



**Town of Clayton
Regular Town Council Meeting Agenda
Monday, February 4, 2019 @ 6:00 PM
Council Chambers**

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. January 22, 2018 DRAFT Minutes
[Cover](#)
- b. 2019-12-ANX - Certify Sufficiency - East Clayton Elementary School
[Resolution](#)

POTENTIAL ACTION: Adoption of Consent Agenda as Presented

4. ADMINISTRATIVE ITEMS

- a. Warranty Acceptances
 - Warrick Park Subdivision (FINAL)
 - Ashcroft Subdivision, Phase 2[Warrick Park](#)
[Ashcroft Subdivision, Phase 2](#)

POTENTIAL ACTION: Place on February 18, 2019 Consent Agenda

5. INTRODUCTIONS AND SPECIAL PRESENTATIONS

- a. Introduction of Library Space and Services Needs Assessor
Presenters: Margaret Sullivan, Principal of Margaret Sullivan Studio
and Neely Leslie, Architectural Designer
[Cover](#)

POTENTIAL ACTION: None - Informational Only

6. PUBLIC HEARINGS

- a. 2019-2020 Budget - Receive Public Input
Presenter: Adam Lindsay

POTENTIAL ACTION: Receive Public Input

- b. 2018-230-SUP - Bobbit Road Family Cemetery (Quasi-Judicial)

Presenter: Planning Department

[Cover](#)

[Application](#)

[Adj Property Letter](#)

[Neighborhood Meeting Materials](#)

[Owner's Consent Form](#)

[Site Plan - 2nd Submittal](#)

[Map](#)

[Staff Report](#)

[Newspaper Ad](#)

[Motion Form](#)

[Approval](#)

POTENTIAL ACTION:

Continue Public Hearing for February 18, 2019

- c. 2018-235-SD - Geiger Preliminary Plat (Quasi-Judicial)

Presenter: Planning Department

[Cover](#)

[Application](#)

[Adj Property Letter](#)

[Neighborhood Meeting Materials](#)

[Owner's Consent Form](#)

[Site Plan - 2nd Review](#)

[Map](#)

[Staff Report](#)

[Newspaper Ad](#)

[Motion Form](#)

[Approval](#)

POTENTIAL ACTION:

Approval of 2018-235-SD

7. NEW BUSINESS

- a. 2019-04-RZ - Johnston Health Rezoning

Presenter: Planning Department

[Cover](#)

[Application](#)

[Owner's Consent](#)

[Newspaper Ad](#)

POTENTIAL ACTION:

Set Public Hearing for February 18, 2019

- b. 2019-07-OA - Downtown Overlay Ordinance

Presenter: Planning Department

[Cover](#)

[Application](#)

[Newspaper Ad](#)

POTENTIAL ACTION:

Set Public Hearing for February 18, 2019

- c. Resolution to Begin Advertising Requirement to Abandon Portion of Horne

Street

Presenter: Planning Department

[Cover](#)

[Resolution](#)

[Newspaper Ad](#)

POTENTIAL ACTION: Adoption of Resolution #2019-004

- d. NCEMPA 30 Day Notice - Wholesale Rates

Presenter: Dale Medlin, Electric Distribution System Director

[Cover](#)

[NCEMPA 30 Day Notice Wholesale Rates](#)

POTENTIAL ACTION: None - Informational Only

8. STAFF REPORTS

- a. Town Manager
 - Update on Town Council Retreat (February 26-27, 2019)
- b. Town Attorney
- c. Town Clerk
- d. Other Staff

9. OTHER BUSINESS

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

10. ADJOURNMENT



Town Council Agenda Cover Sheet

Meeting Date

February 4 2019

Agenda Location

Consent Agenda

Item Title

Draft Minutes

Presenter

Kimberly Moffett, Town Clerk

Summary/Description

A draft version of January 22, 2019 minutes are still being completed and will be sent to Council under separate cover for their review.

Requested Action

Approval

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Meeting Timeline

ANNEXATION PETITION 2019-12-ANX
East Clayton Elementary
Parcels: 16J05002H and 16K05012F
Owners: Johnston County Board of Education
Non-Contiguous; 29.00 acres and 2.84 acres

TOWN OF CLAYTON
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1

WHEREAS, a petition requesting annexation of an area described in said petition was received on January 9, 2019, by the Town of Clayton; and

WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Clayton deems it advisable to proceed in response to this request for annexation:

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the results of her investigation.

Duly adopted this 4th day of February 2019, while in regular session.

Jody L. McLeod,
Mayor

ATTEST:

Kimberly A. Moffett, CMC, NCCMC
Town Clerk



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: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspections Coordinator

Date: January 03, 2019

Subject: Warrick Park Subdivision

Please place a final acceptance request for the subject public water utility, all related easements, and the asphalt pavement structure on the next available agenda. A final inspection was performed with all identified punch list items completed. Upon final acceptance, the Town will assume all operational and maintenance duties.



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: Donnie Adams, Adams & Hodge Engineering
Karen Durham, Engineering & Inspection Coordinator

Date: January 15, 2019

Subject: Ashcroft Subdivision, Phase 2

Please place a warranty acceptance request for the subject public water, sewer, storm drainage utilities, and all pertinent easements on the next available agenda. Record drawings have been reviewed and accepted. Following acceptance, the aforementioned will be subject to a one-year warranty period. Following the warranty, a final inspection will be done and all deficient items corrected by the developer prior to final acceptance.



Town Council Agenda Cover Sheet

Meeting Date

February 4 2019

Agenda Location

Introductions & Special Presentations

Item Title

Library Space and Services Need Assessment

Presenter

Margaret Sullivan, Principal, Margaret Sullivan Studio

Summary/Description

Overview of findings from the Hocutt-Ellington Memorial Library Space and Services Need Assessment. Margaret Sullivan will present findings from our focus groups and meetings with town staff and will give recommendations for our building and space needs.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

No documents at this time, but a report on findings will be sent to council once the grant cycle is complete.

Meeting Timeline



Town Council Agenda Cover Sheet

Meeting Date

February 4 2019

Agenda Location

Public Hearings

Item Title

2018-230-SUP Bobbit Road Cemetery Special Use Permit

Presenter

Planning Department

Summary/Description

Request for issuance of a Special Use Permit to develop a private family cemetery on a portion of the subject property. The property is zoned R-E and is currently used as a single-family residential. The residential aspect of the property will remain. The owner is requesting to utilize roughly 1 acre of the property for a private 32 plot family cemetery. The cemetery will not be open to the public. It will be accessed via an existing access easement off Bobbit Road.



Requested Action

Other

Additional Documents to be Included in Agenda Packet

Application
Site Plan
Neighborhood Meeting Materials
Staff Report
Staff Report Map
Adjacent Property Letter
Newspaper Ad

Meeting Timeline

January 22nd – Set a Public Hearing (Town Council) February 4th – Continue Public Hearing, February 18 (Public Hearing)



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: John E. Francis Date: 11/16/18
Applicant Name: True Line Surveying

The following checklist to be completed by applicant:

- ☒ Pre-Application Meeting on: 10/17/18
- ☒ 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: John E. Francis

Acreage of Property: 52.80

Zoning District: R-E

County Tag #: 05H01009M

NC Pin #: 175000-86-9928

Address/Location: 875 Bobbit Rd., Clayton, NC 27520

Existing Use: Agriculture

Proposed Use: Cemetery

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: True Line Surveying

Mailing Address: 205 W. Main St., Clayton, NC 27520

Phone Number: 919-359-0427

Fax: 919-359-0428

Contact Person: Curk Lane

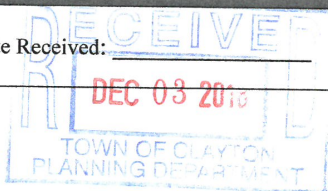
Email Address: curk@truelinesurveying.com

OFFICE USE ONLY

Date Received: _____

Amount Paid: \$600

File Number: 2018-230-SUP



July 2018

2 of 10

PROPERTY OWNER INFORMATION

Name: John E. Francis

Mailing Address: 4124 Reddington Rd., Raleigh, NC 27609

Phone Number:

Fax:

Email Address:

EXPLANATION OF PROJECT

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

The request is to create a private family cemetery.

REQUIRED FINDINGS OF FACT

Section 155.711(I) of the Unified Land Development Code requires applications for a Special Use to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

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.

The location of the private family cemetery will not endanger the public health or safety due to the remote location of the site.

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 private family cemetery plan has been reviewed by Town of Clayton staff and TOC-TRC and is designed according to all comments provided in order to conform with Town Code of Ordinances.

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.

All land surrounding the private family cemetery is owned by said family and is being created to serve said family.

Therefore 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.

The creation of the private family cemetery is an allowed use for the current zoning of his property and is located in the ETJ. It 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 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.

Curk Lane

Print Name


Signature of Applicant

12/3/18

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: John Francis **Address or PIN #:** 05H01009M

AGENT/APPLICANT INFORMATION:

True Line Surveying 205 W. Main St.
(Name - type, print clearly) (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*):

Minor
Special Use

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:

JOHN FRANCIS 4124 REDINGTON DR
DONNA FRANCIS (Address)
Donna Francis RALEIGH, NC 27609
(Name - type, print clearly) (City, State, Zip)
Donna Francis
(Owner's Signature)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Molly L. Herring, a Notary Public for the above State and County, this
the 30 day of November, 2018.

SEAL Molly L. Herring
PUBLIC Notary Public
JOHNSTON COUNTY, NC
My Commission Expires: 11/5/19



Town of Clayton
Planning Department
111 E. Second Street, Clayton, NC 27925
P.O. Box 879, Clayton, NC 27925
Phone: 919-553-5002
Fax: 919-553-5002

January 23, 2018

NOTICE

SUBJECT: **Project:** 2018-230-SPM Bobbit Road Cemetery Special Use Permit
 TAG #s: 05H01009M
 Applicant: True Line Surveying

Dear Clayton Area Property Owner:

Notice is hereby given that the Clayton Town Council will hold an evidentiary hearing on **Monday, February 4, 2019 at 6:00 PM** at Town Hall, 111 E Second Street, to consider the above referenced Special Use Permit application. The applicant is requesting issuance of a Special Use Permit to develop a private family cemetery on the subject property. Per UDC requirements, the use of a cemetery in this zoning district (Residential-Estate) requires a Special Use Permit in order to be permitted. The property is located off Bobbit Road; 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 request. You are invited to attend this meeting. During an evidentiary hearing, the 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. This is an open meeting and interested persons are invited to attend.

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

Sincerely,

Haley Hogg, CZO



TRUE LINE SURVEYING, P.C.



December 19, 2018

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 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: Wednesday, January 9, 2019.

Location: True Line Surveying, 205 W. Main St., Clayton, NC 27520

Time: 6:00pm

Type of Application: Special Use Permit

Description of project/proposal: Purpose of this application is to create a private family cemetery.

Upcoming public meetings: Planning Board Meeting, January 28, 2019.

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

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

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

If you have any questions prior to or after this meeting, you may contact us at (919)359-0427. You may also contact the Planning Department at 919-553-5002

Sincerely,

Curk T. Lane
True Line Surveying

Cc: Clayton Planning Dept.

205 W. Main Street, Clayton, NC 27520
(919) 359-0427 • Fax: (919) 359-0428

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Special Use Permit Date of Mailing: 12/19/18
Date of Meeting: 1/10/19 Time of Meeting: 6:00pm
Location of Meeting: True Line Surveying, 205 W. Main St. Clayton, NC 27520

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: Molly Herring Signature: Molly Herring

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.*

Neighborhood meeting was held January 09, 2019, 6pm at True Line Surveying.

Jeff Crider was the only attendee to show. Meeting closed at 6:15.

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

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: John E. Francis

Application: Special Use Permit

Location/Date: 1/9/18 True Line Surveying

	NAME	ADDRESS
1	Jeff Crider	877 Bobbit Rd., Clayton, NC 27520
2		
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20		

ADJACENT PROPERTY OWNERS LIST

Project Name: John Francis

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

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

[illegible]

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information required to be provided at the Neighborhood Meeting:

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

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

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

- ☒ Adjacent Property Owner's List (aka "mailing list")
- ☒ Copy of the letter mailed
- ☐ Attendance Roster (aka "sign-in sheet")
- ☐ Neighborhood Meeting Summary Form with minutes (see below)



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: John Francis

Address or PIN #: 05H01009M

AGENT/APPLICANT INFORMATION:

True Line Surveying

(Name - type, print clearly)

205 W. Main 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*):

Minor

Special Use

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:

JOHN FRANCIS

(Name - type, print clearly)

Donna Francis

(Owner's Signature)

4124 REDINGTON DR

(Address)

RALEIGH, NC 27609

(City, State, Zip)

STATE OF

COUNTY OF

Sworn and subscribed before me

the

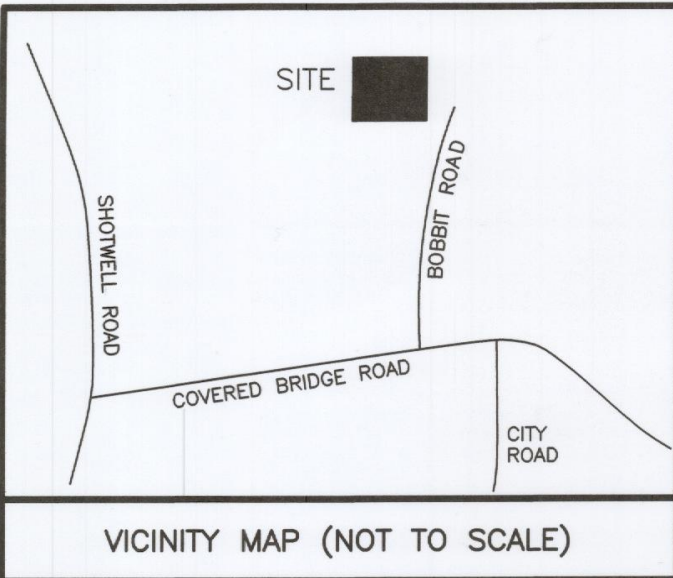
SEAL

NC
Johnston
Molly L. Herring, a Notary Public for the above State and County, this
day of November, 2018.

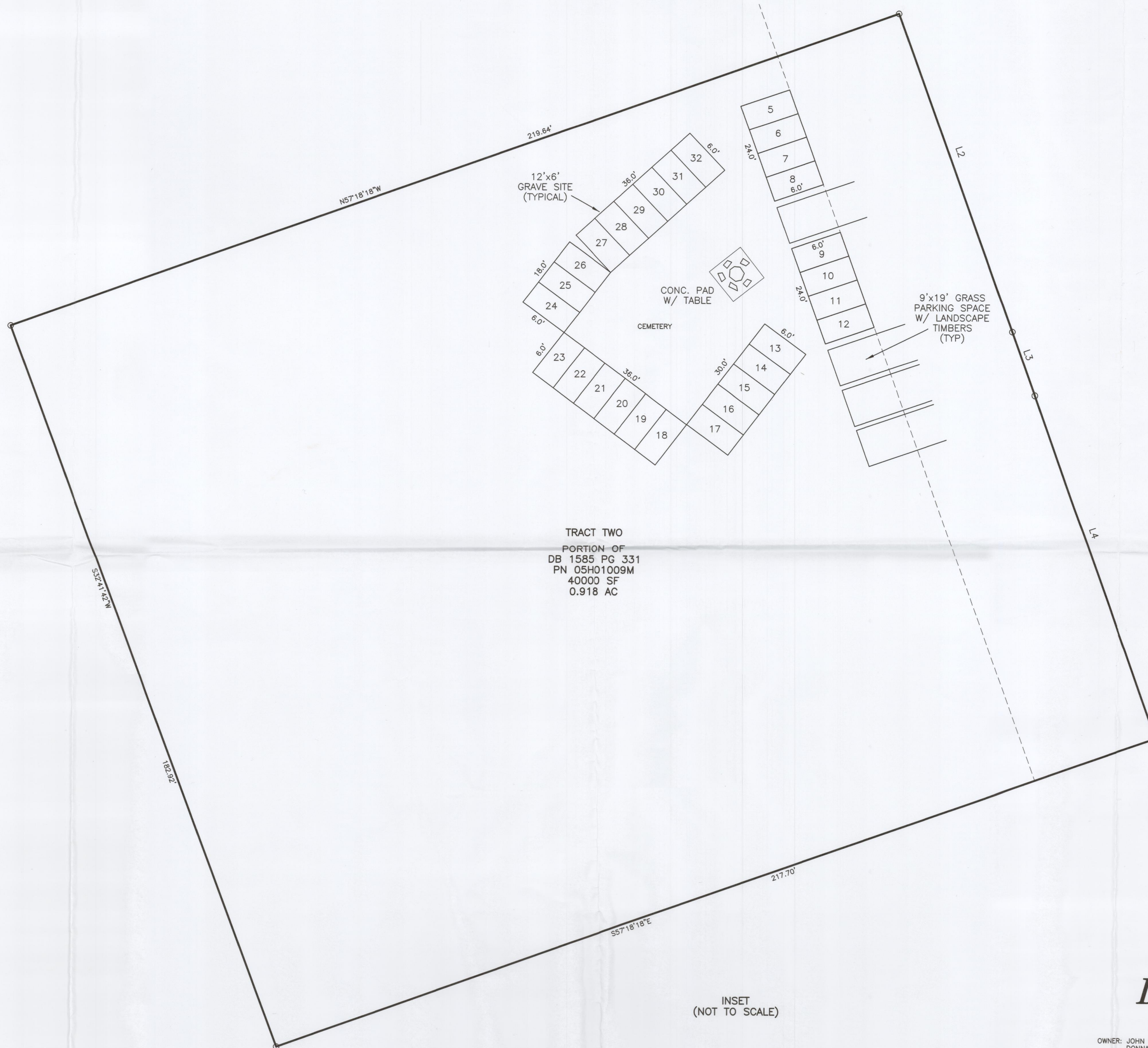


Molly L. Herring
Notary Public

My Commission Expires: 11/5/19



VICINITY MAP (NOT TO SCALE)



