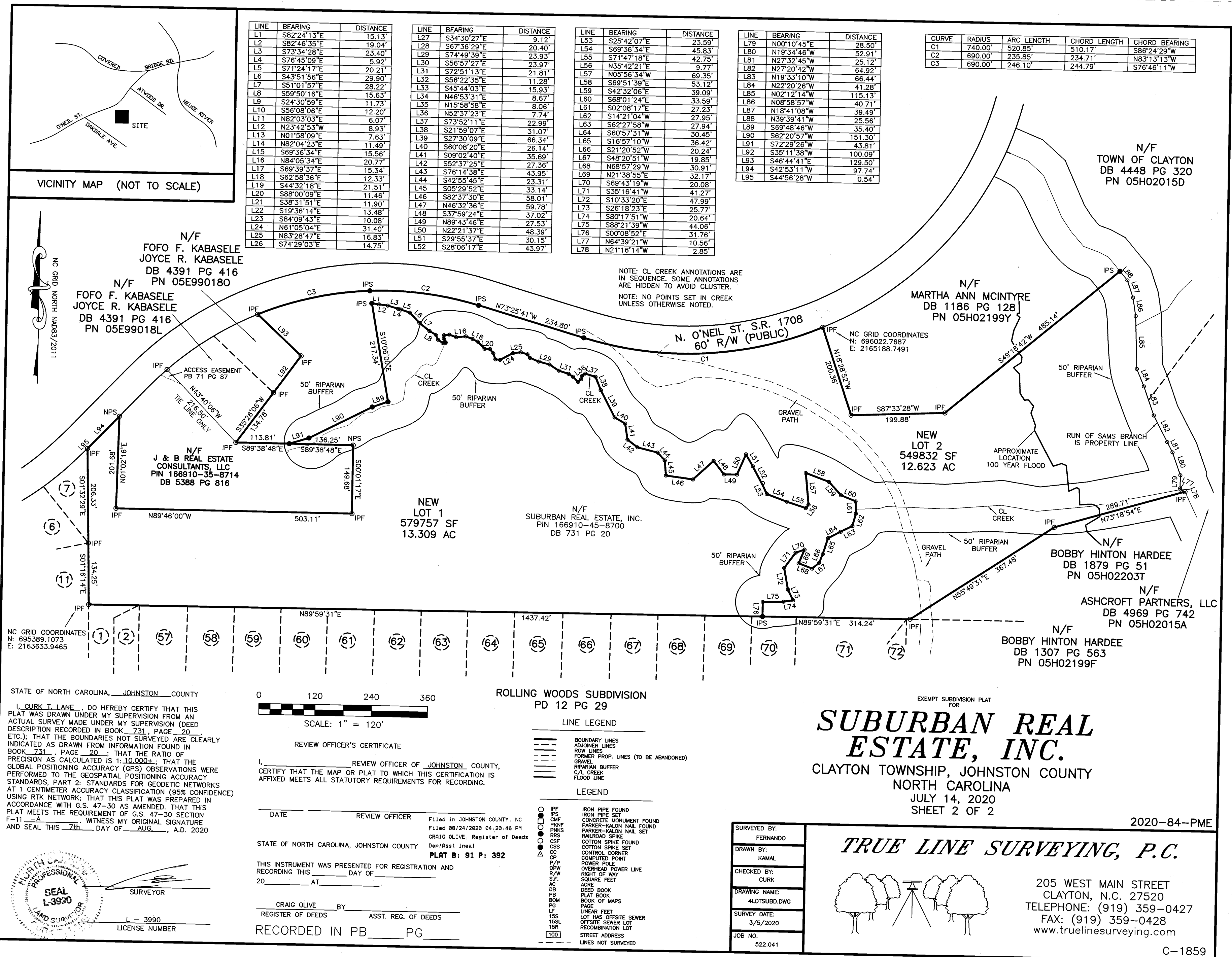
CRAIG OLIVE BY REGISTER OF DEEDS ASST. REG. OF DEEDS