INSET
(NOT TO SCALE)

RECEIVED

JAN 08 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

CEMETERY SITE PLAN
FOR

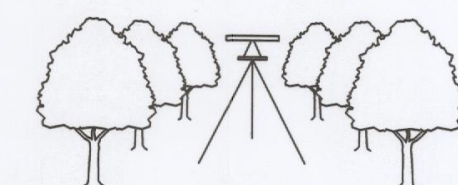
**JOHN E. FRANCIS
DONNA R. FRANCIS**

CLAYTON TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
SEPTEMBER 26, 2018

OWNER: JOHN E. FRANCIS
DONNA R. FRANCIS
4124 REDDINGTON RD
RALEIGH, N.C. 27609

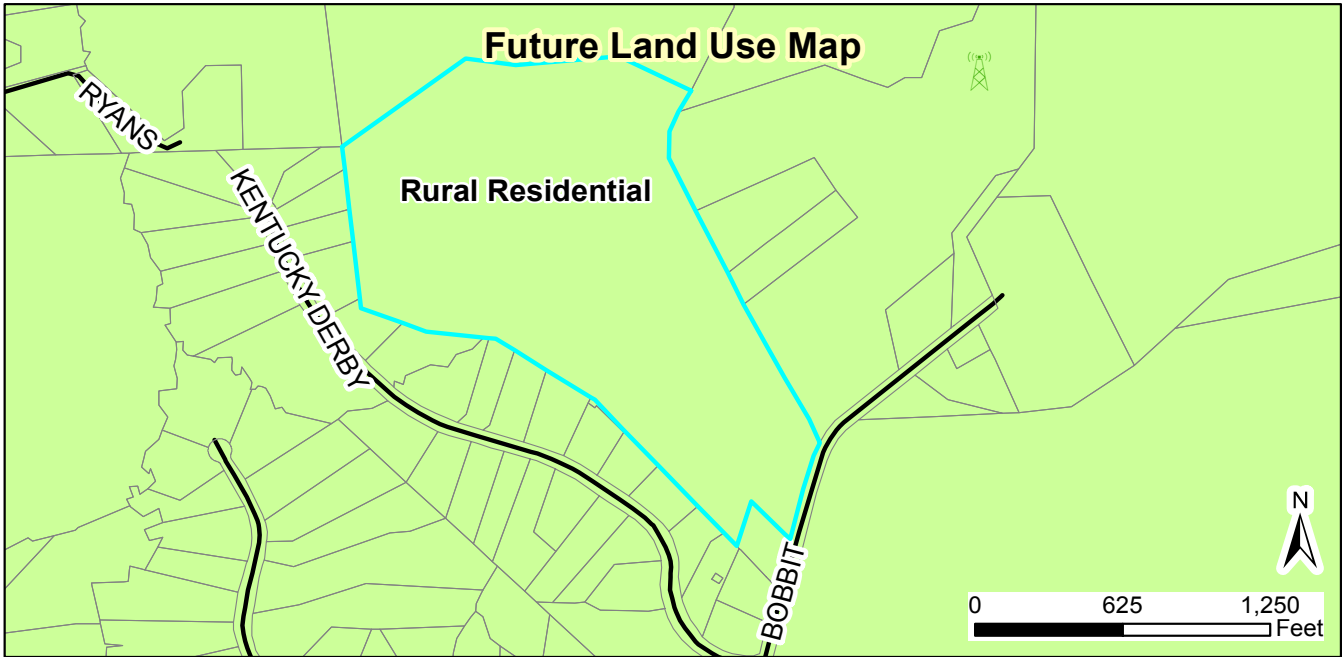
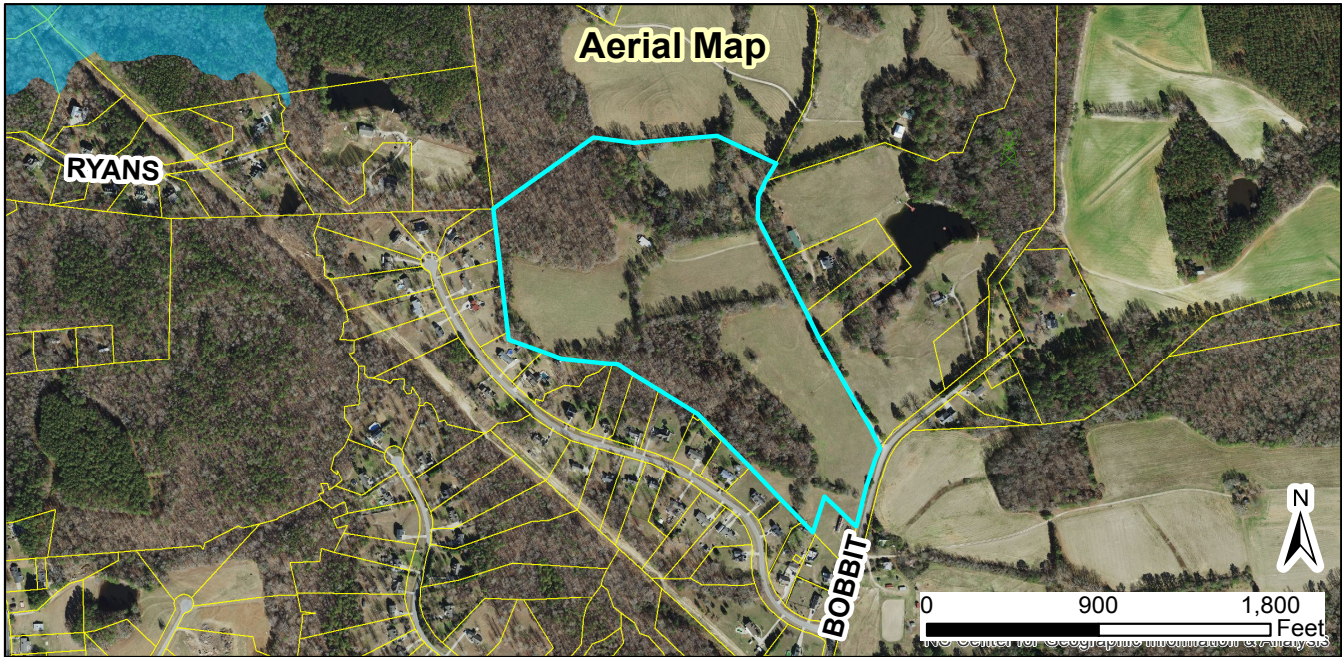
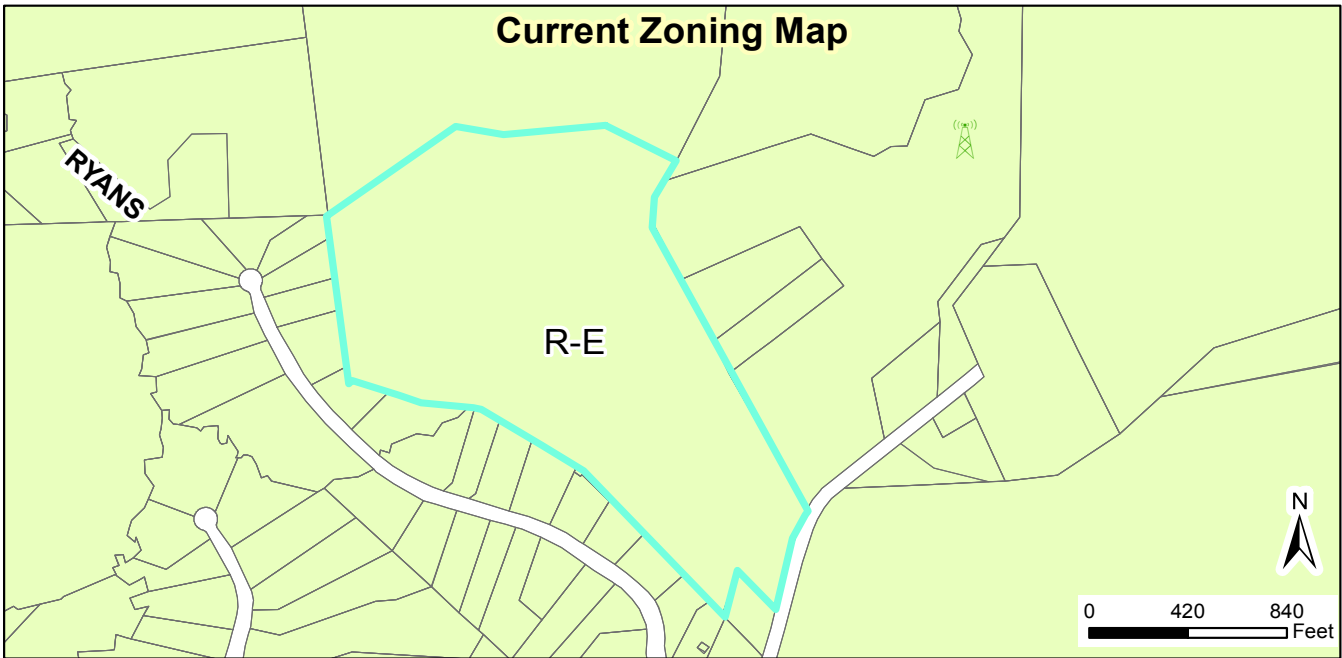
SURVEYED BY:
DRAWN BY:
CHECKED BY:
DRAWING NAME:
SURVEY DATE:
JOB NO.:

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



2018-230-SUP
Bobbit Road Cemetery, Special Use Permit
Request: develop a private family cemetery on the subject property

Applicant: True Line Surveying
 Property Owners: John E. Francis
 Parcel ID: 175000-86-9928
 Tag#: 05H01009M

Staff Report Map



Document Path: O:\PLANNING\SPECIAL USE\2018\2018-230-SUP 875 Bobbit Road Cemetery Special Use Permit\Maps\2018-230-SUP.mxd

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

01/24/19
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the quality of the data represented here.



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

*Town Council
February 4, 2019*

STAFF REPORT

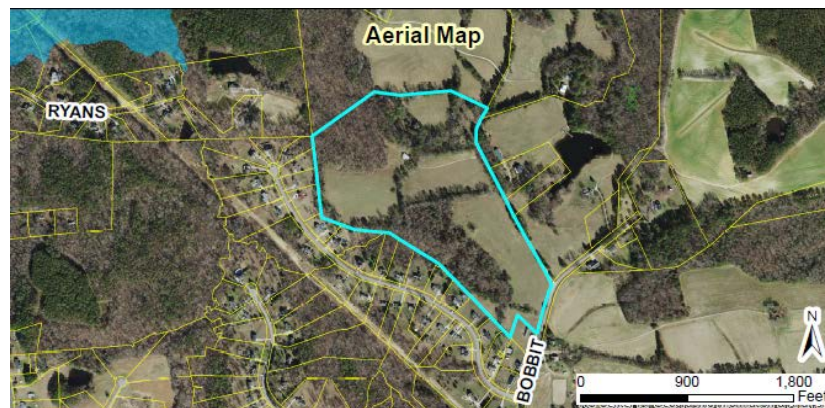
Application Number: 2018-230-SUP
Project Name: Bobbit Road Cemetery Special Use Permit

NC PIN / Tag #: 175000-86-9928 / 05H01009M
Town Limits/ETJ: ETJ
Overlay: None
Applicant: True Line Surveying
Owner: John E. Francis
Location: 875 Bobbit Road

Public Noticing:

- Neighborhood meeting to be held February 7, 2019
- Sign posted prior to January 23, 2019
- Letters mailed prior to February 8, 2019
- Newspaper ad posted January 23, 2019 and January 30, 2019

REQUEST: Request for issuance of a Special Use Permit to develop a private family cemetery on a portion of the subject property. The use of a cemetery requires a Special Use Permit in order to be permitted in this zoning district.



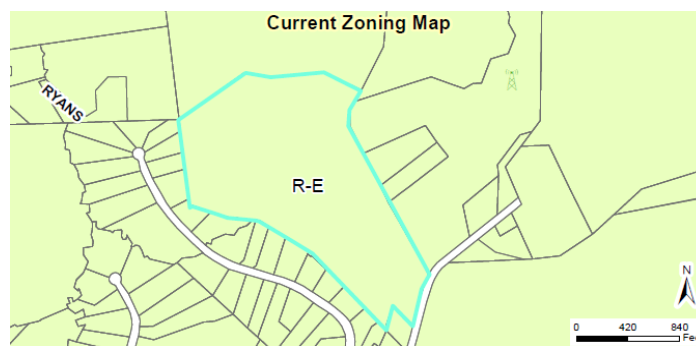
SITE DATA:

Acreage: 1 acre (cemetery use only; overall parcel is 52.80 acres)

Existing Use: Single Family Residence

ADJACENT ZONING AND LAND USES:

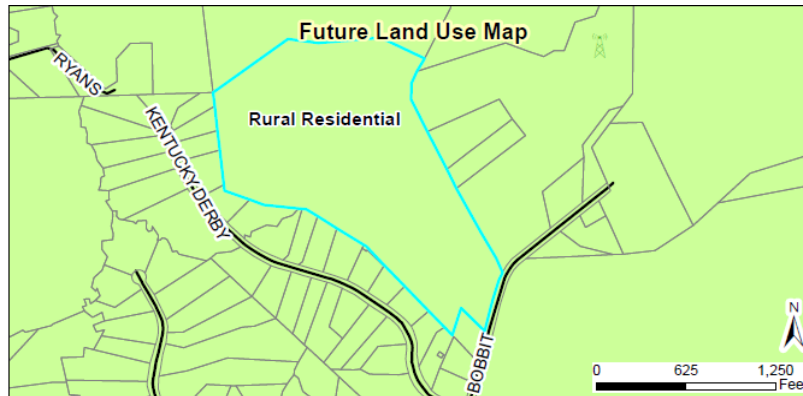
Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Single-family residential
South	Residential-Estate (R-E)	Single family residential
East	Residential-Estate (R-E)	Single family residential
West	Residential-Estate (R-E)	Single-family residential



STAFF ANALYSIS AND COMMENTARY:**Overview**

The applicant is requesting issuance of a Special Use Permit in order to develop the use of a cemetery on a portion of the subject property. The overall property is 52.80 acres, but the cemetery will only be 1 acre in total. It is proposed to be located in the northeast corner of the parcel and will be accessed via an existing shared access easement off Bobbit Road.

The cemetery will be a private family cemetery that is not open to the public. There will be 32 grave sites within the cemetery, as well as three grass parking spaces for visitors. The site will also include a concrete pad with a table for the visitors to utilize. A minor site plan (2018-232-SPM) is running concurrently with this application and has been included as an attachment for the Council to review.



Consistency with the Comprehensive Plan 2040

The property is identified in the Future Land Use Map as Rural Residential, which typically consists of single-family residential uses. Staff feels that the proposed private cemetery is consistent with this designation since it is an accessory to an existing single-family residential use on the property and will not be open to the public.

Consistency with Surrounding Land Uses

The proposed use of a cemetery is consistent with the surrounding area since it is a private family cemetery that will not be open to the public and therefore will not interfere with the existing residential character of the area.

FINDINGS OF FACT:

Section 155.711(l) of the Unified Development Code requires applications to address the following findings. The burden of proof is on the applicant. These Findings, as well as the applicant's response and staff's commentary, are included below:

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's Response: "The location of the private family cemetery will not endanger the public health or safety due to the remote location of the site."

Staff Commentary: Staff concurs that the site is located remotely in a rural area of Clayton's ETJ.

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 requirements.***

Applicant's Response: "The private cemetery plan has been reviewed by Town of Clayton staff and TOC-TRC and is designed according to all comments provided in order to conform with the Town Code of Ordinances".

Staff Commentary: The minor site plan has been reviewed and granted TRC certification from Town staff.

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's Response: "All land surrounding the private cemetery is owned by family and is being created to serve said family. Therefore will not be detrimental to the use or development of adjacent properties or other neighborhood uses."

Staff Commentary: The cemetery is proposed to be a private family cemetery, so it will be closed to the general public.

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's Response: "The creation of the private family cemetery is an allowed use for the current zoning of this property and is located in the ETJ. It 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."

Staff Commentary: The site is located in the ETJ and the use is permitted via issuance of a special use permit.

CONSIDERATIONS:

- Special Use Permits are decided upon by Town Council. Planning Board shall make a recommendation to Town Council.
- The Special Use Permit shall only be valid for the portion of the property included within the associated site plan.

RECOMMENDED CONDITIONS OF APPROVAL:

1. This special use permit allows for the development of a private family cemetery only. The cemetery shall not be open to the general public.
2. A note shall be added to the associated minor site plan stating that the plots included in the cemetery shall not be sold.
3. The development of the site is limited to the site design and use approved by Town Council and outlined within the associated minor site plan application. Modification to the associated minor site plan or this Special Use Permit shall require review in accordance with the provisions of the Unified Development Code.

ATTACHMENTS:

- 1) Application
- 2) Staff Report Maps
- 3) Neighborhood Meeting Materials

- 4) Associated Site Plan
- 5) Newspaper Ad
- 6) Adjacent Property Letters

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold an evidentiary hearing on Monday, February 4, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider 2018-230-SUP Bobbit Rd Cemetery Special Use Permit; request for special use permit to develop a private family cemetery on a portion of the subject property. Per UDC, the use of a cemetery is permitted only via issuance of a special use permit in this zoning district. The property is zoned Residential-Estate, is 53.20 acres, and is located off Bobbit Road. TAG # 05H01009M.

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.

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

Samantha Wullenwaber, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:

Wednesday, January 23, 2019

Wednesday, January 30, 2019

Affidavit of publication required.

**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 **2018-230-SUP**.

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.)

Item 6b
2018-230-SUP
Bobbit Road Family Cemetery

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:

Item 6b
2018-230-SUP
Bobbitt Road Family Cemetery

**TOWN OF CLAYTON
SPECIAL USE PERMIT
#2018-230-SUP
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:	True Line Surveying
Property Owner:	John E. Francis
Property Location:	875 Bobbit Road, Clayton NC
Brief Property Description:	52.80 Acres
Tax Parcel Number:	175000-86-9928 / 05H01009M
Proposed Use of Property:	Cemetery
Hearing Date:	February 4, 2019

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.

[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

February 4 2019

Agenda Location

Public Hearings

Item Title

2018-235-SD Geiger Subdivision Preliminary Plat (Major Subdivision)

Presenter

Planning Department

Summary/Description

Request to develop 8 single-family residential lots on 32.02 acres of land zoned Residential-Estate (R-E) off Ranch Road. The property is north of the Ranch Road and US Hwy 70 W. (70 Bypass) interchange. The proposed Major Subdivision is located in the Extraterritorial Jurisdiction (ETJ) of Clayton. Surrounding properties are zoned Residential-Estate (R-E). The proposed density is 1 lot per 3.987 acres. The proposed lots will be served by public water (Johnston County) and on-site septic. Electrical provider is Duke Energy Progress. The proposed lots will be accessed off Ranch Road.



Requested Action

Approval/Denial

Additional Documents to be Included in Agenda Packet

Application
Site Plan
Neighborhood Meeting Materials
Staff Report
Staff Report Map
Adjacent Property Letter
Newspaper Ad

Meeting Timeline

January 22nd – Set a Public Hearing (Town Council) February 4th – Public Hearing



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

MAJOR SUBDIVISION PLAN APPLICATION COVER SHEET

Name of Project: Geiger Subdivision **Date:** 12/3/18

Applicant Name: True Line Surveying

The following checklist to be completed by applicant:

[☒] Pre-Application Meeting on: 10/17/18

[☒] Review fee

[☒] Advertisement Fee

[☒] Copy of plan sets in PDF on USB (only one USB needed)

11 copies of the following:

[☒] Completed Application

[☒] Owner's Consent Form

[☒] Adjacent Property Owner's List

[☒] Road Name Application

[☒] Wastewater Allocation Request Form or verification of Wastewater

[☒] Signed/Sealed Traffic Impact Analysis (if applicable)

[☒] Neighborhood Meeting Notice Letter (1 copy)

[☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification

[☒] Stormwater Management Statement

11 copies of the plan set which includes the following:

[☒] Cover Sheet

[☒] Preliminary Engineering Plan Sheet

[☒] Existing Conditions Sheet

[☒] Preliminary Grading Plan Sheet

[☒] Signed & Sealed Boundary Survey

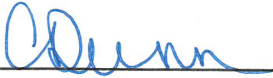
[☒] Landscaping Plan Sheet

[☒] Site Plan Sheet

[☒] Architectural Elevations Sheet

[☒] Phasing Plan Sheet

[☒] Lighting Plan Sheet

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

MAJOR SUBDIVISION (PRELIMINARY PLAT) APPLICATION

- ☒ **New Major Subdivision: \$400.00 + \$5.00 per lot**
☐ Conventional
☐ Open Space
☐ Master Plan
- ☐ **Modification to approved plan**
☐ Major: \$400.00 + \$5.00 per lot modified
☐ Minor: \$200.00 + \$5.00 per lot modified
Modified Plan: _____

Advertising Fee: \$200.00

SITE INFORMATION

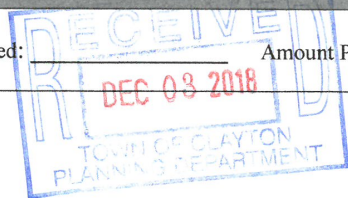
Name of Project: Geiger Subdivision Acreage of Property: 32.024
Tag #: 05E99017J NC Pin #: 166700-19-7216
Location: 755 Ranch Rd., Clayton, NC
Number of lots (Existing): 1 (Proposed): 8 Min. Lot Size: 81517sf
Zoning District: R-E Electric Provider: Duke Energy
Wastewater: ☒ *Septic* ☐ *Sewer* Water: ☐ *Well* ☒ *Public/Private Water*
Recreation/Open Space Requirement: ☒ *Fee in lieu* ☐ *Land Dedication – acreage:* _____

APPLICANT INFORMATION

Applicant: True Line Surveying
Mailing Address: 205 W. Main St. Clayton, NC
Phone Number: 919-359-0427 Fax: 919-359-0428
Contact Person: Curk Lane
Email Address: curk@truelinesurveying.com

OFFICE USE ONLY

Date Received: _____ Amount Paid: _____ File Number: 2018-235-5D



- (2) The subdivision meets all required specifications of this chapter.

The proposed subdivision meets all required specifications for RE zoning in the ETJ.

- (3) The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.

This plan has large lots due to soil characteristics and will be fitting with surrounded residential development and uses with surrounding properties. It will not violate the character of existing standards for development of properties in the surrounding area.

- (4) The subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

The design of this development allows for driveways along an existing DOT public road and will be spaced in according with DOT rules and regulations concerning driveway access permits. There will be no extension of any current road system.

****Planned developments must also meet the Master Plan Approval Criteria in Section 155.705(J)****

MAJOR SUBDIVISION PLAN CHECKLIST

Pursuant to Article 7, Section 155.706 of the Unified Development Code, applications requesting a public hearing or administrative approval process shall submit a plan set to the Planning Department. These plans may include Master Plan, Site Plan, Subdivision Plan, Regulating Plan, Architectural Elevations, Landscape Plan, Photometric/Lighting Plan, Engineering Plans, and Survey. The plan requirements shall be based on the type of development application or approval process.

PLAN FORMAT

These standards are established to provide information pertaining to the graphic and format presentation of plans. The following is required for all types of plans, except where otherwise noted:

- All plans and architectural elevations shall be limited to 24" x 36" in size, and **folded to an 8.5" x 11" format.**

- Plans are to be drawn at the same engineering scale of 1" = 20'; 30'; 40'; 50'; 60' (architectural elevations and details are exempt from this requirement) with north oriented in the same direction.
- Plans may be drawn at an engineering scale of 1" = 100', if approved by the Planning Department or the Technical Review Committee (TRC).
- Architectural plans and elevations shall be drawn at an architectural scale of 1" = 3/32', 3/16', 1/8', 1/4', or 3/8'.
- All drawings, except elevations, isometric drawings, and renderings, shall be in two dimensional plan views.
- All text shall be clear and legible.
- Line weight hierarchy on all plans shall be consistent with common drafting standards.
- Multiple sheets shall be consecutively numbered (e.g. Sheet 1 of 4).
- All numerical references shall be rounded up to a maximum of two decimal points.

PLAN ELEMENTS AND GRAPHIC DATA (TO BE ON ALL SHEETS)

The following items include general and project information. This information is required to be present on all plan sheets, except where otherwise noted.

Provided		
Yes	N/A	
☒		Consultant Logo Box (name, address, phone number, fax, and e-mail, firm and license number)
☒		Project/Application Name
☒		Type of Plan
☒		Signature and Professional Seal with date (landscape plans, architectural elevations, engineering plans, surveys)
☒		Original/Submittal Date and Revision Date
☒		Sheet Number
☒		Vicinity Map
☒		North Arrow with NC Grid System
☒		Graphic Scale (engineering or architectural graphic and written scale)

The following elements are specific to each property and application request, and shall be shown graphically on the specific plan types listed below. These graphics shall be supported by text, labeling, and dimensional information (width, length, and depth).

SURVEY

Provided		
Yes	N/A	
☒		A signed and sealed boundary survey (not more than a year old unless otherwise approved by the Planning Department) with the bearings and distances of every property line shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required. The survey must include any and all easements of record (referenced by Deed Book and Page) and must be prepared by a surveyor registered in the State of North Carolina.

EXISTING CONDITIONS SHEET

Provided		
Yes	N/A	
☐	☒	The existing topographical conditions of the property with a two foot contour interval showing the location of any natural features such as water courses, wooded areas, steep slopes (above 25%), or other geological features.
☒		The existing streets and roadway improvements (medians, landscaping, signage, driveways, etc.) within 100 feet of project boundary.
☒		The existing structures located on the subject property.
☒		The existing structures within 100 feet of project boundary.
☒		The existing utilities (including inverts of pipes, rim elevations, wells and septic tanks, etc.) within 100 feet of project site.
☒		Label subject parcel and adjacent property acreage, owners, and zoning districts.

PRELIMINARY SITE PLAN

The items listed below are required to be delineated (in a tabular format) on the site plan:

Provided		
Yes	N/A	
☒		Site data table in tabular form
☒		Name of project (AKA names if applicable)
☒		Parcel identification number (and/or Tag number)
☒		Property size (acres and square feet)
☒		Property location (Town limits or ETJ)
☒		Existing zoning district
☐	☒	Proposed zoning district (if applicable)
☐	☒	Overlay (if applicable)

Provided		
Yes	N/A	
☒		Existing use
☒		Proposed use
☐	☒	Number of seats/students/fueling positions (as applicable).
☐	☒	Number of housing units proposed, per housing unit type.
☐	☒	Proposed density (number of units per acre)
☐	☒	Proposed intensity (gross floor area)
☐	☒	Building coverage (as percentage of total site)
☐	☒	Impervious surface area (square feet and as percentage of total site)
☐	☒	Building height (number of stories and in feet)
☐	☒	Required parking (list requirement i.e. 1 space per 300 SF)
☐	☒	Proposed parking
☒	☐	Required/proposed handicap accessible parking
☒	☐	Provide name of Electric Provider.
☒	☐	Provide name of Water Provider.
☐	☐	Provide name of Sewer Provider.
☐	☒	Max building height.

Other site plan elements:

Provided		
Yes	N/A	
☒		Identify adjacent property owners, their parcel ID number, current zoning and present use.
☐	☒	Put a bubble around the affected area for amendments to previously approved projects.
☒		Identify the location of lots, buildings and structures with finished floor elevations and applicable setbacks.
☒		Identify existing and future right of ways.
☐	☒	Identify Watershed Protection Areas.
☒	☐	Identify existing easements by type, and distinguish if public or private.
☐	☒	Identify proposed easements by type, and distinguish if public or private.
☐	☒	Identify Open Space/Common Areas, amenities.
☐	☒	Identify clear sight triangle at project ingress/egress points with dimensions.
☐	☒	Identify main entrance/access driveways, curb and gutter, cross section with ROW. Proposed driveway and setbacks must be shown.

Provided		
Yes	N/A	
☐	☒	Provide boundaries of Resource Conservation Areas (see UDC Section 155.500).
☐	☒	Provide an off-street parking and loading layout (with details, dimensions and access location). Accessible parking requirements are listed in NCSBC Volume 1C, 1999 edition. Show traffic circulation arrows.
☐	☒	Provide queuing details for drive-up/drive-thru facilities (if applicable).
☐	☒	Provide the locations and dimensions of existing and proposed sidewalks and accessible routes.
☐	☒	Provide the location and details of refuse collection areas.
☐	☒	Provide the location, size and orientation of freestanding signs.
☐	☒	Identify proposed phasing (phasing lines) of construction on Phasing Plan sheet.
☐	☒	Cul-de-sacs must be dimensioned and meet Town of Clayton minimum design criteria.
☐	☒	Identify cluster mailbox unit (CBU) locations and details, including parking layout.

CONCEPTUAL ENGINEERING PLANS

Note: Conceptual engineering plans are deemed preliminary in nature. Review and approval of public infrastructure construction plans is a separate process performed by the Engineering Division.

Provided		
Yes	N/A	
☐	☒	Identify proposed streets and roadways (public and private) with dimensions and cross sections.
☐	☒	Identify the curve radii for all internal and external vehicular use areas.
☐	☒	Identify all access points to the project.
☐	☒	Identify existing conditions and proposed grading plans.
☐	☒	Identify Tree Conservation Areas shown on grading plan.
☐	☒	Show proposed flow of traffic.
☐	☒	Identify proposed traffic control signs and striping.
☐	☒	Identify the proposed water distribution system (including size) with location of fire hydrants and point of connection(s).
☐	☒	Identify the proposed sanitary sewer collection system (including size) and point of connection(s). If a municipal sewer connection is not available, please provide documentation from Johnston County Department of Environmental health that the location of septic tank and drain field is acceptable.
☐	☒	Provide preliminary wastewater allocation calculation.

LANDSCAPE PLAN

Provided		
Yes	N/A	
☐	✓	Provide a landscape plan identifying the location of all proposed landscaping (must be prepared by a landscape architect registered in North Carolina).
☐	✓	Indicate the location, width and type of all required buffers.
☐	✓	Indicate the location, width and type of landscaping within vehicular use areas.
☐	✓	Indicate the location, width and type of landscaping used to screen drive-thru areas, service areas, loading areas, mechanical equipment and above ground utilities.
☐	✓	Provide a plant list summary table which includes: 1. A planting key identifying the various planting elements 2. The quantity of each type of plant material proposed 3. The size, height, caliper and spacing of plant material proposed 4. The Botanical and common names of plant material proposed
☐	✓	Verify/identify clear sight distances and safe-sight-triangles at project ingress/egress points.
☐	✓	Provide an irrigation note to read as follows: "All landscaped areas shall be provided with an automatically operated irrigation system that will adequately cover all living plant material, such system shall include a rain sensor." (If irrigation will not be utilized, drought-tolerant species must be used).
☐	✓	Provide a landscape maintenance note which states: "All landscaped areas shall be maintained in an attractive and healthy condition. Dead or diseased plantings shall be removed and replaced in a timely fashion".
☐	✓	Identify and list any existing plant material which will be used to satisfy landscape requirements.

LIGHTING PLAN

Provided		
Yes	N/A	
☐	✓	Conceptual Lighting Plan - any common lighting should not spill over to other properties.
☐	✓	Identify the light source and provide a detail of the fixture.
☐	✓	Identify the proposed height of fixtures.

ARCHITECTURAL ELEVATIONS AND FLOORPLAN

Provided		
Yes	N/A	
☐	✓	Provide floor plans, elevations, construction materials, finishes and colors, along with type of construction of all buildings per North Carolina Building Code prepared by a professional architect registered in North Carolina. This should be provided in color.
☐	✓	Indicate the height and number of stories for each structure.
☐	✓	Indicate the location and screening method for all roof mounted structures or equipment.

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 Major Subdivision. 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.

Curk Lane

Print Name


Signature of Applicant

12/3/18

Date



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

January 22, 2019

RE: Project #: 2018-235-SD Geiger Subdivision Preliminary Plat (Major Subdivision)
PIN #: 166700-19-7216
TAG #: 05E99017J
Applicant: David Geiger

Dear Clayton Area Property Owner:

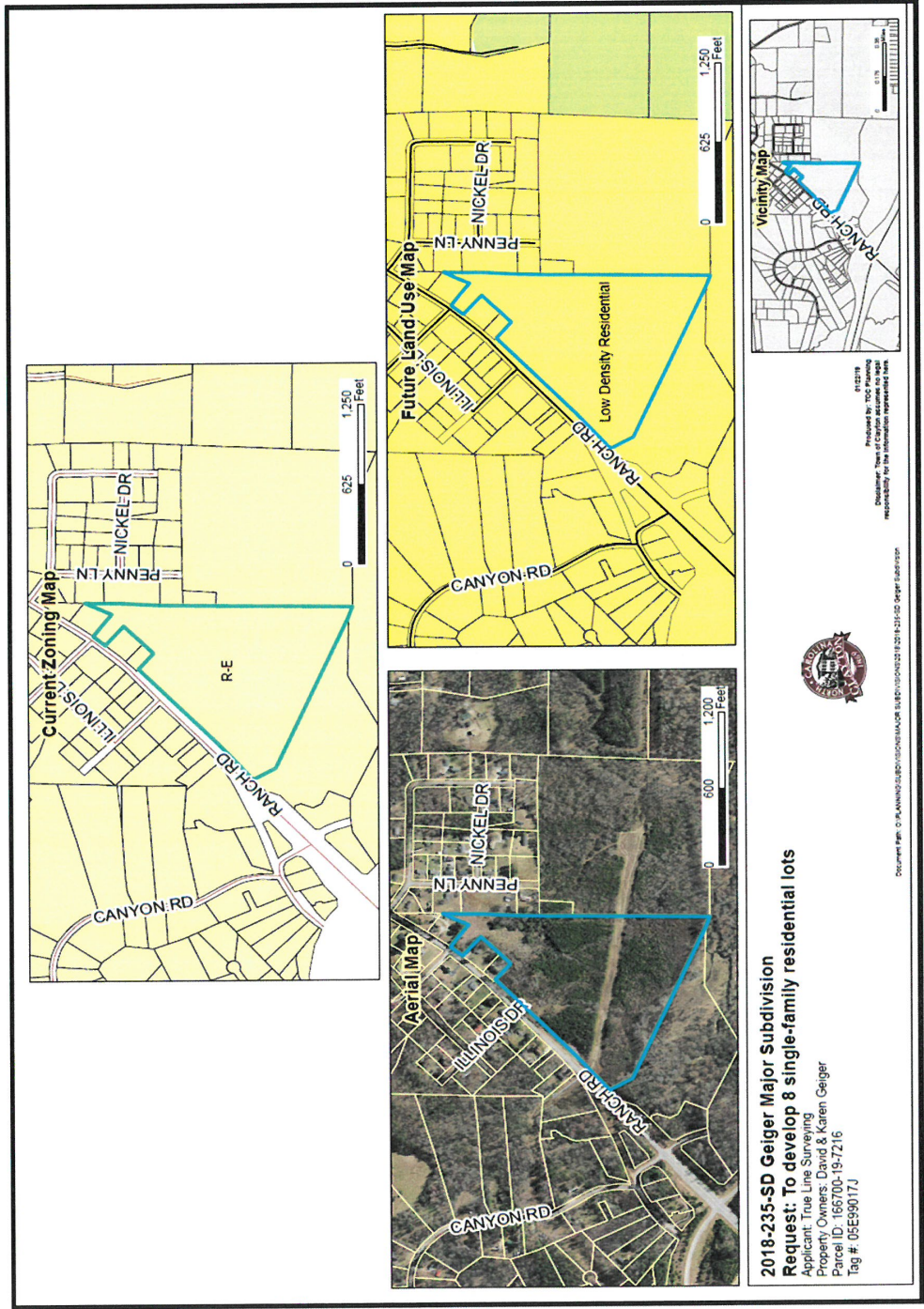
The Clayton Town Council will hold an evidentiary hearing on **Monday, February 4, 2019 at 6:00 PM** at Town Hall, 111 E. Second Street, to consider the above referenced application to develop 8 single-family residential lots on the subject property. The property is located off Ranch Road. Please see 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 request, which is why you are receiving this letter of notification. You are invited to attend this meeting and express your opinions on these requests. 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. This is an open meeting and the public is invited to attend.