RECORDED IN PB PG

Filed in JOHNSTON COUNTY, NC
Filed 08/24/2020 04:20:46 PM
CRAIG OLIVE, Register of Deeds
Dep/Asst Ineq
PLAT B: 91 P: 391

LEGEND

○	IPF	IRON PIPE FOUND
●	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
○	CC	CONTROL CORNER
△	CP	COMPUTED POINT
P/P	POWER POLE	
OPW	OVERHEAD POWER LINE	
R/W	RIGHT OF WAY	
AC	ACRE	
DB	DEED BOOK	
PE	PLAT BOOK	
BOM	BOOK OF MAPS	
PG	PAGE	
LF	LINEAR FEET	
15S	LOT HAS OFFSITE SEWER	
15SL	OFFSITE SEWER LOT	
15R	RECOMBINATION LOT	
100	STREET ADDRESS	
- - -	LINE NOT SURVEYED	





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

October 9, 2020

NOTICE

SUBJECT: **Project:** 2020-74-RZ – O’Neil Overlook, Rezoning
Address: South Side of North O’Neil Street; North and abutting the Rollingwood
 Subdivision
TAG #: 05H02199I & 05H02207W
Applicant: J&B Real Estate Consultants

Dear Clayton Area Property Owner:

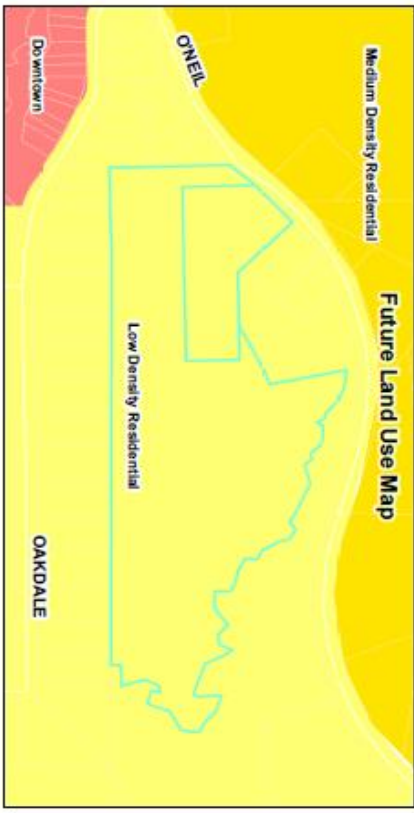
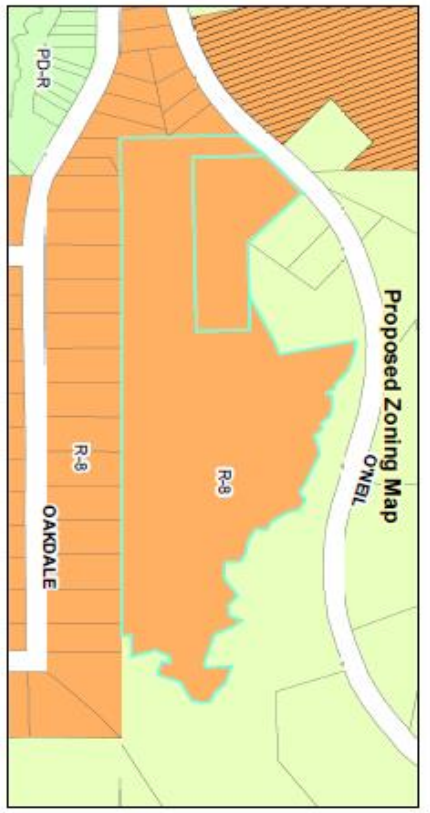
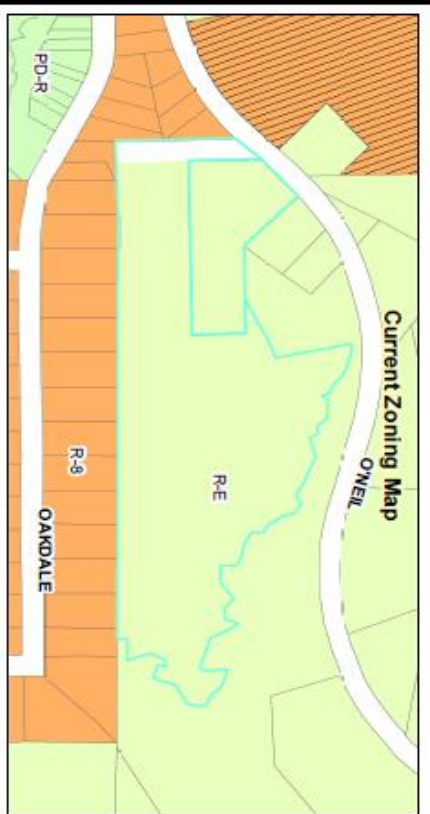
Notice is hereby given that the Clayton Town Council will hold a public hearing on **October 19, 2020 at 6:00 PM** at Town Hall, 111 E. Second Street, to make a decision on the above referenced Rezoning application. The applicant is requesting to rezone 15.52 acres from **R-E** (Residential Estate) to **R-8** (Residential-8). Please see the map on the back of this letter.