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

Sincerely,

Beth Franson, GISP
Planning Specialist



TRUE LINE SURVEYING, P.C.



December 19, 2018

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 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: Wednesday, January 9, 2019

Location: True Line Surveying, 205 W. Main St., Clayton, NC 27520

Time: 7:00pm

Type of Application: Major Subdivision

Description of project/proposal: Purpose of this application is to develop a single family residential subdivision.

Upcoming public meetings: Planning Board Meeting, January 28, 2019.

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

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

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

If you have any questions prior to or after this meeting, you may contact us at (919)359-0427. You may also contact the Planning Department at 919-553-5002

Sincerely,

Curk T. Lane
True Line Surveying

Cc: Clayton Planning Dept.

205 W. Main Street, Clayton, NC 27520
(919) 359-0427 • Fax: (919) 359-0428

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

Project: Geiger Subdivision

Application: Major Application

Location/Date: 1/9/19, True Line Surveying, 205 W. Main St. Clayton, NC 27520

	NAME	ADDRESS
1	Jackie Parker	2020 Penny Ln. Clayton, NC 27
2	ML Minter	579 Ranch Rd. Clayton, NC 27520
3	Althea Fraser	1104 Mailwood Dr. Knighdale, NC 27545
4	Katie D. Strickland	2036 Penny Ln. Clayton, NC 27520
5	Mark Hartman	187 Sonta Gertrudis. Dr., Clayton, NC 27520
6	Jan Kinlaw (Hartman)	4913 Timber Oaks Dr., Raleigh, NC 27606
7	LaVerne O'Neal	658 Ranch Rd., Clayton, NC 27520
8	Mary S. Lawtin Brown	580 Ranch Rd. Clayton, NC 27520
9	David & Keren Geiger	2005 Valley Dr., Clayton, NC 27520
10	Carol Johnson	690 Ranch Rd., Clayton, NC 27520
11	Jimmie Lee White	633 Ranch Rd., Clayton, NC 27520
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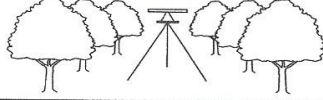
Geiger Subdivision

1-9-19

7-9 pm

<u>Name</u>	<u>Address</u>
Jackie W. Parker M L Hunter	2020 Penny Lane Clayton, NC 27520
M L Hunter 57	579 Ranch Rd. Clayton, NC 27520
Althea T Frasee	Penny Ln 1104 Mailwood Dr Knightsdale NC 27545
Katie Strickland 2036 Penny Lane Clayton, NC 27520	Mark Hartman 187 Santa Gertrudis Dr. Clayton, NC 27520
Jan Kinlan (Hartman) 4913 Timber Oaks Dr. Raleigh NC 27606	Garrett Ornel 658 Ranch Rd Clayton, NC 27520
Mary S. Lawton Brown 580 Ranch Road Clayton, NC 27520	David + Karen Geiger 2005 Valley Dr. Clayton, NC 27520
Carol Johnson 690 Ranch Rd Clayton, NC 27520	Jimmie Dee White 633 Ranch Road Clayton NC 27520

TRUE LINE SURVEYING, P.C.



Geiger Subdivision
1/09/19

Neighborhood meeting was held January 09, 2019, 7pm at True Line Surveying. A list of attendees is included as part of these minutes. Curk Lane conducted the meeting. Attendees had questions and concerns.

1. Is the city limits going to be move to incorporate their property? No
2. Any new roads to be constructed to this development? No
3. Any berms or landscaping to be installed? No, Landscaping is not required for property abutting to same zoning properties
4. Will there be a grading plan? No
5. Will the storm water still drain the same way? Yes
6. There will no claims or mussels or injured in this development because the steam is not on this property.

Curk explained each answer to the attendees. The attendees had no further questions. The meeting ended at 9pm.

NEIGHBORHOOD MEETING SUMMARY FORM

FILL OUT THE FOLLOWING:

Application: Major Date of Mailing: 12/19/18
Date of Meeting: 1/09/19 Time of Meeting: 7pm
Location of Meeting: True Line Surveying, 205 W. Main St., Clayton, NC 27520

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: Molly Herring Signature: Molly Herring

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.*

See attachment

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

ADJACENT PROPERTY OWNERS LIST

Project Name: **Geiger Subdivision**

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

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

PARCEL NUMBER	NAME	ADDRESS
166700-18-1641	Travis & Mary Elizabeth Workman	121 Inwood Forest Dr. Raleigh, NC 27603
166700-27-1758	Carolina Packers, Inc.	PO Drawer 1109 Smithfield, NC 27577
166700-29-8041	Althea Fraser	1104 Mailwood Dr. Knighdale, NC 27545
166700-29-1493	Claude Banks Heirs	5675 Little Creek Ch. Rd. Clayton, NC 27520
166700-29-2633	Katie D. Strickland	2036 Penny Ln. Clayton, NC 27520
166700-29-2835	Alan Neil Hartman Revocable Trust	2034 Penny Ln. Clayton, NC 27520
166800-20-2241	Jackie Parker	2020 Penny Ln. Clayton, NC 27
166800-20-2378	Mattie F. Henderson	2008 Penny Ln. Clayton, NC 27520
166800-20-1308	Milton & Geraldine Minter	579 Ranch Rd. Clayton, NC 27520
166800-20-0230	Milton & Geraldine Minter	579 Ranch Rd. Clayton, NC 27520
166700-19-8924	Jimmie & Daisey White	633 Ranch Rd. Clayton, NC 27520
166700-19-7826	Odell & Cynthia Williamson	661 Ranch Rd. Clayton, NC 27520
166800-10-8430	Jerrie Brown	580 Ranch Rd. Clayton, NC 27520
166800-10-6179	Vernell Sanders Avery	636 Ranch Rd. Clayton, NC 27520
166700-19-5926	Carol Johnson	690 Ranch Rd. Clayton, NC 27520
166700-19-4923	Carol Johnson	690 Ranch Rd. Clayton, NC 27520
166700-19-3847	Mary K. Peterson	708 Ranch Rd. Clayton, NC 27520

ADJACENT PROPERTY OWNERS LIST

Project Name: _____

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

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

[illegible]

NEIGHBORHOOD MEETING INFORMATION

Purpose:

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

Meeting Date:

The meeting must be held at least ten (10) calendar days prior to the Planning Board meeting.

Meeting Time & Location:

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

Meeting Notice Mailing requirements:

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

Information required to be provided at the Neighborhood Meeting:

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

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

Information provided to Planning Department:

Alert the Planning Department once the date, location, and time of the Neighborhood Meeting are determined. Planning staff may attend the Neighborhood Meeting to answer process/code questions.

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

- ☒ Adjacent Property Owner's List (aka "mailing list")
- ☒ Copy of the letter mailed
- ☐ Attendance Roster (aka "sign-in sheet")
- ☐ Neighborhood Meeting Summary Form with minutes (see below)



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: Dana Geiger Address or PIN #: 05E99017J

AGENT/APPLICANT INFORMATION:

True Line Surveying
(Name - type, print clearly)

205 W. Main 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):

Mayor

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:

David A Geiger
(Name - type, print clearly)
[Signature]
(Owner's Signature)

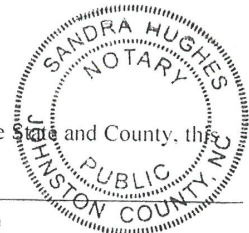
205 Valley Dr
(Address)
Clayton NC 27520
(City, State, Zip)

STATE OF NC
COUNTY OF Johnston

Sworn and subscribed before me Sandra Hughes, a Notary Public for the above State and County, this 15th day of October, 2018.

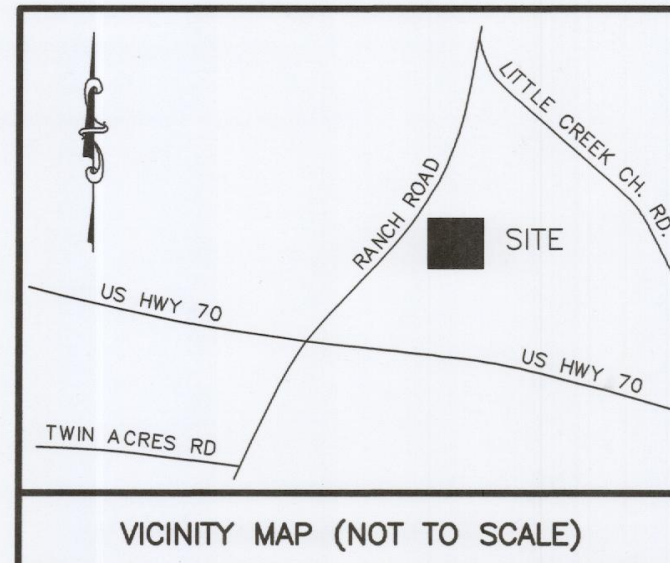
SEAL

Sandra Hughes
Notary Public



My Commission Expires: 7/31/21

January 2018

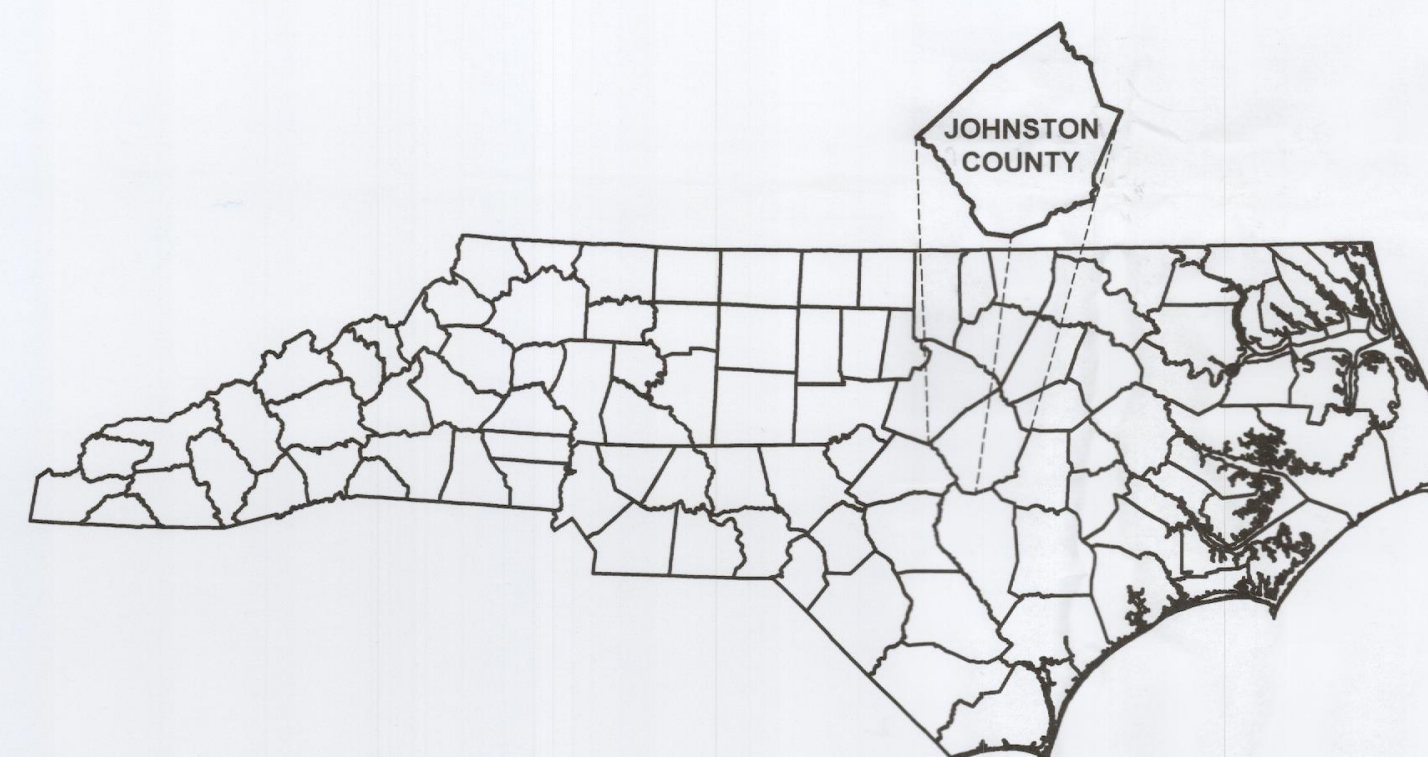


PRELIMINARY SUBDIVISION PLAN
FOR
GEIGER SUBDIVISION
CLAYTON, NORTH CAROLINA

TOWN OF CLAYTON PROJECT NO. 2018-235-SD

SHEET INDEX

<u>SHEET TITLE</u>	<u>SHEET No.</u>
EXISTING CONDITIONS.....	2
SUBDIVISION PLAN.....	3
BOUNDARY.....	4



DEVELOPER/APPLICANT:

DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, NORTH CAROLINA, 27520

LAND SURVEYOR

TRUE LINE SURVEYING, P.C.
205 WEST MAIN STREET
CLAYTON, NORTH CAROLINA, 27520
TELEPHONE: 919-359-0427
FAX: 919-359-0428

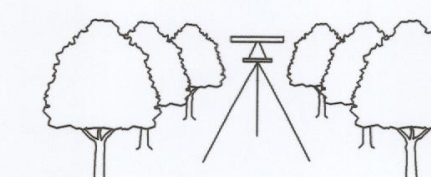
ENGINEER

BLACKBURN CONSULTING ENGINEERING
305 E MAIN STREET
CLAYTON, NORTH CAROLINA, 27520
TELEPHONE: 919-553-2900

SHEET 1: COVER SHEET

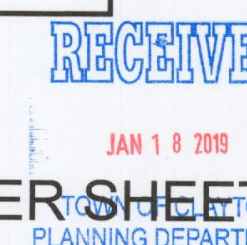
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TLS
DRAWN BY:
MIKE
CHECKED BY:
CURK
DRAWING NAME:
COVER SHEET
SURVEY DATE:
8-27-18
JOB NO.
1844.024

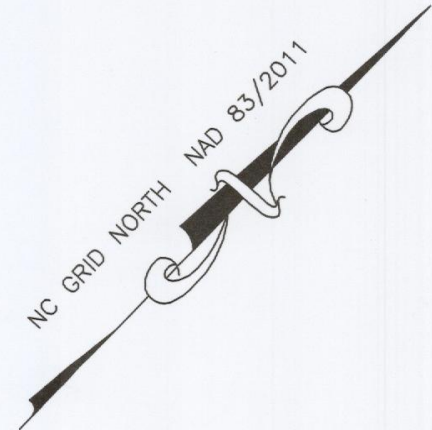
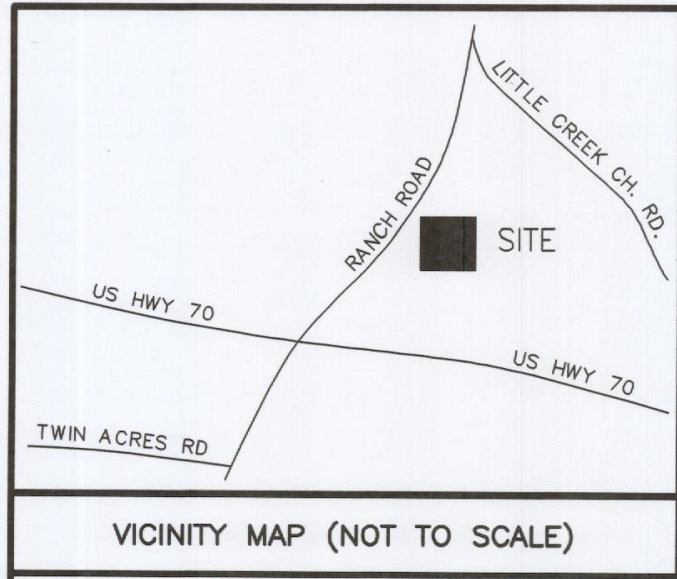
TRUE LINE SURVEYING, P.C.



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

C-1859





LINE	BEARING	DISTANCE
L1	N46°19'46"E	99.86'
L2	N73°36'10"W	95.01'
L3	N42°51'57"W	19.21'
L4	N38°25'12"E	220.38'
L5	N56°26'18"E	208.50'
L6	N43°55'10"E	100.01'
L7	N41°41'45"E	99.76'
L8	N03°29'34"E	1.01'
L9	S78°08'34"E	1.10'
L10	N31°58'05"E	9.28'
L11	N47°08'02"E	110.00'
L12	N47°08'02"E	93.53'
L13	N42°39'53"E	30.00'
L14	S00°53'53"W	46.36'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2230.00'	100.87'	100.86'	N38°42'38"E

R-E ZONING STANDARDS

1. SETBACKS AS SHOWN ARE TYPICAL
2. MAXIMUM BUILDING HEIGHT = 35'
3. MAXIMUM IMPERVIOUS COVERAGE PER LOT = 50%
4. MAXIMUM LOT COVERAGE = 35%
5. MINIMUM LOT SIZE = 25,000 SF
6. MINIMUM DWELLING UNIT SIZE = 1,400 SF
7. MINIMUM LOT WIDTH = 80 FEET

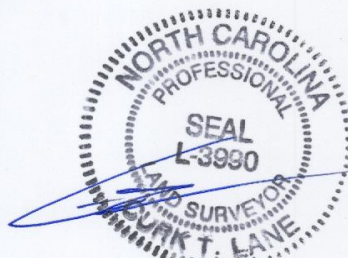
MINIMUM BUILDING SETBACKS
FRONT = 35'
SIDE = 15'
REAR = 30'
STREET SIDE = 25'

GEIGER SUBDIVISION
SITE INFORMATION

OWNER: DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, N.C. 27520
PARCEL NO. 05E990171
NC PIN NO. 166700-19-7216
PARENT TRACT DEED: DB 5179 PG 160
NO. LOTS PROPOSED: 8

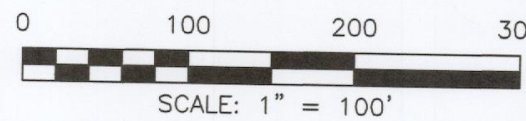
THERE ARE INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE. FEMA FLOOD PANEL 3720165800 J

TOWNSHIP: CLAYTON
ETC: CLAYTON
TOWN ZONING: R-E
TOTAL ACREAGE: 32.024 AC
CURRENT USE: VACANT
PROPOSED USE: SUBDIVISION/RESIDENTIAL
EXISTING DENSITY: 0
PROPOSED DENSITY: 1 LOT PER 3.987 ACRES
REQUIRED PARKING: 2 SPACES PER LOT
PROPOSED PARKING: 2 SPACES PER LOT
ELECTRICAL PROVIDER: DUKE ENERGY PROGRESS
WATER PROVIDER: JOHNSTON COUNTY
LOTS TO BE SERVED BY PUBLIC WATER AND ON-SITE SEPTIC



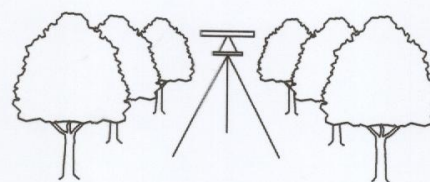
DEVELOPER/APPLICANT:

DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, NORTH CAROLINA, 27520



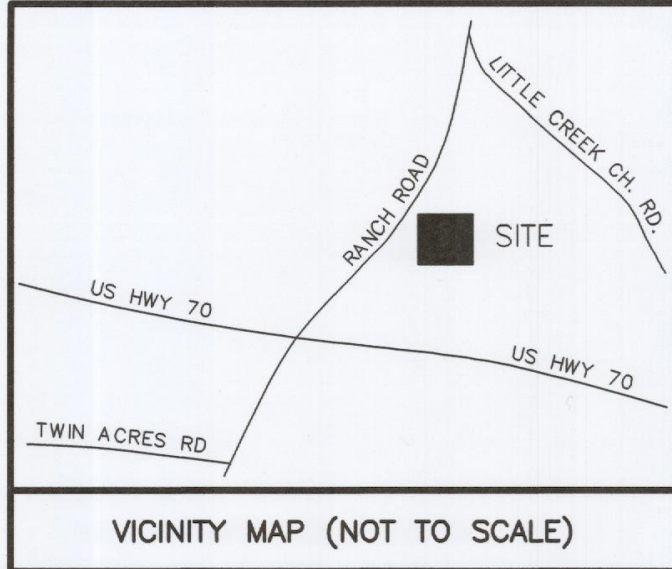
SHEET 2: EXISTING CONDITIONS

TRUE LINE SURVEYING, P.C.



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

SURVEYED BY:	DAVID & KAREN GEIGER
DRAWN BY:	MIKE
CHECKED BY:	MIKE
DRAWING NAME:	EXISTING CONDITIONS
SURVEY DATE:	
JOB NO.	1844.024



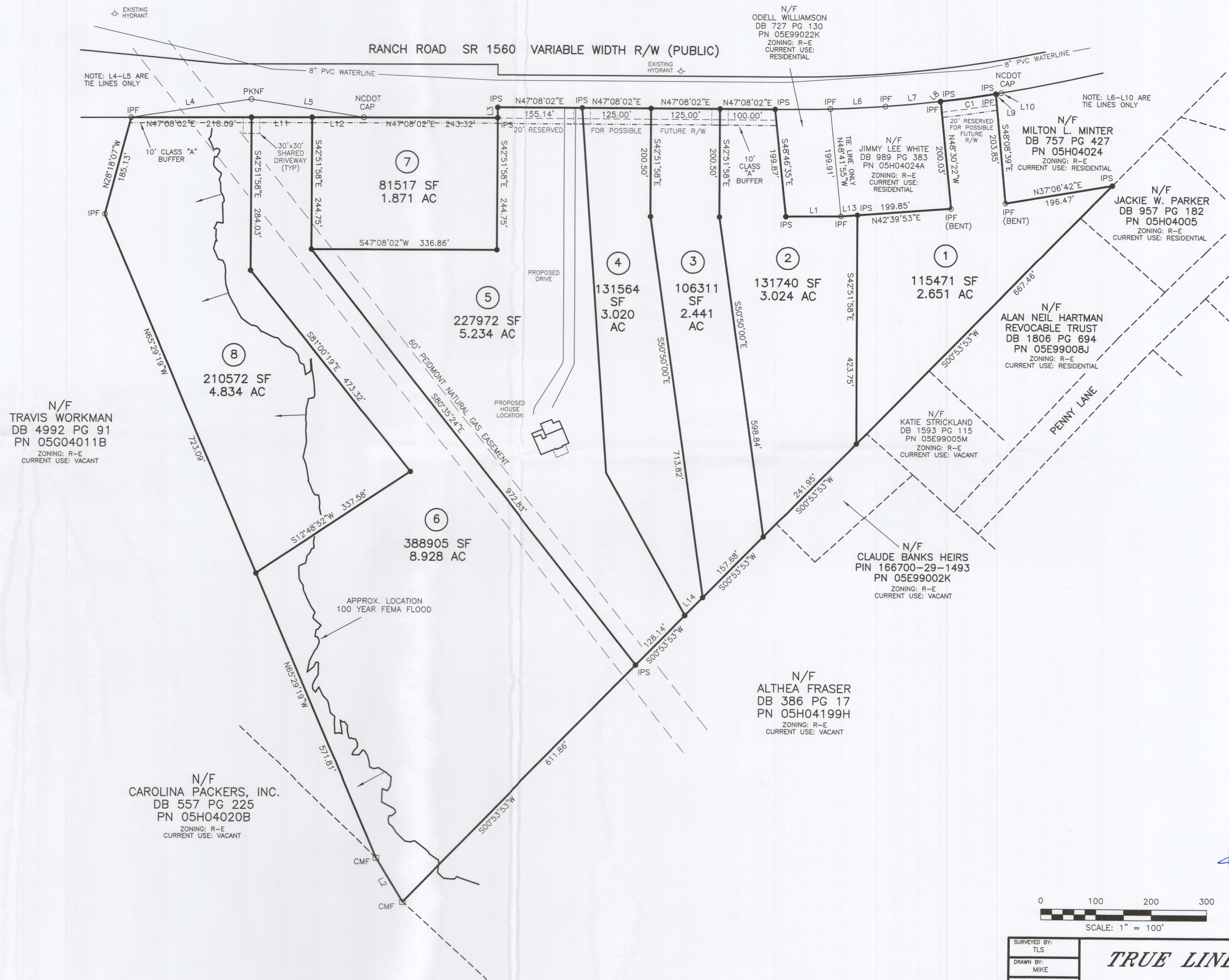
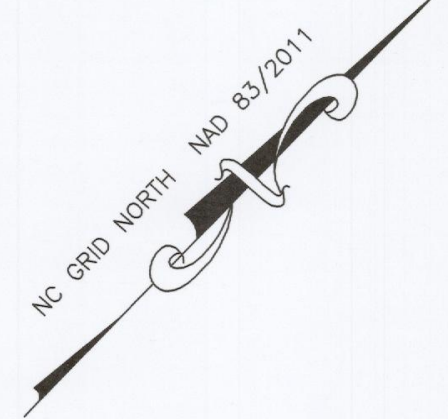
DEVELOPER/APPLICANT:

DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, NORTH CAROLINA, 27520

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2230.00'	100.87'	100.86'	N38°42'38"E

LINE	BEARING	DISTANCE
L11	N47°08'02"E	110.00'
L12	N47°08'02"E	93.53'
L13	N42°39'53"E	30.00'
L14	S00°53'53"W	46.36'

LINE	BEARING	DISTANCE
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L6	N43°55'10"E	100.01'
L7	N41°41'45"E	99.76'
L8	N03°29'34"E	1.01'
L9	S78°06'34"E	1.10'
L10	N31°58'05"E	9.29'



R-E ZONING STANDARDS

1. SETBACKS AS SHOWN ARE TYPICAL
2. MAXIMUM BUILDING HEIGHT = 35'
3. MAXIMUM IMPERVIOUS COVERAGE PER LOT = 50%
4. MAXIMUM LOT COVERAGE = 35%
5. MINIMUM LOT SIZE = 25,000 SF
6. MINIMUM DWELLING UNIT SIZE = 1,400 SF
7. MINIMUM LOT WIDTH = 80 FEET

MINIMUM BUILDING SETBACKS

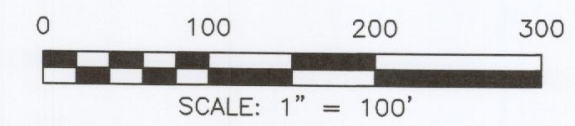
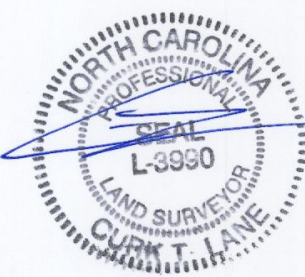
FRONT = 35'
SIDE = 15'
REAR = 30'
STREET SIDE = 25'

**GEIGER SUBDIVISION
SITE INFORMATION**

OWNER: DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, N.C. 27520
PARCEL NO. 05E990017J
NO PIN NO. 166700-18-7216
PARENT TRACT DEED: DB 5179 PG 160
NO. LOTS PROPOSED: 8

THERE ARE INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE. FEMA FLOOD PANEL 3720165800 J

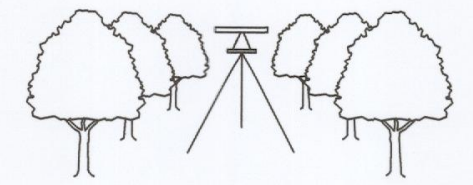
TOWNSHIP: CLAYTON
ETC: CLAYTON
TOWN ZONING: R-E
TOTAL ACREAGE: 32.024 AC
CURRENT USE: VACANT
PROPOSED USE: SUBDIVISION/RESIDENTIAL
EXISTING DENSITY: 0
PROPOSED DENSITY: 1 LOT PER 3.987 ACRES
REQUIRED PARKING: 2 SPACES PER LOT
PROPOSED PARKING: 2 SPACES PER LOT
ELECTRICAL PROVIDER: DUKE ENERGY PROGRESS
WATER PROVIDER: JOHNSTON COUNTY
LOTS TO BE SERVED BY PUBLIC WATER AND ON-SITE SEPTIC



SHEET 3: SUBDIVISION

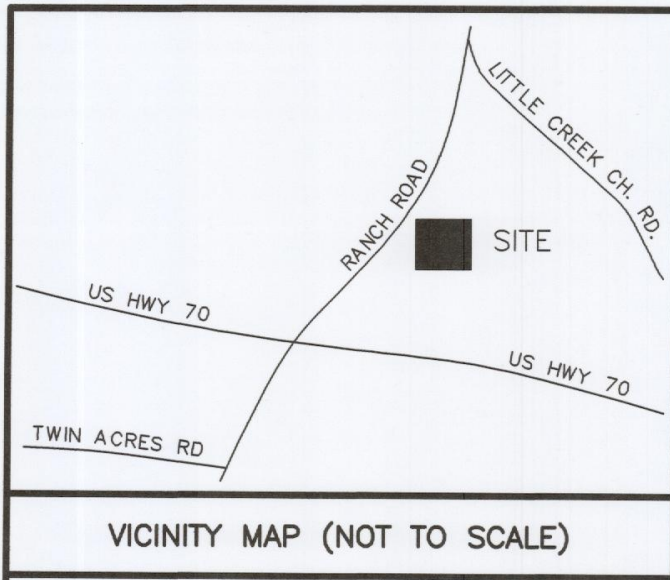
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DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	SUBDIVISION.DWG
SURVEY DATE:	9-27-18
JOB NO.	1844.024

TRUE LINE SURVEYING, P.C.



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

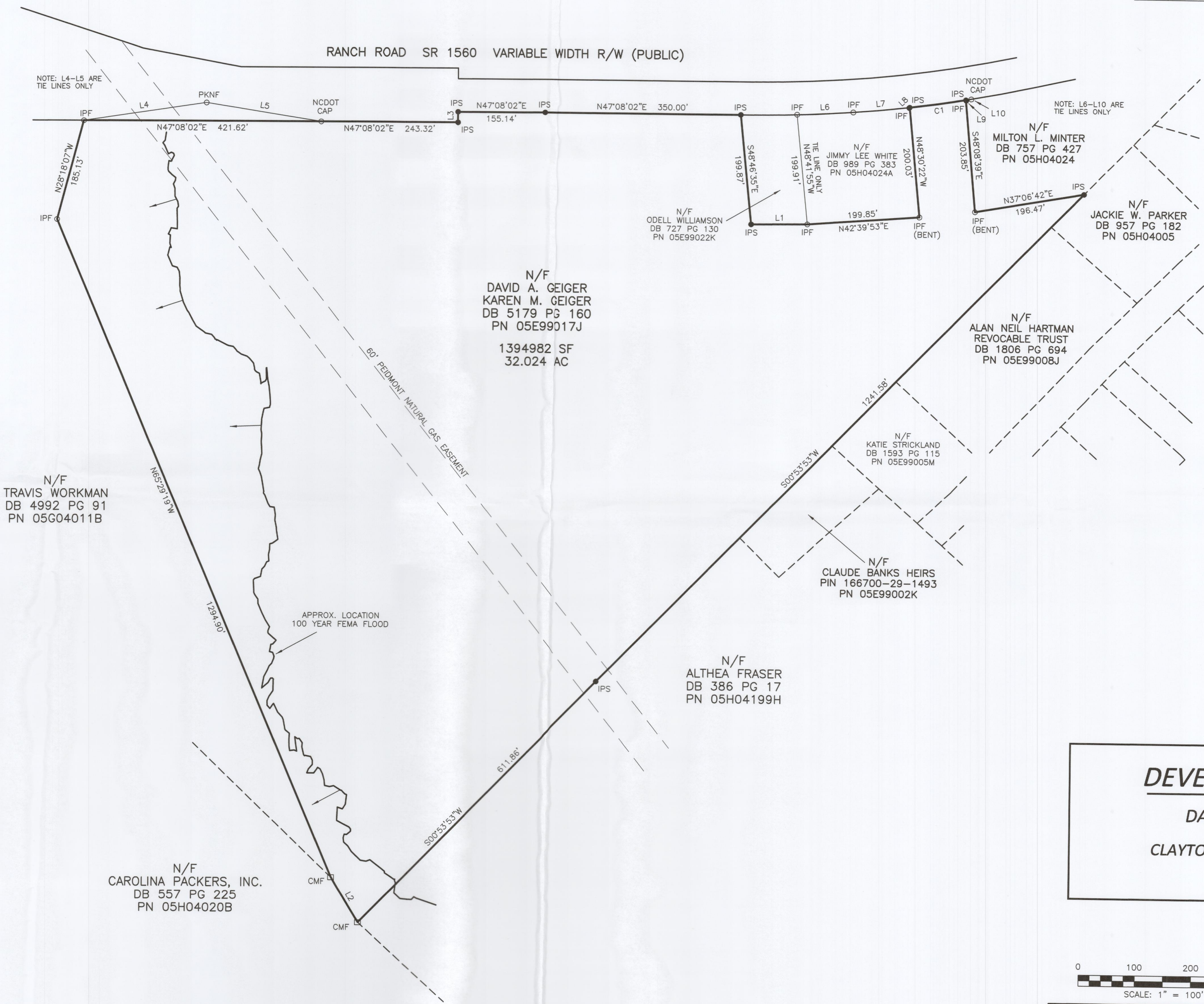
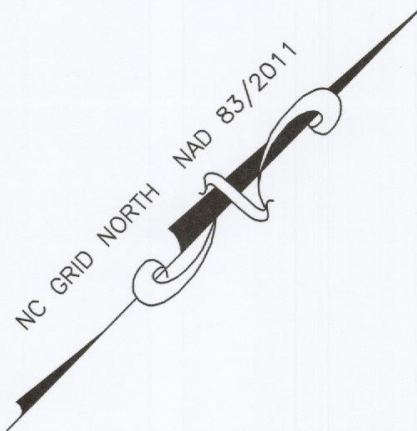
C-1859