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 attend this meeting and express your opinions on this request to the Planning Board.

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

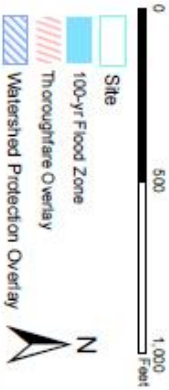
Sincerely,

Jeff Caines, AICP – Planner



Request:
 2020-074-RZ, to Rezone a parcel from
 Residential Estate (R-E)
 to R-8 (Residential-8).

Applicant: J & B Real Estate Consultants
 Property Owners: J & B Real Estate, Suburban Real Estate
 Tag #: 05H021998 & 05H02207W



Staff Report Map
 Prepared by: TOC Planning Department
 September 1, 2020

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

Document Path: C:\P\ANNING\RESZONING\Rezoning 2020-074-RZ O'NEIL Overlay, Rezoning Staff Report Map 2020-14-02-07 NAL O'NEIL.nxd

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday October 19, 2020, at 6 PM at Town Hall, 111 East Second Street, to consider the following rezoning requests:

- 2020-74-RZ – O’Neil Overlook – request to rezone from Residential Estate (R-E) to Residential 8 (R-8). The subject property is located South Side of North O’Neil Street; North and abutting the Rollingwood Subdivision (Oakdale Avenue); TAG# 05H02199I & 05H02207W.

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

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

Samantha Wullenwaber, AICP, Planning Director
919-553-5002

Johnsonian Newspaper

Please advertise on the following dates:
October 7, 2020
October 14, 2020

Affidavit of publication required.

TOWN OF CLAYTON
ZONING AMENDMENT
CONSISTENCY AND REASONABLENESS STATEMENT

2020-74-RZ, O'Neil Overlook Rezone

The Town Council of the Town of Clayton hereby states:

Section 1: The above referenced zoning amendment IS APPROVED.

Section 2: The above referenced zoning amendment IS CONSISTENT with:

The Town of Clayton's Comprehensive Plan 2040, specifically:

Goal LU1: Preserve Clayton's small-town character while allowing for growth and development in appropriate areas.

Objective LU1.1: 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 Town Council. Encourage developments which incorporate high-quality design and enhance the quality of life for existing and future residents of the Town.

Strategy LU1.1.1: Review development proposals for consistency with the Future Land Use Map.

Strategy LU1.1.2: Support residential development at varying densities based on the Future Land Use Map.

The requested rezoning is consistent with the above referenced objectives within the Comprehensive Plan 2040. The Future Land Use Map designates this property the Low Density Residential which identifies a density of up to 3 units per acre. Areas designated as Low-Density Residential are intended to remain predominantly suburban in character and provide for low-density, single-family residential development on lots smaller than those in Rural Residential areas.