PROPERTY SHOWN HEREON IS PARTIALLY AS SHOWN
LOCATED IN A FEMA DESIGNATED FLOOD ZONE.
FEMA FLOOD HAZARD PANEL NO. 3720166700 K
EFFECTIVE DATE: APRIL 30, 2018

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2230.00'	100.87'	100.86'	N38°42'38"E

LINE	BEARING	DISTANCE
L1	N46°19'46"E	99.88'
L2	N73°36'10"W	95.01'
L3	N42°51'57"W	19.21'
L4	N38°25'12"E	220.38'
L5	N56°26'18"E	206.50'
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L7	N41°41'45"E	99.76'
L8	N03°23'34"E	1.01'
L9	S78°06'34"E	1.10'
L10	N31°58'05"E	9.29'



R-E ZONING STANDARDS

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3. MAXIMUM IMPERVIOUS COVERAGE PER LOT = 50%
4. MAXIMUM LOT COVERAGE = 35%
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6. MINIMUM DWELLING UNIT SIZE = 1,400 SF
7. MINIMUM LOT WIDTH = 80 FEET

MINIMUM BUILDING SETBACKS
FRONT = 35'
SIDE = 15'
REAR = 30'
STREET SIDE = 25'

GEIGER SUBDIVISION
SITE INFORMATION

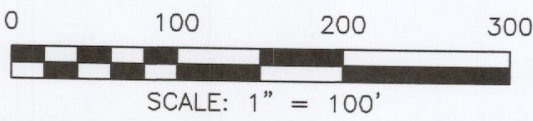
OWNER: DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, N.C. 27520
PARCEL NO. 05E990017J
NO PIN NO. 166700-19-7216
PARENT TRACT DEED: DB 5179 PG 160
NO. LOTS PROPOSED: 8

THERE ARE INSTANCES OF 100 YEAR FEMA FLOOD
ON SITE: FEMA FLOOD PANEL 3720166800 J

TOWNSHIP: CLAYTON
ETJ: CLAYTON
TOWN ZONING: R-E
TOTAL ACREAGE: 32.024 AC
CURRENT USE: VACANT
PROPOSED USE: SUBDIVISION/RESIDENTIAL
EXISTING DENSITY: 0
PROPOSED DENSITY: 1 LOT PER 3.987 ACRES
REQUIRED PARKING: 2 SPACES PER LOT
PROPOSED PARKING: 2 SPACES PER LOT
ELECTRICAL PROVIDER: DUKE ENERGY PROGRESS
WATER PROVIDER: JOHNSTON COUNTY
LOTS TO BE SERVED BY PUBLIC WATER AND ON-SITE SEPTIC

DEVELOPER/APPLICANT:

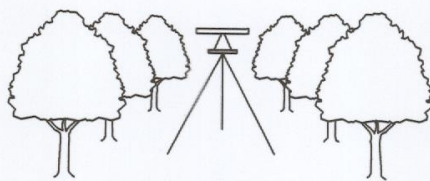
DAVID & KAREN GEIGER
2005 VALLEY DRIVE
CLAYTON, NORTH CAROLINA, 27520



SHEET 4: BOUNDARY

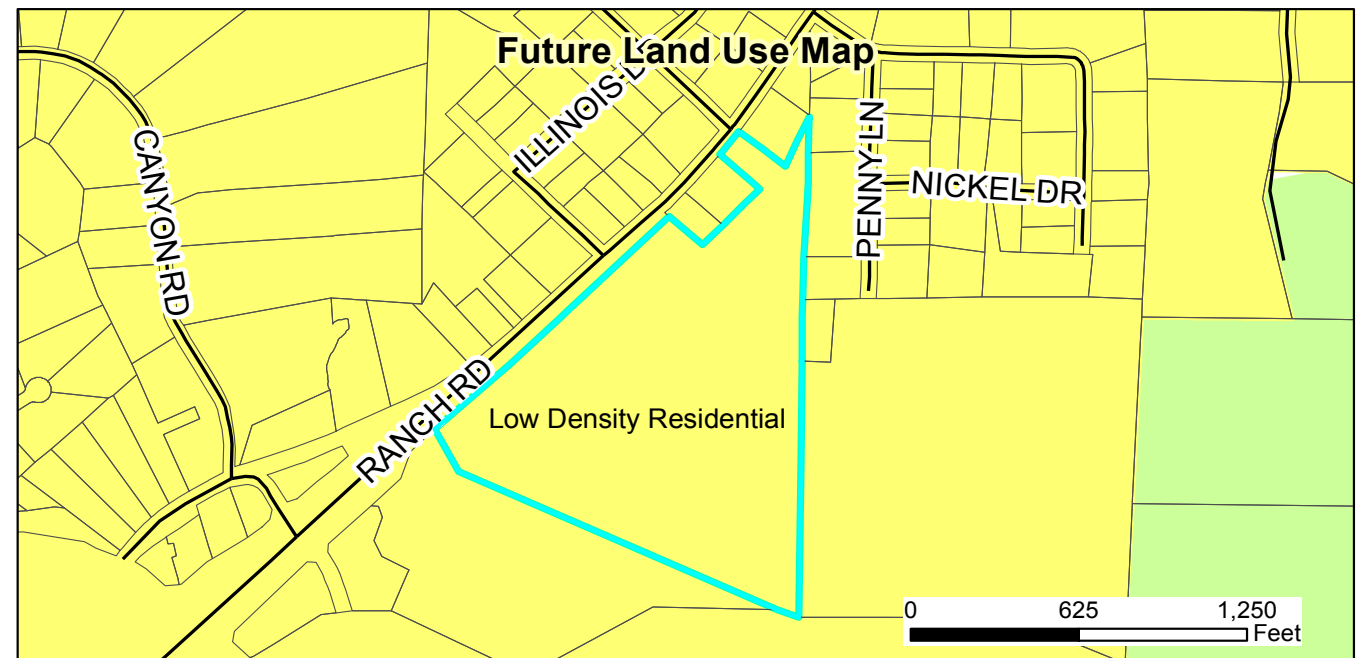
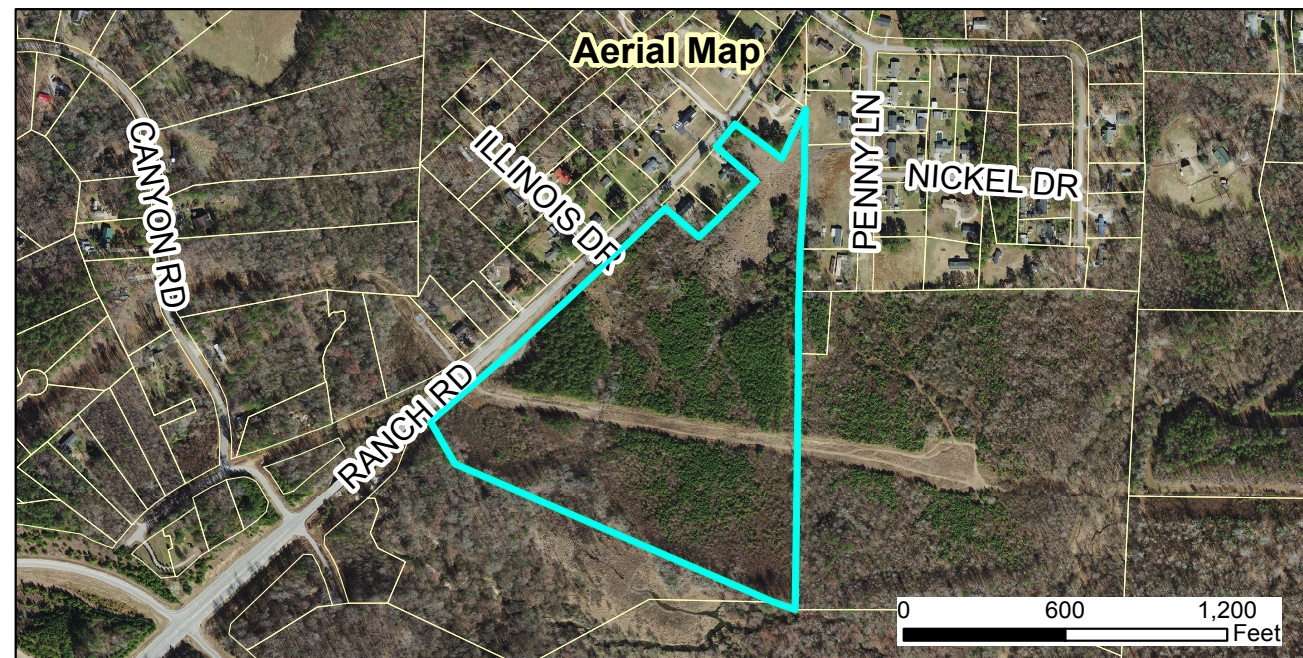
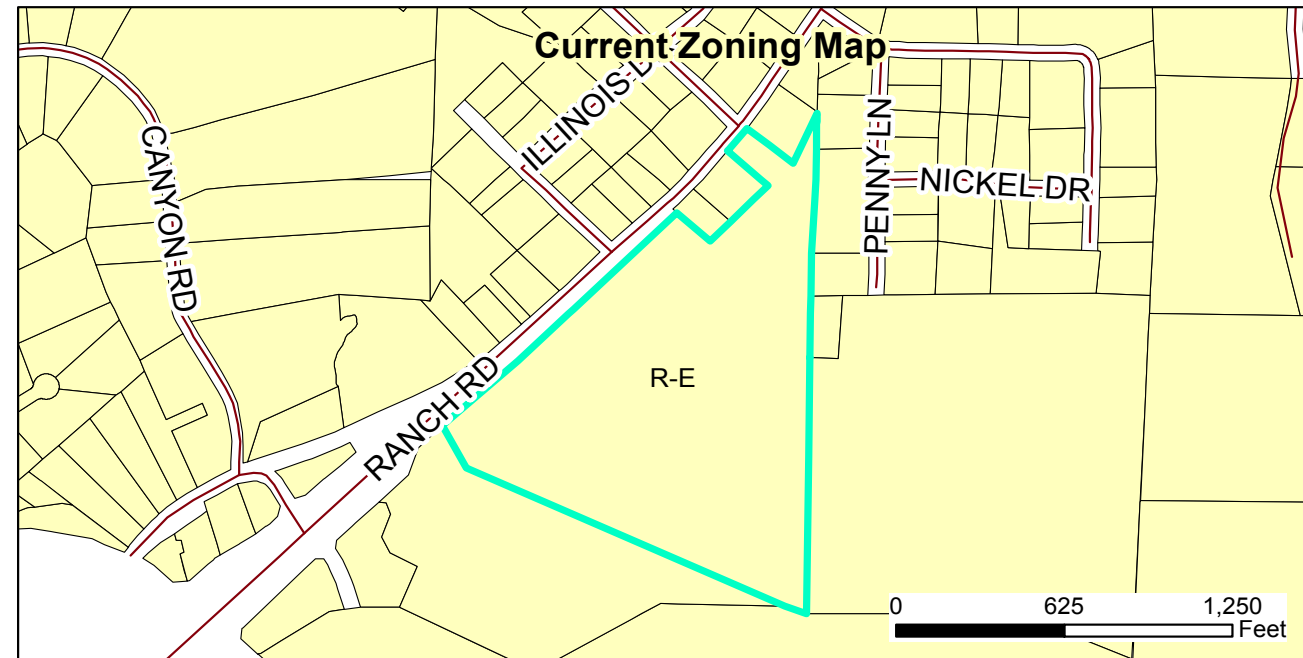
SURVEYED BY:	MIKE
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	BOUNDARY
SURVEY DATE:	
JOB NO.	1844.024

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

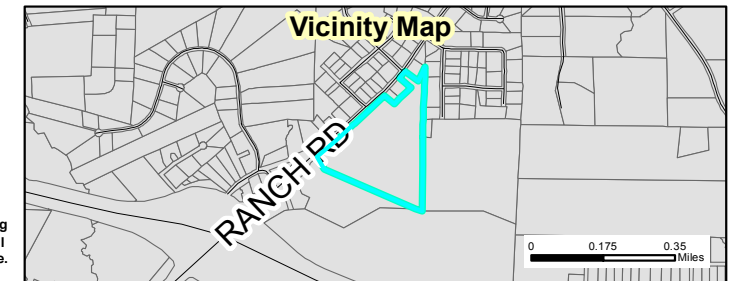


2018-235-SD Geiger Major Subdivision
Request: To develop 8 single-family residential lots
 Applicant: True Line Surveying
 Property Owners: David & Karen Geiger
 Parcel ID: 166700-19-7216
 Tag #: 05E99017J



Document Path: O:\PLANNING\SUBDIVISIONS\MAJOR SUBDIVISIONS\2018\2018-235-SD Geiger Subdivision

01/22/19
 Produced by: TOC Planning
 Disclaimer: Town of Clayton assumes no legal responsibility for the information represented here.





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

*Town Council
February 4, 2019*

STAFF REPORT

Application Number: 2018-235-SD

Project Name: Geiger Subdivision Preliminary Plat (Major Subdivision)

NC PIN / Tag #: 166700-19-7216 / 05E99017J
Town Limits/ETJ: ETJ
Overlay: None
Applicant: True Line Surveying
Owner: David and Karen Geiger
Location: Ranch Road

Public Noticing:

- Neighborhood meeting January 9, 2019
- Sign posted prior to January 25, 2019
- Letters mailed January 23, 2019
- Newspaper ad published January 23, 2019 and January 30, 2019

REQUEST: To develop 8 single-family residential lots on 32.02 acres of land zoned Residential-Estate (R-E).

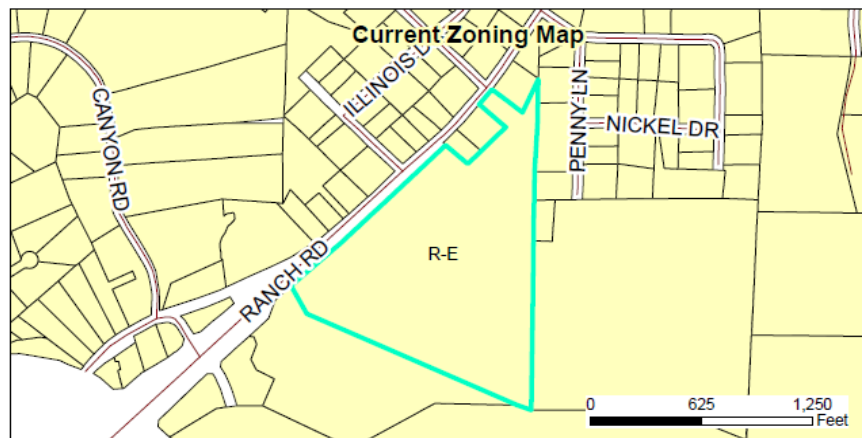


SITE DATA:

Acreage: 32.02
 Existing Use: Vacant

ADJACENT ZONING AND LAND USES:

Direction	Zoning	Existing Use
North	Residential-Estate (R-E)	Single-family residential
South	Residential-Estate (R-E)	Vacant
East	Residential-Estate (R-E)	Vacant and Single-family residential
West	Residential-Estate (R-E)	Single-family residential

**DEVELOPMENT DATA:**

Proposed Uses: Single-Family Homes
 Buildings: 8 dwelling units
 Density/Intensity: 1 lot per 3.987 acres
 Required Parking: 2 spaces per unit
 Access/Streets: Access is off Ranch Road

STAFF ANALYSIS:**Overview**

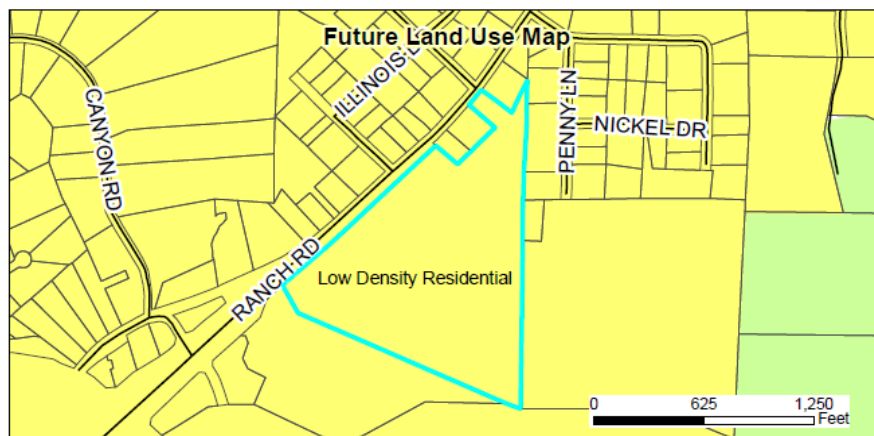
The proposed development is located on the east side of Ranch Road; approximately 1,500 feet north of the Ranch Road and US Hwy 70 W. (70 Bypass) interchange. The applicant is requesting a conventional single-family residential subdivision on 32.02 acres of land zoned Residential-Estate (R-E). The proposed subdivision includes 8 single-family lots with an average lot size of 3 acres. The property owner will retain and plans to build on lot 5.

All of the lots have frontage on Ranch Road with proposed shared driveways. Driveway permits will be reviewed and issued by NCDOT. The lots will be served by public water (Johnston County) and septic. The property is located within the Town's ETJ, and the applicant is not requesting annexation into the Town of Clayton. Due to part of the property being in a floodplain, a natural gas easement, two streams on the property and the soil conditions this is the only feasible layout for the property.

Consistency with Adopted Plans

- **2040 Comprehensive Plan**

The Future Land Use for this area is envisioned as Low Density Residential, which typically consists of up to three dwelling units per acre. The density for the proposed subdivision is 1 dwelling unit per 3.987 acres which is less than the low density designation in the comprehensive plan which allows up to 3 units an acre. This is due to topology constraints.



Compatibility with Surrounding Land Uses

All surrounding land uses are single-family residential or vacant properties, zoned Residential-Estate (R-E), making the proposed residential development compatible with the surrounding land uses.

Landscaping and Buffering

A Class "A" landscaping buffer will also be provided along Ranch Road, which is consistent with the UDC requirements.

Access/Streets

Access to the development is off Ranch Road. Shared driveways will be required for all feasible lots.

Findings of Fact

The applicant has addressed the Major Subdivision Approval Criteria outlined in UDC Section 155.706 (I) (10). The applicant's Findings of Fact are incorporated into the record as an attachment to the Staff Report. The Findings of Fact for a Preliminary Plat (Major Subdivision) are outlined below, along with comments from staff.

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

- **Applicant Response:** “This plan is designed to fit the land characteristics based on soil evaluation for septic use. The plan has been reviewed by Town Staff and TOC-TRC and found to be conforming to the Unified Development Code.”
- **Staff Commentary:** The applicant has provided information to explain how the proposed subdivision plan is consistent with the adopted plans and policies of the Town.

2. *The subdivision meets all required specifications of this chapter.*

- **Applicant Response:** “The proposed subdivision meets all required specifications for R-E zoning in the ETJ.”
- **Staff Commentary:** The proposed subdivision meets the requirements of the UDO.

3. *The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.*

- **Applicant Response:** “The plan has large lots due to soil characteristics and will be fitting with surrounded residential development and uses with surrounding properties. It will not violate the character of existing standards for development of properties in the surrounding area.”
- **Staff Commentary:** The proposed development is consistent with the existing surrounding residential development in terms of lot size and use.

4. *The subdivision design will provide for distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.*

- **Applicant Response:** “The design of this development allows for driveways along an existing DOT public road and will be spaced in according with DOT rules and regulations concerning driveway access permits. There will be no extension of any current road system.”
- **Staff Commentary:** Access for the proposed lots is off Ranch Road (a NCDOT public road), in addition NCDOT will require shared driveways for all feasible lots. The applicant has reserved 20’ for possible future right-of way along Ranch Road. This is consistent with the following Goals, Objectives and Strategies of the Town of Clayton’s Comprehensive Plan:
 - **Goal M2** “Support interconnected street systems that efficiently disperse traffic.”
 - **Objective M2.1** “Evaluate and mitigate potential impacts of new or future development on existing roadway infrastructure.”
 - **Objective M2.2** “Preserve right-of-way for future road widening and new location roads.”

- **Strategy M2.2.2** “Require new development to dedicate right-of-way for widening and new location roads.”

CONSIDERATIONS:

- The applicant is requesting Preliminary Subdivision Plat approval for an 8 lot single-family residential subdivision.
 - This plan is subject to final approval by Town Council.
-

CONDITIONS OF APPROVAL:

If approved, staff recommends the following conditions be applied to the approval of the preliminary subdivision plan for the Geiger Subdivision (2018-235-SD):

1. The Class “A” landscape buffer along Ranch Road shall not encroach into safe sight triangles.
 2. The Class “A” landscape buffer along Ranch Road shall be installed prior to issuance of the first Certificate of Occupancy.
-

ATTACHMENTS:

- 1.) Staff report
- 2.) Maps
- 3.) Application
- 4.) Neighborhood Meeting Materials
- 5.) Site Plan

PUBLIC NOTICE

In accordance with NC GS 160A-364 the Clayton Town Council will hold an evidentiary hearing on Monday, February 4, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider preliminary subdivision request 2018-235-SD Geiger Subdivision Preliminary Plat requesting to develop 8 single-family lots on 32.02 acres, zoned Residential Estates (R-E). The property is off Ranch Rd.; parcel number 05E99017J.

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.

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

Beth Franson, Planning Specialist
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
Wednesday, January 23, 2019
Wednesday, January 30, 2019

Affidavit of publication required.

**Town of Clayton
Town Council
Preliminary Subdivision Plat 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

Preliminary Subdivision Plat Application Number **2018-235-SD**

This motion is based on the following findings:

1. The preliminary subdivision plat **IS** consistent with the adopted plans and policies of the town.

OR

The preliminary subdivision plat **IS NOT** consistent with the adopted plans and policies of the town. (State evidence supporting finding.)

2. The subdivision **MEETS** all required specifications of the Town of Clayton Unified Development Code.

OR

The subdivision **DOES NOT MEET** all required specifications of the Town of Clayton Unified Development Code. (State evidence supporting finding.)

3. The subdivision **WILL NOT** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL NOT** violate the character of existing standards for development of properties in the surrounding area.

OR

The subdivision **WILL** be detrimental to the use or orderly development of other properties in the surrounding area and **WILL** violate the character of existing standards

**Item 6c
2018-235-SD
Geiger Preliminary Plat**

for development of properties in the surrounding area. (State evidence supporting finding).

4. The subdivision design **WILL** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL** provide for the unified and orderly use of or extension of public infrastructure, and **WILL NOT** materially endanger the environment, public health, safety, or the general welfare.

OR

The subdivision design **WILL NOT** provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, **WILL NOT** provide for the unified and orderly use of or extension of public infrastructure, and **WILL** materially endanger the environment, public health, safety, or the general welfare. (State evidence supporting finding).

[If approved with conditions] The applicant meets this finding subject to the following conditions:

Item 6c
2018-235-SD
Geiger Preliminary Plat

**Town of Clayton
Town Council
Preliminary Subdivision Plat
#2018-235-SD
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: True Line Surveying

Property Owner: David Geiger

Property Location: 755 Ranch Road, Clayton, NC

Brief Property Description: 32.024 acres

Tax Parcel Number(s): 05#99017J / 166700-19-7216

Proposed Use of Property: Subdivision to create 8 single-family lots

Hearing Date: February 4, 2019

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

- (1) The subdivision is consistent with the adopted plans and policies of the Town.
- (2) The subdivision meets all required specifications of the Unified Development Code.
- (3) The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.
- (4) The subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

The Town Council also finds the Preliminary Subdivision Plat is subject to the following conditions:

1. The Class "A" landscape buffer along Ranch Road shall not encroach into safe sight triangles.
2. The Class "A" landscape buffer along Ranch Road shall be installed prior to issuance of the first Certificate of Occupancy.

TOWN OF CLAYTON

BY: _____
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

February 4 2019

Agenda Location

New Business

Item Title

2019-04-RZ Johnston Health Rezoning

Presenter

Planning Department

Summary/Description

Johnston Health is requesting to rezone 74.61 acres of land from Planned Development Mixed Use (PDMU) to Office Institutional (OI). The applicant is requesting this rezoning in order to prepare the parcel on the corner of Amelia Church Road/Hwy 42 W for future development of medical offices. All properties within the hospital campus are included in the rezoning request though, in order to ensure that the hospital has a consistent zoning designation throughout its campus. A master plan was originally approved for these parcels in 2007 at which time it was zoned to PD-MU.

**Requested Action**

Set Public Hearing

Additional Documents to be Included in Agenda Packet

Application

Newspaper Ad

Meeting Timeline

January 28, 2019 – Planning Board

February 4, 2019- Town Council (set public hearing)

February 18, 2019- Town Council (public hearing)



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

REZONING APPLICATION COVER SHEET

Name of Project: Johnston Health Clayton Date: 1/2/19
Applicant Name: Bass, Nixon and Kennedy, Inc.

The following checklist to be completed by applicant:

- [☒] Pre-Application Meeting on: December 12, 2018 ✓
- [☒] Review Fee ✓
- [☒] Advertisement Fee ✓
- [☒] Completed Application ✓
- [☒] Owner's Consent Form ✓
- [☒] Adjacent Property Owner's List ✓
- [☒] Neighborhood Meeting Notice Letter (1 copy) *not scheduled yet - emailing*
- [☒] Set of stamped, addressed, empty envelopes for adjacent property owner notification ✓
- [☒] Signed & Sealed Boundary Survey ✓
- [☒] Copy of signed & sealed boundary survey in PDF on USB *emailing*

RECEIVED

JAN 02 2019

TOWN OF CLAYTON
PLANNING DEPARTMENT

Reviewed by: *CDunn*



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: Johnston Health Clayton
Acreage of Property: 74.61 Zoning District: PD-MU
County Tag #: See Attachment NC Pin #: See Attachment
Address/Location: 2138 NC Hwy. 42, Clayton, NC 27520-03557
Existing Zoning District: PD-MU Proposed Zoning District: Office-Institutional (O-I)

APPLICANT INFORMATION

Applicant: Bass, Nixon and Kennedy, Inc.
Mailing Address: 6310 Chapel Hill Rd., Ste. 250
Phone Number: 919-851-4422 Fax: 919-851-8968
Contact Person: Marty D. Bizzell, PE
Email Address: marty.bizzell@bnkinc.com

PROPERTY OWNER INFORMATION

Name: Johnston Memorial Hospital Authority
Mailing Address: P.O. Box 1376, Smithfield, NC 27577
Phone Number: 919-585-8000 Fax: N/A
Email Address: Kyle.Mcdermott@unchealth.unc.edu

RECEIVED
JAN 0 2 2019

OFFICE USE ONLY

Date Received: JAN 0 2 2019 Amount Paid: RECEIVED File Number: 2019-4-RZ

TOWN OF CLAYTON
PLANNING DEPARTMENT

JAN 0 2 2019

paid \$700

July 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

2 of 10

EXPLANATION OF PROJECT

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

The purpose of this request is to rezone the property noted above and owned by Johnston Memorial Hospital Authority from existing Planned Development - Mixed Use (PD-MU) to Office-Institutional (O-I). The intent of this rezoning request to keep the total hospital campus under one zoning district and to give the hospital greater flexibility to develop the portion of the campus east of the lake (currently undeveloped). The existing PD-MU zoning held the property to a master plan that is not conducive to providing the flexibility the hospital requires as the campus is developed. The O-I zoning district provides this flexibility allows all uses that would ultimately be located on the hospital campus.

APPROVAL CRITERIA

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 the adopted plans of the Town of Clayton including the the 2040 Comprehensive Plan. The property is noted as Neighborhood Center and Community Center in the comprehensive plan. The undeveloped portion of the campus is noted as Neighborhood Center and is compatible with O-I zoning according to the comp. plan.
2. Suitability of the subject property for uses permitted by the current vs. the proposed district.
The property is well suited for the uses permitted by proposed O-I zoning district. All existing uses on the hospital campus as well as those uses proposed for the undeveloped portion of the property are considered allowable uses under O-I zoning. Those uses allowed under the current PD-MU zoning are also allowed under the proposed O-I zoning.
3. Whether the proposed change tends to improve the balance of uses, or meets specific demand in the Town.
The proposed zoning of O-I gives the hospital greater flexibility to develop the campus in a way that meets the changing demands of the Town and the surrounding community.
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 exist in the area including street, water, sewer, power and stormwater drainage facilities for the proposed use. NCDOT will be constructing road improvements to Hwy. 42 west in the near future.
5. It has been determined that the legal purposes for which zoning exists are not violated.
The legal purposes of the zoning request 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.
It is not anticipated that there will be an adverse effect upon the adjoining property owners. The proposed uses and facilities to be constructed under this proposed zoning district will provide needed health care services to the citizens of the Town and to the overall community therefore improving the public 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.

It is not anticipated that any one property owner or small group of property owners will benefit materially from the rezoning change that will be determined to be a detriment of the general public.

APPLICANT AFFIDAVIT

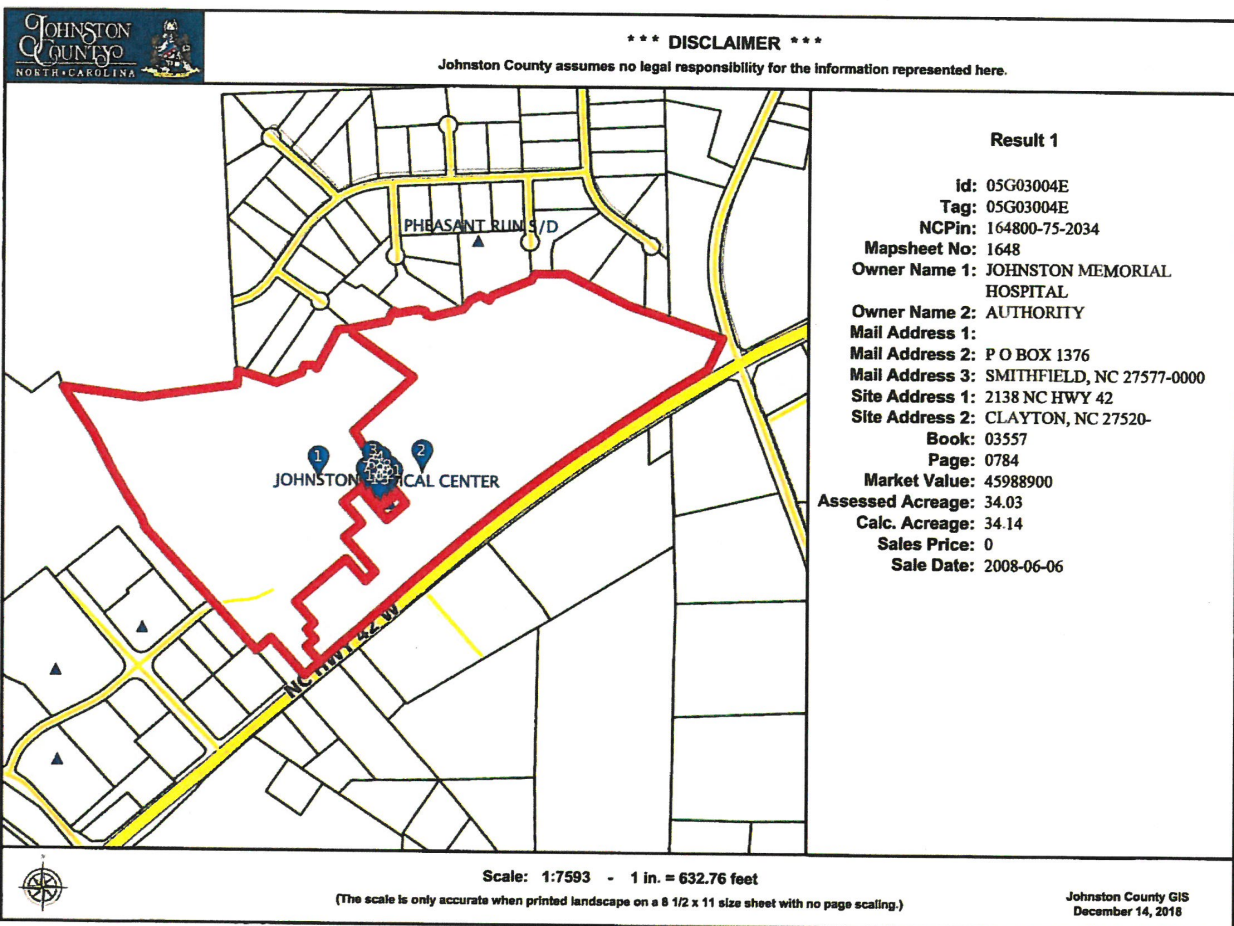
I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Clayton to amend the Zoning Ordinance and change the Official Zoning Map of the Town of Clayton as requested. I hereby certify that I have full legal right to request such action and that the statements 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.

Marty D. Bizzell

Print Name

Marty D. Bizzell
Signature of Applicant

1/2/19
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: Johnston Health Clayton Address or PIN #: See Attachment

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell
(Name - type, print clearly)

6310 Chapel Hill Rd., Ste. 250
(Address)
Raleigh, NC 27607
(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*):

Rezoning
Minor Subdivision

Major Site Plan

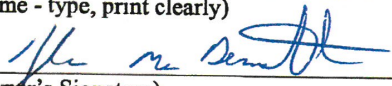
Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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:

Kyle McDermott
(Name - type, print clearly)

2138 NC Hwy. 42
(Address)


(Owner's Signature)

Clayton, NC 27520-03557
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle S. Medlin, a Notary Public for the above State and County, this the 20th day of December, 2018.

SEAL




Notary Public

My Commission
Expires:

April 08, 2022

July 2018

10 of 10



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: Johnston Health Clayton Address or PIN #: See Attachment

AGENT/APPLICANT INFORMATION:

Marty D. Bizzell
(Name - type, print clearly)

6310 Chapel Hill Rd., Ste. 250
(Address)
Raleigh, NC 27607
(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*):

Rezoning
Minor Subdivision

Major Site Plan

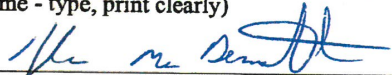
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I hereby certify that I have authority to execute this consent form as/on behalf of the property owner. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative 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:

Kyle McDermott
(Name - type, print clearly)

2138 NC Hwy. 42
(Address)

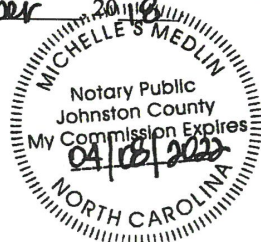

(Owner's Signature)

Clayton, NC 27520-03557
(City, State, Zip)

STATE OF North Carolina
COUNTY OF Johnston

Sworn and subscribed before me Michelle S. Medlin, a Notary Public for the above State and County, this the 20th day of December, 2018.

SEAL



July 2018


Notary Public

My Commission
Expires:

April 08, 2022

10 of 10

PUBLIC NOTICE

In accordance with NC GS 160A-384, the Clayton Town Council will hold a public hearing on Monday February 18, 2019, at 6 PM at Town Hall, 111 East Second Street, to consider 2019-04-RZ Johnston Health Rezoning; request to rezone subject properties from Planned Development-Mixed Use to Office-Institutional. The properties are located in the town limits off HWY 42 West. Tag #s: 05G03004E, 05G03004C, 05G03004F, 05G03004L, 05G03004K, 05G03004O, 05G03004M, 05G03004P, 05G03004N, 05G03004G, 05G03004H, 05G03004I, 05G03004J.