Section 3: Based upon information presented at the public hearings, by the applicant, and based upon the recommendations and detailed information developed by staff and the Planning Board contained in the staff report; and considering the criteria applicable sections of the Unified Development Code of the Town of Clayton, specifically Consistency with the adopted plans and policies of the town; suitability of the subject property for uses permitted by the current versus the proposed district; whether the proposed change tends to improve the balance of uses, or meets a specific demand in the town.

Furthermore, that the rezoning is consistent with the Future Land Use Map designation in the Comprehensive Plan 2040, the above referenced zoning amendment is reasonable and in the public interest.

**Town of Clayton
Town Council
Zoning Ordinance Amendment Motion Sheet
(Rezoning)**

After considering the recommendations of the Planning Board and Planning Director, I move to **[approve OR deny] Case # 2020-74-RZ – O’Neil Overlook**

[IF APPROVING]

and to approve the Statement of Consistency and Reasonableness included in the Agenda packet [with the following modifications: STATE MODIFICATIONS, IF ANY].

**MOTION FORM
Item 6a
2020-74-RZ
O’Neil Overlook**

**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 Single Family Residential (R-8) zone the property described below, said property formerly being zoned Residential Estate (R-E); and

WHEREAS said property is owned by J&B Estate/Suburban Real Estate; and

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

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in The Johnstonian, a local newspaper, as required by Section 155.702(D) of the Clayton Unified Development Code and by Section 160A-364 of the North Carolina General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land and within 100 feet of the subject parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 155.702(D) of the Zoning Ordinance of the Town of Clayton and by Section 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 6:00 p.m. on October 19, 2020 wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments;

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

SECTION 1. That the Unified Development Code of the Town of Clayton is hereby amended to include in the Single Family Residential (R-8) zone the following described property:

General Description:

Property is located South Side of North O'Neil Street; North and abutting the Rollingwood Subdivision

Specific Description:

NC Parcel Identification Numbers: 05H02199I & 05H02207W

SECTION2: That the official Town of Clayton Zoning Map is hereby amended to include in the Single Family Residential (R-8) zone the above-described property and will so be marked.

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

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED by the Clayton Town Council this 19th day of October, 2020 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Council Agenda Item Cover Sheet

Meeting Date

October 19, 2020

Agenda Location

Old Business

Item Title

RTZ Agreement Update

Presenter

JD Solomon, Interim Town Manager

Summary/Description

Provide Council an update on negotiations with the Johnston County regarding a revenue sharing agreement for property in the RTZ.

Requested Action: None

Funding Source (If Applicable): N/A

Cost:

Additional Documents to be Included in Agenda Packet:



Town Council Agenda Cover Sheet

Meeting Date

October 19, 2020

Agenda Location

Old Business

Item Title

Wastewater Reclamation Facility Update

Presenter

JD Solomon, Interim Town Manager

Summary/Description

Mr. Solomon will provide an update on the Wastewater Reclamation Facility as well as ask for approval of resolution.

The town has received notification from the North Carolina Department of Environmental Quality offering a State Revolving Loan in the amount of \$12,000,000.00 for the construction of the Neuse River Water Reclamation Facility Plan Replacement Project. Part of the process in accepting this loan is adoption of a Resolution that both accepts the loan offer and provides assurance all items specified in the loan offer will be adhered to.

Requested Action

Approval/Denial

Funding Source (If Applicable):

Click or tap here to enter text.

Cost: N/A **Yes** ☐ **No** ☐

Additional Documents to be Included in Agenda Packet

Resolution #2020-40 accepting the State Revolving Loan

Meeting Timeline

Click or tap here to enter text.

**RESOLUTION ACCEPTING STATE REVOLVING LOAN FOR NEUSE RIVER WATER
RECLAMATION FACILITY PLANT REPLACEMENT PROJECT**

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$12,000,000.00 for the construction of the Neuse River Water Reclamation Facility Plant Replacement Project; and

WHEREAS, the the Town of Clayton intends to construct said project in accordance with the approved plans and specifications,

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

That theTown of Clayton does hereby accept the State Revolving Loan offer of \$12,000,000.00; and

That the Town of Clayton does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II - Assurances will be adhered to; and

That Richard D. Cappola Jr., Deputy Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the Town of Clayton has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Duly adopted this the 19th day of October, 2020 while in regular session.

Jody McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



Town Council Agenda Cover Sheet

Meeting Date

October 19, 2020

Agenda Location

New Business

Item Title

Bench Donations

Presenter

Scott Barnard and Patrick Pierce

Summary/Description

Town Staff have received requests to purchase and install two benches in memorial of recently passed loved ones. Town 'Memorial Policy' has benches in parks coordinated by the Parks and Recreation Department and the benches in downtown coordinated through Downtown Development Office. The benches style/size were staff selected to match existing benches in parks/downtown including color. One will be install at the library and the other on the greenway.

Cost of benches and installation collected from donor. Each of the benches will cost the donor \$1000.00. Parks staff will install.

Town policy requires that these donations/memorial be "presented to Town Council". We seek acceptance of these benches.

We intend to map future locations for needed benches and to promote the memorial program. If council were open to adopting a map of location, we would stock benches in anticipation of additional requests. If the program takes off, we would come back for an amendment to the policy to make this presentations a couple times a year rather than per bench.

Requested Action

Approval/Denial
Of two benches.

Consensus

To promote program and create map of needed locations throughout parks and downtown.

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Memorial Policy

Meeting Timeline

Click or tap here to enter text.

TOWN OF CLAYTON

Memorial and Donation Policy

Purpose: The purpose of this policy is to establish guidelines, standards, and procedures for the installation and care of donated improvements, either as a result of monetary or physical property donation. These donations include, but are **not** limited to the following items: park or downtown benches, bicycle racks, picnic tables, monuments, drinking fountains, and other types of physical accessories. All donations are dependent on the specific needs of the Town of Clayton. The Town wishes to encourage donations while maintaining appealing aesthetic impacts as well as mitigating the on-going maintenance costs.

Standards established by this policy will apply to purchased equipment, installation techniques, donation acknowledgements, and long-term care of all donations made after the adoption of this policy.

Scope: This policy applies to all Town-owned and operated lands and facilities.

STANDARDS FOR NEW DONATIONS

Acquisition or Purchase: The Town and the community have a strong interest in ensuring that donated elements provided are of high quality in style, appearance, durability, and maintenance. The Town staff will be responsible for the purchase and installation of all memorials and donations.

Appearance and Aesthetics: The Town and community share an interest in providing the best appearance and aesthetic quality of their public facilities. All donated elements should reflect the character of the park, facility or downtown district. Elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

Maintenance: Donated elements, and/or their associate donation acknowledgements, become Town property. Accordingly, the Town has the duty to maintain the donation only for the expected life cycle of the donation. If the current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle.

Repair: The community has an interest in ensuring that all park, facility and downtown elements remain in good condition. Additionally the Town wishes to see that all park, facility and downtown element short-term and long-term repair costs are minimal. All donated elements must be of high quality to ensure long life. All elements must also be resistant to weather conditions, wear and tear, and vandalism.

Cost: The Town has an interest ensuring that the donor covers the full-cost of the purchase and installation during the expected life cycle of any donated elements. The Town also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other Town facilities. Consequently, the Town will provide quality, durable and low-maintenance choices to the donor in order to keep maintenance expenses low. The donation agreement will address the full cost of the donation.

PROCEDURE FOR MAKING A DONATION

The Town's Parks and Recreation Department will manage all donations located on Town park property.

The Town's Downtown Development Office will manage all donations located within the Downtown Development District.

The Town Manager will manage all donations located at other Town property and facilities not covered above.

Application: The donor must contact the appropriate office as described above to determine whether a donation may be accepted based upon criteria contained in this policy. If a donation can be accepted, then the donor will complete the associated application form. Application forms are available online, via e-mail, or by visiting the Clayton Community Center or Town Hall. Completed applications and payments are to be made to the appropriate department for review and processing.

CRITERIA FOR ACCEPTANCE

Parks & Recreation: The Town may accept the donation under the following circumstances: Donation meets a true need of the facility, the donation does not interfere with the intended current or future use of the facility, and the donation does not require the relocation of other equipment or infrastructure. It is in the opinion of the Town to deem any donation suitable for park acceptance and use.