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.

Haley Hogg, Planner
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
February 6, 2019
February 13, 2019

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

February 4 2019

Agenda Location

New Business

Item Title

2019-07-OA Downtown Overlay Ordinance Amendment

Presenter

Planning Department

Summary/Description

The Planning Department is requesting an ordinance amendment to Section 155.204 of the Unified Development Code in order to update the Downtown Overlay District standards. Staff proposes to adjust the requirements of the district and is providing graphics in the ordinance to better depict the requirements of this section to the public.

Requested Action

Set Public Hearing

Additional Documents to be Included in Agenda Packet

Application

Newspaper Ad

Meeting Timeline

January 28, 2019- Planning Board

February 4, 2019- Town Council (set public hearing)

February 18, 2019- Town Council (public hearing)



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

ORDINANCE AMENDMENT APPLICATION

Pursuant to Article 7, Section 155.703 of the Unified Development Code, the Town Council, Board of Adjustment, Planning Board, Planning Director, or the general public may petition the Town Council to amend the Code of Ordinances.

Application Fee: TBD

Advertisement Fee: \$100.00

All fees are due when the application is submitted.

AMENDMENT INFORMATION

Project Name: Downtown Overlay District Ordinance Amendment

Existing title of Code Section(s): Downtown Overlay District

Code Section Number(s): Title XV, Article 155.204(D)

APPLICANT/CONTACT INFORMATION

Applicant: Planning Department, Town of Clayton

Mailing Address: PO Box 879 Clayton, NC 27528

Phone Number: 919-553-5002

Fax: _____

Contact Person: Samantha Wullenwaber, Planning Director / Haley Hogg, Planner

Email Address: swullenwaber@townofclaytonnc.org

DESCRIPTION OF REQUESTED CHANGES

Please provide a general justification of the requested ordinance amendment. Attach additional sheets if necessary.

Revise the existing Downtown Overlay District regulations, to adjust requirements and provide graphics to better depict the requirements of the ordinance.

RECEIVED

FOR OFFICE USE ONLY

Date Received: JAN 11 2019 Amount Paid: N/A - Town initiated File Number: 2019-7-01A

July 2018

TOWN OF CLAYTON
PLANNING DEPARTMENT

Page 1 of 2

REQUIRED INFORMATION (to be submitted with the application)

The following items must accompany this application for it to be deemed complete.

To be completed by the applicant:			For staff use only:		
<i>Submit 9 copies of all materials unless otherwise noted or directed by staff</i>	Yes	N/A	Yes	No	N/A
1. A pre-application conference was held with Town of Clayton staff. Date: _____	☒	N/A			
2. Review Fee and Advertisement Fee	☒	N/A			
3. Completed application	☒				
4. A bound strikethrough/underline copy of the Code section(s) proposed for revision	☒				
5. A bound "clean" copy of the Code section(s) proposed for revision	☒				

APPROVAL CRITERIA

All applications for Ordinance Amendment must address the following criteria:

1. The extent to which the proposed text amendment is consistent with the remainder of the chapter, including specifically, any purpose and intent statements.
The revisions are consistent with the remainder of the chapter.

2. 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.
The proposed changes provide clarity and adjust regulations as needed based upon an evolution of the district.

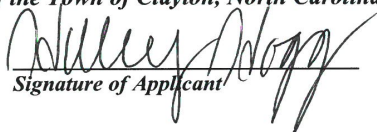
3. Whether or not the proposed text amendment corrects an error in the chapter.
The proposed text amendment does not correct errors within the chapter.

4. Whether or not the proposed text amendment revises the chapter to comply with state or federal statutes or case law.
The proposed text amendment does not revise the chapter to comply with state/federal statutes/case laws.

APPLICANT AFFIDAVIT

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

Haley Hogg
Print Name


Signature of Applicant

1-11-19
Date

PUBLIC NOTICE

In accordance with NC GS 160A-364, the Clayton Town Council will hold a public hearing on Monday, February 18, 2019, 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: 2019-07-OA Downtown Overlay Ordinance Amendment. Copies of the proposed amendment are available in the Planning office and the Town Clerk's office for review by the public. The following section of Title XV, Chapter 155 are proposed for amendment:

- 204- Downtown Overlay District

The public is invited to attend.

Samantha Wullenwaber, Planning Director
919-553-5002

The Johnstonian Newspaper

Please advertise on the following dates:
February 6, 2019
February 13, 2019

Affidavit of publication required.



Town Council Agenda Cover Sheet

Meeting Date

February 4 2019

Agenda Location

New Business

Item Title

Resolution to begin advertising requirement to abandon portion of Horne Street

Presenter

Samantha Wullenwaber

Summary/Description

Resolution to begin advertising requirement to abandon portion of Horne Street. The Town of Clayton is requesting to abandon an approximately 322ft section of Horne Street. See the attached description for the metes and bounds.

Requested Action

Other

Adoption of Resolution #2019-004

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

Resolution

Newspaper Ad

Abandonment Plat

Meeting Timeline

Adopt Resolution & Set Public Hearing: Monday February 4, 2019

Newspaper Ad runs: February 13, 20, 27 and March 6, 2019

Public Hearing: Monday March 18, 2019

Resolution of Intent
Street Closing Order

A Resolution declaring the intention of the Town Council of Clayton to abandon a portion of Horne Street as described on the attached Exhibit "A".

Whereas, G.S. 160A-299 authorizes the Town Council of the Town of Clayton to close/abandon public streets; and

Whereas, G.S. 160A-299 requires that certain procedures be followed including the calling of a Public Hearing, and the Town Council of the Town of Clayton considers it advisable to conduct a Public Hearing for the purpose of giving consideration to the closing/abandoning of a portion of the Street; and

Whereas, G.S. 160A-299 allows a town to reserve its right, title, and interest in any utility improvement or easement within a street closed/abandoned pursuant to this section.

Now therefore, be it resolved by the Town Council of the Town of Clayton while meeting in regular session that:

- (1) A Public Hearing will be held at 6:00 p.m. on the 18th of March, 2019 in the Town Council Chambers to consider adopting an order closing a portion of the above referenced street.
- (2) The Town Clerk is hereby directed to publish the Resolution of Intent with the attached Exhibit once a week for four successive weeks prior to the date of the Public Hearing.
- (3) The Planning Department is further directed to transmit by certified mail to all owners of property adjoining that portion of said street as shown in the Johnston County tax records a copy of this Resolution of Intent with Exhibit.
- (4) The Town intends to reserve its right, title and interest in any utility improvement or easement.
- (5) The Planning Department is directed to prominently post a notice of the Closing and Public Hearing in at least two places along said street. If the street is under the authority and control of the Department of Transportation, the Planning Department shall mail a copy of this Resolution of Intent to the Department of Transportation.

Upon motion made by Council Member _____, and seconded by Council Member _____, the above Resolution was duly this the 4th day of February, 2019 while in regular session.

Jody McLeod
Mayor

ATTEST:

Kimberly Moffett, CMC, NCCMC
Town Clerk

Exhibit "A"

Description:

Beginning at a found iron rebar, said rebar being the along the southerly rights-of-way of South Fayetteville Street,
thence, along said rights-of-way, N 45° 06' 35" E 44.72' to a found iron rebar;
thence, leaving said rights-of-way of South Fayetteville Street, and running with the northerly rights-of-way of East Home Street, S 45° 45' 49" E 323.29' to a found iron pipe, said iron pipe being the southwest comer of the now or formerly, Home Memorial Methodist Church, property (DB 1743, PG 188);
thence, S 45° 45' 49" E 5.18' to a set iron rebar, said rebar being along the northerly rights-of-way of East Home Street;
thence, running through the rights-of-way of East Home Street, S 44° 19' 20" W 43.49' to a set iron rebar, said rebar being along the southerly rights-of-way of East Home Street; thence, along said rights-of-way, N 45° 40' 40" W 40.26' to a found iron rebar, said rebar being the northeast comer of the now or formerly, Home Memorial Methodist Church, property (DB 5195, PG 485);
thence, N 46° 01' 07" W 47.00' to a computed point;
thence, N 46° 01' 07" W 50.00' to a found iron rebar;
thence, N 46° 01' 07" W 191.83' to a found iron rebar and the point and place of beginning containing 14,466 square feet or 0.332 acres, more or less.

PUBLIC NOTICE
TOWN OF CLAYTON
RESOLUTION OF INTENT
TO ABANDON STREET

A Resolution declaring the intention of the Town Council of Clayton to abandon a portion Horne Street as described on Exhibit "A".

Whereas, G.S. 160A-299 authorizes the Town Council of the Town of Clayton to close/abandon public streets and alleys; and

Whereas, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the abandonment of a portion of Horne Street; and

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

- (1) A Public Hearing will be held at 6:00 p.m. on the 18th of March, 2019 in the Town Council Chambers located at 111 East Second Street, to consider adopting an order closing a portion of the above referenced street.
- (2) The Town Clerk is hereby directed to publish the Resolution of Intent with the attached Exhibit once a week for four successive weeks prior to the date of the Public Hearing.
- (3) The Town Clerk is further directed to transmit by certified mail to all owners of property adjoining that portion of said street as shown in the Johnston County tax records a copy of this Resolution of Intent with Exhibit.
- (4) The Planning Department is further directed to cause adequate notices of this Resolution of Intent and the scheduled Public Hearing notice to be posted as required by G.S. 160A-299.

Upon call for a vote, the following Council Members voted in the affirmative:

INSERT LISTING

and the following Council Members noted in the negative:

INSERT NAME AND/OR N/A

Duly adopted the 4th day of February, 2019.

Exhibit "A"

Description:

The abandonment of a portion of Horne Street, from corner of Fayetteville Street to
????????????????

The Johnstonian News

Please advertise on the following dates:

February 13, 2019

February 20, 2019

February 27, 2019

March 6, 2019

Affidavit of publication required



Town Council Agenda Cover Sheet

Meeting Date

February 4 2019

Agenda Location

New Business

Item Title

North Carolina Eastern Municipal Power Agency (NCEMPA) Notice of Wholesale Electric Rates Increase

Presenter

Dale Medlin, Town of Clayton Electric Director (Clayton Public Power)

Summary/Description

The Town of Clayton received notice of a wholesale rate increase from the North Carolina Eastern Municipal Power Agency (NCEMPA), the agency which represents the 32 cities and towns in eastern North Carolina (including the Town of Clayton) that own and operate their electric systems. The NCEMPA Board of Directors adopted, at its meeting on January 25, 2019, a 1.2% increase to wholesale rates effective April 1, 2019.

The Town of Clayton anticipated this increase thanks to the strong analysis and research provided by the recent Black & Veatch electric rate study. That study allowed us to project and plan accordingly for this increase.

So, while the Town of Clayton will be now have to pay 1.2% more to buy electricity, thanks to the diligence of the recent electric rate study rate study, we do not anticipate we do not need to pass this rate increase on to Clayton Public Power customers at this time.

Unrelated to this wholesale rate increase, it should be noted that when the Town's budget was adopted last July, the Council did vote to approve a \$2.00 increase to take effect May 2019 to help pay for upgrades to the town's metering systems.

Requested Action

Informational Only

Funding Source (If Applicable):

N/A

Cost: N/A Yes ☐ No ☒

Additional Documents to be Included in Agenda Packet

30 Day Notice from NCEMPA

Meeting Timeline

Informational Only – No Timeline



TO: North Carolina Eastern Municipal Power Agency
Board of Commissioners and Alternates

FROM: Kathy L. Moyer
Vice President, Operations

DATE: January 28, 2019

SUBJECT: 30-DAY NOTICE OF NCEMPA WHOLESALE RATE CHANGE

The Board of Directors adopted, at its meeting on January 25, 2019, the following changes to NCEMPA's wholesale power service rates based on the recommendations of the NCEMPA Rate Committee and the NCEMPA Board of Commissioners:

1. A 1.2% increase to Full Requirements rate effective April 1, 2019 through Full Requirements Bulk Power Supply Schedule FR-4;
2. Continued suspension of Rider No. 1 through September 2019 to retain the 2017 FRPPA true-up credit of \$4.4M within working capital.

These changes were reviewed in detail by the NCEMPA Rate Committee at its meeting on January 10, 2019, and a summary of the information was presented to the NCEMPA Board of Commissioners at its January 23, 2019 meeting.

In accordance with the North Carolina General Statutes, Section 159B-10, the changes to the rate schedules adopted by the Board of Directors will become effective unless rejected within 30 days by the vote of 2/3 in number of the NCEMPA Board of Commissioners.

Thus, if the Board of Commissioners desires to reject the rates adopted by the Board of Directors, it must take action prior to **February 27, 2019**. If the Board of Commissioners takes no action, the rate schedule and riders adopted will become effective as noted.

Please contact me at (919)760-6225 if you wish to discuss further these wholesale rate changes as adopted by the Board of Directors.

The attachments include an explanation of these rate changes together with marked copies of the rate schedule and riders listed.

Attachments

cc: NCEMPA City Managers Gary Brunault, GDS
NCEMPA Utility Directors Sr. Management Staff
NCEMPA Finance Directors ElectriCities Board of Directors

KM/ts

The energy behind public power

919.760.6000
1427 Meadow Wood Blvd.
Raleigh, North Carolina 27604
www.electricities.com

North Carolina Eastern Municipal Power Agency
Wholesale Power Service Rate Changes
Approved by the ElectriCities Board of Directors on January 25, 2019

The Board of Directors adopted, at its meeting on January 25, 2019, the following changes to NCEMPA's wholesale power service rates based on the recommendations of the NCEMPA Rate Committee and the NCEMPA Board of Commissioners.

SUMMARY OF WHOLESALE POWER SERVICE RATE CHANGES:

1. A 1.2% increase to Full Requirements rate effective April 1, 2019 through Full Requirements Bulk Power Supply Schedule FR-4;
2. Continued suspension of Rider No. 1 through September 2019 to retain the 2017 FRPPA true-up credit of \$4.4M within working capital.

Each item is described in more detail below:

FULL REQUIREMENTS RATE REVISION

The Rate Committee met on January 10, 2019 to review updated cost projections for NCEMPA. The 2019-2023 DEP Production System Projections were generally in-line with previous projections reviewed in September 2018. Due to the net effect of the updated cost projections and to maintain target working capital levels, the Rate Committee recommends a 1.2% rate increase effective April 1, 2019. The Demand and Energy rates will be adjusted to align the FR rate structure with DEP's updated cost projections. Beyond 2019, the rate path includes a projected 3.0% rate increase in 2020. The updated FR-4 rate is proposed to be effective April 1, 2019.

RIDER NO. 1, FRPPA TRUE-UP CHARGE/CREDIT

The Rate Committee recommends continued suspension of Rider No. 1 through September 2019 to retain the 2017 FRPPA true-up credit of \$4.4M within working capital. Rider No. 1 allows for the suspension and reinstatement of Rider No. 1 on a year-to-year basis upon the recommendation of Board of Commissioners and approval of Board of Directors. In September 2018, the Board of Directors approved suspension of Rider No. 1, keeping the \$4.4M FRPPA true-up credit in working capital until the January 2019 Rate Committee meeting to provide for planning flexibility.

Effective: April 1, 201~~98~~

NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY
MEMBER ELECTRIC RATE SCHEDULE

FULL REQUIREMENTS BULK POWER SUPPLY
SCHEDULE FR-~~43~~

I. APPLICABILITY

Service under this Full Requirements Bulk Power Supply Rate Schedule is applicable to all Members as defined in the Full Requirements Power Sales Agreement between North Carolina Eastern Municipal Power Agency ("Power Agency") and its Members, dated as of April 24, 2015 (the "FRPSA"), and is subject to the provisions of the FRPSA and the Debt Service Support Contract between Power Agency and its Members, dated as of April 24, 2015 (the "DSSC"). This rate schedule, as supplemented and amended, is applicable for the sale of Full Requirements Bulk Power Supply, as defined in the FRPSA, for use and resale from existing facilities of adequate type and service. This rate schedule is applicable commencing with the billing month of April, 201~~89~~ to be billed in May, 201~~89~~.

II. FULL REQUIREMENTS MONTHLY CHARGES

Full Requirements Monthly Charges shall consist of the following Demand Charge and Energy Charge:

Demand Charge:

\$ ~~22.4621.88~~ per kW of Billing Demand

Energy Charge:

~~2.5302.494~~ ¢ per kWh of Billing Energy

III. DETERMINATION OF BILLING DEMAND AND BILLING ENERGY

A. Determination of Billing Demand

Billing Demand for each Member shall be the average kW measured at the Delivery Point, as such term is defined in the FRPSA, in the 60-minute interval during the current billing month, which is coincident with Duke Energy Progress's ("DEP") Monthly Peak Demand, as such term is defined in the Full Requirements Power Purchase Agreement between Power Agency and DEP, dated as of September 5, 2014 (the "FRPPA"), less any capacity allocation, in kW, from the Southeastern Power Administration ("SEPA") at such point of delivery, but not less than zero.

B. Determination of Billing Energy

Billing Energy shall be the total energy measured during the current billing month at the Delivery Point, in kWh, less any energy allocation, in kWh, from SEPA at such point of delivery.

IV. GENERAL

Pursuant to the FRPSA and the DSSC, the Monthly Bill will include the Full Requirements Monthly Charges, specified above, and amounts calculated in accordance with the applicable Rider(s) to this Full Requirements Bulk Power Supply Rate Schedule, which are incorporated herein and made a part hereof. Nothing in this Full Requirements Bulk Power Supply Rate Schedule shall be construed to prevent Power Agency from reviewing and amending this Rate Schedule or the Riders hereto and the charges contained herein from time to time.