Downtown District: The Town may accept the donation under the following circumstances: Donation meets a true need within the downtown district as determined by, but not limited to the Downtown Vision, Downtown Master Plan, and other guidance documents attributed to the downtown development district; It is in the opinion of the Town to deem any donation suitable for downtown acceptance and use.

All Other Facilities: The Town may accept the donation under the following circumstances: Donation meets a true need of the facility as determined by the goals and vision of the facility or those established by the Town Council.

Elected Officials: All applications for donations/memorials will be presented to Town Council.

Donation Acknowledgements/Memorial Plaques: The donation of acknowledgements or memorial plaques will be utilized only in the cases of donation of benches, picnic tables, large play structures, and drinking fountains. Donation acknowledgements and memorial plaques, as approved by the Town, are to be directly affixed to the donation and are to be purchased through the Town. The type of donated item will determine the donation plaque. This includes material and size established by the Town of Clayton and will be approved by the appropriate Town department. The Parks and Recreation Department and/or Downtown Development Office will approve all text for donation plaques and will purchase these items from a Town-approved vendor to ensure the highest quality, life, and durability. Acknowledgements/memorials are limited to a maximum of three lines, and donors may choose

from the following three acknowledgement/memorial options: "Donated by _____," "In memory of _____," or "Dedicated to _____."

Tree donations will be memorialized with a photograph of the family or group with the donated tree(s) and/or an article to be posted on the Town of Clayton website.

Notification: It shall be the responsibility of the donor to provide the appropriate Town office (Parks and Recreation Department/Downtown Development Office/Town Manager) with a current address for purposes of notification regarding their donation. For the purposes of notification, the Town will attempt to send a certified letter to the donor, notifying the donor of changes related to the status of the donation (i.e. a need to remove, relocate, or comply with conditions set forth in this policy.)

TREES

The Town and community wish to ensure proper landscaping and plant selection for all park facilities. The size and specie of a donated tree (or trees) shall be limited to those determined by the Town. Trees will only be accepted for areas that have active irrigation systems in place.

MONUMENTS

Memorials, plaques, or any upright monument or monuments resembling those typically found in cemeteries may not be installed on any Town-owned property or facility.

Exceptions to this policy are monuments installed by the Town commemorating the history and/or dedication of a park or other Town-owned property or facility. This includes, but is not limited to stones, plaques, pillars, and gardens. The appropriate Town department (The Parks and Recreation Department/Downtown Development Office/Town Manager) has the final say of approval on any donated monument.

OTHER DONATIONS

There may be additional donations possible other than those expressly listed or contained within this policy. The Town may accept those donations with discretion and review by the appropriate Town department as previously described. Please visit the appropriate Department with questions regarding donations not listed in this policy.

CONDITIONS

Installation: Town personnel will complete Installation of donated elements, including any donor acknowledgement/memorial plaques. Installations will be scheduled at a time and date determined by the appropriate Department so as not to conflict with routine maintenance activities.

Removal and/or Relocation: The Town reserves the right to remove and/or relocate donated elements and their associated donation acknowledgments/memorial plaques, when they interfere with site safety, maintenance, construction activities or vandalism. In accordance with previously stated procedure in this policy, the Town will attempt to send a certified letter to each identifiable donor notifying the donor of any action related to the disposition of the donation. In certain circumstances, such as safety or emergency situations, the notification may be made after the action is taken. In the event a donation must be permanently removed, the Town will

seek an alternative location consistent with this policy. The Town is not responsible for the replacement or repair of any donated elements damaged or destroyed by vandalism or natural occurrences.

MAINTENANCE AND REPAIR

The long-term care and maintenance of donated elements is important to both the donor and the Town. Periodic maintenance will be made on each donation to ensure that they remain in the highest quality. At the end of the donation's life-cycle term, the donor may choose to replace the donation with a like item at current value. The Town reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or if the Town has not been able to contact the original donor.

